

Memo to Cabinet by
Minister of Finance, Customs and Port

In terms of Section 17 of the Pensions Ordinance, a public officer may have any pension or allowance payable to him under the said Ordinance withheld if, without first obtaining the permission of the Governor General in writing, he becomes either a director of any Company the principal part of whose business is in any way directly concerned with Malta or an officer or servant employed in Malta by any such company.

From time to time, though in not too many instances, requests are received from ex-public officers in receipt of a pension or allowance to be allowed to become Directors of Maltese Companies. As far as is known no such requests have ever been refused. Currently there are outstanding for approval the following four requests, viz:

- i. One by Mr S. Mizzi, a former Secretary to the Ministry of Trade and Industry and to the Ministry of Finance;
- ii. One by Mr F.E. Amato-Gauci, a former Secretary to the Ministry of Commonwealth and Foreign Affairs;
- iii. One by Mr R. Soler, a former Secretary to the Ministry of Finance;
- iv. One by the Hon. Mr. E. Cuschieri, a former Administrative Secretary.

It is presumed that the main consideration in the processing of such requests is the extent to which the public office or offices previously held by applicant could conceivably be held to constitute on grounds of public interest and morality

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a reasonable impediment to the participation of applicant in the particular line of work or business he chooses. Ultimately this could be said to resolve itself into a question of the degree of trust to be placed in applicant. Against that light alone it might be held that no problem arises as an untrustworthy officer would doubtless not be allowed any pension or allowance by Government.

The question of trust alone apart, however, there may arise the other question as to the **propriety** of an applicant taking up a private activity having direct connections with his previous role as a public officer. There may be dangers inherent in this which could arise independently of the point of trustworthiness, dangers which could have adverse effects in the public interest.

Ministers accordingly are asked to consider whether requests on the part of Government pensioners to undertake private activities should be allowed as a matter of course or whether consideration should be given to subjecting such permission to a condition that there must be no connection direct or indirect, between a proposed activity and applicant's previous role as a public officer.