

(No. 48)

PUBLIC SERVICE (RESTRICTIONS AFTER RETIREMENT)
LAW, 5729-1969*

Definitions.

1. In this Law —
“public service” means service in the State Service and service with a local authority, a religious council or any body specified in the Schedule;
“relative” means a parent, a descendant, a brother, a sister and a spouse, as well as a parent, descendant, brother or sister of a spouse.
2. A person who, in carrying out a function in the public service, dealt with a particular matter of a particular person shall not, after retiring from the service, represent that person in that matter *vis-à-vis* the public service institution in which he served.
3. A person who has retired from public service and who, immediately before retiring, belonged to a class of employees whom the Minister of Justice, with the approval of the Labour Affairs Committee of the Knesset, has by regulations designated for the purposes of this Law in view of the nature of their functions shall not represent a person before an employee in the public service who was his subordinate immediately before his retirement, nor ask such an employee to grant a right to him for the purposes of his business — whether by way of agreement or as an authoritative act — if the grant is within the discretion of that employee, unless one year has elapsed since the subordinate relationship ceased.
4. (a) A person who has retired from public service and who, in his post in the public service, was competent at his discretion to decide upon, or to recommend, the grant of a right to another person, or was the superior of an employee in the public service competent as aforesaid shall not obtain a right from a person who in the course of his business depended on his decision within the scope of the said competence.
(b) For the purposes of this section, it shall be immaterial —
 - (1) whether the retired employee was competent by himself or together with others;
 - (2) whether the decision or recommendation related to the grant of the right or to the determination thereof;
 - (3) whether the decision was given by way of agreement or as an authoritative act;
 - (4) whether the right obtained by the retired employee is the post of a hired employee in the service of the person who

Person not to act as representative in a matter formerly dealt with by him.

Person not to act as representative before a former subordinate.

Person not to be employed or have interest in business he dealt with as a public servant.

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depended on his decision or recommendation or a post, other than that of a hired employee, obtained under a contractual engagement with that person for service for a specific or unlimited period or whether it is a right in the business which depended on his decision or recommendation or in favour of which he gave or made it;

(5) whether the right referred to in paragraph (4) is obtained by the retired employee himself or by a relative of his.

(c) This section shall not apply where —

(1) one year has passed since the date of the employee's retirement or —

(2) the committee established under section 11 has certified that two years have passed since the employee finished dealing with the decision or recommendation or —

(3) permission has been given under this Law to receive the right.

5. Where a person has retired from service as a soldier in the Defence Army of Israel or as a police officer in the Israel Police, section 4 shall only apply to him to the extent and on the conditions prescribed by regulations by the Minister of Justice in consultation with the Minister of Defence or the Minister of Police, as the case may be.

Exception in the case of retirement from service in the Defence Army of Israel or the Police.

6. A person who has carried out a function in the public service abroad shall not without permission under this Law do any of the following in a country in which he carried out that function within two years before its termination unless two years have passed since such termination :

Restrictions in the case of service abroad.

(1) obtain any post, assignment or employment as a hired employee or, otherwise than as a hired employee, under a contractual engagement for a specific or unlimited period;

(2) acquire or otherwise obtain a right in any business.

7. For the purposes of sections 4 to 6, "a right in a business" means a right as an owner, partner, director or shareholder in a business carried on for profit; for this purpose, "director" or "shareholder" in a business includes a director or shareholder in a body corporate which directly or indirectly controls a body corporate controlling that business.

What is an interest in a business.

8. A person who contravenes any of the provisions of sections 2 to 6 shall be liable to a fine of 50,000 pounds or to imprisonment for a term of six months.

Offence.

9. A person who commits abroad an offence under this Law shall be tried for it in Israel.

Offences committed abroad.

10. It shall be a defence for a person charged under sections 4 to 6 with having acquired or otherwise obtained a right in any business if he proves —

Defence.

- (1) that the right consisted solely in shares in a body corporate; and
- (2) that he was not a director of that body corporate; and
- (3) that his share or that of his relative in the paid-up capital and the profits of the body corporate did not exceed five per cent or 50,000 pounds, whichever is less.

Committee for grant of permission.

11. The Minister of Justice shall establish a committee of three (hereinafter referred to as "the Committee") for the grant of permission under this Law. The Committee shall be headed by a Judge of a District Court, one of its members shall be a person who is not an employee in the public service (such person hereinafter referred to as "the representative of the public"), and the third shall be an employee in the public service.

Composition of Committee.

12. The Minister of Justice shall appoint the Judge, who shall be the permanent chairman of the Committee. The other members of the Committee shall be appointed for the hearing of a particular matter, in the manner prescribed by the Minister of Justice by regulations, from a list of representatives of the public and a list of employees in the public service, respectively, drawn up by the Minister of Justice: Provided that —

- (1) where the applicant is a person who has retired or is about to retire from service as a soldier in the Defence Army of Israel, the employee in the public service shall be appointed, in the manner aforesaid, from a list submitted to the Minister of Justice by the Minister of Defence;
- (2) where the applicant is a person who has retired or is about to retire from service as a police officer in the Israel Police, the employee in the public service shall be appointed, in the manner aforesaid, from a list submitted to the Minister of Justice by the Minister of Police.

Hearing of representative of service.

13. The committee shall give a representative of the service from which the applicant has retired or is about to retire an opportunity to be heard.

Maintenance of ethical standards to be paramount consideration.

14. (a) The Committee shall grant the requested permission if it is satisfied that the acquisition or obtaining of the desired right does not violate ethical standards.

(b) In deciding upon an application for permission, the Committee shall take into account, *inter alia* —

- (1) the circumstances of the retirement;
- (2) the degree of subordination which existed between the applicant and the person who made or recommended the decision referred to in section 4;
- (3) the extent to which the said decision or recommendation exceeded routine in matters of the kind in question;

- (4) the volume and weight of the subject-matter of the decision;
- (5) the fact that the desired employment is offered by a statutory corporation or a Government company.
15. The Minister of Justice may, by regulations, prescribe the practice and procedure of the Committee. Practice and procedure.
16. Sections 8 to 11 of the Commission of Inquiry Law, 5729-1968¹⁾, shall apply as if the Committee were a commission of inquiry under that Law. Committee to have powers of commission of inquiry.
17. The Minister of Justice may, with the approval of the Labour Affairs Committee of the Knesset, by order, add to the Schedule any enterprise, institution, fund or other body, in the management of which the Government has a share, within the meaning of section 9(5) of the State Comptroller Law (Consolidated Version), 5718-1958²⁾. Variation of Schedule.
18. The Minister of Justice may, with the approval of the Labour Affairs Committee of the Knesset, by order, vary the amount referred to in section 10(3). Variation of maximum amount for purposes of acquisition of right in body corporate.
19. This Law shall not derogate from prohibitions imposed by any other enactment or by agreement. Saving of laws.
20. The Minister of Justice is charged with the implementation of this Law. Implementation.
21. Where a person was employed in the public service on the day of the coming into force of this Law — Transitional provisions.
- (1) sections 3 to 5 shall not apply to his first retirement after that day unless on the date of that retirement two years had passed since that day;
- (2) the plea shall not be heard for the purpose of the Severance Pay Law, 5723-1963³⁾, that the application of this Law or of regulations made thereunder entails an appreciable deterioration of his conditions of employment or that it places him, as regards labour relations, in such circumstances that he cannot be expected to continue in his employment.

1) *Sefer Ha-Chukkim* of 5729, p. 28; *supra*, p.32.
 2) *Sefer Ha-Chukkim* of 5718, p. 92; *LSI* vol. XII, p. 107.
 3) *Sefer Ha-Chukkim* of 5723, p. 136; *LSI* vol. XVII, p. 161.

SCHEDULE

(Section 1)

The National Insurance Institute
The Employment Service
The Ports Authority
The Broadcasting Authority
The Authority for the Reconstruction and Evacuation of Rehabilitation
Zones
The Citrus Marketing Board
The Peanut Production and Marketing Board
The Vegetable Production and Marketing Board
The Egg and Poultry Board
The Sports Betting Regulation Board

GOLDA MEIR
Prime Minister

YAAKOV S. SHAPIRO
Minister of Justice

SHNEUR ZALMAN SHAZAR
President of the State

(No. 49)

ADMINISTRATIVE PROCEDURE AMENDMENT (STATEMENT
OF REASONS) (AMENDMENT) LAW, 5729-1969*

Variation of
title.

1. The Administrative Procedure Amendment (Statement of Reasons) Law, 5719-1958¹⁾ (hereinafter referred to as "the principal Law") shall be renamed the Administrative Procedure Amendment (Decisions and Statement of Reasons) Law, 5719-1958.

Addition of
section.

2. The following section shall be inserted after section 1 of the principal Law :

"Duty to
reply in
time.

2. (a) Where application in writing has been made to a public servant to exercise any power vested in him under any law, he shall decide upon the application and shall reply to the applicant in writing as soon as possible, but not later than three months from the date of receipt of the application.

(b) The provisions of subsection (a) shall not apply —
(1) where the subject-matter of the application requires investigation under any law;
(2) where a different period is prescribed by law for the reply;

* Passed by the Knesset on the 8th Tammuz, 5729 (24th June, 1969) and published in *Sefer Ha-Chukkim* No. 561 of the 17th Tammuz, 5729 (3rd July 1969), p. 147; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 811 of 5729, p. 96.

1) *Sefer Ha-Chukkim* of 5719, p. 7; *LSI* vol. XIII, p. 7.