

DEMOCRATIC REPUBLIC OF EAST TIMOR

Fourth Government

Decree-Law No 8/2007

Establishes the Law of Ministerial Cabinets

Decree-Law No. 12/2006 of August 26th, which approved the Organizational Structure of Public Administration under Article 34 and following, establishes the composition of the cabinets of Government members by defining their responsibilities, duties, and even the manner in which personnel are appointed and dismissed.

Now that this law has been in effect for a year, some adjustments are necessary with respect to the cabinets of members of the Executive, due to their specific nature and function.

The nature, operation, and responsibility for functions attributed to the cabinets of Government members, as well as the personal, political and technical confidence underlying the performance of those functions, have demonstrated during this year that they are not in harmony with the nature and method of functioning of other Public Administration structures.

Thus, in developing initiatives arising from the formation of the Fourth Constitutional Government, we intend to implement a more flexible cabinet structure, better qualified to carry out the stated objectives without losing sight of either the necessary financial and budgetary transparency or communication with the Public Administration services.

The Government decrees, under terms of No. 3 of Article 115 of the Constitution of the Republic, with force of law, as follows:

Article 1 **Scope**

1. This law establishes the composition, structure and regime of the cabinets of Government members.
2. The function of the cabinet is to assist the Government member in the performance of his duties.

Article 2 **Composition of Cabinets**

1. Cabinets are composed of the head of the cabinet, advisors, personal secretaries and drivers.
2. The number of persons serving in the cabinets of Government members, as well as their respective salary schedule, is outlined in the Attachment to this law, forming an integral part thereof.

Article 3
Responsibilities of Cabinet Heads

1. The head of the cabinet is responsible for coordinating the cabinet and networking with the dependent services of both the respective ministerial department and other departments of State.
2. Should he be absent or unable to attend, the head of the cabinet shall be substituted by one of his advisors, for the purposes indicated for the respective Government member.

Article 4
Advisors

The advisors of the cabinet are responsible for providing Government members with necessary technical support, namely:

1. To provide technical assistance for administrative proceedings, institutional formation and administrative reform;
2. To coordinate the activities of the Government member;
3. To prepare business meetings to be chaired by the Government member or head of the cabinet.

Article 5
Personal secretaries

The personal secretaries are responsible for providing the Government members with the necessary administrative support.

Article 6
Appointment and Dismissal

1. Cabinet members shall be freely chosen by the Government member to whom they report, and shall cease their functions upon his dismissal.

2. Cabinet members are appointed and dismissed by the Government member to whom they report, and shall be considered employed starting on the date of appointment, regardless of publication in the *Jornal da Republica*.
3. Government members may, as set forth in No. 1 of this article, use term contracts and, if they are employees or agents directly or indirectly employed by the State or public companies, by posting or requisition.
4. Selection for service in cabinets does not require, in the case of a civil servant, authorization from the Government member in charge of the respective originating public service, notwithstanding the hearing of other entities, when legally required.
5. Cabinet members, who are selected by posting or are requisitioned shall, upon completion of their functions, automatically resume the functions they were performing when they were appointed

Article 7
Guarantees of Members of the Cabinets

1. Cabinet members may not be prejudiced in the stability of their employment and their professional careers as a consequence of their functions.
2. The time of service rendered by cabinet members shall be considered for all intents and purposes as rendered at the point of origin, and shall retain all rights, salary and any other benefits corresponding to their point of origin.

Article 8
Responsibilities of cabinet members

1. Cabinet members are subject to general responsibilities of the employees and agents of the Public Administration, namely the responsibilities of diligence and confidentiality on all issues which have been confided in them or of which they have knowledge acquired while performing their functions.
2. Cabinet members are not hourly workers, and therefore shall not be paid for work performed outside normal working hours.

Article 9

Articles 34 and 39 of Decree-Law No. 12/2006 of August 26 are hereby revoked.

Article 10

This law shall go into effect the day immediately following its publication.

Approved in the Council of Ministers on October 10, 2007.

The Prime Minister

[Signature]

(Ray Kala Xanana Gusmão)

The Minister of Finance

[Signature]

(Emilia Pires)

The Minister of State Administration and Spatial Planning

[Signature]

(Arcangelo de Jesus Gouveia Leite)

Promulgated this 3rd of December, 2007

To be published.

The President of the Republic

[Signature]

(José Ramos Horta)