

# DEMOCRATIC REPUBLIC OF TIMOR-LESTE

## GOVERNMENT

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### DECREE-LAW NO. /05 OF

#### ON THE RESTRUCTURING OF THE FIRST CONSTITUTIONAL GOVERNMENT

The Government of the Democratic Republic of Timor-Leste inaugurated on 20 May 2002 as the largest national public institution with a solid and transparent institutional life and culture took on the difficult task of consolidating the peace and stability and of laying the foundations for the construction of a democratic State based on the rule of law.

To that end, the Government was conscious from the very beginning of the need to give priority to developing the State institutions and to training its staff. Thus, the Government has been an essential player as a true school of governance.

After approximately three years, the need to overcome the gaps identified has become an imperative in order to move forward with bolder programmes and measures for the fulfilment of the National Development Plan goals and objectives as it regards the provision of services that have more concrete results for the populations. Such desideratum can only be achieved through economic growth as a means of eradicating poverty. At the same time, one must not lose sight of the need to strengthen the public, social and private institutions so as to ensure the sustainability of the entire process.

Within this context, the year of 2005 was declared as the year of the reassessment of all those serving the State and of the infrastructure of the country. It must be understood here that 2005 marks the beginning of a new phase, the phase of consolidation and growth, in the development process of Timor-Leste, with a view to accelerating poverty reduction.

The question of the leadership, however, is a *sine qua non* condition for the deconcentration and the gradual decentralisation of power.

Considering the slow development of the leadership at the level of the National Directorates of the Ministries and at the local level (Districts and Sub-Districts) in general, the need arises to apply political measures enabling the establishment of mechanisms that optimise government structures so as to better be able to move forward in the implementation and coordination of tasks.

Thus, pursuant to Article 115.3 of the Constitution, the Government enacts the following that shall have the force of law:

## **CHAPTER I GOVERNMENT STRUCTURE**

### **Article 1 Composition**

The Government is constituted by the Prime Minister, the Ministers, the Vice-Ministers and the Secretaries of State.

### **Article 2 Ministers**

1. The following shall be members of the Government:
  - a) Two Senior Ministers;
  - b) The Minister of Foreign Affairs and Cooperation;
  - c) The Minister of Planning and Finance;
  - d) The Minister of State Administration;
  - e) The Minister of Natural Resources, Minerals and Energy Policy;
  - f) The Minister of Transport and Communications;
  - g) The Minister of the Interior;
  - h) The Minister of Defence;
  - i) The Minister in the Presidency of the Council of Ministers;
  - j) The Minister of Agriculture, Forestry and Fisheries;
  - k) The Minister of Education and Culture;
  - l) The Minister of Health;
  - m) The Minister of Justice;
  - n) The Minister of Development;
  - o) The Minister of Public Works;
  - p) The Minister of Labour and Community Reinsertion.
2. The Prime Minister shall also exercise the functions of Minister of Natural Resources, Minerals and Energy Policy.

### **Article 3 Vice-Ministers and Secretaries of State**

1. The Prime Minister shall be assisted by the following Secretaries of State in the exercise of his or her functions:
  - a) The Secretary of State for the Council of Ministers;
  - b) The Secretary of State for Youth and Sports;
  - c) The Secretary of State for Environment Coordination, Regional Planning and Physical Development;
  - d) The Secretary of State for the Coordination of Region I (Lautem, Viqueque and Baucau);
  - e) The Secretary of State for the Coordination of Region II (Manatuto, Manufahi and Ainaro);
  - f) The Secretary of State for the Coordination of Region III (Dili, Aileu and Ermera);

- g) The Secretary of State for the Coordination of Region IV (Liquiçá, Bobonaro and Cova-Lima) and;
  - h) The Resident Secretary of State of Oecussi.
2. The Ministers shall be assisted by the following Vice-Ministers and Secretaries of State in the exercise of their functions:
- a) The Minister of Foreign Affairs and Cooperation by two Vice-Ministers of Foreign Affairs and Cooperation;
  - b) The Minister of Planning and Finance by the Vice-Minister of Planning and Finance;
  - c) The Minister of State Administration by two Vice-Ministers of State Administration;
  - d) The Minister of Natural Resources, Minerals and Energy Policy by the Vice-Minister of Natural Resources, Minerals and Energy Policy;
  - e) The Minister of Transport and Communications by the Vice-Minister of Transport and Communications;
  - f) The Minister of the Interior by the Vice-Minister of the Interior;
  - g) The Minister of Agriculture, Forestry and Fisheries by the Vice-Minister for Coffee and Forestry and by the Secretary of State for Fisheries;
  - h) The Minister of Education and Culture by the Vice-Minister for Technical and Higher Education, by the Vice-Minister for Primary and Secondary Education and by the Secretary of State for Culture;
  - i) The Minister of Health by the Vice-Minister of Health;
  - j) The Minister of Justice by the Vice-Minister of Justice;
  - k) The Minister of Development by the Vice-Minister of Development;
  - l) The Minister of Public Works by the Vice-Minister of Public Works;
  - m) The Minister of Labour and Community Reinsertion by the Secretary of State for Veterans and Former Combatants.

#### **Article 4**

#### **Council of Ministers**

1. The Council of Ministers shall comprise the Prime Minister and the Ministers.
2. Unless otherwise determined by the Prime Minister, the following shall participate in the meetings of the Council of Ministers without the right to vote:
  - a) The Secretary of State for the Council of Ministers;
  - b) The Secretary of State for Youth and Sports;
  - c) The Secretary of State for Environment Coordination, Regional Planning and Physical Development.
3. The Vice-Ministers and other Secretaries of State convened, on a case-by-case basis, by indication of the Prime Minister may also take part in the Council of Ministers, without the right to vote, save when they are substituting their respective Ministers.
4. It shall be incumbent upon the Council of Ministers to approve, by resolution, the rules relating to its organisation and operation.
5. It shall also be incumbent upon the Council of Ministers to decide on the establishment of commissions, whether standing or *ad hoc*, for the purpose of analysing draft legislation or political acts or of submitting recommendations to the Council.

## **CHAPTER II**

## **COMPETENCIES OF THE MEMBERS OF THE GOVERNMENT**

## **Article 5**

### **Prime Minister**

1. The Prime Minister shall have inherent and delegated competencies, in accordance with the Constitution and the law.
2. It shall be especially incumbent upon the Prime Minister to:
  - a) Head the Government and preside over the Council of Ministers;
  - b) Lead and direct the Government's general policies and government actions;
  - c) Exclusively represent the Government and the Council of Ministers in his or her relations with the President of the Republic and with the National Parliament;
3. As the head of Government, the Prime Minister shall have the power to issue instructions to any member of Government or to make decisions on matters falling under the purview of any Ministry or Secretariat of State, as well as to establish committees or working groups, whether standing or ad hoc, on matters falling under the competence of the Government.
4. The Prime Minister shall also exercise the powers relating to the services, organs and activities comprised in the Presidency of the Council of Ministers not assigned to the Ministers or Secretaries of State who are members of the Presidency of the Council of Ministers.
5. The Prime Minister may delegate to any member of Government the competence referred to in subarticle 4 above, as well as the competence legally vested upon him or her in the area of Public Administration.
6. In his or her absences or impediments, the Prime Minister shall be substituted by the Minister he or she indicates, but the substituting Minister may not convene nor preside over the Council of Ministers.

## **Article 6**

### **Ministers**

1. Ministers shall have inherent and delegated responsibilities delegated to them by the Prime Minister or the Council of Ministers, in accordance with the law.
2. In their absences or impediments, Ministers shall be substituted by their respective Vice-Ministers or, where these do not exist, by their respective Secretaries of State.
3. Unless otherwise provided for, where more than one Vice-Minister or Secretary of State exists, it shall be incumbent upon the respective Minister to designate his or her substitute.
4. Where there is no possibility for substitution within a Ministry, the concerned Minister shall be substituted by another Minister, designated by the Prime Minister, upon proposal of the Minister to be substituted.

## **Article 7**

### **Vice-Ministers and Secretaries of State**

Vice-Ministers and Secretaries of State shall not have inherent competence, except insofar as their respective offices are concerned, and they shall, in each and every case, exercise the competencies delegated to them by the present decree-law, by the Prime Minister, or by their respective Ministers.

**CHAPTER III**  
**ORGANIC STRUCTURE OF THE GOVERNMENT**

**SECTION I**  
**PRIME MINISTER AND THE PRESIDENCY OF THE COUNCIL OF**  
**MINISTERS**

**Article 8**  
**Organs and Services Under the Purview of the Prime Minister**

1. The following organs and services shall fall under the direct purview of the Prime Minister:
  - a) The National Service of State Security;
  - b) The Office of the Inspector-General;
  - c) The Office of the Timor Sea;
  - d) The Office of the Advisor on Human Rights;
  - e) The Office of the Advisor on the Promotion of Equality;
  - f) The Capacity Development Unit;
  - g) The Institute for the Promotion of Investment and Export.
2. The Banking and Payments Authority shall also fall under the purview of the Prime Minister, in accordance with the provisions of its statutes.
3. The responsibilities and competencies of the organs and services referred to in subarticle 1 above shall be defined in their respective organic laws.

**Article 9**  
**Presidency of the Council of Ministers**

1. The Presidency of the Council of Ministers shall, in addition to the Prime Minister, comprise the Senior Ministers, except in the case of accumulation of functions, and the Minister in the Presidency of the Council of Ministers.
2. The Presidency of the Council of Ministers shall comprise the following Secretaries of State:
  - a) The Secretary of State for the Council of Ministers;
  - b) The Secretary of State for Youth and Sports;
  - c) The Secretary of State for Environment Coordination, Regional Planning and Physical Development;
  - d) The Secretary of State for the Coordination of Region I (Lautem, Viqueque and Baucau);
  - e) The Secretary of State for the Coordination of Region II (Manatuto, Manufahi and Ainaro);
  - f) The Secretary of State for the Coordination of Region III (Dili, Aileu and Ermera);
  - g) The Secretary of State for the Coordination of Region IV (Liquiçá, Bobonaro and Cova-Lima); and
  - h) The Resident Secretary of State of Oecussi.

**Article 10**  
**Senior Ministers**

Senior Ministers shall assist the Prime Minister in the conduct of government affairs.

**Article 11**  
**Minister in the Presidency of the Council of Ministers**

It shall be incumbent upon the Minister in the Presidency of the Council of Ministers to assist the Prime Minister in the following areas:

- a) Defining policies and formulating programmes and draft regulations of general scope;
- b) Defining policies and regulatory framework for the media in general and for public media in particular;
- c) Following daily parliamentary activities on behalf of the Government;
- d) Acting as a Government spokesperson.

**Article 12**  
**Secretary of State for the Council of Ministers**

1. The necessary competencies to discharge the responsibilities of the Secretariat of the State for the Council of Ministers shall be delegated to the Secretary of State for the Council of Ministers.
2. The Secretariat of State for the Council of Ministers is the governmental department of support and consultation of the Council of Ministers and the Prime Minister, and it shall be responsible for the following:
  - a) Providing support to legislative proceedings in the Council of Ministers ensuring harmony and internal legal coherence of legislative acts approved by the Council of Ministers in collaboration with the Ministry of Justice and, where necessary, with other relevant Ministries;
  - b) Providing technical and administrative support to the Council of Ministers;
  - c) Providing litigation services to the Presidency of the Council of Ministers;
  - d) Attending, in collaboration with the relevant Ministry, to the processes of review of constitutionality and illegality;
  - e) Coordinating the implementation of the decisions of the Council of Ministers;
  - f) Representing the Council of Ministers in *ad hoc* committees;
  - g) Ensuring compliance with the rules and procedures of the Council of Ministers;
  - h) Translating or following-up the translation of statutes or other documents necessary to the activities of the Council of Ministers or of the Prime Minister;
  - i) Acting as the spokesperson of the Council of Ministers;
  - j) Assuming the responsibility for implementing the budget appropriated through the State Budget.
3. The organs and services that comprise the Secretariat of State for the Council of Ministers shall be those defined in its organic law.

**Article 13**  
**Secretary of State for Youth and Sports**

1. The necessary competencies to discharge the responsibilities of the Secretariat of State for Youth and Sports shall be delegated to the Secretary of State for Youth and Sports.
2. The Secretariat of State for Youth and Sports is the governmental department responsible for designing, executing, coordinating and assessing the policies for the areas of welfare promotion and youth development, physical education and sports, as defined and approved by the Council of Ministers, and it shall be responsible for:
  - a) Proposing policies and formulating necessary draft regulations for the areas of youth and sports;
  - b) Promoting activities especially designed for the youths, including sporting activities;
  - c) Assuming the responsibility for implementing the budget appropriated through the State Budget;
  - d) Establishing mechanisms of collaboration and coordination with other governmental organs responsible for related areas.
3. The organs and services that comprise the Secretariat of State for Youth and Sports shall be those defined in its organic law.

**Article 14**  
**Secretary of State for Environment Coordination, Regional Planning and Physical Development**

1. Without prejudice to the inherent competencies of each Minister in the area of infrastructure, it shall be incumbent upon the Secretary of State for Environment Coordination, Regional Planning and Physical Development to assist the Prime Minister in coordinating and monitoring measures taken in the areas of environment, infrastructure, housing policy and regional planning.
2. The Secretary of State for Environment Coordination, Regional Planning and Physical Development shall be delegated the competence:
  - a) To lead the sectoral working group for infrastructure;
  - b) To establish mechanisms of collaboration and coordination with other governmental organs responsible for related areas;
  - c) To carry out other monitoring activities of the measures taken in the fields of environment coordination, physical development and regional planning, as per instructions of the Prime Minister;
  - d) To encourage environmental protection;
  - e) To support the Secretaries of State for Regional Coordination and for the Resident Secretary of State of Oecussi in the implementation of programmes and projects of physical and environmental development;
  - f) To assume the responsibility for implementing the budget appropriated through the State Budget.

**Article 15**  
**Secretaries of State for Regional Coordination and**  
**Resident Secretary of State of Oecussi**

1. The Secretaries of State for the Coordination of Regions I, II, III and IV and the Resident Secretary of State of Oecussi shall be delegated competencies to:
  - a) Execute the Government programme in their respective territorial areas, in coordination with the relevant Ministries and Secretariats of State and under the guidance of the Prime Minister;
  - b) Establish and preside over the regional executive council in their respective territorial areas, involving the district administrators and the district representatives of the relevant Ministries and Secretariats of State;
  - c) Establish and preside over the coordinating regional council in their respective territorial areas, involving the members of the regional executive council and the sub-district administrators.
2. The Resident Secretary of State of Oecussi shall be further delegated the competence to:
  - a) Promote the process of attributing a special status to that territory;
  - b) Establish and preside over a consultative council involving the district administrator as secretary, the sub-district administrators and the representatives of the relevant Ministries and Secretariats of State.
3. The Secretaries of State referred to in subarticle 1 above must reside in the territorial area where they exercise their competencies.
4. The appointment of the Secretaries of State for Regional Coordination and the Resident Secretary of State of Oecussi shall not have as an effect the abolishment of the posts of any district administrators.

**SECTION II**  
**MINISTRIES**

**Article 16**  
**Ministries**

The Ministers provided for in Article 2.1 (b) to (h) and (j) to (p) shall be the superior organs of the Ministries with the following designations:

- a) Ministry of Foreign Affairs and Cooperation;
- b) Ministry of Planning and Finance;
- c) Ministry of State Administration;
- d) Ministry of Natural Resources, Minerals and Energy Policy;
- e) Ministry of Transport and Communications;
- f) Ministry of the Interior;
- g) Ministry of Defence;
- h) Ministry of Agriculture, Forestry and Fisheries;
- i) Ministry of Education and Culture;
- j) Ministry of Health;
- k) Ministry of Justice;
- l) Ministry of Development;
- m) Ministry of Public Works;
- n) Ministry of Labour and Community Reinsertion.

**Article 17**  
**Ministry of Foreign Affairs and Cooperation**

1. The Ministry of Foreign Affairs and Cooperation is the governmental department responsible for designing, executing, coordinating and assessing the policies for the areas of diplomacy and international cooperation, consular functions, and promotion and protection of the interests of East Timorese citizens living overseas, as defined and approved by the Council of Ministers.
2. It shall be incumbent upon the Ministry of Foreign Affairs and Cooperation to coordinate, in conjunction with the Ministry of Planning and Finance, relations between Timor-Leste and its development partners;
3. It shall also be incumbent upon the Ministry of Foreign Affairs and Cooperation to assume the responsibility for implementing the budget appropriated through the State Budget;
4. The organs and services that comprise the Ministry of Foreign Affairs and Cooperation shall be those defined in its organic law.
5. The longest-serving Vice-Minister of Foreign Affairs and Cooperation shall substitute the Minister in the absences or impediments of the latter.
6. The Minister of Foreign Affairs and Cooperation may delegate to the Vice-Ministers the competencies relating to the organs and services under his or her purview.

**Article 18**  
**Ministry of Planning and Finance**

1. The Ministry of Planning and Finance is the governmental department responsible for designing, executing, coordinating and assessing the policies for the areas of planning, budgeting and financing, as defined and approved by the Council of Ministers, and it shall be responsible for:
  - a) Proposing macro-economic, pricing, monetary and exchange policies, in collaboration with the central bank;
  - b) Proposing policies and formulating necessary draft regulations on tax and non-tax revenues, budgetary framework, procurement, public accountancy, public finance, auditing and Exchequer control;
  - c) Administering the Timor-Leste Petroleum Fund;
  - d) Coordinating relations between Timor-Leste and its development partners, in collaboration with the Ministry of Foreign Affairs and Cooperation;
  - e) Managing the foreign public debt, the State equities, and foreign aid;
  - f) Managing the State property, without prejudice to the responsibilities of the Ministry of Justice insofar as real estate is concerned;
  - g) Processing and publishing official statistics;
  - h) Assuming the responsibility for implementing the budget appropriated through the State Budget;
  - i) Establishing collaboration and coordination mechanisms with other governmental organs responsible for related areas.
2. The organs and services that comprise the Ministry of Planning and Finance shall be those defined in its organic law.

3. The Minister of Planning and Finance may delegate to the Vice-Minister the competencies related to the organs and services under his or her purview.

**Article 19**  
**Ministry of State Administration**

1. The Ministry of State Administration is the governmental department responsible for designing, executing, coordinating and assessing the policies for the areas of civil service as well as for local and regional government, as defined and approved by the Council of Ministers, and it shall be responsible for:
  - a) Proposing policies and formulating necessary draft regulations on the statute of the civil service, social security of the civil servants and agents of the Public Administration, direct and indirect administration, administrative procedures, electoral systems and public archives;
  - b) Coordinating and monitoring the activities of the organs and services of local and regional administrations;
  - c) Proposing and promoting measures towards the reduction of bureaucracy and towards improving the efficiency of the Public Administration;
  - d) Ensuring the publication of official acts;
  - e) Assuming the responsibility for implementing the budget appropriated through the State Budget;
  - f) Establishing collaboration and coordination mechanisms with other governmental organs responsible for related areas.
2. The organs and services that comprise the Ministry of State Administration shall be those defined in its organic law.
3. The longest-serving Vice-Minister of State Administration shall substitute the Minister in the absences or impediments of the latter.
4. The Minister of State Administration may delegate to the Vice-Ministers the competencies relating to the organs and services under his or her purview.

**Article 20**  
**Ministry of Natural Resources, Minerals and Energy Policy**

1. The Ministry of Natural Resources, Minerals and Energy Policy is the governmental department responsible for designing, executing, coordinating and assessing the policies for the areas of energy, mineral and natural resources, including oil, gas and water, as well as the activities of the electrical, mineral, oil and chemical industries, as defined and approved by the Council of Ministers, and it shall be responsible for:
  - (a) Proposing policies and formulating necessary draft regulations for its areas of purview;
  - (b) Assuming the responsibility for implementing the budget appropriated through the State Budget;
  - (c) Establishing collaboration and coordination mechanisms with other governmental organs responsible for related areas.
2. The organs and services that comprise the Ministry of Natural Resources, Minerals and Energy Policy shall be those defined in its organic law.

3. The Minister of Natural Resources, Minerals and Energy Policy may delegate to the Vice-Minister the competencies relating to the organs and services under his or her purview.

#### **Article 21**

#### **Ministry of Transport and Communications**

1. The Ministry of Transport and Communications is the governmental department responsible for designing, executing, coordinating and assessing the policies for the areas of land, maritime and aerial transports of a civil nature, including ancillary services, and of communications, including postal, telegraphic, telephone and other telecommunication services, the use of radio-electrical space, computer and meteorological services, as defined and approved by the Council of Ministers, and it shall be responsible for:
  - (a) Proposing policies and formulating necessary draft regulations for its areas of purview;
  - (b) Assuming the responsibility for implementing the budget appropriated through the State Budget;
  - (c) Establishing collaboration and coordination mechanisms with other governmental organs responsible for related areas.
2. The organs and services that comprise the Ministry of Transport and Communications shall be those defined in its organic law.
3. The Minister of Transport and Communications may delegate to the Vice-Minister the competencies relating to the organs and services under his or her purview.

#### **Article 22**

#### **Ministry of the Interior**

1. The Ministry of the Interior is the governmental department responsible for designing, executing, coordinating and assessing the policies for the areas of public security, criminal investigation, civil protection and immigration, as defined and approved by the Council of Ministers, and it shall be responsible for the following:
  - (a) Proposing policies and formulating necessary draft regulations for its areas of purview;
  - (b) Assuming the responsibility for implementing the budget appropriated through the State Budget;
  - (c) Establishing collaboration and coordination mechanisms with other governmental organs responsible for related areas.
2. The organs and services that comprise the Ministry of the Interior shall be those defined in its organic law.
3. The Ministry of the Interior may delegate to the Vice-Minister the competencies relating to the organs and services under his or her purview.

**Article 23**  
**Ministry of Defence**

1. The Ministry of Defence is the governmental department responsible for designing, executing, coordinating and assessing the policies for the areas of national defence and military cooperation, as defined and approved by the Council of Ministers, and it shall be responsible for the following:
  - (a) Proposing policies and formulating necessary draft regulations for its areas of purview;
  - (b) Entering into international agreements on matters of defence and military cooperation, in coordination with the Ministry of Foreign Affairs and Cooperation;
  - (c) Administering and monitoring the armed forces of Timor-Leste;
  - (d) Promoting the adequacy of the military means;
  - (e) Monitoring maritime and aerial navigation for military purposes;
  - (f) Assuming the responsibility for implementing the budget appropriated through the State Budget;
  - (g) Establishing collaboration and coordination mechanisms with other governmental organs responsible for related areas.
2. The organs and services that comprise the Ministry of Defence shall be those defined in its organic law.

**Article 24**  
**Ministry of Agriculture, Forestry and Fisheries**

1. The Ministry of Agriculture, Forestry and Fisheries is the governmental department responsible for designing, executing, coordinating and assessing the policies for the areas of agriculture, forestry and fisheries, as defined and approved by the Council of Ministers, and it shall be responsible for the following:
  - (a) Proposing policies and formulating necessary draft regulations for its areas of purview;
  - (b) Managing techno-agricultural training;
  - (c) Promoting agrarian research;
  - (d) Monitoring land use for the agricultural and cattle-breeding industries;
  - (e) Promoting and inspecting animal health;
  - (f) Promoting the agricultural, cattle-breeding and fisheries industries;
  - (g) Inspecting food production;
  - (h) Managing Quarantine Services;
  - (i) Providing technical assistance to producers;
  - (j) Inspecting and investigating irrigation systems;
  - (k) Managing forest resources, including hydrographic basins and protected areas;
  - (l) Monitoring and inspecting the fisheries and aquacultural sectors;
  - (m) Assuming the responsibility for implementing the budget appropriated through the State Budget;
  - (n) Establishing collaboration and coordination mechanisms with other governmental organs responsible for related areas.;

2. The organs and services that comprise the Ministry of Agriculture, Forestry and Fisheries shall be those defined in its organic law.
3. The Vice-Minister for Coffee and Forestry shall substitute the Minister of Agriculture, Forestry and Fisheries in the absences or impediments of the latter.
4. The Minister of Agriculture, Forestry and Fisheries may delegate to the Vice-Minister for Coffee and Forestry and to the Secretary of State for Fisheries the competencies relating to the organs and services under his or her purview.

**Article 25**  
**Ministry of Education and Culture**

1. The Ministry of Education and Culture is the governmental department responsible for designing, executing, coordinating and assessing the policies for the areas of education and culture, as well as for the areas of science and technology, as defined and approved by the Council of Ministers, and it shall be responsible for the following:
  - (a) Proposing policies and formulating necessary draft regulations for its areas of purview;
  - (b) Ensuring the protection of childhood, literacy and teaching;
  - (c) Approving the *curricula* of the various education levels and regulating the levelling mechanisms of academic levels;
  - (d) Ensuring the conservation and protection of historic and cultural heritage;
  - (e) Protecting the rights relating to artistic and literary creation;
  - (f) Proposing policies for the definition and development of culture;
  - (g) Encouraging knowledge of science and the application of new technologies in Timor-Leste;
  - (h) Assuming the responsibility for implementing the budget appropriated through the State Budget;
  - (i) Establishing collaboration and coordination mechanisms with other governmental organs responsible for related areas.
2. The organs and services that comprise the Ministry of Education and Culture shall be those defined in its organic law.
3. The following competencies shall be deemed to have been delegated:
  - (a) To the Vice-Minister for Technical and Higher Education, those relating to the discharge of responsibilities in the areas of technical and higher education as well as in science and technology;
  - (b) To the Vice-Minister for Primary and Secondary Education, those relating to the discharge of responsibilities in the areas of primary and secondary education;
  - (c) To the Secretary of State for Culture, those relating to the discharge of responsibilities in the area of culture.
4. The Vice-Minister for Technical and Higher Education shall substitute the Minister in the absences or impediments of the latter.
5. The Minister of Education and Culture may delegate to the Vice-Ministers or to the Secretary of State for Culture the competencies relating to the organs and services under his or her purview.

**Article 26**  
**Ministry of Health**

1. The Ministry of Health is the governmental department responsible for designing, executing, coordinating and assessing the policies for the areas of health and pharmaceutical activities, as defined and approved by the Council of Ministers, and it shall be responsible for:
  - (a) Proposing policies and formulating necessary draft regulations for its areas of purview;
  - (b) Coordinating the activities relating to the epidemiological control;
  - (c) Carrying out sanitary control of products that affect human health;
  - (d) Promoting training of health workers;
  - (e) Assuming the responsibility for implementing the budget appropriated through the State Budget;
  - (f) Establishing collaboration and coordination mechanisms with other governmental organs responsible for related areas.
2. The organs and services that comprise the Ministry of Health shall be those defined in its organic law.
3. The Ministry of Health may delegate to the Vice-Minister the competencies relating to the organs and services under his or her purview.

**Article 27**  
**Ministry of Justice**

1. The Ministry of Justice is the governmental department responsible for designing, executing, coordinating and assessing the policies for the areas of justice and law, as defined and approved by the Council of Ministers, and it shall be responsible for the following:
  - (a) Proposing policies and formulating necessary draft regulations for its areas of purview;
  - (b) Proposing the necessary legislative reforms to ensure the coherence and effectiveness of the legal system, in collaboration with the Secretariat of State for the Council of Ministers;
  - (c) Providing legal advice to the Government, whenever requested by the Prime Minister;
  - (d) Regulating and managing the prison system, the execution of sentences, and the services of social reinsertion ;
  - (e) Assuring legal aid and assistance to the most disadvantaged citizens, through the Public Defender's Office;
  - (f) Establishing and maintaining adequate mechanisms that will ensure the rights of citizenship and promote the laws in force;
  - (g) Organising the urban and rural buildings cadastre and the real estate registry;
  - (h) Managing and monitoring the registries and notarial services;
  - (i) Routinely managing immovable State property;
  - (j) Promoting and directing the legal training;

- (k) Assuming the responsibility for implementing the budget appropriated through the State Budget;
  - (l) Establishing collaboration and coordination mechanisms with other governmental organs responsible for related areas.
2. The organs and services that comprise the Ministry of Justice shall be those defined in its organic law.
  3. The Ministry of Justice may delegate to the Vice-Minister the competencies relating to the organs and services under his or her purview.

### **Article 28**

#### **Ministry of Development**

1. The Ministry of Development is the governmental department responsible for designing, executing, coordinating and assessing the policies for the areas of development of the private and cooperative sectors, as well as for the promotion of tourism, as defined and approved by the Council of Ministers, and it shall be responsible for:
  - (a) Proposing policies and formulating necessary draft regulations for its areas of purview;
  - (b) Monitoring and regulating the economic activities geared towards the provision of goods and services;
  - (c) Promoting domestic and foreign trade;
  - (d) Promoting national and international rules of standardisation, metrology and quality control, as well as standard units of measurement and of physical magnitude;
  - (e) Promoting and regulating appropriate tourism in Timor-Leste;
  - (f) Promoting and regulating the protection of industrial property;
  - (g) Assuming the responsibility for implementing the budget appropriated through the State Budget;
  - (h) Establishing collaboration and coordination mechanisms with other governmental organs responsible for related areas.
2. The organs and services that comprise the Ministry of Development shall be those defined in its organic law.
3. The Ministry of Development may delegate to the Vice-Minister the competencies relating to the organs and services under his or her purview.

### **Article 29**

#### **Ministry of Public Works**

1. The Ministry of Public Works is the governmental department responsible for designing, executing, coordinating and assessing the policies for the areas of public works, civil construction, building of roads and bridges, floods control, housing, and regional planning, as defined and approved by the Council of Ministers, and it shall be responsible for the following:
  - (a) Proposing policies and formulating necessary draft regulations for its areas of purview;
  - (b) Assuming the responsibility for implementing the budget appropriated through the State Budget;
  - (c) Establishing collaboration and coordination mechanisms with other governmental organs responsible for related areas.

2. The organs and services that comprise the Ministry of Public Works shall be those defined in its organic law.
3. The Minister of Public Works may delegate to the Vice-Minister the competencies relating to the organs and services under his or her purview.

### **Article 30**

#### **Ministry of Labour and Community Reinsertion**

1. The Ministry of Labour and Community Reinsertion is the governmental department responsible for designing, executing, coordinating and assessing the policies for the areas of labour, employment and community reinsertion, as defined and approved by the Council of Ministers, and it shall be responsible for the following:
  - (a) Proposing policies and formulating necessary draft regulations for the areas of work and employment, safety, hygiene and health in the workplace, and for the establishment of the minimum wage;
  - (b) Designing and implementing social security systems for the workers;
  - (c) Ensuring the insertion of veterans and former combatants into the community;
  - (d) Ensuring the protection and community reinsertion of other vulnerable groups;
  - (e) Promoting and regulating professional training;
  - (f) Encouraging the hiring of Timorese workers overseas as well as regulating and monitoring the work of foreigners in Timor-Leste;
  - (g) Monitoring compliance with legal provisions on labour;
  - (h) Assuming the responsibility for implementing the budget appropriated through the State Budget;
  - (i) Establishing collaboration and coordination mechanisms with other governmental organs responsible for related areas.
2. The organs and services that comprise the Ministry of Labour and Community Reinsertion shall be those defined in its organic law.
3. The Ministry of Labour and Community Reinsertion may delegate to the Secretary of State for Veterans and Former Combatants the competencies relating to the organs and services under his or her purview.

### **SECTION III**

#### **OTHER ENTITIES AND INSTITUTIONS**

### **Article 31**

#### **Equivalence of Secretaries of State**

For remuneration and protocol purposes, the following dignitaries shall have the rank of a Secretary of State:

- (a) The Commander of FALINTIL-FD'TL;
- (b) The General Commander of the PNTL;
- (c) The Director-General of the State Security Services;
- (d) The Director-General of the Banking and Payments Authority.

### **Article 32**

#### **Indirect Administration**

1. Pursuant to Subsection 115.3 of the Constitution of the Republic, the Government may establish, by decree-law and under the purview of the competent member of Government for the respective area, public corporate bodies endowed with administrative, financial and proprietary autonomy for the purpose of meeting collective needs, once it is ascertained that the modality of indirect administration is more appropriate to the pursuit of the public interest and to the satisfaction of the above-mentioned collective needs.
2. The public corporate bodies referred to in subarticle 1 above may assume the modality of public institutes, public establishments, public foundations and public companies, as defined by their organic statutes.
3. The regime of the various modalities of public corporate bodies, including the scope and limits of their administrative and financial autonomies, shall be defined by specific statutes.

### **Article 33**

#### **Public Institutes**

Pursuant to the provisions of Article 32 above, the following public institutes shall be established by specific statutes:

- (a) The Institute for the Promotion of Investment and Export, under the purview of the Prime Minister;
- (b) The Institute for the Management of State Equity, under the purview of the Minister of Planning and Finance;
- (c) The Institute for the Management of Equipment, under the joint purview of the Minister of Planning and Finance and the Minister of Transport and Communications;
- (d) The Institute for Business Development, under the purview of the Minister of Development
- (e) The Water and Energy Regulatory Authority, under the purview of the Minister of Natural Resources, Minerals and Energy Policy.

## **CHAPTER IV**

### **FINAL AND TRANSITIONAL PROVISIONS**

#### **Article 34**

##### **Delegation of Competencies**

1. The delegation of competencies must proceed from leaders of higher ranking to leaders of lower ranking, in accordance with the law.
2. Constitutionally established competencies shall not be delegable.
3. For all other cases, the delegation of competencies shall be permitted whenever not expressly prohibited by law and shall require a written document defining its scope and duration.
4. The delegating organ shall be held responsible for the acts performed by the organ to which the competencies are delegated.

**Article 35**  
**Delegable Competencies**

The following may delegate the exercise of inherent competencies:

- (a) The Prime Minister to the Ministers and Secretaries of State who fall under his or her direct purview;
- (b) Ministers to Vice-Ministers or, where these do not exist, to Secretaries of State of their Ministries.

**Article 36**  
**Abolition of Organs and Services**

1. The Ministry of Development and Environment, as well as the Secretariat of State for Natural Resources and Energy Policy and the Secretariat of State for Tourism, Environment and Investment, under the purview of the former, are hereby abolished.
2. The Ministry of Transport, Communications and Public Works, as well as the Secretariat of State for Electricity and Water and the Secretariat of State for Public Works, under the purview of the former, are hereby abolished.
3. The Ministry of Education, Culture, Youth and Sports is hereby abolished.
4. The Secretariat of State for Defence, the Secretariat of State for Labour and Solidarity and the Secretariat of State for Commerce and Industry are hereby abolished.

**Article 37**  
**Transition of Services**

1. The services, organs and entities that were part of the abolished Ministry of Development and Environment are hereby transferred to the Ministry of Development, except for:
  - (a) The staff and property of the abolished Secretariat of State for Natural Resources and Energy Policy, which are hereby transferred to the Ministry of Natural Resources, Minerals and Energy Policy;
  - (b) The staff and property assigned to the environment sector of the abolished Secretariat of State for Tourism, Environment and Investment, which are hereby transferred to the Office of the Secretary of State for Environment Coordination, Regional Planning and Physical Development.
2. Following the creation of the Institute for the Promotion of Investment and Export, the staff and property assigned to the investment promotion sector of the abolished Secretariat of State for Tourism, Environment and Investment shall be transferred to the said Institute, without prejudice to the provisions of subarticle 1 above.
3. The services, organs and entities that were part of the abolished Ministry of Transport, Communications and Public Works are hereby transferred to the Ministry of Transport and Communications, except for:
  - (a) The staff and property of the abolished Secretariat of State for Electricity and Water, which are hereby transferred to the Ministry of Natural Resources, Minerals and Energy Policy;
  - (b) The staff and property of the abolished Secretariat of State for Public Works, which are hereby transferred to the Ministry of Public Works.

4. The services, organs and entities that were part of the abolished Ministry of Education, Culture, Youth and Sports are hereby transferred to the Ministry of Education and Culture, except for the staff and property assigned to the youth and sports sectors of the abolished Secretariat of State for Education, Culture, Youth and Sports, which are hereby transferred to the Secretariat of State for Youth and Sports.
5. The services, organs and entities that were part of the abolished Secretariat of State for Defence are hereby transferred to the Ministry of Defence.
6. The services, organs and entities that were part of the abolished Secretariat of State for Labour and Solidarity are hereby transferred to the Ministry of Labour and Community Reinsertion.
7. The services, organs and entities that were part of the abolished Secretariat of State for Commerce and Industry are hereby transferred to the Ministry of Development.
8. The services, organs and entities assigned to the Secretariat of State for Parliamentary Affairs are hereby transferred to the Office of the Minister in the Presidency of the Council of Ministers.

**Article 38**  
**Staffing Tables**

1. The Offices of the Senior Ministers, when not accumulating functions, shall be comprised of the following staff:

Level	No. of Posts
<b>L6</b>	<b>1</b>
<b>L5</b>	<b>1</b>
<b>L4</b>	<b>2</b>
<b>L3</b>	<b>1</b>
<b>L2 (driver)</b>	<b>1</b>

2. The Offices of the Secretary of State for Environment Coordination, Regional Planning and Physical Development, of the Secretaries of State for Regional Coordination, and of the Resident Secretary of State of Oecussi shall each be comprised of the following staff:

Level	No. of Posts
<b>L6</b>	<b>1</b>
<b>L5</b>	<b>1</b>
<b>L4</b>	<b>2</b>
<b>L3</b>	<b>1</b>
<b>L2 (driver)</b>	<b>1</b>

**Article 39**  
**Organic Laws**

1. Within a period of 90 days, to be counted from the entry into force of the present decree-law, the Ministries and Secretaries of State under the direct purview of the Prime Minister must submit to the Council of Ministers the draft organic laws of their respective ministries and secretariats of State or the draft amendments to the current organic laws, in accordance with the rules established in the present decree-law.
2. The organic statutes already approved shall remain in force pending the approval of the organic laws referred to in subarticle 1 above.

**Article 40**  
**Revocation**

Decree-law no.3/2002, of 20 September, and decree-law no. 7/2003, of 19 May, are hereby revoked.

**Article 41**  
**Entry into Force**

The present decree-law shall enter into force on 1 July 2005.

Approved by the Council of Ministers on 20 June 2005.

The Prime Minister,

[Signed]  
(Mari Bim Amude Alkatiri)

Promulgated on 28 June 2005.

To be published.

The President of the Republic

[Signed]  
Kay Rala Xanana Gusmão