

DECREE-LAW NO. 6/2008

of 5 March

ORGANIC STRUCTURE OF THE MINISTRY OF STATE ADMINISTRATION AND TERRITORIAL PLANNING

Decree-Law No. 7/2007 of 5 September establishes the new organic structure for the IV Constitutional Government and substantially modifies the Government structure. Thus, activities once falling under the competence of other governmental bodies are now under the purview of the Ministry of State Administration and Territorial Planning.

Reviewing this structure implies reformulating the organic statute of the Ministry of State Administration and Territorial Planning to make it more adequate for accomplishing its mission in the framework of the Government of Timor-Leste.

Thus,

Pursuant to article 115 of the Constitution of the Republic and article 37 of Decree-Law No. 7/2007 of 5 September, the Government enacts the following to have the force of law:

CHAPTER I NATURE AND COMPETENCES

Article 1 Nature

1. The Ministry of State Administration and Territorial Planning, hereinafter referred to as MAEOT, shall be the governmental department responsible for designing, executing, coordinating and evaluating the approved national policy for state administration in the areas of civil service, national and local administration, territorial planning, support to electoral processes, and publication and preservation of official documents.
2. The objectives of MAEOT shall be:

- a) To professionalize and capacitate the civil service;
- b) To promote administrative decentralization and good local governance;
- c) To ensure adequate technical support to electoral processes;
- d) To define and implement mechanisms for administrative reform;
- e) To promote the planning of the national territory;
- f) To ensure the publication and adequate preservation of official documents.

Article 2 Competences

MAEOT shall have the following competences:

- a) To propose and apply policies relating to Public Administration, namely the civil service regulation;
- b) To promote training for, and improvement of, civil service manpower with a view to professionalizing Public Administration, augmenting efficiency, and rationalizing administrative activity;
- c) To ensure that the organic structures of Public Administration services and institutions are in conformity with the needs of the country;
- d) To define guiding criteria for the establishment and organization of public services;
- e) To promote and execute policies for local development and for reducing economic and social inequalities among regions;
- f) To define procedures for the preparation and approval of instruments for territorial planning while simultaneously ensuring the mechanisms for administrative reform enabling an adequate coordination, collaboration and concertation among public entities as well as the modalities for citizens' participation;
- g) To define the material and documental contents for instruments of a strategic and policy nature for the areas in the domain of territorial planning;
- h) To coordinate and distribute internal as well as external information to Local State Administration structures;

- i) To coordinate and monitor district and sub-district administration activities as well as other local administration services and bodies;
- j) To implement the administrative decentralization process;
- k) To promote the establishment of the special administrative and economic arrangement for the Oe-cussi Ambeno Region;
- l) To plan, organize and execute population censuses as well as electoral processes and referenda;
- m) To promote the recovery and adequate preservation of historic and official documents of the country;
- n) To propose and develop norms and instructions relating to classification, processing and archiving of historic and official documents of the country;
- o) To ensure the timely publication of the official documents of the State in the Official Gazette and other publications.

CHAPTER II TUTELAGE AND SUPERVISION

Article 3 Tutelage and supervision of MAEOT

1. The Minister for State Administration and Territorial Planning shall be the member of Government responsible for the activity of the Ministry and shall be accountable for such activity before the Prime Minister and the Council of Ministers.
2. It shall be incumbent upon the Minister for State Administration and Territorial Planning to oversee the organs of the Ministry, district administrations, collective management bodies, as well as to exercise the superior tutelage of the autonomous entities.
3. Under the tutelage of the Ministry of State Administration and Territorial Administration and the monitoring of the Ministry of Finance, and upon informing the Ministry for Foreign Affairs, the autonomous entities shall be authorized to sign agreements, including agreements for external financing, with a view to ensuring the adequate exercise of their competences.

Article 4
Organic structure

MAEOT shall exercise its competences through the services falling under direct and indirect State administration, consultative bodies and territorial delegations.

CHAPTER III
STRUCTURE OF THE MINISTRY

Article 5
Bodies under direct State administration

The following central services shall be under direct State administration in the framework of MAEOT:

- a) General-Director;
- b) Audit and Inspection Office;
- c) National Directorate for Civil Service;
- d) National Directorate for Local Administration;
- e) National Directorate for Local Development and Territorial Planning;
- f) National Directorate for Support to Sucos Administration;
- g) National Directorate for Administration and Finance;
- h) Office for Advisory Services.

Article 6
Services under indirect State administration

The following shall be under indirect State administration in the framework of MAEOT:

- a) The National Public Administration Institute – INAP;
- b) The Technical Secretariat for Electoral Administration – STAE;
- c) The National Archive;
- d) The National Graphics.

Article 7
Collective bodies

The following collective bodies shall operate within the Ministry for State Administration and Territorial Planning:

- a) The Consultative Council;
- b) The District Administrators Consultative Council;
- c) The Coordinating Council.

CHAPTER IV
CONSULTATIVE SERVICES AND BODIES

SECTION I
SERVICES UNDER INDIRECT STATE ADMINISTRATION

Article 8
General-Director

1. The General-Director shall be responsible for providing general guidance to all the services of MAEOT.
2. It shall be incumbent upon the General-Director:
 - a) To ensure the general internal administration of MAEOT and its services and put forward adequate measures in accordance with the Government's programme and the directives of the Minister;
 - b) To follow up the execution of projects and programmes of international cooperation and conduct their internal evaluation, without prejudice to existing mechanisms of self-evaluation;
 - c) To take part in the formulation of budgetary policy measures for the areas of intervention by MAEOT;
 - d) To promote the preparation of annual and pluriannual plans, namely the Investment Programme, the Annual Plan of Activities, and the sectoral plans for the several services of MAEOT, as well as draw-up the contribution of the Ministry to the Government's programme;
 - e) To plan, coordinate and ensure the selection, management and capacity building for human resources of MAEOT, as well as the hiring of national workers;

- f) To propose the progressions and promotions of MAEOT functionaries;
- g) To comply with and apply legislation applicable to civil service, proposing the establishment of disciplinary proceedings and initiating their investigation;
- h) To authorize the expenditures for MAEOT, pursuant to the law, and manage the decentralized supply service;
- i) To supervise and control the conformity of expenditures with the law;
- j) To coordinate the planning of the internal services activities and ensure the efficient articulation and cooperation among all the directorates and other services;
- k) To coordinate the planning of activities of the collective management bodies and other consultative bodies;
- l) To ensure compliance with laws, regulations and other legal provisions of a financial and administrative nature;
- m) To execute all other activities entrusted to him or her.

Article 9
Audit and Inspection Office

- 1. The Audit and Inspection Office shall be the central service of MAEOT with competences in the areas of control and financial supervision of the MAEOT services and the Local Administration structures.
- 1. It shall be incumbent upon the Audit and Inspection Office:
 - a) To evaluate the administrative, financial and patrimonial management of the structures of the Ministry of State Administration and Territorial Planning;
 - b) To conduct administrative and financial inspections and audits into the structures of the Ministry of State Administration and Territorial Planning;
 - c) To propose to the Minister the establishment of disciplinary proceedings whenever irregularities are found;
 - d) To liaise and coordinate activities with the General Inspection Office;

- e) To initiate and issue opinions in the administrative proceedings under its area of competence.
3. For all legal purposes, the highest official of the Audit and Inspection Office shall be equiparable to a General-Director.

Article 10
National Directorate for Civil Service

The National Directorate for Civil Service shall be the service of MAEOT responsible for studying, proposing and executing the policies and regulations relating to civil service, social security of functionaries and agents of the Public Administration and other related administrative procedures, and it shall be incumbent upon it to:

- a) ensure the central direction of management and training of human resources of the civil service;
- b) To control the manpower of the Public Administration;
- c) To keep the database of the personnel belonging to Public Administration;
- d) To implement and develop the general career regime in the Public Administration;
- e) To take part in the process for the establishment and implementation of the special career regimes in the Public Administration;
- f) To develop a training system on Public Administration in a sustained manner and in close articulation with the National Public Administration Institute;
- g) To promote the professionalization of the Public Administration;
- h) To study, propose and implement the complementary regulation of the Statute of Civil Service;
- i) To promote dissemination of, and compliance with, civil service ethical and deontological norms;
- j) To undertake any other duties entrusted to it.

Article 11
National Directorate for Local Administration

The National Directorate for Local Administration of the Ministry of State Administration and Territorial Planning shall be responsible for ensuring the activities in

the fields of local administrative management and it shall be incumbent upon it to, namely:

- a) Guide the district administrators on matters relating to administrative and financial management;
- b) Liaise with and facilitate the articulation between the central structures and the local structures of State power;
- c) Facilitate the coordination of activities, the communication and the articulation among the different echelons of the local bodies of State power;
- d) Develop an information and liaison system between the local authorities and the Central Power;
- e) Develop public information resources that ensure the dissemination to all citizens of the policies, legislation and government actions in the field of administrative decentralization;
- f) Promote sustainable development at the local level by improving the efficacy, efficiency and quality of basic services provision with a view to reducing poverty, particularly in rural areas;
- g) Undertake any other duties entrusted to it.

Article 12

National Directorate for Local Development and Territorial Planning

The National Directorate for Local Development and Territorial Planning of the Ministry of State Administration and Territorial Planning shall be responsible for ensuring the works in the field of local development and it shall be incumbent upon it to, namely:

- a) Draw-up studies on mechanisms of articulation between the local organs of State power, the central organs and the local communities;
- b) Supervise and coordinate the capacity development strategy for local administration and local authorities and guide the process of implementation of new responsibilities;
- c) Coordinate the community financing and development programmes;
- d) Implement the policy of administrative decentralization approved by the Government and conduct the process of financial decentralization for local administration;

- e) Take part in the definition, establishment and implementation of the Local Administration bodies;
- f) Propose the instruments of a strategic and policy nature in the areas of territorial planning;
- g) Identify any matters of a legal, regulatory or other nature resulting from the implementation of the policy of decentralization and coordinate them with the relevant bodies with a view to their settlement;
- h) Undertake any other duties entrusted to it.

Article 13

National Directorate for Support to Suco Administration

The National Directorate for Support to Suco Administration of the Ministry of State Administration and Territorial Planning shall be responsible for ensuring the works in the field of support to the Administration of Sucos and, in relation to the latter, it shall be incumbent upon it, namely, to:

- a) Provide adequate support in order to ensure an appropriate administrative and financial management, in coordination with district administrations;
- b) Undertake studies with a view to improving Administration structures;
- c) Establish development parameters to be attained by the administrations;
- d) Establish mediation instruments for settling disputes among Sucos;
- e) Conduct demographic studies;
- f) Support the electoral bodies in the electoral process for Local Administration;
- g) Undertake any other duties entrusted to it.

Article 14

National Directorate for Administration and Finance

The National directorate for Administration and Finance shall be the central internal service of the Ministry of State Administration and Territorial Planning responsible for ensuring the technical-administrative support in the fields of general administration and human, financial and patrimonial resources and it shall be incumbent upon it to, namely:

- a) Provide technical and administrative support to Government members and to the General-Director as well as coordinate and guide the activities of general administration of human, financial and patrimonial resources;
- b) Ensure the inventorying, maintenance, control and preservation of property and material of the State and of the contracts for the supply of goods and services;
- c) Draw-up and maintain the staffing table and maps of the personnel of the Ministry of State Administration and Territorial Planning and process their remuneration lists;
- d) Conduct the performance evaluation processes and institute the processes for functional progression and promotion;
- e) Draw-up the proposal for the annual budget of the Ministry of State Administration and Territorial Planning;
- f) Ensure the collection, storage, conservation and treatment of documentation relating to the functionaries of the Ministry of State Administration and Territorial Planning, namely the archiving of the personal files of the functionaries;
- g) Comply with and apply the legislation applicable to civil service and propose the establishment of disciplinary proceedings;
- h) Ensure the collection, storage and conservation and treatment of the documentation relating to the Ministry of State Administration and Territorial Planning;
- i) Ensure the compliance with the laws, regulations and other legal provisions of an administrative-financial nature;
- j) Manage the decentralized supply system;
- k) Undertake any other duties entrusted to it.

Article 15
Office for Advisory Services

1. The Office for Advisory Services shall be the internal central service of MAEOT for administrative and legal consultation and support to the legislative process and shall provide advisory services to the Minister for State Administration and Territorial Planning, to the Secretaries of State, to the National Directorates and to Autonomous Entities.

2. It shall be incumbent upon the Office for Advisory Services to:
 - a) Issue legal opinions and information and undertake administrative or legal studies on any subject submitted to it;
 - b) Provide technical assistance to administrative proceedings, institutional training proceedings, and administrative reform;
 - c) Collaborate in the preparation of draft legal statutes relevant for MAEOT;
 - d) Assist in the establishment of disciplinary and administrative proceedings.
3. For all legal purposes, the Office for Advisory Services shall be equiparable to a national directorate.

SECTION II
SERVICES UNDER INDIRECT STATE ADMINISTRATION

Article 16
National Public Administration Institute

1. The National Public Administration Institute – INAP – shall be the autonomous scientific and administrative entity with the specific responsibility to ensure the training and specific professional certification of the functionaries and workers of the Public Administration, and it shall be incumbent upon it to:
 - a) Develop the knowledge, techniques, capabilities and attitudes of functionaries and agents of the Public Administration to enable them to better perform their functions;
 - b) Create unified administrative systems, practices and procedures in line with efficient performance standards;
 - c) Promote the establishment of an administrative system oriented to the public and to the strengthening of the sense of citizenship;
 - d) Establish links with and propose the celebration of contracts of cooperation with schools of Public Administration of friendly countries;
 - e) Protect, preserve and develop national identity.
2. The National Public Administration Institute, an autonomous entity under the tutelage of the Ministry for State Administration and Territorial Planning, shall be governed by a specific statute to be approved within a period of 6 months.

Article 17
Technical Secretariat for Electoral Administration

1. The Technical Secretariat for Public Administration – STAE – an autonomous technical and administrative entity, shall be the entity responsible for organizing and executing electoral and consultation processes, including support on electoral matters, and it shall be incumbent upon it to:
 - a) Propose measures for the timely holding of elections and, namely, the appropriate measures to the payment of electoral expenses;
 - b) Propose measures deemed adequate to the participation of citizens in the elections;
 - c) Plan and provide technical support to the holding of elections at the national or local level, coordinating the collaboration of the existing administrative structures;
 - d) Ensure the statistical data of the elections and promote the publication of the respective results;
 - e) Organize the registration of citizens elected for the organs of sovereignty and for the local organs;
 - f) Undertake studies relevant to the electoral field;
 - g) Propose the celebration of cooperation agreements with other national or foreign entities;
 - h) Establish links with electoral organs of friendly countries;
 - i) Support the National Electoral Commission on matters relating to administration of electoral processes.
2. The structure, organization, composition and functioning of STAE shall be the object of a specific statute to be approved within a period of 6 months.

Article 18
National Archives

1. The National Archives shall be the autonomous administrative entity responsible for recovering, maintaining and storing historic and official documents of the country, and it shall be incumbent upon it to:
 - a) Promote the recovery and reconstitution of documents of historical importance for the country;

- b) Ensure the storage and adequate deposit of the historic and official documents;
 - c) Propose and develop relevant norms and instructions for the classification, processing, reconstitution and archiving of the documentation;
 - d) Establish links with and propose the celebration of cooperation agreements with similar national and foreign entities;
 - e) Secure access to researchers, scholars and the general public access of historic and official documents which are not covered by the secrecy provisions of the State;
 - f) Promote the standardization of the norms and practices of archiving in Public Administration.
2. The National Archives, an autonomous entity under direct tutelage of the Ministry for State Administration and Territorial Planning, shall be governed by a specific statute to be approved within a period of 6 months.

Article 19
The National Printing Press

- 1. The National Printing Press shall be the administratively autonomous entity responsible for the publication of the Official Gazette and other official publications and forms.
- 2. It shall be incumbent upon the National Graphics to establish links with and propose the celebration of cooperation agreements with similar national and foreign entities.
- 3. The National Graphics, an autonomous entity under direct tutelage of the Ministry for State Administration and Territorial Planning, shall be governed by a specific statute to be approved within a period of 6 months.

SECTION III
TERRITORIAL ADMINISTRATION

Article 20
Objectives

The district administration shall be the deconcentrated service responsible for executing at the district level the policies established by the Government and for coordinating and supporting the activities of all district governmental services.

Article 21
District Administrator

1. The district administrator shall represent the Government at the district for which he or she has been appointed and shall be accountable to the Minister for State Administration and Territorial Planning.
2. It shall be incumbent upon the district administrator to:
 - a) Represent the Government at the district, exercising the supervision of the activities of the public bodies established locally;
 - b) Establish mechanisms for the coordination between the other bodies representing the Government and the non-governmental organizations established at the district;
 - c) Consult the population of the district on a regular basis on matters of interest to the community;
 - d) Inform the Government on a regular basis, through the National Directorate for Local Administration, on policies and actions aimed at improving the living conditions of the population of the district;
 - e) Supervise the civil servants and locally hired functionaries located in the district and sub-districts;
 - f) Manage the financial resources allocated to the district and report to the Ministry of State Administration and Territorial Planning;
 - g) Implement the activities and national programmes in the district or facilitate their implementation.
3. The district administrator shall be assisted by one deputy administrator and by the sub-district administrators.

SECTION IV
CONSULTATIVE BODIES

Article 22
Consultative Council

1. The Consultative Council shall be the collective body that conducts the regular inventory of the activities of the Ministry for State Administration and Territorial Planning and it shall be incumbent upon it to:
 - a) Study the decisions of the Ministry with a view to their implementation;

- b) Control the work plans and programmes;
 - c) Take regular inventories of the activities, evaluating the results achieved and proposing work alternatives;
 - d) Promote the exchange of experience and information among all the sectors and among staff and senior official of the Ministry for State Administration and Territorial Planning;
 - e) Examine the draft legislative statutes and draft regulations approved by the different bodies of the Ministry.
2. The Consultative Council shall be composed of the following:
- a) The Minister;
 - b) The Secretaries of State;
 - c) The General-Director and equivalent;
 - d) The senior officials of the bodies under indirect State Administration.
3. The Minister for State Administration and Territorial Planning may invite other individualities to participate in the Consultative Council.
4. The Consultative Council shall meet ordinarily once per month and extraordinarily whenever convened by the Minister.

Article 23
District Administrators Consultative Council

1. The District Administrators Consultative Council shall be the collective body responsible for coordinating and taking regular inventories of the activities of the district administrations and shall have the following functions:
- a) Promote the exchange of experience and information with special focus on local administration;
 - b) Coordinate the local activities that interfere in two or more districts;
 - c) Study the administrative decentralized measures and propose measures intended to conciliate the local administration with the needs of the population;
 - d) Assess the degree of accomplishment of the work plans and programmes;

- e) Present a report on the activities undertaken.
- 2. The District Administrators Consultative Council shall be composed of the members of the Consultative Council plus the District Administrators.
- 4. Whenever so determined by the Minister, the person responsible for State administration at the sub-districts shall integrate the District Administrators Consultative Council.

Article 24
Coordinating Council

- 1. The Coordinating Council shall be the collective body responsible for the coordination, planning and control of the actions undertaken by the Ministry of State Administration and Territorial Planning in the framework of the government's programme, and it shall be incumbent upon it to:
 - a) Coordinate, plan and control the execution of the annual plan of activities and undertake the respective inventory;
 - b) Examine, coordinate and conciliate the development policies and strategies for the sector;
 - c) Recommend the approval of the annual plan of activities for the ensuing year.
- 2. The Coordinating Council shall be composed of the members of the Consultative Council and the members of the District Administrators Consultative Council.
- 3. The Minister for State Administration and Territorial Planning may invite other individualities to participate in the Coordinating Council.
- 4. The Coordinating Council shall meet ordinarily once per year and extraordinarily with the authorization of the Prime Minister.

CHAPTER V
FINAL PROVISIONS

Article 25
Planning and articulation of services

- 1. The entities and services of the Ministry for State Administration and Territorial Planning shall operate on the basis of objectives formalized through the Annual Plan of Activities approved by MAEOT.

2. The entities and services shall collaborate among themselves and articulate their respective activities in such a manner as to promote a unitary and integrated action of the policies defined in the framework of the competences of the Ministry for State Administration and Territorial Administration.

Article 26
Complementary legislation

Without prejudice to the provisions of the present statute, it shall be incumbent upon the Minister for State Administration and Territorial Planning to approve the regulation of the organic and functional structure of the national directorates and offices through a specific ministerial statute.

Article 27
Maps and staffing tables

The staffing table and the specific careers, including the existence and number of senior and middle-level management staff, shall be approved by a ministerial statute issued by the Minister for State Administration and Territorial Planning and the Minister responsible for the finance portfolio.

Article 28
Revocatory norm

All legal and regulatory provisions contrary to the provisions of the present statute, and particularly Decree-Law no. 20/2006 of 22 November, are hereby revoked.

Article 29
Entry into force

The present statute shall enter into force on the day after its publication.

Seen and approved by the Council of Ministers on 23 January 2008.

The Prime Minister

Kay Rala Xanana Gusmão

The Minister for State Administration and Territorial Planning

Arcângelo Leite

Promulgated on 29 February 2008.

For publication.

The President of the Republic ad interim

Fernando La sama de Araújo