

DEMOCRATIC REPUBLIC OF TIMOR-LESTE
IV GOVERNMENT

DECREE-LAW No. 7/2008

**ORGANISATIONAL STRUCTURE OF THE OFFICE OF THE SECRETARY OF
STATE FOR THE COUNCIL OF MINISTERS**

Pursuant to article 12 of Decree-Law No. 7/2007, of 5 September, (Organisational Structure of the IV Constitutional Government), the Office of the Secretary of State for the Council of Ministers is the Government's main body in charge of assisting and providing legal advice to the Council of Ministers and the Prime Minister, and is responsible for performing the functions assigned to it under the alluded statute.

In order to effectively and painstakingly perform the tasks entrusted to it by law, the Office of the Secretary of State for the Council of Ministers should be equipped with a functional and dynamic structure outlining the bodies and services that make up each of these bodies and services.

Thus:

Pursuant to article 115(3) of the Constitution and article 37 of the Decree-Law No. 7/2007, of 5 September, the Government enacts the following to have the force of law:

CHAPTER I
NATURE AND RESPONSIBILITIES

Article 1
Nature

The Office of the Secretary of State for the Council of Ministers, hereinafter referred to as SECM for short, is the Government's main body, within the Presidency of the Council of Ministers, in charge of assisting and providing legal advice to the Council of Ministers and the Prime Minister.

Article 2 Responsibilities

In pursuit of its mission, it is incumbent upon SECM:

- a) To coordinate the procedure within the Government, ensuring internal legal coherence and harmony of legislative acts approved in Council of Ministers;
- b) To review and prepare draft statutes and regulations of the Government, in coordination with the ministries proposing them;
- c) To provide technical and administrative support to the Council of Ministers;
- d) To ensure compliance with the rules and procedures of the Council of Ministers;
- e) To ensure the smooth running of the litigation services of the Presidency of the Council of Ministers;
- f) To respond, in collaboration with line ministries, to procedures aiming to appraise constitutionality and/or legality;
- g) To coordinate the implementation of Council decisions;
- h) To ensure the publication of Government's legislation in the official gazette, *Jornal da República*;
- i) To represent the Council of Ministers and the Prime Minister, when the latter so decides, in ad hoc committees;
- j) To translate or monitor the translation of laws or other documents required for the activities of the Council of Ministers or the Prime Minister;
- k) To act as a spokesperson for the Council of Ministers;
- l) To oversee the State-owned media.

CHAPTER II PURVIEW AND OVERSIGHT

Article 3 Purview and oversight

SECM is within the purview of its respective Secretary of State who oversees it and is accountable for it to the Prime Minister, as provided for in the Government's Organic Law.

CHAPTER II ORGANISATIONAL STRUCTURE

Article 4 Overall structure

SECM fulfils its responsibilities through direct state administration services, indirect state administration services, and consultative organs.

Article 5 Direct state administration bodies

The direct state administration bodies, within SECM, are comprised of the following services:

- a) The Director-General;
- b) The National Directorate for Administration and Support for the Council of Ministers;
- c) The National Directorate for Translation Services;
- d) The Legal Support Unit; and
- e) The National Directorate for Information Dissemination.

Article 6 Consultative Organ

The Advisory Board is the consultative organ of the Secretary of State.

**CHAPTER IV
SERVICES AND CONSULTATIVE ORGANS**

**SECTION I
DIRECT STATE ADMINISTRATIVE SERVICES**

**Article 7
Director-General**

1. The Director-General is in charge of ensuring the overall orientation of all SECM services.
2. The Director-General fulfils the following responsibilities:
 - a) To ensure the overall orientation of the services in accordance with the Government's programme and directives issued by the Secretary of State;
 - b) To propose to the Secretary of State the most suitable measures to fulfil the responsibilities referred to in the preceding subparagraph;
 - c) To follow up the execution of international cooperation programmes and projects and assess them internally, without prejudice to the existence of specific assessment mechanisms;
 - d) To coordinate the preparation of Advisory Board activities;
 - e) To take part in the development of policies and regulations relating to its area of intervention;
 - f) To coordinate the preparation of draft laws and regulations of the Office of the Secretary of State;
 - g) To ensure the general internal administration of the Office of the Secretary of State and its services in accordance with SECM annual and multi-annual programmes;
 - h) To plan public investment measures, prepare the draft budget and execute the approved budget;
 - i) To control the execution of the operating budget;
 - j) To verify the legality of expenditure incurred and effect the payment thereof once it has been authorised by the Secretary of State;

- k) To coordinate human resources;
- l) To promote the vocational training and development of staff of SECM bodies and services;
- m) To prepare, in conjunction with the National Directorates, the annual progress report of SECM;
- n) To submit its annual progress reports;
- o) To perform such other activities as may be assigned to it by law.

Article 8

National Directorate for Administration and Support for the Council of Ministers

1. The National Directorate for Administration and Support for the Council of Ministers, referred to as DNAACM for short, is in charge of ensuring technical and administrative support to the Office of the Secretary of State, the Director-General and the other SECM services, in the fields of general administration, property management, documentation, filing systems, and statistics.
2. DNAACM fulfils the following responsibilities:
 - a) To provide technical and administrative support to the Secretary of State and the Director-General and ensure the internal general administration of SECM in accordance with directives issued at a higher level;
 - b) To ensure inventories of State-owned property and the maintenance and preservation thereof, as well as of contracts for the supply of goods and services to SECM;
 - c) To coordinate, execute and control the allocation of materials to all SECM directorates;
 - d) To ensure an internal communication procedure system which is common to SECM bodies and services;
 - e) To prepare the SECM Annual Work Plan and draft Sectoral Investment Programme in accordance with directives issued at a higher level and in collaboration with all SECM services;

- f) To take part in the preparation of sectoral plans with the various services of the Office of the Secretary of State;
- g) To prepare, in collaboration with other competent entities, the draft annual budget of the Office of the Secretary of State;
- h) To coordinate the execution of budgetary appropriations earmarked to the various services of the Office of the Secretary of State, without prejudice to the existence of other control and assessment means used by other competent entities;
- i) To coordinate and harmonise the execution of annual and multi-annual plans based on requirements defined at a higher level;
- j) To effect the procurement of supplies for the Office of the Secretary of State;
- k) To comply with and enforce laws, regulations, and other legal provisions of an administrative and/or financial nature;
- l) To promote the recruitment, hiring, monitoring, appraisal, promotion, and retirement of staff;
- m) To process payrolls;
- n) To ensure the collection, custody, conservation and processing of documentation relating to SECM staff members, namely the storage of personal files of staff members;
- o) To comply with and enforce legislation applicable to civil servants by proposing, at a higher level, the conduct of inquiries and disciplinary proceedings, and initiate investigations determined at a higher level in connection with such inquiries and disciplinary proceedings;
- p) To issue opinions and other information with a view to proposing, at a higher level, administrative measures to improve human resources management;
- q) To undertake actions required to meet environmental standards in the area of occupational hygiene and safety;
- r) To maintain a system to store and process statistical data on the Office of the Secretary of State and an updated computerised system on the property held by the Office of the Secretary of State;

- s) To undertake actions required to ensure the maintenance of internal and external communication networks, as well as the smooth running and use of computer resources;
- t) To ensure the collection, custody, conservation and processing of documentation by maintaining a filing system and preparing statistics on SECM;
- u) To submit its annual progress reports;
- v) To perform such other tasks as may be assigned to it.

Article 9
National Directorate for Translation Services

1. The National Directorate for Translation Services, hereinafter referred to as DNST, is responsible for providing translation services in connection with statutes and other documents required for the activities of the Council of Ministers and the Prime Minister.
2. DNST fulfils the following responsibilities:
 - a) To provide translation services to the Prime Minister and all other services within his or her purview;
 - b) To provide translation services required for the work of SECM;
 - c) To provide translation services to other Cabinet members at their request;
 - d) To do the official translation of normative acts and other Government documents, including the official translation of press releases on Council meetings;
 - e) To translate statutes into the Portuguese, Tétum and English languages;
 - f) To provide simultaneous interpretation of Council meetings;
 - g) To translate other documents that the Government deems it appropriate to release to civil society.

Article 10
Legal Support Unit

1. The Legal Support Unit, hereinafter referred to as UAJ, is the service responsible, under the guidance of the Secretary of State, for coordinating the legislative procedure by ensuring the internal legal coherence, simplicity and harmony of legislative acts approved by the Council of Ministers.
2. UAJ fulfils the following responsibilities:
 - a) To initiate all legislative projects for submission to the Council of Ministers and inform and issue opinions thereon;
 - b) To prepare legislative projects as determined by the Prime Minister or the Secretary of State;
 - c) To assist and collaborate with all other Cabinet members in preparing legislative projects as requested;
 - d) To regularly assess the preventive and successive system concerning the impact of normative acts;
 - e) To prepare information and opinions of a legal nature on documents addressed to the Secretary of State and those requested by the Prime Minister;
 - f) To assist the Secretary of State in ensuring compliance with the rules and procedures of the Council of Ministers;
 - g) To provide legal support at Council meetings;
 - h) To assist in the implementation of Council decisions;
 - i) To ensure the smooth running of the litigation services of the Presidency of the Council of Ministers;
 - j) To represent in court, through duly appointed consultants, the Council of Ministers, the Prime Minister, or any other Cabinet member as determined by the relevant authorities, within the framework of administrative litigation;
 - k) To respond, in collaboration with line ministries, to issues relating to the appraisal of the constitutionality and/or illegality of legislative acts;

- l) To liaise with other bodies and services within the scope of its responsibilities, namely in the field of legal training;
 - m) To establish cooperation ties with other entities, both domestic and international, within the scope of their respective responsibilities, in the improvement and simplification of normative acts.
3. For all intents and purposes, UAJ is equated to a National Directorate.

Article 11
National Directorate for Information Dissemination

1. The National Directorate for Information Dissemination, hereinafter referred to as DDI, is the service responsible for receiving, processing and translating into the official languages, Tétum and Portuguese, and into the working languages, English and Indonesian, all the documents and press releases issued by the Council of Ministers, Ministries and Offices of the Secretaries of State, and publicise Government activities, as well as assist the Government in communicating with civil society by ensuring the transparency of the governance process and allowing for access to information.
2. DDI fulfils the following responsibilities:
 - a) To assist the Government in designing, executing and assessing public policies for the media by seeking the qualification of the sector and of new media services;
 - b) To execute any measures assigned to it by law or as decided by the Cabinet member responsible for overseeing the state media;
 - c) To establish mechanisms required to ensure the production of information intended for the public with regards to Government policies and activities and the implementation thereof;
 - d) To promote mechanisms for holding public consultation meetings on Government strategies and legislative projects that the Government deems it appropriate to subject to that procedure;
 - e) To watch over the informative and educational contents of the information provided by the Government;
 - f) To represent the state overseas, in coordination with the services and bodies of the Ministry of Foreign Affairs, both on the bilateral and multilateral levels, with regards to the media sector;

- g) To prepare and propose a public incentive scheme for the media, as well as ensure the monitoring of the application thereof;
- h) To organise files containing documents concerning the media;
- i) To see to it that the rules applicable to the distribution of informative and advertising shares by the State are adhered to under the relevant legal regime;
- j) To assess the implementation of public policies on the media.

SECTION II CONSULTATIVE ORGAN

Article 12 Advisory Board

1. The Advisory Board is a corporate consultative organ of the Secretary of State in charge of periodically reviewing SECM activities.
2. It is incumbent upon SECM to issue opinions about, namely:
 - a) SECM decisions, with a view to implementing them;
 - b) Work programmes and plans;
 - c) The review of SECM activities by assessing the outcomes achieved and proposing new goals;
 - d) The exchange of experiences and information amongst all SECM services and bodies and amongst their respective managers;
 - e) Statutes that might be of interest to SECM or any other documents from its services or bodies;
 - f) Any other activities as may be assigned to it.
3. The Advisory Board is presided over by the Secretary of State and is composed as follows:
 - a) The Secretary of State;
 - b) The Director-General;
 - c) The National Directors of SECM services; and
 - d) The Director of the Secretary of State's office.

4. The Secretary of State may call on other entities, staff or individuals, from either within or outside SECM, to attend Advisory Board meetings as and when he or she deems it advisable.
5. The Advisory Board meets ordinarily once a month and extraordinarily as and when determined by the Secretary of State.

CHAPTER V FINAL AND TRANSITORY PROVISIONS

Article 13 Relationship between services

1. SECM services must function on the basis of objectives set forth in annual and multi-annual plans as approved by the Secretary of State.
2. The services must collaborate with one another and articulate their activities in such a manner that will promote a uniform and integrated implementation of SECM policies.

Article 14 Complementary organic laws

Without prejudice to the provisions of this statute, it is incumbent upon the Prime Minister, following a proposal by the Secretary of State for the Council of Ministers, to approve by a ministerial statute the regulatory procedures for the organisational and operating structure of the national directorates and equivalent services.

Article 15 Staffing table

The staffing table and the number of managerial and leadership positions are approved by a ministerial statute of the Prime Minister, and the Cabinet members responsible for Finance, and Public Administration, following a proposal by the Secretary of State for the Council of Ministers.

Article 16 Entry into force

This statute comes into force on the day following the date of its publication.

Approved in Council of Ministers on 16 January 2008.

The Prime Minister

[Signed]

Kay Rala Xanana Gusmão

Promulgated on

To be published.

The President of the Republic, ad interim

[Signed]

Fernando La sama de Araújo