

Law 10/2009

5 August

Regulation on the Remuneration of Judicial Magistrates, Public Prosecution Magistrates and Public Defence Officers

The present law intends to comply with Article 45 of Law No. 11/2004 of 29 December approving the Statute of Magistrates, Article 45 of Law No. 14/2005 of September 16 approving the Statute of the Department of Public Prosecution and Article 41 of Decree Law No. 38/2008 of 29 October approving the Statute of the Public Defence Office. Afore said Articles refer to a later legal diploma to regulate the remunerations of the careers whose statute they respectively approve, setting in a single law the provisions to rule all three remuneration regimes in order provide a global perspective of the allowances paid to those working in the Timorese judiciary system.

This law further intends to define the guidelines for the State reform, representing a starting point for a set of legislation that rules the remuneration of political office holders and remaining professional fields whose remunerations derive from the State budget, allowing for a comparison between them all and the progress of the positions held and the functions performed.

The present Law aims to cover all remuneration, whether by way of fixed wages or supplements, including any payments or allowances that indicate benefits for office holders or to those performing certain functions, in an effort of transparency hopefully reflected in future proposals on the same subject.

The dignification and motivation of judges imposes an appealing wage scale which, on the one hand, attracts the best professionals to this career and, on the other hand, provides fair compensation to the hard demands of their jobs

Therefore, as provided for on Section 92, Section 95 numbers 1 and 2, item k) and Sections 118, 121, 132 and 133 of the Constitution, the Parliament hereby enacts the following, to have force of law:

CHAPTER I

GENERAL PROVISIONS

Article 1

Object

The present law governs the remunerations of Judicial Magistrates, Public Prosecution Magistrates and Public Defenders Officers.

Article 2

Magistrates

1. Judicial Magistrates are, for the purposes of this law:

- a) The President of the Supreme Court of Justice;
- b) The Counsellor Judges;
- c) The Judges of Law;
- d) The Trainee Judges.

Article 3
Department of Public Prosecution

1. Magistrates of the Department of Public Prosecution are, for the purposes of this law:

- a) The General Public Prosecutor
- b) The Deputies to the General Public Prosecutor
- c) The State Prosecutors
- d) The Trainee State Prosecutors

Article 4
Public Defence Office

1. Public Defence Officers are, for the purposes of this law:

- a) The General Public Defender
- b) The Public Defendants
- c) The Trainee Public Defendants

CHAPTER II
REMUNERATION, SALARIES AND SUPPLEMENTS

SECTION I
REMUNERATION

Article 5
Remuneration Components

1. Judicial Magistrates, Magistrates of the Department of Public Prosecution and Public Defence Officers referred to in the Articles hereinabove, shall be entitled to remuneration for the performance of their jobs.

2. Such remuneration shall comprise a base monthly salary to which the following supplements can be added.

3. The President of the Republic is entitled to a monthly entertainment allowance on the amount of 100% of the monthly salary.

- a) Entertainment allowance;
- b) Communications allowance;
- c) Accommodation allowance;
- d) Settlement allowance;
- e) Subsistence allowance.

SECTION II SALARIES

Article 6 Judicial Magistrates, Magistrates of the Department of Public Prosecution and Public Defence Officers

1. The structure of the monthly salary for Judicial Magistrates, Magistrates of the Department of Public Prosecution and Public Defence Officers is detailed in Chart I, II and III respectively, attached to this Law and integrating part thereof.
2. Salaries shall be reviewed based on Index 100 update, in accordance with the increase set by the Government for all the civil service

Article 7 Criteria for the calculation of judicial magistrates' salaries

1. The base salary of judicial magistrates is calculated on the basis of Index 100, as per the salary scale, shown in Chart I attached, as follows:
 - a) 3rd class judicial magistrates shall have a base salary equivalent to Index 100;
 - b) 2nd class judicial magistrates shall have a base salary equivalent to Index 100, plus 10%;
 - c) 1st class judicial magistrates shall have a base salary equivalent to Index 100; plus 25%;
2. Judicial magistrates who, in accordance to the law, are appointed to the position of Court Administrator Judge shall have a monthly remuneration complement on the amount of USD250 (two hundred and fifty American dollars).
3. The base salary of trainee judges corresponds to 50% of the value of a 3rd class judicial magistrate base salary.

Article 8 Criteria for the calculation of salaries of public prosecution magistrates

1. The base salary of judicial magistrates is calculated on the basis of Index 100, as per the salary scale, shown in Chart II attached, as follows:
 - a) 3rd class public prosecutors shall have a base salary equivalent to Index 100;
 - b) 2nd class public prosecutors shall have a base salary equivalent to Index 100, plus 10%;
 - c) 1st class public prosecutors shall have a base salary equivalent to Index 100; plus 25%;
2. Public prosecutors who, in accordance to the law, are appointed to the position of District Public Prosecutor shall have a monthly remuneration complement on the amount of USD250 (two hundred and fifty American dollars).
3. The base salary of trainee public prosecutors corresponds to 50% of the value of a 3rd class public prosecutor base salary.

Article 9

President of the Supreme Court of Justice, General Public Prosecutor, General Public Defender, Counsellor Judges and Deputies to the General Public Prosecutor

1. The salary of the President of the Supreme Court of Justice shall be indexed to the base salary of the Prime-Minister.
2. The salary of the General Public Prosecutor shall be indexed to the base salary of a Minister.
3. The salary of the General Public Defender shall be indexed to the base salary of a Secretary of State.
3. The salaries of the Counsellor Judges and Deputies to the General Public Prosecutor shall be indexed to the base salary of a Secretary of State.

Article 10

Criteria for the calculation of salaries of Public Defence Officers

1. The base public defence officers is calculated on the basis of Index 100, as per the salary scale, shown in Chart III attached, as follows:
 - a) 3rd public defendants shall have a base salary equivalent to Index 100;
 - b) 2nd class public defendants shall have a base salary equivalent to Index 100, plus 10%;
 - c) 1st class public defendants shall have a base salary equivalent to Index 100, plus 25%;
2. Public defendants who, in accordance to the law, are appointed to the position of District Public Defendant shall have a monthly remuneration complement on the amount of USD250 (two hundred and fifty American dollars).
3. The base salary of trainee public defendants corresponds to 50% of the value of a 3rd class public defendant base salary.

SECTION III SUPPLEMENTS

Article 11

Entertainment allowances

The holders of the following positions are entitled to a supplement for entertainment expenses:

- a) The President of the Supreme Court of Justice, indexed to the amount payable to the Prime-Minister for the same allowance;
- b) The General Public Prosecutor, indexed to the amount payable to a Minister for the same allowance;
- c) The General Public Defendant indexed to the amount payable to a Secretary of State for the same allowance;
- d) The Counsellor Judges indexed to the amount payable to a Secretary of State for the same allowance;
- b) The Deputies to the General Public Prosecutor, indexed to the amount payable to a Secretary of State for the same allowance;

Article 12
Nature, amount and processing

1. The allowance for entertainment expenses is intended to cover ordinary personal expenses of the holder as required to the appropriate performance of the office and to cover expenses incurred with courtesy acts regarding national or foreign entities.

1. The allowance for entertainment expenses shall be processed together with the monthly salary.

Article 13
Communication allowance

1. The President of the Supreme Court of Justice, the General Public Prosecutor, the General Public Defender, the Counsellor Judges and the Deputies to the General Public Prosecutor are entitled to the payment by the State, for the installation and use of landline in their homes, or considered as such, and mobile media.

2. Expenses with land and mobile communications shall be beared by the State, up to a monthly limit of 300 USD (three hundred dollars) for the President of the Supreme Court of Justice, 250 USD (two hundred and fifty dollars) for the General Public Prosecutor and 200 USD (two hundred dollars) for the General Public Defender.

3. Expenses with land and mobile communications beared by the State on behalf of Counsellor Judges and Deputies to the General Public Prosecutor shall be limited to 150 USD (one hundred and fifty dollars) each.

Article 14
**Communication expenses of other judicial magistrates,
public prosecution magistrates and public defence officers**

Judicial magistrates, public prosecution magistrates and public defendants are entitle to a monthly allowance for mobile communication up to the amount of 75 USD (seventy five dollars)

Article 15
Accommodation allowance

1. The President of the Supreme Court of Justice, the General Public Prosecutor and the General Public Defender are entitled to a monthly accommodation allowance on the amount of 300 USD (three hundred dollars) as long as that accommodation is not provided for by the State.

2. When not provided by the State with accommodation in the area of the courts they were appointed for, Judicial Magistrates, Magistrates of the Department of Public Prosecution and Public Defence Officers are entitled to a monthly accommodation subsidy on the amount of 200 USD (two hundred dollars).

Article 16
Settlement Allowance

When transferred from one district to another with permanent alteration of domicile, in accordance to the law, judicial magistrates, public prosecution magistrates and public defence officers are entitled to a settlement allowance in order to defray travel, moving and installation expenses according to the terms defined by the government for the remaining civil servants.

Article 17
Subsistence allowance

The President of the Supreme Court of Justice, the General Public Prosecutor, the General Public Defender and remaining Judicial Magistrates, Magistrates of the Department of Public Prosecution and Public Defence Officers travelling in official mission, are entitled to subsistence allowances ruled by specific legislation.

CHAPTER III

Article 18
Final and Transitory Dispositions

1. Until the establishment and beginning of operations of the Supreme Court of Justice, references herein to the Supreme Court of Justice, to the President of the Supreme Court of Justice and to the Counsellor Judges shall pertain to the Court of Appeal.

2. Court Administrator Judges, District Public Prosecutors and District Public Defendant can be appointed among 3rd or 2nd class judges, prosecutors and defendants, while there is no sufficient number of 1st class judges, prosecutors and defendants.

Article 19
Entry into force

The present law enters into force in the following day of its publication in the Official Gazette, with effect from January 1st 2009.

Approved on July 14, 2009

The President of the National Parliament

Fernando La Sama de Araújo

Promulgated on July 30, 2009

To be published

The President of the Republic

Dr. José Manuel Ramos Horta

Salary Scale

Chart I – Attachment referred to in Article 7, nr 1 of the present Law

	Position or Function	Category	Index scale
1	President of the Supreme Court of Justice		Indexed to Prime-Minister
2	Counsellor Judges		Indexed to Secretary of State
3	Judicial Judge	1st class	125
4	Judicial Judge	2nd class	110
5	Judicial Judge	3rd class	100
6	Trainee Judicial Judge	Trainee	50

Obs: Index 100 corresponds to the amount of USD1.050

Chart II – Attachment referred to in Article 8, nr 1 of the present Law

	Position or Function	Category	Index scale
1	General Public Prosecutor		Indexed to Minister
2	Deputies to the General Public Prosecutor		Indexed to Secretary of State
3	Public Prosecutor	1st class	125
4	Public Prosecutor	2nd class	110
5	Public Prosecutor	3rd class	100
6	Trainee Public Prosecutor	Trainee	50

Obs: Index 100 corresponds to the amount of USD1.000

Chart III – Attachment referred to in Article 10, nr 1 of the present Law

	Position or Function	Category	Index scale
1	General Public Defendant		Indexed to Secretary of State
2	Public Prosecutor	1st class	125
3	Public Prosecutor	2nd class	110
4	Public Prosecutor	3rd class	100
5	Trainee Public Prosecutor	Trainee	50

Obs: Index 100 corresponds to the amount of USD1.000