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NATIONAL PARLIAMENT RESOLUTION No.20/2009

19th of May

Regulation on the Assignment and Use of National Parliament Owned Vehicles

Article 12 of the Statute of Deputies, approved by Law Nr 5/2004 provides that Deputies shall be provided with transport conditions intended to enhance the exercise of the respective mandates.

Other categories of parliamentary staff shall also be authorized to use National Parliament vehicles for official business.

Taking into account the property autonomy of the National Parliament, set forth in Article 3 of Law 15/2008 from December 24, it urges to define the rules for provision and use of National Parliament vehicles.

Based on the stated above, the National Parliament, in the exercise of the powers conferred by Article 95 of the Constitution and by Law No 5/2004, from May 5, hereby approves as follows:

Article 1 **Assignment of National Parliament Vehicles**

1. Members of parliament will be provided with the use of motor vehicle, with a driver, in order to conveniently perform their constitutional and regimental duties.
2. The costs of deputies' displacement in the city of Dili, or to other districts within a prearranged agenda established to allow for a direct contact with their electors, will be met by the National Parliament.
3. Displacement costs of parliamentary commissions, delegations or deputations travelling on duty, when duly authorized, will also be met by the National Parliament.

Article 2
Assignment of Vehicles to Other National Parliament Officials or Staff

1. Upon reasoned proposal by the National Parliament Secretary-General submitted to the President of the National Parliament, National Parliament motor vehicles may on a temporary or permanent basis, be assigned to other officials or groups of staff for strictly professional purposes.
2. International officials working as advisors for the National Parliament may be assigned National Parliament's vehicles, after reasoned dispatch by the National Parliament Secretary-General, for reasons strictly related to the good accomplishment of their professional obligations.

Article 3
Use of National Parliament's Vehicles

1. National Parliament vehicles shall be used exclusively for work-related purposes.
2. "Normal period for use" of vehicles means the period between 7:00 and 19:00, from Monday to Friday.
3. During hours excluded from normal period of use, vehicles shall be parked in the National Parliament parking lot, except in the circumstances provided for in the numbers below.
4. National and international officials authorized to drive National Parliament's vehicles may be authorized to drive such vehicles outside the normal period of use, or keep them under their responsibility during that period, provided that work-related or security reasons so justify, and upon authorisation, even though generic, from the respective head of service.
5. Vehicles assigned to National Parliament Deputies are excluded from the regime of "normal period for use".
6. Working hours for the drivers allocated to National Parliament Deputies, provided for in Article 1.1, shall coincide with the normal period of use of vehicles set forth in number 2 of the present Article. Drivers' work out of this period shall occur exceptionally and whenever duly authorized.

Article 4
Compliance with Traffic Law

1. All Deputies shall scrupulously abide by the rules set forth in the traffic regulations in force.

2. Only the Deputies or other officials, who, irrespective of their level, hold a valid driving licence, may drive National Parliament vehicles.
3. Rules set forth in the previous numbers shall also apply to international officials authorized to drive National Parliament's vehicles.
4. Compliance with Traffic Regulations by the Deputies and other officials shall be supervised by the Polícia Nacional de Timor-Leste (PNTL), in equal terms as any other citizens, and any infringement to the Traffic Law detected by PNTL shall be reported to the President of the National Parliament, for the purposes set forth in Article 5.2 and Article 9.2 of the present resolution.

Article 5 Civil Liability

1. The National Parliament is liable for bodily or material damages resulting from accidents or incidents involving National Parliament vehicles, whenever such vehicles were legitimately used by an authorized driver at the moment of said accident or incident, in accordance with the provisions of Articles 3 and 4 herein.
2. The National Parliament is exempted from the liability referred in the previous number when such accident or incident results from a serious or very serious offence committed by the driver involved, as provided for in Articles 140 and 141 of the Traffic Law.

Article 6 Proceedings in Case of Accident or Incident

1. Parliament Deputies or other officials involved in car accidents shall:
 - a) Stop the vehicle at the scene of the accident and place hazard signs accordingly;
 - b) Provide necessary aid to the injured, if any;
 - c) Gather identification on the drivers of the other vehicles involved;
 - d) Report the accident to the nearest police station, calling for the presence of police officers at the scene of the accident, when such presence proves desirable;
2. The Deputy or official responsible for the vehicle involved in an accident shall prepare and submit a report to the service in charge of National Parliament vehicle management, whenever:
 - a) He identifies damages to the vehicle not resulting from the car accident;
 - b) The vehicle was involved in an accident resulting in bodily or material

- damages, even if only to third parties;
- c)The vehicle or any of its components had been stolen.
3. The service in charge of National Parliament vehicle management may decide to open an investigation based on the report submitted by the official in the terms of the previous number, from which may result a sanction proposal, as set forth in Article 9, without prejudice of the civil liability of the official resulting from the application of Article 5.2.
4. The Deputy shall be liable for bodily and material damages:
- a) Caused by accidents or other events occurred when using the vehicle while not in the performance of his parliamentary duties, both inside or outside Dili city limits;
- b)Caused by accidents resulting from serious or very serious offences, in the terms provided for in Articles 140 and 141 of the Traffic Law.
5. Statements from National Parliament Deputies shall be considered truthful.

Article 7

Duties of the Deputies and other Officials Regarding Vehicle Maintenance

1. It is incumbent upon the official to whom a vehicle is entrusted to see to its adequate maintenance, namely through the following proceedings:
- a) To monitor the vehicle's good mechanical condition, namely for checking the level of engine oil, coolant and cleaning fluids, the breaks' condition, adequate pressure and general condition of the tyres ;
- b) To take the vehicle, on a timely basis, for periodic maintenance, reporting the problems detected;
- c) To seek preventive inspection, where problems that might pose a potential danger to the vehicle safety are detected;
2. The service in charge of National Parliament vehicle management shall support the Deputies regarding the matters in items a) to c) above.

Article 8

Duties of the Deputies and other Officials Regarding Documentation

1. It is incumbent upon the officials who have been assigned a vehicle to keep inside the vehicle, on a permanent basis, the documentation related to the vehicle, and produce it whenever asked for by law enforcement officers.

2. Keep inside the vehicle a daily logbook on the trips and distances covered, which shall be submitted on a quarterly basis to the service responsible for managing National Parliament's vehicles.

Article 9

Penalties

1. An official using a National Parliament vehicle in breach of Article 3 shall be punished with the following penalties:
 - a) For a first offence, an admonition;
 - b) For a second offence, disqualification from driving National Parliament vehicles for a period of one-month and a fine of USD10;
 - c) For a third offence, disqualification from driving National Parliament vehicles for a six-month period and a fine of USD50;
 - d) For a fourth offence, permanent disqualification from driving National Parliament vehicles.
2. An official who commits offences against the Traffic Law, in breach of the general duties set forth in Articles 4.1 and 4.2 above, may be subject to a penalty of temporary ban on driving National Parliament vehicles, which shall be imposed in addition to the penalties provided for in that Code.
3. An official who, repeatedly and after being admonished fails to fulfil the duties binding upon him or her under Articles 7 and 8, shall be subject to a penalty of temporary disqualification from driving National Parliament vehicles.
4. Without prejudice to the Article above, particularly serious cases of violation of duties regarding vehicle maintenance, as provided for in Article 7, from which a serious accident or mechanical damage substantially reducing the market value of the vehicle has resulted, may be subject to a penalty of permanent disqualification from driving National Parliament vehicles, without prejudice to other penalties provided for by law.
5. The penalty of temporary or permanent disqualification from driving National Parliament vehicles on an official who is serving mainly as a driver implies, as the case may be, forfeiture of the salary corresponding to the period covering the penalty or compulsory separation from National Parliament service.
6. The penalties provided for in the preceding numbers shall be imposed by instruction of the President of the National Parliament.
7. The proceeds from the fines provided for in Article 9.1 shall accrue to the State Treasury.

Article 10
Entry into Force

The present regulation shall enter into force on the following day of its publication.

Promulgated on 28 April 2009

To be published

12 May 2009

The President of the National Parliament

Fernando La Sama de Araújo