

REPUBLIC OF TIMOR-LESTE
IV CONSTITUTIONAL GOVERNMENT

DECREE-LAW No. 11/2008

**ORGANISATIONAL STRUCTURE OF THE OFFICE OF THE SECRETARY OF
STATE FOR ENERGY POLICY**

The Programme of the IV Constitutional Government envisages a clear energy policy that will harmonise the various market interests from a competitiveness viewpoint and paying proper regard to the quality of the environment, thus avoiding a disorderly industrialisation devoid of adequate regulations.

In order to achieve these goals in the area of the energy policy it is important to establish the Office of the Secretary of State for Energy Policy as an organisational structure grounded in the services and bodies operating in the field of energy resources.

This statute aims to approve the Organisational Structure of the Office of the Secretary of State for Energy Policy whereby the respective structure, and competences and responsibilities of each of its services and bodies are set forth with a view to enforcing Decree-Law No. 7/2007, of 5 September, approving the Structure of the IV Constitutional Government of the Republic of Timor-Leste.

Thus:

Pursuant to article 115(3) of the Constitution 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 RESPONSIBILITIES

Article 1
Nature

The Office of the Secretary of State for Energy Policy, referred to as SEPE for short, is in charge of designing, executing, coordinating and assessing the policy on energy resources as defined and approved by the Council of Ministers.

Article 2
Responsibilities

In pursuit of its objectives, it is incumbent upon SEPE:

- a) To prepare and propose to the Government the energy policy framework;
- b) To execute and ensure the implementation of the policy as approved by the Government under 2(a) above;
- c) To develop the legal and regulatory framework for activities related to energy resources;
- d) To promote contacts with international investors in order to attract foreign investment in the areas within its purview;
- e) To regulate, in coordination with other ministries, power generation operators;
- f) To undertake studies on the capacity of energy resources and alternative energy sources;
- g) To maintain a filing system to store information on energy operations and resources;
- h) To coordinate and promote the management and upgrading of power generation infrastructure;
- i) To ensure the coordination of the energy sector and stimulate the complementarity between its various modes, as well as its competitiveness in order to better satisfy users' needs.

CHAPTER II PURVIEW AND OVERSIGHT

Article 3 Purview and oversight of the Office of the Secretary of State for Energy Policy

The Office of the Secretary of State for Energy Policy is within the purview of the Secretary of State who oversees it and is accountable for it to the Prime Minister.

CHAPTER III ORGANISATIONAL STRUCTURE

Article 4 Overall structure

1. SEPE fulfils its responsibilities through direct state administration services, indirect state administration services, consultative organs, and territorial branches.
2. Territorial branches of SEPE services may be established by a well-founded ministerial statute of the Cabinet members responsible Energy Policy, Finance, and Public Administration.

Article 5 Direct state administration

Direct state administration, within SEPE, comprises the following main services;

- a) The Director-General;
- b) The National Directorate for Administration and Finance;
- c) The National Directorate for Research and Alternative Energy Policy;
- d) The National Directorate for Coordination of Renewable Energy-Related Activities.

Article 6 Consultative organ

The Advisory Board on Energy is the consultative organ of SEPE.

CHAPTER IV
SERVICES, BODIES, CONSULTATIVE ORGAN, AND TERRITORIAL
BRANCHES

SECTION I
DIRECT STATE ADMINISTRATION SERVICES

Article 7
Director-General

1. The Director-General pursues 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 for the pursuit of the responsibilities mentioned in the previous subparagraph;
 - c) To participate in the development of policies and regulations related to its focal area;
 - d) To coordinate the preparation of draft laws and regulations of the Office of the Secretary of State;
 - e) To ensure the overall internal administration of the Office of the Secretary of State and its services, in accordance with annual and multi-annual programmes of the Office of the Secretary of State;
 - f) To plan public investment measures, prepare the draft budget and execute the approved budget;
 - g) To control the execution of the operating budget;
 - h) To monitor the execution of international co-operation programmes and projects and assess them internally, without prejudice to the existence of specific assessment mechanisms, in coordination with the Ministries of Foreign Affairs, and Finance;
 - i) To verify the legality of expenditure incurred and effect the payment thereof once it has been authorised by the Secretary of State;

- j) To coordinate human resources;
- k) To promote the vocational training and development of staff of SEPE bodies and services;
- l) To coordinate the preparation of activities of the Advisory Board;
- m) To coordinate the information intended for the public, the media, and other governmental bodies;
- n) To prepare, in conjunction with the National Directorates, the annual progress report of the Office of the Secretary of State;
- o) To submit annual progress reports;
- p) To perform such other activities as may be assigned to it by law.

Article 8
National Directorate for Administration and Finance

1. The National Directorate for Administration and Finance, referred to as DNAF 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 SEPE services, in the fields of general administration, human resources, documentation and filing systems, and property management.
2. DNAF fulfils the following responsibilities:
 - a) To provide technical and administrative support to the Secretary of State, the Director-General, and the other directorates of the Office of the Secretary of State;
 - b) To ensure inventories of State-owned property and the maintenance, preservation and management thereof, as well as ensure an inventory of contracts for the supply of goods and services to the Office of the Secretary of State;
 - c) To coordinate, execute and control the allocation of materials to all directorates of the Office of the Secretary of State;
 - d) To ensure an internal communication procedure system which is common to the bodies and services of the Office of the Secretary of State;

- e) In collaboration with all the services of the Office of the Secretary of State and in accordance with directives issued at a higher level, to prepare the Annual Work Plan and the draft Sectoral Investment Programme of the Office of the Secretary of State;
- 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 of the Office of the Secretary of State, namely the storage of personal files of staff members of the Office of the Secretary of State;
- 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 submit annual progress reports;
- u) To carry out such other tasks as may be assigned to it by law.

Article 9

National Directorate for Research and Alternative Energy Policy

1. The National Directorate for Research and Alternative Energy Policy, referred to as DNPEA for short, is in charge of studying and developing policies on alternative energy.
2. DNPEA fulfils the following responsibilities:
 - a) To undertake and review studies and projects, with a view to exploring and generating power for the production of electricity and other domestic purposes;
 - b) To establish control and monitoring standards as well as regulatory norms for projects that might be implemented under the preceding subparagraph;
 - c) To undertake studies on the establishment of a national grid based on the cost of alternative energy;
 - d) To undertake studies and implement energy self-reliance policies in order to minimise the import flow by using alternative energy sources;
 - e) To develop training programmes aimed at both operators and consumers in order to boost the use of alternative energy sources;

- f) To propose and supervise projects relating to the use of alternative energy for the production of electricity and other domestic purposes;
- g) To draft legislation and regulations on matters related to its area of activity;
- h) To follow up the conclusion of international energy treaties, in coordination with the Ministry of Foreign Affairs;
- i) To perform such other activities as may be assigned to it by law.

Article 10
National Directorate for Coordination of Renewable
Energy- Related Activities

1. The National Directorate for Coordination of Renewable Energy-Related Activities, referred to as DNCAER for short, is in charge of studying and developing policies on renewable energy.
2. DNCAER fulfils the following responsibilities:
 - a) To draft legislation that will regulate and standardise activities related to the exploration, exploitation and use of renewable energy sources;
 - b) To promote energy self-reliance by reducing the import flows through the use of renewable energy sources;
 - c) To promote the exploitation of multi-purpose hydroelectric resources for power generation and the exploitation of water resources;
 - d) To promote, in coordination with the Ministry of Agriculture, animal husbandry and the establishment of biogas production structures;
 - e) To promote, in coordination with the Ministry of Agriculture, the farming of oleaginous plants, notably for the production of biofuels;
 - f) To regulate the exploitation of renewable energy sources, thereby contributing towards the standardisation and integration of the various projects to be developed in this area;
 - g) To ensure energy supply to the populace living in isolated areas;

- h) To preserve the country's energy richness by defining and preserving "mandatory reserves", both renewable and non-renewable energy sources;
- i) To enact regulations and provide incentives for national operators to play a key role in the exploitation of energy resources;
- j) To develop safety standards, with a view to ensuring a continued exploitation, generation and supply of energy;
- k) To adapt investment programmes by grid operators, with a view to interconnecting decentralised power generation;
- l) To follow up the conclusion of international energy treaties;
- m) To adapt investment programmes for energy generation;
- n) To coordinate and supervise projects for the generation of all forms of alternative energy, with a view to generating electricity and for other domestic purposes, as well as for export;
- o) To carry out such other activities as may be assigned to it by law.

SECTION II CONSULTATIVE ORGANS AND TERRITORIAL BRANCHES

SUBSECTION I CONSULTATIVE ORGANS

Article 11 Advisory Board on Energy

1. The Advisory Board on Energy, referred to as Advisory Board for short, is the corporate consultative and coordinating organ in charge of periodically reviewing the activities being carried out by SEPE.
2. It is incumbent upon SEPE to issue opinions about, namely:
 - a) SEPE decisions, with a view to implementing them;
 - b) Work programmes and plans;
 - c) Review of SEPE activities by assessing the outcomes achieved and proposing new goals;
 - d) Sharing of experiences and information amongst all SEPE services and bodies and amongst their respective managers;

- e) Statutes that might be of interest to SEPE or any other documents from its services or bodies;
 - f) Any other activities as may be assigned to it.
3. The Advisory Board is composed as follows:
- a) The Secretary of State who presides over it;
 - b) The Director-General;
 - c) The National Directors;
 - 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 the Office of the Secretary of State, 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 12 Relationship between services

- 1. SEPE 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 SEPE policies.

Article 13 Complementary organic laws

Without prejudice to the provisions of this statute, it is incumbent upon the Cabinet member responsible for Energy Policy to approve by a ministerial statute the regulatory procedures for the organisational and operating structure of the national directorates of SEPE.

Article 14
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 Cabinet member responsible for Energy Policy.

Article 15
Entry into force

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

Seen and approved in Council of Ministers on 16 January 2008.

The Prime Minister

[Signed]

Kay Rala Xanana Gusmão

Promulgated on 11/04/2008

To be published.

The President of the Republic, ad interim

[Signed]

Fernando La sama de Araújo