Political and Administrative

STATUTE

of the province of

TIMOR

AGÊNCIA-GERAL DO ULTRAMAR
MINISTRY OF THE OVERSEAS PROVINCES

MINISTER'S OFFICE

DECREE N.° 45 378

Law No. 2,119 of 24 June 1963 (Organic Law of the Overseas Provinces) determined in art. LXXXVII, section I, § e) that the political and administrative statutes of the overseas provinces should be revised.

Therefore, after seeking the opinion of the Governor of the Province, the permanent members of the Governor's Council of the Province, and also the Overseas Council;

In the use of the faculty made available under § 3 of art. 150 of the Constitution, the Minister for the Overseas Provinces decrees and I make public the following:

Art. 1 — The Political and Administrative Statute of the Province of Timor, signed by the Minister and appended to this decree, is hereby approved.

Art. 2 — The statute shall come into force throughout the province on 1 January 1964.
Art. 3 — I. The Governor will take necessary steps so that the Legislative and Governor's Councils, independently of the periods set down in this statute, may begin to function with their new constitution, in April 1964.

II. The elections for the Legislative and Governor's Councils shall take place before 31 March 1964. For this purpose a new electoral census will be held in the terms of such legislation as is in force.

The provisions of this decree to be published and carried out.


For publication in the Official Gazette of Timor — Peixoto Correia.
POLITICAL AND ADMINISTRATIVE
STATUTE OF THE PROVINCE
OF TIMOR

CHAPTER I

GENERAL PROVISIONS

Art. 1 — The province of Timor comprises the eastern part of the island of Timor, the territory of Oé-Cussi Ambeno, the island of Ataúro and the islet of Jaco. Its land frontiers are those laid down in the Convention between Portugal and Holland of 1 October 1904 and the arbitration decision of 25 June 1914.

The capital of the province is the town of Dili.

Art. 2 — The province of Timor is a collective entity in public law. It enjoys administrative and financial independence in accordance with the provisions of the Political Constitution, the Organic Law of the Overseas Provinces and this statute.

Art. 3 — The province is represented by the governor. For specific occasions and acts the governor may delegate someone to represent the province. In the courts it will be represented by:
a) The delegates of the Public Prosecutor, according to their rank;

b) Legally chosen representatives in special courts and tribunals.

CHAPTER II

ON THE ADMINISTRATION OF THE PROVINCE

PART I

The Organs of Government

Art. 4 — 1. Those organs of government exclusive to the province are the governor, the Legislative Council and the Governor’s Council.

2. In the terms of art. XXXI, section II, of the Organic Law of the Overseas Provinces, and on the governor’s suggestion, a secretary-general may be appointed, to carry out his duties as a service mission.

Art. 5 — Executive functions shall be exercised by the governor. He may delegate these functions as he thinks fit, and by governor’s order, to the secretary-general, where such exists, and the heads of departments, except as far as financial administration is concerned.
Art. 6 — The powers of the legislative organs of the province will be only as limited by the powers of the National Assembly, the Central Government and the Overseas Minister.

PART II

The Governor

SUB-SECTION I

General provisions

Art. 7 — 1. Throughout the province the governor is the highest agent and representative of the Government of the Portuguese Nation. He is entitled to those honours reserved for the Ministers of the Government, and enjoys precedence over all the civil and military officials who serve in the province, or happen to be there, with the exception of the President of the Republic, the Prime Minister, the Chairman of the National Assembly, the Chairman of the Corporative Chamber and the Ministers, Secretaries and Under-Secretaries of State.

2. The Governor's Palace will have a permanent military guard. At the hours laid down by law, the Portuguese flag will be raised and lowered on
the Palace every day. At ceremonies where the governor takes the chair, the national anthem will be played, provided a band is present.

3. The governor's uniform and insignia will be as laid down in the law.

4. Whenever the governor, or his substitute, is called upon to give testimony, or witness, in court, as witness, defendant or plaintiff, his testimony, when given inside the province, shall be heard in his residence.

Art. 8 — The governor cannot leave the province without the previous permission of the Overseas Minister. Whenever he has occasion to leave the seat of government for any other part of the province for a period above 24 hours, he shall inform the Minister by telegram.

Art. 9 — The governor shall have an aide-de-camp and a secretary. His A. D. C. shall not be above a captain, lieutenant of the navy or flight-lieutenant in rank.

SUB-SECTION II

The governor's legislative powers

Art. 10 — The governor shall have powers to legislate:

a) When the Legislative Council is not in session;
b) When the Legislative Council is in session, on all matters that are not the exclusive concern of the Council;

c) When the Legislative Council has been dissolved.

Art. 11 — When exercising his legislative powers, the governor shall always seek the opinion of the Governor's Council, as also whenever he is called upon to express his opinion on, or interpret the political and administrative statute of the province, in the terms of art. X, section I, § e) of the Organic Law of the Overseas Provinces.

Art. 12 — The governor exercises his legislative powers through legislative decrees published in the Official Gazette. They are to be preceded by an introduction setting out the justification for the decree and must indicate that the opinion of the Governor's Council has been sought and given.

Art. 13 — 1. Those decrees approved by the Legislative Council shall be published, on the governor's order, within a fortnight from the day on which the draft of the decree is put forward for his signature.

2. When this period has gone by it will be inferred that the governor has not agreed with the decree. If it is a decree drafted on the governor's own initiative, he will inform the Council that he
no longer considers the decree opportune. If it is a decree drafted on the initiative of the members of the Legislative Council, the governor will at once submit the matter to the Overseas Minister for his consideration and decision, or will take steps for the drafted decree to be the object of a further vote of the Council, with or without modifications in the text.

In the former case the Minister, after seeking the opinion of the Overseas Council, may decide that the governor shall publish, in their entirety or in part, the provisions approved by the Legislative Council, or may legislate on the matter as he thinks fit.

In the latter case, if the provisions are approved by a majority of two-thirds of the legal number of members of the Council, the governor shall have them published.

3. If, however, the governor's disagreement is based on the unconstitutionality or illegality of the draft decree, and if the latter is confirmed by a two-thirds majority, the dossier on the matter shall be sent to the Overseas Council. This Council will reach its decision in plenary session and it is binding on the governor.

4. It is to be considered that the draft decree is
ready for signature when the governor is informed that the final text has been definitely agreed on by the Legislative Council.

SUB-SECTION III

The governor’s executive powers

Art. 14 — The executive powers of the governor comprise the practice of all those acts that the law attributes to him, or that are not the exclusive concern of any other central or provincial organ.

Artt. 15 — 1. In the exercise of his executive powers, it falls especially to the governor:

1) To represent the Government of the Republic in the province.

2) To provide guidance at the highest level for the administration of the province.

3) To direct the financial affairs of the province.

4) To direct the provincial branches of national civil departments of administration and all provincial departments. This shall not prevent him from delegating his powers in this field.

5) To carry out, and have carried out, current law and the orders and instructions of the Overseas Minister and to make use of the powers delegated to him by the Minister to the public interest and for the legal purposes concerned.
6) To keep the Overseas Minister informed on those topics and cases of greatest interest to the administration of the province.

7) To guarantee nationals and foreign subjects within the territory of the province the individual rights and guarantees of citizens, according to the laws in force and the interests and convenience of national sovereignty.

8) To guarantee the freedom, fullness of functions and independence of the legal authorities.

9) To appoint, contract, re-appoint, promote, retire, release from office or dismiss, as is laid down in the law, those civil servants whose appointment or contracting is not the exclusive right of the Overseas Minister or of other organs.

10) To distribute officials, according to their categories, and transfer them within the province.

11) To exercise, as far as his powers allow, disciplinary authority over civil servants or officials of similar status.

12) To grant leave, as laid down in law, to those officials serving in the province, except for registered and unlimited periods of leave for those whose appointment does not lie within his powers.

13) To order inspections, examinations or inquiries into the public departments under him, including the independent departments and admini-
istrative bodies, into collective entities of administrative public utility, into corporative and economic co-ordination bodies, and into all officials, except magistrates and delegates of the Public Prosecutor and those legal officials whom he has no power to appoint.

14) To propose examinations or inquiries into magistrates and legal officials whom he has no power to appoint, whenever he thinks fit.

15) To visit the different parts of the territory, to inquire into general needs and to receive such complaints and requests as are addressed to him.

16) To receive and issue requests for legal proceedings.

17) To raise problems of disputed jurisdiction and competence, according to the laws and regulations in force.

18) To order those officials whose presence in the province is unwise for some grave reason of public interest to present themselves in the Overseas Ministry in Lisbon, except for the legal restrictions on acting magistrates.

19) After hearing the opinion of the Governor's Council, and with the data specified in § b, c, and d) of n.° 2 of art. 54, to submit to the approval of the Legislative Council the draft of the decree to
define the principles on which, as the law provides, the budget of the province shall be based.

20) To supervise the drafting of the general provincial budget and to have it carried out.

21) To transfer budgetary allotments, as the law permits.

22) To perform the functions of controller of expenditure, as the law lays down, and always on the basis of data provided by the head of the Provincial Department of the Treasury and Accounting as regards legality, budgetary availability and classification.

23) In the terms of the law, and within the economic year concerned, to decide the carrying out of duly planned works and repairs, the commission of services and the purchase of materials, when such are to be paid for from sums allotted in the budget, under the heading of ordinary expenditure, not exceeding 5,000,000 escudos, and also to approve the contracts drawn up, on which he will seek the opinion of the competent bodies as regards technical aspects.

24) To determine the size of permanent funds to be left on deposit in any departments, to name the person responsible for such funds and to demand security, whenever there is no financial or administrative council or committee in charge of them.
25) To authorize the paying of wages to personnel necessary for the public service, within the budgetary allotment, according to fixed or current wages, as applies to permanent or temporary personnel respectively.

26) To take a decision on the payment of any salaries, pensions, fares and other principal and secondary forms of remuneration, arising from posts and departments in the province. In no case shall this decision be sought from the Minister. Appeal against any action taken in the exercise of this faculty may only be sought through the legal channels.

27) To regulate the carrying out of the laws, decree-laws, decrees and other orders in force in the province which require such regulamentation.

28) To exercise that vigilance provided for in law over administrative bodies and collective entities of public administrative utility.

29) To distribute among the districts of the province those funds allotted in the general budget for works, improvements or any special services.

30) To determine, subject to a maximum of two-twelfths of the annual revenue, the sum and conditions of grant of internal loans, redeemable by the end of the economic year concerned, and intended to make good treasury shortages, so
long as such loans do not necessitate security or special guarantees.

31) To approve the statutes and regulations of corporative bodies and other collective entities, approval of which is not the prerogative of some other body.

32) In the shape of a duly justified Order, and when there are serious motives for so doing, to suspend the carrying out of fiscal, police or merely administrative orders, regulations and other provisions, or those made by the administrative bodies and collective entities of public administrative utility.

33) To fix, modify or abolish taxes, always observing the legal provisions affecting the use and employment of the assets or services of the province.

34) Within his powers and according to the laws in force, to make concessions — such as do not involve the rights of sovereignty — as to land, mines, mineral springs, industrial concessions, the building and exploitation of roads, bridges and docks, the construction and exploitation of irrigation, drainage and land recovery works, the regularization of rivers and streams and the use of energy from water power and from other sources, fisheries and fishing rights, coastal shipping lines and any other system of transport not included in art. XI.
section I, art. 5, § b) of the Organic Law of the Overseas Provinces.

35) To decide the expulsion of, or refuse entry to, Portuguese nationals or foreigners, if their presence or entry would cause serious difficulties of an internal or international nature.

36) To dissolve administrative bodies and the managements of collective entities of public administrative utility in those cases and on those terms laid down by the law. In his Order deciding on dissolution, the governor shall set out his reasons and new elections shall be held within the period laid down by law.

37) To give charters as towns and cities to those settlements which justify this.

38) 1. To carry out the other powers vested in him by the laws and regulations in force.

2. The powers of the governor in financial matters cannot be delegated, but he may, on his own responsibility, authorize the secretary-general, by Order and on the terms therein laid down, to apply the budget of those departments, superintendence over which has been delegated to him. In the same manner he may delegate to departmental heads powers referring to current administrative expenditure and the contracting of temporary personnel.
3. Those administrative bodies and the managements of collective entities of public administrative utility in relation to which the governor uses the powers vested in him under § 36 of part I of this article, may, at a special meeting called for the purpose, draw up a complaint against such action, and the Minister will be informed of this and will take a final decision.

4. The governor shall be liable to civil and criminal proceedings when, on his own initiative or against the express information of the competent officials, he orders expenditure to be incurred that is not included in the budget or to a higher amount than that fixed, or for purposes different from those specified in the budget.

5. In the exercise of his executive functions the governor issues Orders, which he shall have published in the Official Gazette.

Art. 16 — According to the provisions of art. XXXIV, part II of the Organic Law of the Overseas Province, those executive functions laid down in art. XXX, part II of that Law, and those laid down in § 23, when the sum exceeds 1,000,000 escudos, and those in § 27 to § 37 inclusive of part I of the previous article, shall be exercised after the opinion of the Governor's Council has been sought.
Art. 17 — Each year the governor shall present to the Overseas Minister a report on his administration during the previous year.

PART III

The legislative council

SUB-SECTION I

The functioning of the Legislative Council

Art. 18 — 1. It is the task of the Legislative Council:

a) To draft legislative decrees in accordance with the provisions of the Organic Law of the Overseas Provinces and of this statute.

b) To give its opinion in those cases provided for in law and on all matters concerning the administration of the province and which are for that purpose submitted to its appreciation by the Overseas Minister or by the governor.

c) To establish its own organization.

2. The Legislative Council has exclusive powers:

a) To approve the principles on which the budget is drawn up, as is laid down in § a) of n.° 2 of art. 54.
b) To authorize the governor to contract loans, in the terms of art. LX, part II, of the Organic Law of the Overseas Provinces.

c) To study the annual report of the Technical Committee for Economic Planning and Integration on the province’s economic development plans, and to supervise their execution.

d) To elect the representatives of the province in the Overseas Council and members of the Governor’s Council, in the terms of art. 37.

Art. 19 — 1. The governor is the chairman of the Legislative Council.

2. At the first ordinary session of each legislative period, the members will choose from among themselves a vice-chairman, who will take the chair whenever the governor is unable to take it at their meetings.

3. When the vice-chairman is unable to attend for this purpose, he will be replaced by the oldest member.

Art. 20 — 1. The Legislative Council comprises eleven elected members. There are also de officio members: the secretary-general, the delegate of the Director of Public Prosecutions for the district in which the capital of the province is situated and the head of the Provincial Department of the Treasury and Accounting.
2. Where there is no secretary-general, his place shall be filled by the head of the civil administration departments.

3. Election of members will be effected among Portuguese citizens on the following terms:

   a.) Three shall be elected by direct vote of those citizens enrolled in the electoral rolls of citizens.

   b.) One shall be elected by private tax-payers who pay a minimum of 1,000 escudos in direct taxes.

   c.) Two shall be elected by the administrative bodies.

   d.) One shall be elected by collective entities of public administrative utility, legally recognized as such.

   e.) Three shall be elected, as the law provides, by the local authorities from among themselves.

   f.) One shall be elected by those bodies representing moral and cultural interests.

4. For the purposes of the election mentioned in § a), the territory of the province will be considered one sole electoral constituency.

Art. 21 — 1. Members of the Legislative Council are elected for a period of four years, counting from the beginning of the first ordinary session. They are eligible for re-election.

2. Where a vacancy occurs during this four-
year period and is filled the member thus elected shall serve until the end of that period.

Art. 22 — 1. Elections should be held at least 30 days before the first ordinary session of the Legislative Council. All those details that are not dealt with in the law or in this statute will be regulated by Order of the Governor, to be published at least 60 days before the day of election.

2. Those vacancies that occur during the four-year term will be filled by election to take place within 60 days after the vacancies occur, save where the end of the four-year period falls during this period, or in the interval between legislative sessions.

3. Not less than eight days before the opening of the first ordinary session or, where a vacancy has occurred during the four-year term, during the fortnight following the election to fill it, the Administrative Tribunal shall examine the votes cast and shall publish the names of the elected members, to be published in the Official Gazette.

Art. 23 — 1. The conditions of eligibility of election to the Legislative Council are as follows:

a) To be a Portuguese citizen by birth.
b) To be of age.
c) To be able to read and write Portuguese.
d) To have lived in the province for at least three years.

e) Not to be a civil servant or official of the administrative bodies on active service, unless as a teacher.

2. The provision of § e) does not apply to those members specified in § c), d) and e) of n.° 3 of art. 20.

3. Even though they meet the requirements of n.° 1 of this article, the following may not be elected to the Legislative Council:

a) Those whom the courts have deprived of civil and political rights, or restricted them.

b) Undischarged bankrupts and insolvents.

c) Those who have been sentenced to prison.

d) Those who have been found guilty of crimes for which the punishment is imprisonment.

e) Those who act as consuls or who are employed in foreign consulates.

Art. 24—1. The functions of member of the Legislative Council are obligatory and remunerated for each meeting attended, by a voucher to an amount equal to one-thirtieth part of the monthly salary (basic salary and bonuses) of the head of the provincial department of public services.

2. Those members who do not dwell in the capital of the province are entitled to defrayment
of fares and an allowance to be fixed by the governor in an Order.

3. Only in the following conditions may a member give up his seat:
   a) If he is over 65 years of age.
   b) If he is unable to take an active part in the work of the Council because of illness, to be proved by medical certificate.
   c) If he is prevented from carrying out his duties regularly by unforeseeable circumstances.

Art. 25 — 1. Those members will be deprived of their seats who:
   a) Fail to attend over half of the meetings of the Council held in each administrative year without justifiable cause being shown.
   b) Accept a remunerated post or commission from the Government or from the administrative bodies, except on working parties.
   c) Lose Portuguese nationality, take up permanent residence outside the province or come under one of the situations specified in § b) and c) of n.° 3 of art. 24.

2. It is for the Council itself to decide as to the legitimacy of the non-attendance of its members and to take decisions on resignation or loss of seat in it.
SUB-SECTION II

The functioning of the Legislative Council

Art. 26 — The Legislative Council has its seat in the capital of the province, and for this purpose it is to be given all necessary means.

Art. 27 — 1. The sessions of the Legislative Council will be public except when, to safeguard higher interests, the chairman or his substitute decides against this, either on his own initiative or on the reasoned proposal of any member.

2. The proceedings of the public sessions will, after they have duly been approved, be sent to the Provincial Department of Civil Administration and published as an appendix to the Official Gazette.

3. Copies of the proceedings of secret sessions will be sent urgently and confidentially to the governor, who will send copies to the Overseas Minister.

Art. 28 — 1. The Legislative Council will function in ordinary and extraordinary sessions.

2. There will be two ordinary sessions each year, to last 30 days each, beginning in April and in October. The governor may prolong either, but always provided that the total duration of the two does not go beyond three months.
3. Extraordinary sessions will be held whenever the governor convenes them. Immediate notification of this convening must be sent to the Overseas Minister.

4. During the periods of prolongation of ordinary sessions and during extraordinary sessions, the Council may only deal with those matters expressly specified in the order of prolongation or the notification of convocation.

Art. 29 — 1. The extraordinary convening of the Legislative Council is done by the chairman, by notification published in the Official Gazette eight days before, although this period may be reduced in cases of urgency.

2. The notification must always clearly indicate the reason for convening, and the day, hour and place of meeting.

3. The deliberations of those meetings which were not preceded by the form of convocation laid down in this article are held to be null and void.

Art. 30 — 1. The chairman may call, to attend the ordinary or extraordinary sessions of the Council, to take part in the discussion but without the right to vote, upon those members of the Governor's Council who have reported on the proposals being examined in the Council and also, on the same terms, may invite those officials of the Overseas
Ministry, not less than administrative inspector in rank, who are in the province in the performance of their duties.

2. The chairman may also call upon any person to attend the sessions, without the right to vote, whose special competence may be useful in the discussion of the topics being dealt with.

Art. 31 — The initiative of introducing legislation in the Legislative Council is exercised both by the governor of the province and by the members of the Council, except that the latter may not put forward draft legislation or suggest amendments which would increase provincial expenditure or reduce its revenue, as created by previous legislation.

Art. 32 — 1. The Legislative Council can only function when there are present one half plus one of the total number of members, including the chairman.

2. Decisions are taken by an absolute majority of votes, except where the law demands some other quorum.

3. Where an equal numbers of votes is cast on each side, the chairman has a casting vote.

Art. 33 — 1. The members of the Legislative Council are immune from proceedings as to their
opinions expressed while they are in office, except if:

a) They express opinions contrary to the unity, integrity and independence of the Portuguese Nation.

b) They provoke incitement to subversion of the political and social order.

c) They slander, diffame or insult persons or institutions, outrage public morality or make a public provocation to crime.

2. In the case of § a), the member concerned shall be expelled from the Council and lose his seat. In the cases of § b) and c), he shall either be expelled or shall be suspended for a period not exceeding one year.

3. The infractions committed in the terms of this article shall be examined by a committee made up of the chairman of the Legislative Council and of two members chosen by the Council. The chairman may delegate this task to the vice-chairman.

Art. 34 — 1. The dissolution of the Legislative Council may be decided by the Overseas Minister, when the higher interests of the Nation make this advisable, and when the opinion of the Overseas Council, met in plenary session, has been sought.

2. Dissolution shall be proposed by the gov-
ernor, together with a detailed exposition of the grounds for this step.

3. The Ministerial Order determining dissolution will be published in the Official Gazette and will come into force at once.

4. The election of new members will be carried out according to the provisions of the Organic Law of the Overseas Provinces, the present statute and other applicable legislation, within a period of 60 days, counting from the publication in the Official Gazette of the Order for dissolution.

Art. 35 — The regulations of the Legislative Council should include:

a) The organization of the committees considered to be necessary.

b) The form of voting.

c) The period of notice to be given of topics to be dealt with before the agenda is commenced.

d) The conditions on which draft decrees may be put forward and the periods established for their discussion.

e) The procedure to be followed for the final drafting of legislative decrees approved by the Council.
PART IV

The Governor's Council

Art. 36 — 1. The Governor's Council functions permanently to assist the governor, who presides. Its duties are:

a) To aid the governor in his legislative functions.

b) To express an opinion in those cases provided for in the law, and on all those matters dealing with the administration of the province that are submitted to it by the governor.

c) To approve, within the general limits defined by the central organs of administration, the economic development plans for the province drawn up by the Technical Committee for Economic Planning and Integration.

2. In relation to the Governor's Council the chairman has the same powers as are attributed to him as chairman of the Legislative Council. Where a secretary-general exists he may delegate to him the functions of chairman.

3. The functions of member of the Governor's Council are obligatory and are subject to the provisions of n.° 2 of art. 24.

Art. 37 — 1. The Governor's Council consists
of the secretary-general, the commander-in-chief of
the armed forces or, if there is none or when the
commander-in-chief is the governor, by the senior
of the commanders of the three branches of the
armed forces, by the delegate of the Director of
Public Prosecutions of the district where the capital
of the province is situated, the head of the Provin-
cial Department of the Treasury and Accounting,
and by three members of the Legislative Council,
elected by it at the first ordinary session in each
legislature, one of them being of necessity a
representative of the local authorities.

2. In the absence of a secretary-general, his
place in the Council will be taken by the head of
the Provincial Department of Civil Administration.

3. De officio members will be replaced, when
absent or prevented from attending, by their legal
substitutes in their respective departments.

Art. 38 — 1. The Governor's Council will meet
whenever it is convened by its chairman, and can
deliberate provided a majority of members is
present.

2. The sessions of the Council are not public.
The proceedings, after approval, will be sent to the
Overseas Minister.

3. The chairman may call upon those persons
who can throw light on the matters under discussion to be present.

Art. 39 — 1. The choice of representatives in the Corporative Chamber is the task of the Governor’s Council, on the following terms:

a) The Council shall be especially convened for this purpose by its chairman, with the necessary antecedence.

b) Voting will be done by secret ballot.

c) Representatives will be chosen from among present and former members of the Council, present or former members of the administrative bodies and collective entities of public administrative utility, in the manner that best guarantees adequate representation of the moral, social and economic interests of the province.

2. The number of representatives to be chosen will be as fixed in the Organic Law of the Corporative Chamber.

CHAPTER III

PUBLIC DEPARTMENTS OF THE PROVINCE

Art. 40 — The provincial administration departments comprise:

a) The Governor’s Office.

b) The provincial departments.
c) Independent departments.

d) Departmental branches forming part of national departments.

e) Other departments having a special form of organization.

Art. 41 — The Governor's Office functions under the direct supervision of the governor. It carries out the tasks he gives it and it also deals with the current affairs of the Legislative and Governor's Councils. It will be headed by the Governor's A. D. C. or secretary.

Art. 42 — 1. The Technical Committee for Economic Planning and Integration will function in association with the Governor's Office and under the direct supervision of the governor.

2. This Committee will guarantee the province's share in drawing up the plans mentioned in art. LXIX, part. III, of the Organic Law of the Overseas Provinces, as shall subsequently be laid down by law.

Art. 43 — In the province there shall be the following provincial departments:

a) Civil Administration.

b) Agriculture and Forestry.

c) Customs.

d) Economy and General Statistics.

e) Education.
f) Treasury and Accounting.
g) Geographical and Surveying Services.
h) Navy.
i) Public Works, Ports and Transports.
j) Health and Public Assistance.
k) Veterinary Medicine.

CHAPTER IV
LOCAL ADMINISTRATION

Art. 45 — 1. For the purposes of local administration the territory of the province is divided into districts, made up of parishes. Where, for some exceptional reason, parishes cannot be formed, there will be administrative stations.

2. The town of Dili may be divided into wards.

3. Temporarily, in regions where the necessary economic and social development has not been reached, the districts may be substituted by administrative areas, made up of administrative stations, except in those localities where it is feasible to form parishes.

4. Administrative stations may be divided up into rural areas, and the latter into groups of settlements.

Art. 46 — 1. The territory of the province is divided into the following districts and areas:

a) District of Dili.
b) District of Baucau.
c) District of Bobonaro.
d) District of Cova Lima
e) District of Ermera.
f) District of Lautém.
g) District of Manatuto,
h) District of Suro.
i) District of Viqueque.
j) Area of Oé-Cussi.

2. The Administration of the province is empowered to institute the Districts of Liquiçá and Ainaro when circumstances in the province permit.

Art. 47 — 1. It is the duty of the Administration of the province to institute or abolish wards, parishes and administrative stations, and to settle their designations, areas and seats.

2. As far as possible the designations given them should be based on historical tradition or those names made customary by long habit.

Art. 48 — The administrative authorities are as laid down in art. XLVI of the Organic Law of the Overseas Provinces; their powers and duties will be as provided for in special legislation.

Art. 49 — 1. The town council is the administrative body of the district, and there may also be municipal committees, as the law defines, in those districts where it proves impossible to con-
stitute a town council because of the lack or nullity of election, or so long as the number of electors is below the minimum number laid down in law.

2. Municipal committees can also be constituted in administrative areas and, as the law determines, local or parish boards in administrative stations and in the parishes.

3. The local authorities enumerated in this article are, as the law determines, based on election, but town councils will be headed by a chairman appointed by the governor.

4. In districts where a legislative decree recognizes the low density of population and the scarcity of economic resources, and consequent smallness of revenue, this appointment may be held by the district officer.

Art. 50 — 1. The post of chairman of the town council will be remunerated when the degree of development of the district so justifies and, for the same reason, this post may be declared to be incompatible with the active performance of other public functions.

2. By legislative decree the Administration of the province shall define those cases in which a salary shall be paid, the amount, the conditions governing it and cases of incompatibility.
Art. 51 — The province has its own assets and liabilities. It is its duty to deal with its own property and revenue and to be responsible for its expenditure and debts, and its acts and contracts.

Art. 52 — 1. The financial independence of the province is subject to occasional restrictions, made indispensable because of grave shortages in its Treasury or because of the dangers deriving therefrom for the Nation.

2. In such grave situations are to be included those cases in which:
   a) The budget shows a deficit, especially in the balance of ordinary revenue and expenditure.
   b) The list of expenditure is so organized as to provoke justified apprehension of financial or economic ruin.
   c) Failure to obey the laws of financial administration, especially as concerns the forecast of receipts, which may endanger the balance of the accounts.

3. Restrictions on financial independence are within the powers of the Overseas Minister.

Art. 53 — The provincial budget is unitary, to
include the sum total of revenue and expenditure, including those of independent departments, special partial budgets for which may be issued separately.

Art. 54 — 1. The budget shall be drawn up, voted on and carried out each year by the organs of the province.

2. At the second ordinary session of the Legislative Council each year the governor shall put forward the following:

a) A draft decree defining the principles underlying the budget as regards those forms of expenditure for which no fixed sum is given under some previous law or contract.

b) A forecast of sources of revenue, on which, duly balanced, the budget must be based.

c) Projected manner of obtaining the resources necessary to cover extraordinary investments.

d) Specification of those sums of expenditure which ensue from decrees that were not included in the budget of the previous economic year.

3. In accordance with the decree then approved by vote, the budget will be drawn up. Independently of any further consultation of the Legislative Council, but after the opinion of the Governor's Council has been sought, the governor will publish the budget by 31 December in each year, and it will
be put into practice by virtue of a legislative decree signed by him.

4. When for any reason the budget cannot come into force at the beginning of an economic year, the collection of revenue fixed for an indeterminate period, or for a period which includes the new economic year, will continue as laid down by previous legislation. As far as ordinary expenditure is concerned, the budget of the previous year and the credits granted during it to meet new permanent liabilities will continue in effect, on the basis of twelfth parts thereof.

Art. 55 — 1. It lies within the governor's powers to grant credits, and transfer and increase allotments. Each month the files which led to the operations authorized under this article, effected during the previous month, shall be sent to the Overseas Ministry.

2. Credits will be granted by Order after the opinion of the Governor's Council has been sought. Transfers and increases of allotments are carried out by Governor's Order or decision, according to the laws of financial administration and independently of consultation of the Council.

Art. 56 — The order of priority of expenditure will be decided by the governor.
CHAPTER VI

GENERAL AND PROVISIONAL PROVISIONS

Art. 57 — Save special declaration, laws and other decrees will come into force within the following time-limits, counting from date of publication in the Official Gazette:

a) Five days in the district of Dili.

b) A fortnight in the remainder of the province.

Art. 58 — The departmental services of the province continue to be administered by the organic decrees at present in force, into which shall be introduced those alterations necessary to adapt them to the provisions of the Organic Law of the Overseas Provinces and this statute.

CLARIFICATION AND PROVISIONAL PROVISIONS

Art. 2. All other special declarations, laws and other decisions will come into force within the following question, counting from the date of its publication in the "Official Gazette" of five days in the respective districts.

Art. 4. In the event of the provincial government deciding to grant in force, into which shall be spread out these alterations, such care must be taken that the provisions of the Organic Law of the autonomous provinces and this statute.


Silvan, Lda. - Lisbon