

JOURNAL OF THE REPUBLIC
OFFICIAL PUBLICATION OF THE
DEMOCRATIC REPUBLIC OF EAST TIMOR
Wednesday 27th of August of 2008
Series I, No. 36

DECREE LAW No. 32/2008

Of the 27th of August

ADMINISTRATIVE PROCEDURE

The Administrative Procedure establishes the rights of citizens, allowing their participation in the administrative process and assuring protective mechanisms with the purpose of safeguarding and allowing the exercise of these rights.

With the approval of the Administrative procedure, the Government intends to control the organisation and functioning of the Public Administration, rationalising services, as well as to regulate the formation of the Administration's aims, respecting the legitimate rights and interests of those administered;

The norms contained in the present decree law allow the participation of interested parties in forming the decisions that directly affect them and ensuring they obtain useful and timely information, avoiding excess bureaucracy and orientating public services to the needs of the population. This will safeguard the transparency of administrative action and respect for citizens' rights.

Thus, under the terms of line b) of number 1 of article 115 of the Constitution of the Republic, the Government decrees the following, to have the standing of a law:

CHAPTER I
PRELIMINARY DISPOSITIONS AND GENERAL PRINCIPLES

Article 1
Definition

1. Administrative procedure is understood to be the ordered succession of acts and formalities intended to form and demonstrate the aims of the Public Administration, or their executions.
2. The administrative process is the combination of documents containing the acts and formalities that constitute the administrative procedure.

Article 2
Scope of Application

1. The dispositions of this Decree Law apply to all bodies of the Direct or Indirect Public Administration that, in the performance of administrative activity of public management, establish relations with particulars.
2. The dispositions of this Decree Law may be mandated to apply to the actions of particular institutions of the public interest.
3. The general principles of administrative activity defined in the present Decree Law are applicable to all actions of the Administration, even if purely technical or of private management.

Article 3
Principle of equality and proportionality

1. In its relations with individuals, the Public Administration must be ruled by the principle of equality, and must not benefit, prejudice, deprive of any right or exempt from any duty and administered person on the grounds of background, sex, race, language, origin, religion, political or ideological convictions, creed, economic situation or social status.
2. The decisions of the Administration that conflict with the subjective rights or legally protected interests of parties may only affect such to a suitable and proportional extent based on the objectives to be achieved.

Article 4
Principle of use of official languages

Public Administration bodies, in the exercise of their activity, must use an official language.

Article 5
Principle of justice and impartiality

In the exercise of its activity, the Public Administration must treat all those with whom it has relations in a fair and impartial manner.

Article 6
Principle of good faith

1. In the exercise of its administrative activity, and in all its types and phases, the Public Administration and other parties must act and interact based on good faith.

2. In discharging the disposition of the previous number, the fundamental values of law that are relevant in the situation must be taken into account, and, in particular:

- a) The support of trust in the counterparty by the action in question;
- b) The objective to be achieved by the action taken.

Article 7
Principle of decisions

1. The administrative bodies have the duty to issue a decision over all subjects within their competence that are submitted to them by parties, and specifically:

- a) About subjects that these parties related directly to them
- b) About any petitions, representations, complaints, claims or appeals set out in the defence of legality or the general interest.

2. There is no duty to issue a decision when, within two years from the date the act occurs to the date of presentation of the request, the competent body has taken administrative action on the same request set out by the same individual with the same foundations.

Article 8
Principle of free delivery

1. The administrative procedure is free, except where a specific legal standard determines the payment of charges or expenses incurred by the Administration.

2. In a case of proven inability to pay, the Administration exempts the interested party from payment of the charges or costs referred to in the previous number.

Article 9
Principle of access to justice

Individuals are guaranteed access to courts with administrative jurisdictions, in order to obtain settlement of disputed acts by the Administration, and for the guardianship of their rights or legally protected interests, under the terms set out in the legislation that regulates administrative disputes.

CHAPTER II
COMPETENCE IN ADMINISTRATIVE MATTERS

Article 10
Non-renunciation and inalienable competence

1. Competence is defined by law or regulations and is inalienable and cannot be renounced, without prejudice to dispositions related to delegation of powers and replacement.

2. Any act or contract that is intended to renounce the ownership or exercise of the competence conferred on administrative bodies is null and void, without prejudice to the delegation of powers and figures for such purpose.

Article 11
Establishment of competence

1. Competence is established at the moment the procedure is initiated, regardless of factual modifications that occur at a later date, except as set out in no. 3 below.

2. Modifications to the law are also irrelevant, except where the body concerned is terminated, loses its competence, or was initially attributed such competence incorrectly.

3. When the territorially competent body changes, due to the process being referred.

Article 12
Control of competence

1. Before any decision, the administrative body must certify that it is competent to rule on the question.

2. Lack of competence must be resolved through official process by the administrative body and may be appealed against by the interested parties.

Article 13
Presentation of a requirement to a body with no competence

When an individual submits a requirement, petition, claim or appeal to a body with no competence, the respective document is sent via official process to the competent body, which action shall be notified to the individual.

CHAPTER III
INTERESTED PARTIES AND LEGITIMACY

Article 14
Intervention in the administrative procedure

All parties have the right to intervene personally in the administrative procedure, or to be represented or assisted within it, including by means of a proxy.

Article 15
Legitimacy

1. Holder of subjective rights or legally protected interests that are harmed by administrative action may legitimately initiate the administrative procedure and intervene in it, as may associations that are intended to defend such interests.

2. The following are also considered legitimately entitled to protect their various interests:

a) Citizens to whom administrative action causes or may be foreseen to cause harm related to fundamental rights such as public health, housing, education, cultural heritage, the environment, property rights and quality of life.

b) Resident in the area in which any public good is affected by action of the Administration.

3. No claim or appeal may be made by those who, unreservedly, have expressly or tacitly accepted an administrative act after it takes place.

Article 16

Communication to interested parties

1. The start of an Administrative procedure is communicated to those persons whose rights or legitimately protected interests may be harmed by acts to take place within the procedure and those that can be identified by name.

2. The communication must indicate the entity that ordered initiation of the procedure, the date on which it began, the service for which it is taking place and the respective objective.

CHAPTER IV

INITIATIVE AND THE RIGHT TO INFORMATION

Article 17

Initiative

The administrative procedure commences with an initiative by the Administration or a requirement from interested parties.

Article 18

Powers of the Administration

The administrative bodies, even when the procedure has been initiated by the interested parties, may carry out the investigations that they consider suitable for the instruction, including matters not mentioned in the requirements or responses from the interested parties, and decide on a different or wider matter than that requested, when the public interest so demands.

Article 19

Duty of swiftness

The administrative bodies must enable rapid and effective progress of the procedure, whether by rejecting and avoiding any irrelevant or dilatory item, or by ordering and

promotion everything needed to lead the procedure and to reach a fair and suitable decision.

Article 20 Right of interested parties to information

1. Individuals have the right to be informed by the Administration whenever they request about the progress of procedures in which they are directly involved, as well as the right to be advised of definitive resolutions taken on them.
2. The information to be supplied covers the indication of the service where the process is taking place, the acts and investigations taken, the deficiencies to be addressed by the interested parties, the decisions adopted and any other elements requested.
3. Information may not be supplied about documents or elements:
 - a) That are classified as secret or confidential;
 - b) That, if known by the interested parties, may compromise the principal aim of the procedure or the fundamental rights of other people.
4. Information requested within the scope of this article must be supplied within a maximum period of ten working days.
5. Refusal to supply information must always be well-founded and set out in writing.

Article 21 Consultation of the process and issuing of certificates

1. The interested parties have the right to consult a process that does not contain classified documents, or that reveals commercial or industrial secrets or literary artistic or scientific secrecy.
2. The interested parties have the right, by means of payment of the due amounts, to obtain a certificate, reproduction or authenticated declaration of the documents contained in the processes that they access.

Article 22 Certificates independently of official order

1. The competent functionaries are obliged to provide to the interested parties, independently of any official order, and within a period of ten working days counting from presentation of the respective request, a certificate, reproduction or authenticated declaration that contains all or some of the following, consistent with the request:
 - a) Date of presentation of the request or similar documents;

b) The content of these documents or the intent set out in them;

c) The stage that the process has reached;

d) Resolution taken or absence of such resolution.

2. The duty established in the previous number does not encompass classified documents or those that reveal commercial or industrial secrets or literary artistic or scientific secrecy.

Article 23

Extension of the right to information

1. The right to information extends to any persons who prove legitimate interest in becoming aware of the respective elements.

2. Exercise of the right set out in the previous number depends on an order issued by a service official, set out in a written requirement, supported by documents proving the claimed legitimate interest.

Article 24

Principle of open administration

1. Individuals have the right to access administrative archives and records, even if such are not in the course of any procedure in which they are directly involved.

2. Right to access nominated documents is reserved to persons to whom the data relates and to third parties who demonstrate a direct and personal interest.

3. Access to administrative archives and records may be refused for a decision founded on matters related to public safety, criminal investigation and personal privacy.

4. Access to administrative archives and records as a general rule takes place by means of this issuance of certificates or authenticated photocopies of the elements contained.

5. Direct consultancy or the issuance of certificates or photocopies, when permitted or authorised, must be assured to the interested parties within a maximum period of ten working days.

CHAPTER V

NOTIFICATIONS AND PERIODS

Article 25

Duty to notify

The interested parties must be notified of administrative acts that:

- a) Decide on any claims made by them;
- b) Impose duties, conditions or sanctions, or cause prejudice;
- c) Create, terminates, increase or reduce rights or legally protected interest, or affect the conditions of their exercise.

Article 26
Dispensing with notifications

Notification of acts is dispensed with in the following cases:

- a) When they are given orally in the presence of the interested parties;
- b) When the interested party, by means of any intervention in the procedure, shows perfect awareness of the content of the acts in question.

Article 27
Content of the notification

The notification must contain:

- a) The full text of the administrative act;
- b) The identification of the administrative procedure, including an indication of the author of the act and its date;
- c) The body competent to implement the act and the period for this to take place;
- d) An indication of whether the act is or is not open to appeal.

Article 28
Modification period

Where no period is specifically fixed, the administrative acts must be notified within the period of ten days.

Article 29
Form of notifications

1. The notifications must be made personally, in writing or by telephone, in accordance with the possibilities and suitable options.

2. If any of the personal forms of notification referred to are impossible, or if the interested parties to be notified are unknown or are so numerous as to make such forms of notification unviable, notification is made in writing in advertisements in journals.

Article 30
General period

1. In the absence of a special disposition or a term established by the Administration, the period of acts to be carried out by administrative bodies is up to fifteen days.

2. The period for interested parties to request or carry out any acts, promote investigations, respond to subjects about which they are required to rule, or exercise other procedural powers, is also fifteen days.

CHAPTER VI
STAGES OF THE PROCEDURE

Article 31
Initial requirement

1. The initial requirement by the interested parties must be set out in writing and contain:

- a) The designation of the administrative body to which it is directed;
- b) The identification of the petitioner;
- c) An exposition of the facts on which the request is based and, when possible to the petitioner, the respective foundations;
- d) An indication of the request in clear and precise terms;
- e) The date and signature of the petitioner, or of other party, on its appeal, if the same is not known or cannot sign.

2. Each requirement must not contain more than one request, except where dealing with alternative or subsidiary requests.

Article 32
Error in the initial requirement

1. If the initial requirement does not meet the terms of the previous number, the petitioner is invited to correct the errors that the administrative body identifies as such.

2. Without prejudice to the terms of the previous number, the administrative bodies and agents must aim to correct errors in the requests in a way that avoids the interested parties suffering harm due to simple irregularities or a mere imperfection in setting out their requests.

3. Those requests that do not contain the identification of the petitioner, and those that, after an invitation to provide clarification, remain unintelligible, will be rejected from the outset.

Article 33 Presentation of requests

1. The requests must be presented to the departments of the bodies to which they are directed.
2. The presentation of requests is always noted in the records, which must mention the respective order number, date, objective of the request, number of documents attached and petitioner's name.
3. The requests are registered in order of presentation, by means of a receipt.
4. The registration is noted on the requests, by means of a mention of the respective number and date, with the initials of the official who registered them.

Article 34 Reasons for termination

The procedure is terminated by a decision being taken, as well as by other facts set out in the following articles.

Article 35 Obligatory nature of the express decision

The competent bodies are obliged to hand down an express decision that resolves all pertinent questions that arise during the procedure and that have not been decided at an earlier date.

Article 36 Desistance and renunciation

1. The interested parties may, by means of a written request, desist from the procedure or from any of the requests formulated, and may also renounce their rights or legally protected interests, except in the cases set out in law.
2. Desistance or renunciation by the interested parties does not prejudice the continuation of the procedure, if the Administration considers it in the public interest to do so.

Article 37
Suspension

1. Any procedure that, for a reason imputable to the interested party, is halted for more than six months will be declared suspended, except where a decision on the procedure is in the public interest.
2. Suspension does not terminate the right that the individual intended to support.

Article 38
Supplementary impossibility or lack of utility

1. The procedure is terminated when the body competent to take the decision has verified that the objective of the procedure has been reached, or the objective of the decision becomes impossible or lacks usefulness.
2. The declaration of termination referred to in the previous number always provides grounds for an appeal to be lodged in general terms.

CHAPTER VII
ADMINISTRATIVE ACT

SECTION I
VALIDITY OF THE ADMINISTRATIVE ACT

Article 39
Concept of the administrative act

For the purposes of the present law, administrative acts are defined as those decisions of Administration bodies that encompass standards of public law intending to produce legal effects in a specific and definite situation.

Article 40
Condition, term or method

Administrative acts may be subject to a condition, term or methods, where these are not contrary to the law or to the purpose for which the act is intended.

Article 41
Form of the acts

Administrative acts must be drawn up in writing, on condition that no other form is set out in law or imposed by the nature and circumstances of the act.

Article 42
Obligatory inclusions

1. Without prejudice to other specially demanded references, the act must always contain:

- a) An indication of the authority that has taken it;
- b) Mention of delegation of powers, where such exists;
- c) Appropriate identification of the recipient or recipients;
- d) A summary of the facts or acts that originated it, when relevant;
- e) The foundations, when required;
- f) The content or meaning of the decision and the respective objective;
- g) The date on which it comes into affect;
- h) The signature of the author of the act.

2. All the inclusions demanded by the previous number must be set out clearly, precisely and completely in a manner that can unequivocally determine its meaning and scope and the legal effects of the administrative act.

Article 43
Duty of foundations

1. Legal foundations must be provided for administrative acts that, totally or partially:

- a) negate, terminate, restrict or affect in any way rights r legitimately protected interests, or impose or affect duties, charges or sanctions;
- b) Decide a claim or appeal;
- c) Decide against the claim or opposition set out by the interested party;
- d) Decide against an official opinion, report or proposal;
- e) Decide in a different fashion from precedents set by the resolution of similar cases, or in the interpretation and application of the same legal principles or precepts;
- f) Imply a revocation, modification or suspension of a previous administrative act.

2. Except where there is any legal disposition to the contrary, orders given by hierarchical superiors to subordinates in matters of service and in a legal manner do not need to provide foundations.

Article 44
Requisites of foundations

1. The foundations must be expressly stated, by means of a summary exposition of the factual and legal foundations for the decision, and may consist of a simple declaration of accordance with the foundations of prior opinions, reports or proposals that constitute, in this case, an integral part of the respective act.
2. The adoption of foundations that, due to obscurity, contradiction or lack of grounds, do not definitively clarify the motivation for the act, equates to lack of foundation.

SECTION II
EFFECTIVENESS OF THE ADMINISTRATIVE ACT

Article 45
General rule

1. The administrative act becomes effective on the date it is carried out, except in cases where the law or the act itself attributes effectiveness that is retroactive, deferred, or conditional on publication.
2. For the purposes of the previous number, the act is considered to have been carried out when its elements are fulfilled, with any reason determining its cancellation notwithstanding for this purpose.

Article 46
Retroactive effectiveness

1. Administrative acts have retroactive effectiveness:
 - a) Where they are limited to interpreting previous acts;
 - b) Where they are taken to execute a court decision that annuls administrative acts, except where dealing with renewable acts;
 - c) Where the law attributes this effect.
2. In addition to the cases encompassed in the previous number, the author of the administrative act may only attribute retroactive effectiveness to it:
 - a) When such retroactivity is favourable to the interested parties and does not harm the rights or legally protected interests of third parties, on condition that the presumptions that justify the retroactivity were in place on the date intended to be used for effectiveness of the act.

b) When the decision in question are those that revoke administrative acts taken by bodies or agents in the course of a hierarchical claim or appeal.

c) When the law allows.

Article 47
Deferred effectiveness

The administrative act has deferred effectiveness:

a) When it is subject to approval;

b) When its effects are subject to a suspense condition or term;

c) When its effects, due to the nature of the act or by legal disposition, depend on verification of any requisite that does not relate to the validity of the act itself.

Article 48
Obligatory publicity

1. Publicity for administrative acts is only obligatory when demanded by law.

2. Failure to publicise acts, when legally demanded, implies their lack of effectiveness.

Article 49
Effectiveness of acts that constitute duties or charges

1. Acts that constitute duties or charges for other parties and are not subject to publication become effective from their notification to the recipients or by any other form of official recognition by them, or by the start of execution of the act.

2. Official knowledge is presumed when the interested party intervenes in the administrative procedure and reveals perfect awareness of the content of the act.

SECTION III
INVALIDITY OF THE ADMINISTRATIVE ACT

Article 50
Void acts

1. Acts that are devoid of any of the essential elements, or for which the law expressly prohibits this form of invalidity, are null and void.

2. The following, specifically, are null and void:

a) Acts based on usurping power;

- b) Acts that are beyond the attributed powers of the collective entity to which the author belongs;
- c) Acts whose objective is impossible, unintelligible or constitutes a crime;
- d) Acts that infringe the essential content of a fundamental right;
- e) Acts taken under coercion;
- f) Acts that lack any legal basis;
- g) Deliberations of collegiate bodies that were taken without due process or with failure to observe a quorum or legally demanded majority;
- h) Acts that infringe judges cases;
- i) Acts as a consequence of administrative acts that have previously been annulled or revoked, on condition there are no counter-interest parties with a legitimate interest in maintaining the consequent act.

Article 51 Nullifying regime

1. A null and void act will not have any legal standing, independently of any declaration of nullity.
2. Null and void status can be invoked at any time by any interested party and may be declared, also at any time, by any administrative body or any court.
3. The dispositions of the previous numbers do not prejudice the attribution of certain legal effects to factual situations that arise from null and void acts, by the force of simple passage of time, in accordance with general principles of law.

Article 52 Annulable acts

Administrative acts may be annulled when they infringe applicable legal principles or standards whose violation is not provided for in another sanction.

Article 53 Annulable regime

1. The annulable act may be revoked in the terms set out in this decree Law.
2. The annulable act may be appealed against in court, under the terms of the legislation that regulates administrative disputes.

Article 54
Ratification, revision and conversion

1. Null and void acts are not liable to ratification, revision and conversion.
2. Annulable acts may be ratified, revised and converted under the standards that regulate competence for revocation of invalid acts and their timeliness.
3. In the event of lack of competence, the power to ratify the act is held by the body competent to carry it out.
4. On condition that there has been no alteration to the legal regime, the ratification, revision and conversion is retroactive in its effects on the acts to which it relates.

SECTION IV
REVOCATION OF AN ADMINISTRATIVE ACT

Article 55
Initiative for the revocation

Administrative acts may be revoked by an initiative of the competent bodies, or at the request of the interested parties, by means of an administrative claim or appeal.

Article 56
Irrevocable acts

1. The following acts are irrevocable:
 - a) Null and void acts;
 - b) Acts annulled contentiously;
 - c) Acts revoked that have retroactive effectiveness.
2. Acts that have expired or completed may be revoked with retroactive effectiveness.

Article 57
Revocability of valid acts

1. Administrative acts that are valid may be freely revoked, except in the following cases:
 - a) When its irrevocability results from a legal obligation;
 - b) When they constitute rights or legally protected interests;
 - c) When they result in legal obligations on, or enshrined rights for, the Administration.

2. Acts that constitute rights or legally protected interests may, however, be revoked:

a) To the extent that they are unfavourable to the interests of their recipients;

b) When all the interested parties give their agreement to revocation of the act and it does not encompass unavailable rights or interests.

Article 58 Competence to revoke

1. Except in the case of special disposition, administrative acts may be revoked by their authors and also by their respective hierarchical superiors, on condition that the act is not in the exclusive competence of the subordinate.

2. Administrative acts carried out by delegation or sub-delegation of powers may be revoked by the delegating body as well as by the delegate while the delegation is in force.

Article 59 Effectiveness of the revocation

1. The revocation of administrative acts is only effective for the future, except for the disposition of the following numbers.

2. The revocation has a retroactive effect when it is based on the invalidity of the revoked act.

3. The author of the revocation may, in the act itself, attribute to it a retroactive effect:

a) When this is favourable to the interested parties;

b) When all the interested parties have expressly agreed on the retroactive nature of these effects and these do not relate to unavailable rights or interests.

Article 60 Rectification of administrative acts

1. Errors in calculation and material errors in expressing the will of the administrative body, when shown, may be rectified at any time by bodies competent to revoke the act.

2. Rectification may take place at the initiative of the competent bodies or at the request of the interested parties, has retroactive effects, and must be carried out in the form and with the publicity used to carry out the rectified act.

SECTION V
EXECUTION OF THE ADMINISTRATIVE ACT

Article 61
Execution ability

1. Administrative acts are executors as soon as they come into effect.
2. Fulfilment of the obligations and respect for the limitations that arise from an administrative act may be imposed coercively by the Administration without prior recourse to the courts and may imply a loss of assets in favour of the Administration.
3. Fulfilment of pecuniary obligations arising from administrative acts may be demanded by the Administration, under the terms of this decree Law.

Article 62
Legality of execution

1. Except when in a state of necessity, Public Administration bodies may not carry out any act or material operations those results in a limitation on the subjective rights or legally protected interests of other parties, without having previously carried out the administrative act that legitimises such an action.
2. Methods must be used in the execution of administrative acts that, as far as possible, while guaranteeing the full realisation of its objectives, involve the least prejudice to the rights and interests of other parties.
3. The interested parties may impugn, administratively and contentiously, acts or operations whose execution exceeds the limits of the executed act.
4. Acts or operations liable to claims of illegality may also be appealed against, on condition that this is not a consequence of the illegality of the executed act.

Article 63
Notification of execution

1. The decision to proceed with administrative execution is always notified to the recipient before the execution is initiated.
2. The administrative body may make the execution notification jointly with the notification of the definitive and executors act.
3. The notification must contain the sanctions that the notified party will incur in the event of failure to comply with the order that may be transmitted by means of the notification.

Article 64
Purposes of the execution

Execution may have the purpose of the payment of a certain amount, the delivery of a certain item, or the supply of a fact.

Article 65
Execution by payment of a certain amount

1. When, by the force of an administrative act, payments must be made to a collective public entity, or by its order, pecuniary supplies, lack of voluntary payment within the established period will lead to a fiscal execution process.
2. For this purpose, the competent administrative body will issue a certificate in legal terms, with executive status, that will be sent, together with the administrative process, to the Public Ministry.

Article 66
Execution by delivery of a certain item

If the obliged party does not deliver the item that the Administration is due to receive, the competent body will take those measures that may be necessary to take administrative possession of the item due.

Article 67
Execution by supply of a fact

1. In the case of execution by supply of a fungible fact, the Administration will notify the obliged party to carry out the due act, establishing a reasonable period for its fulfilment.
2. If the obliged party does not comply within the set period, the Administration may opt to execute it directly or through the intermediation of a third party, with all expenses, including compensation and financial penalties incurred in this case being the responsibility of the obliged party.
3. The positive obligations to supply a non-fungible fact may only be the object of direct coercion on parties who are obliged in the cases expressly set out in law, and always in observance of the fundamental rights of citizens and respect for human beings.

CHAPTER VIII
ADMINISTRATIVE CLAIMS AND APPEALS

SECTION I
GENERALITIES

Article 68
General principle

1. Individuals have the right to request the revocation or modification of administrative acts, under the terms regulated in this decree Law.
2. The right recognised in the previous number may be exercised, depending on the case:
 - a) By means of a claim by the author of the act;
 - b) By means of an appeal to the hierarchical superior to the author of the act;
 - c) By means of an appeal to the body that exercises guardianship or superintendent powers over the author of the act.

Article 69
Foundations of the claim

Except where set out to the contrary, the claims and the appeals may be based on the illegality or inconvenience of the disputed administrative act.

Article 70
Legitimacy

1. The holders of subjective rights or legally protected interests who consider them harmed by the administrative act have the right to claim or appeal.
2. Those parties who have unreservedly accepted, expressly or tacitly, an administrative act after it has been carried out do not have the right to claim.

SECTION II
CLAIMS

Article 71
General principle

1. Claims may be made against any administrative act, except where there is a legal disposition to the contrary.

2. It is not possible to claim against an act that had been the subject of a previous administrative claim or appeal, except where it is founded on the omission of a ruling.

Article 72
Claim period

The claim must be presented within a period of fifteen days counting from:

- a) Publication of the act in the Journal of the Republic, when such publication is obligatory;
- b) Notification of the act, when such has taken place, if publication is not obligatory;
- c) The date on which the interested party became aware of the act, in the remaining cases.

Article 73
Appeal periods

- 1. A claim against acts that are not liable to appeal suspends the period for involvement of the necessary hierarchical appeal.
- 2. A claim against other facts does not suspend or interrupt the appeal periods.

Article 74
Decision periods

The period for the competent body to assess and decide on the claim is fifteen days.

**SECTION III
HIERARCHICAL APPEAL**

Article 75
Objective

All administrative acts carried out by bodies subject to the hierarchical powers of other bodies may be appealed against, on condition that the law does not exclude such a possibility.

Article 76
Periods for submission

Wherever the law does not establish a different period, the period for submission of a hierarchical appeal is fifteen days.

Article 77
Submission

1. The hierarchical appeal will be submitted by means of a requirement in which the appellant must set out all the foundations of the appeal, which may have attached to it those documents that are considered useful.
2. The appeal is sent to the highest hierarchical superior to the author of the act, except where competence to take the decision is delegated.
3. The request to submit an appeal may be presented to the author of the act or to the authority to which it is directed.

Article 78 Effects

1. The necessary hierarchical appeal suspends the effectiveness of the act appealed against, except in those cases in which the law states to the contrary, or when the author of the act considers that failure to execute it immediately would cause serious harm to the public interest.
2. The body competent to assess the appeal may revoke the decision referred to in the previous number, or to take it when the author of the act has not done so.
3. The facultative hierarchical appeal does not suspend the effectiveness of the act appealed against.

Article 79 Notification of counter-interests

Once the appeal is submitted, the body competent to assess it must notify those who may be prejudiced by the ruling, within the period of fifteen days, to appeal against the appropriate parts of the request and its foundations.

Article 80 Intervention of the author of the act

1. After the notification referred to in the previous article or, if this does not take place, after the submission of the appeal, the period of fifteen days will start within which the author of the act appealed against must pronounce on the appeal and send it to the competent body for its assessment, notifying the appellant that the process has been remitted.
2. When the counter interests have not presented any opposition and the elements contained in the procedure sufficiently demonstrate the admissibility of the appeal, the author of the act appealed against may revoke, modify or replace the act in accordance with the request by the appellant, informing its decision to the body competent to assess the appeal.

Article 81
Rejection of the appeal

The appeal must be rejected in the following cases:

- a) When it has been submitted to a body with no competence;
- b) When the act is not liable to appeal;
- c) When the appellant lacks legitimacy;
- d) When the appeal has been submitted outside the period;
- e) When any other reason occurs that obstructs assessment of the appeal.

Article 82
Decision

1. The body competent to assess the appeal may, without subjecting itself to the appellant's request, except in the cases set out in law, confirm or revoke the act appealed against: if the competence of the author of the act was not exclusive, it may modify or replace it.
2. The body competent to assess the appeal may, where applicable, annul, in whole or in part, the administrative procedure and determine the realisation of a new instruction or of complementary measures.

Article 83
Period for the decision

1. When the law does not establish a different period, the hierarchical resource must be decided within the period of thirty days counting from the date the process is sent to the body competent to assess it.
2. The period referred to in the previous number is increased to a maximum of ninety days when there is place for the realisation of a new instruction or of complementary measures.

Article 84
Appeal for protection

1. A protective appeal has as its objective administrative acts carried out by collective public entities subject to guardianship or superintendence.
2. A protective appeal may only be founded on the lack of suitability of the act appealed against in cases in which the law establishes valid guardianship.

3. Modification or replacement of the act appealed against is only possible if the law confers replacement guardianship powers and the act in question falls within the scope of such.

4. Regulatory dispositions of the hierarchical recourse are applicable to a tutelary appeal, to the extent that they do not contradict its own name and the respect due to the autonomy of the protecting entity.

CHAPTER IX
FINAL AND TRANSITORY DISPOSITIONS

Article 85
Revocations

All legal dispositions that are contrary to this present Decree law are revoked.

Article 86
Entry into force

This present Decree Law comes into force on the date of its publication in the Journal of the Republic.

Seen and approved in the Council of Ministers on the 2nd of July of 2008.

The Prime Minister

Kay Rala Xanana Gusmão

The Minister for State Administration and Territorial Planning

Arcângelo Leite

Promulgated on 18-8-08

To be published

The President of the Republic

José Ramos-Horta