

DECREE LAW no. 30/2008

Of the 13th of August

REGIME FOR ATTRIBUTING GRANTS FOR FOREIGN STUDY

In fulfilment of a commitment assumed in its programme, the IV Constitutional Government intends to provide incentives for the international exchange of Timorese higher education students.

It is a concern of the IV Constitutional Government to develop measures of a social nature that promote an improvement in the socio-economic and cultural conditions of the population. Taking into account the importance of higher education in increasing the qualifications of human resources, in an increasingly competitive and demanding society, in term of the employment market, it is crucial to stimulate access to such education.

In this area, considering the evolutionary phase of higher education in our country and taking as an objective the social inequalities that prevent or complicate the possibilities of access to the same, the Government intends this diploma to enable foreign study grants to be obtained by all higher education students who qualify for such, in a way that allow suitable training of employees and the construction of a stable work force in the country.

As a result, the Government decrees, under the terms of line o) of no. 1 of article 115 of the Constitution of the Republic, to have the standing of a law, the following:

CHAPTER I GENERAL DISPOSITIONS

Article 1 Scope of Application

The present decree law defines the conditions for awarding, and the legal regime applicable to, grants for the pursuance of studies and scientific investigation in higher education establishments or investigation centres abroad, granted to national citizens by the Ministry of Education.

Article 2 Objective

The present diploma covers grants intended to finance:

- a) Attendance at higher education courses that lead to obtaining degree qualifications;
- b) Investigative works that lead to obtaining a degree or a post-graduate academic diploma;
- c) Activities of scientific investigation.

Article 3
Grant

The award of grants translates into the attribution of financial under the conditions set out in the respective grant contract, drawn up under the legal regime set out in the present decree law.

CHAPTER II
REGIME OF GRANTS

Article 4
Grant recipient status

The award of a grant under the terms of the present decree law confers on the respective beneficiary the status of Ministry of Education grant recipient.

Article 5
Nature of the relationship

1. The grant contracts do not generate relationships of a judicial-employment or service supply nature, and the grant recipient does not taken on the role of employee or agent.
2. Without prejudice to the disposition of the previous numbers, the grant recipients covered by the present decree law are obliged, on completion of their respective courses, investigation works or scientific investigation activities, to carry out paid professional activity in the public administration of East Timor, on an exclusive basis, for a period equal to double the duration period of the grants.

Article 6
Exclusivity

1. The performance of the grant recipient's functions is carried out exclusively, with the exercise of any other public or private remunerated activity, including the exercise of a profession, not being permitted, except under the terms set out in numbers 2 and 3 of the present article.
2. The following items leading to remuneration are however considered to be compatible with the regime of exclusivity:
 - a) Copyright and industrial property rights;
 - b) Conference and lecture work, short-term professional training courses and other similar activities;
 - c) Participation in panels and commissions to evaluate and issue expert opinions requested by national or foreign entities.

3. Activities are also considered to be compatible with the regime of exclusivity when they consist of actions for another entity, even if remunerated, on condition that they are directly related to the plan of activities connected to the grant and performed on a temporary basis, as well as the exercise of teaching functions.

4. Grant recipients may not benefit, simultaneously, from any other grant, except in a position of co-financing and where there is agreement by the respective financing entities.

5. Each grant recipient may only receive each type of grant once, except in exceptional cases of a different nature and object.

Article 7 Grant contracts

1. The grant contract is required to contain:

- a) The identification of the grant recipient;
- b) The identification of the employing and financing entities;
- c) The identification of this present diploma;
- d) The plan of activities to be carried out by the grant recipient, in the case of post-graduate and post-doctoral programmes;
- e) An indication of the duration and start date of the grant;
- f) The obligation referred to in no. 2 of article 5 of the present decree law.

2. Grant contracts are set out in writing, with the National Board of Technical 7 higher Education of the Ministry of Education being responsible for drawing up a national register of grant recipients.

CHAPTER III RIGHTS AND DUTIES OF GRANT RECIPIENTS

Article 8 Rights of Grant recipients

1. The grant recipients encompassed in the present decree law have the following rights:

- a) Punctual receipt of the financing to which they are entitled by virtue of the award of the grant;

b) Suspension of the financial activities of the grant for reasons of maternity, paternity, child support and family support, under the conditions and for the periods to be established in the general law applicable to the employees and agents of the Public Administration;

c) Suspension of the financial activities of the grant for reasons of sickness of the grant recipient, justified by a medical statement or patient's declaration issued by a hospital establishment;

d) To benefit from health and accident insurance;

e) To benefit from a leave period that does not exceed 22 working days per year;

f) To receive, from the employing and financing entities, all clarifications he or she requests in regard to his or her status;

g) All other rights that arise from the present diploma or from the grant contract.

2. Those grant recipients who are public employees also have a right to the licence set out in line f) of article 53 of Law no. 8/2004 of the 16th of June, counting the time during the duration of the grant contract as effective service time for all legal purposes.

3. The suspension referred to in lines b) and c) of no. 1 takes place without prejudice to the maintenance of payment of the grant for the corresponding time, with this restarting on the first working day of activity of the grant recipient after the interruption.

Article 9 Duties of grant recipients

The grant recipients encompassed by the present diploma are bound by the following duties:

a) To communicate to the Ministry of Education any fact that justifies suspension of the grant, under the terms of lines b) and c) of the previous article, and the future option to extend it for the corresponding period;

b) To communicate to the Ministry of Education the overwhelming reason that determines termination of an application for the status of grant recipient;

c) To expressly mention in all works carried out by the grant recipient that the same are being financed by the Ministry of Education of the Democratic Republic of East Timor, and/or by funds from international countries or organisations, where applicable;

d) To present each year, in the case of grants with a duration of longer than one year, a progress report that, in the case of degree courses, will consist of the presentation of the document providing educational achievement;

- e) To present at the end of the education part of the course, wherever such a position is verified, where dealing with grant recipients enrolled on masters or doctorate programme, a document proving completion, or justifying lack of completion;
- f) To present, within 60 days of the end of the grant period, a final report on the activity carried out, including those communications and publication that have occurred, accompanied, when applicable, by the expert opinion of the mentor or person responsible for the respective activity, in the case of a grant awarded for a masters or doctorate programme;
- g) To request authorisation for the exercise of the remunerated functions set out in no. 2 and 3 of article 6;
- h) To comply with the internal operating regulations of the employing institution.

CHAPTER IV TYPES OF GRANTS

SECTION I GRANTS FOR OBTAINING AN ACADEMIC DEGREE, DIPLOMA OR POST-GRADUATE DEGREE

Article 10 Types

To obtain an academic degree, diploma or post-graduate degree, the Ministry of Education attributes the following types of grants:

- a) Degree grants;
- b) Post-graduate grants;
- c) Masters grants;
- d) Doctorate grants.

Article 11 Recipients and purpose

1. Those study grants attributed within the framework of the present decree law have the principal purpose of providing the country with duly qualified human resources, able, in the medium and long term, to respond to the needs of various sectors of the economy, as well as the public administration, and contributing in this way to the development of East Timor.

2. In relation to each type of grant, the recipients and the purposes are as follows:

- a) The degree grants are intended for students with high school diplomas or equivalent qualifications and aiming to obtain a wide scientific foundation preparation;
- b) The post-graduate grants are intended for graduates and are aimed at providing specialised training in a determined area of knowledge;
- c) The masters' grants are intended for master's students who are aiming to obtain a masters degree;
- d) The doctorate grants are intended for doctoral students who are aiming to obtain a doctorate.

Article 12 Duration

1. The duration of degree grants is, as a general rule, one year, extendable by the same number of years as the duration of the course, increased, in duly justified cases, by a maximum limit of one year.
2. The duration of post-graduate grants is, as a general rule, one year.
3. The duration of master's grants is, in principle, one year, renewable for an equal period, being extended up to a maximum limit of three years.
4. The duration of doctorate grants is, as a general rule, one year, extendable up to a maximum limit of four years.
5. The renewal of the types of grants referred to in the previous numbers takes into account the respective initial period, and in the case of masters and doctorate grants the limit is set as the moment of presentation of the respective thesis or dissertation, even if the maximum limits referred to in no. 3 and no. 4 have not been reached.

SECTION II GRANTS FOR PROSECUTION OF ACTIVITIES OF SCIENTIFIC INVESTIGATION

Article 13 Type

The Ministry of Education awards post-graduate grants for the prosecution of activities of scientific investigation.

Article 14 Recipients and purpose

The post graduate grants are intended for doctorate holders who intend to carry out advanced works of scientific and technological investigation, taking into account the diffusion throughout the economic and social fabric of the knowledge produced or acquired.

Article 15 Duration

1. The post-doctorate grants have a duration of one year, extendible for an equal period.
2. If the grant recipient intends to carry out post-doctorate activities in East Timor, the grant may be extended up to a maximum of six years.
3. In the situations set out in the previous number, the extension of the grant for the following years is condition on a scientific evaluation of the earlier period, to be carried out once three years have elapsed since the start of the grant.

CHAPTER V FINANCIAL CONDITIONS OF THE GRANTS

Article 16 Components of the grant

1. The grant includes the following components:
 - a) Monthly subsistence payment;
 - b) Enrolment, registration or fees;
 - c) Health and accident insurance;
 - d) International return transport, at the start and end of the grant period, at the most financially advantageous fare;
 - e) Accommodation subsidy.
2. No subsidies are due, in any circumstances, except where expressly set out in the present diploma.
3. The component set out in line b) of no. 1 does not constitute an exemption but is a reimbursement to the grant recipient of the amounts that, depending on the case, are required from them and for which they are directly responsible for payment and obligations.

Article 17 Amounts of the components of the grants

The amounts of the components of the grants will be established annually, by ministerial dispatch, in accordance with the values proposed by the National Board of technical and Higher Education of the Ministry of Education.

Article 18
Payment

The payments due to the grant recipients are made monthly and preferably by bank transfer.

CHAPTER VI
PROCEDURES

SECTION I
AWARDING GRANTS

Article 19
Publicity

1. The opening of competitions for the awarding of grants is publicised by means of public advertisements and, whenever necessary and suitable, promoted in the communication media.

2. These advertisements will specifically mention:

- a) The type, purpose, objective, duration and potential recipients of the grant, including the objectives to be achieved by the recipients.
- b) The terms and conditions for renewal of the grant, if such should take place;
- c) The application method, period and location for presentation of candidacies;
- d) The evaluation criteria for the candidacies;
- e) The date and method for disclosing the results;
- f) The applicable legislation.

Article 20
Candidacies

1. Ministry of Education grants may be applied for by national citizens who meet the conditions set out in the present decree law.

2. The candidacies will be presented by means of a request sent to the National Director of Technical and Higher Education of the Ministry of Education, or to whomever he or she delegates this responsibility, duly accompanied by the documents demanded.

Article 21

Documents to support candidacies

1. Without prejudice to the terms that will be established in the respective announcement, the candidacy application for degree, post-graduate and post-doctorate grants from the Ministry of Education must be accompanied by the following documentation:

a) Documents proving that the candidate complies with the conditions demanded for the respective type of grant, specifically certification that proves qualification in the skill or academic level demanded by the competition;

b) A document proving that the candidate is of Timorese nationality;

c) The Curriculum Vitae of the candidate;

d) Plan of the works to be carried out in the case of a candidacy for a degree or post-graduate diploma grant and for the prosecution of activities of scientific investigation.

e) A sworn declaration signed by the candidate that he or she will carry out the functions required of the grant recipient in an exclusive fashion, under the terms of article 6 of the present decree law;

f) Any other documents that the candidate considers relevant to appreciation of the application.

2. The publicity announcement for the award of grants within the scope of the present decree law may, in addition, as a function of the type of grant in question, demand the supply of other documentation related to the appreciation of the merit of the candidates.

Article 22

Appointment of the evaluation panel

The evaluation panel for the grant candidacies is appointed by a dispatch from the Minister of Education, or from whomever this responsibility is delegated to.

Article 23

Evaluation of candidacies

1. The evaluation of candidacies takes into account the merit of the candidate and, in the event of a candidacy for the post-graduate and post-doctorate programme, the plan of works.

2. During the evaluation of the merits of the candidate, their proficiency in the Portuguese and/or English languages is required to be taken into account, to be established by means of a written proof, with the panel, if it considers it necessary, also able to carry out an oral test.

3. Those documents that are not presented in a timely fashion under the terms of article 21 of the present decree law, but lack of which the panel does not consider to be an impediment to evaluating the merits of candidacies, are required to be produced before the date of signing the grant contract, under penalty of automatic cancellation.

Article 24 Disclosure of the results

1. The results of the evaluation are disclosed within the maximum period of 30 days counting from the end of the period for presentation of application by means of public announcements.

2. Those candidates who have been awarded a grant will be notified for the purposes set out in the following article.

Article 25 Period for entering into the contract

1. Within the period of 10 working days counting from notification of the grant being awarded, the candidate must declare, in writing, his or her acceptance.

2. Except where suitable justification is presented, lack of such a declaration within the period referred to in the previous article equates to renunciation of the grant.

3. In the event of renunciation or withdrawal of a selected candidate, the next best-placed candidate will be notified, for the purposes of the previous numbers.

Article 26 Grant contract

The grant contract, to be signed in duplicate by the grant recipient, is required to contain the elements set out in article 7 of the present decree law.

SECTION II RENEWAL OF GRANTS

Article 27 Requirement

The requests for renewals of grants must be presented in an application sent to the Minister of Education, or to whomever is granted the responsibility for this matter, accompanied by the documents demanded within the period of 30 days prior to its expiry.

Article 28 Supporting documents

1. The request for renewal of a grant must be accompanied, specifically and as a function of the type of grant in question, by the following documents:

- a) A document proving educational achievement;
- c) A copy of any communications and publications arising from the activity carried out;
- d) A plan of future works;
- e) The expert opinion of the mentor or the person responsible for the grant recipient's activity;
- f) A sworn declaration signed by the candidate that he or she will carry out the functions required of the grant recipient in an exclusive fashion, under the terms of article 6 of the present diploma.

2. In the case of renewal of a post-doctorate grant presented prior to the expiry of its 3rd year, the requirement mentioned in the previous article must be provided within six months of the start of the new grant period, accompanied by the documents mentioned in lines b), c) and d) of the previous number, for the purposes of the scientific evaluation set out in no. 3 of article 15.

Article 29 Renewal

The renewal of the grant does not require any additional formalities and will be communicated in writing to the grant recipient.

CHAPTER VI EXPIRY AND CANCELLATION OF THE GRANT

Article 30 Cancellation of the grant

The grant may be cancelled, on the basis of a correctly grounded decision, when either of the following is confirmed:

- a) The supply of false declarations in matters related to the award of the grant or for the appreciation of its progress;

b) Serious lack of fulfilment and serious or repeated violation of the duties of the grant recipient set out in the present decree law.

2. This cancellation shall not prejudice the repayment of amounts unduly received, the payment of compensation and the application of other sanctions that may be ruled on within the applicable legal framework.

Article 31
Cancellation of status

The cancellation of the grant will determine cancellation of the status of grant recipient within the Ministry of Education.

Article 32
Expiry

The grant recipient will benefit from the status of a grant recipient within the Ministry of Education from the moment it is awarded until verification of one of the following circumstances:

- a) Expiry of the period for which the grant was awarded;
- b) Communication of an overwhelming reason to determine cessation of the status of grant recipient;
- c) Cessation of the grant by mutual agreement;
- d) Cancellation of the grant and of the status, under the terms of the previous articles.

CHAPTER VII
FINAL DISPOSITIONS

Article 33
Omitted Cases

Omitted cases will be resolved in accordance with the principles and standards contained in the present diploma.

Article 34
Entry into force

This present Decree Law comes into force on the date following its publication.

Approved by the Council of Ministers on the 14th May, 2008

The Prime Minister

Kay Rala Xanana Gusmão

The Minister of Education

João Câncio Freitas

Promulgated on 4-8-08

To be published

The President of the Republic

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