

ADAMAWA STATE HOUSE OF ASSEMBLY

A BILL FOR

A LAW TO AMEND THE ADAMAWA STATE AUDIT LAW NO. 16 OF 2016, SO AS TO PROVIDE FOR THE FINANCIAL AUTONOMY, A SPECIFIC TERM OF OFFICE, FOR OTHER POWERS TO ENSURE THE INDEPENDENCE OF THE AUDITOR-GENERAL AND OTHER MATTERS INCIDENTAL THERETO.

Date of commencement ()

BE IT ENACTED by the House of Assembly of Adamawa State of Nigeria and by the authority of same as follows:-

Short title and commencement

1. This Law may be cited as the Adamawa State Audit (Amendment) Law, 2021 and shall be deemed to have come into operation on the.....day of.....2021

Amendment of Law No. 16 of 2016

2. The Adamawa State Audit Law, 2016 (in this Law referred to as "the Principal Law") is amended as set out in this Law.

Amendment to Section 4 of the Principal Law

3. Section 4 of the Principal Law is amended by deleting the whole section and substituting it with a new section:-

"4 (1) The Auditor-General for the State shall be appointed by the Governor from the three (3) recommended names by the State Civil Service Commission subject to confirmation by the House of Assembly of the State.

(2) The power to appoint a person to act in the office of the Auditor-General for the State shall vest in the Governor.

(3) Except with the sanction of a resolution of the House of Assembly, no person shall act in the office of Auditor-General for a period exceeding six months.

(4) There shall be a Deputy Auditor-General whose function Shall be to assist and deputize for the Auditor-General and he draw his salaries and other allowances as may be determine by the Governor.

(5) The Auditor-General shall serve for a fix period of Four (4) Years and may be reappointed for another term of Four (4) Years and no more.”

Amendment to
Section 5 of the
Principal Law

4. Section 5 of the Principal Law is amended by deleting the whole Section and substituting it with a new Section:

“5 (1) Subject to the mode of appointment of the Auditor-General as contained in the constitution, a person to be appointed Auditor-General shall not be above 56 Years or having less than Four (4) years to retire if appointed from Civil Service, shall be a holder of First Degree in Accountancy or any other related field and has qualified as a Chartered Accountant with ICAN, ANAN or any other Chartered Accounting Institution recognized by Federal Government of Nigeria.

(2) The person to be appointed as Auditor-General must have applied for the office upon advertisement by the Adamawa State Civil Service Commission of the position of Auditor-General of the State.

(3) The person to be appointed as Auditor-General must have Subjected himself or herself to all the stages for the appointment put in place by the Civil Service Commission or anybody appointed by it to handle the process.

(4) The Civil Service Commission shall advertise the office at least three (3) months before the expiration of the term of the incumbent Auditor-General.

Amendment to
Section 6 of the
Principal Law

5. Section 6 of the Principal Law is amended by deleting Paragraphs (c), (d), (e), (h) and (i) and substituting them with new Paragraphs thus:

“(c) the Auditor-General shall have power to provide a list of auditors qualified to be appointed by government statutory corporations, commissions, authorities, agencies, including all persons and bodies established by Law as external auditors and from which the bodies shall appoint their external auditors.”

“(d) the Auditor-General shall provide a guideline on the level of fees to be paid to external auditors.”

“(e) the Auditor-General shall comment on their annual accounts and auditors’ report thereon.”

“(h) the public accounts of the State and of all other persons or Authorities shall be kept in such form as the extant/applicable Financial Reporting Framework may require.”

“(i) in the exercise of his power under this Law the Auditor- General shall not be subject to the direction or control of the Executive or the State House of Assembly or any authority, in the area of selecting of audit issues, planning, auditing and following up the audits and organizing and managing the office.”

“(j) the Auditor General should not be involved or seen to be involved, in an manner, whatsoever in the management of any auditable entity.”

Amendment to
Section 9 of the
Principal Law

6. Section 9 of the Principal Law is amended by adding a proviso to the Section: “provided that the Auditor-General is at liberty to accept the request or not.”

Amendment to
Section 11 of
the Principal
Law

7. Section 11 of the Principal Law is deleted.

Amendment to
Section 13 of
the Principal
Law

8. Section 13 of the Principal Law is amended by deleting Paragraph (d) and substituting it by a new Paragraph:-

“(d) notifying the State Audit Service Commission of proposed appointment to and/or dismissal from junior/senior level position, sanctions of staff, promotion of staff; and taking the report and recommendation of the commission into consideration in these areas before reaching a decision”

Amendment to
section 14 of
the Principal
Law

9. Section 14 of the Principal Law is amended by deleting Sub-section (3) and replacing it with the following:

“(3) The State Auditor-General shall not be removed from office before retirement age of 60 years if appointed from the civil service, or the end of his term if appointed from outside the service, save in accordance with the provision of this Section”

Amendment to
Section 17 of
the Principal
Law

10. Section 17 of the Principal Law is amended by deleting Sub-section (2)(b)

Amendment to
Section 19 of
the Principal
Law

11. Section 19 of the Principal Law is amended by deleting Subsections (1) and (5) and substituting them with new Subsections:

“(1) The salary, Superannuation and benefits of the Auditor-General shall be the same with those of the Accountant-General of the State and shall be charged upon the Consolidated Revenue Fund of the State.

“(5) Apart from the normal allowance currently payable in the service, the Auditor-General and the staff therein shall be paid additional allowances as follows: -

- (a) 100% basic salary as consolidated allowance;
- (b) 50% of basic salary as hazard allowance;
- (c) 50% of basic salary as clothing allowance; and
- (d) Such other allowance as the House of Assembly may approve through the annual appropriation in response to requests from the Auditor-General.”

Amendment to
Section 22 of
the Principal
Law

12. Section 22 of the Principal Law is amended by inserting the words: “shall on the recommendation of Auditor-General” between “Commission” and “includes” to read:

“22. The functions of the Commission shall on the recommendations of the Auditor-General includes: -

- (a) the review of all appointments, recruitments, promotion, dismissal and any exercise of disciplinary control over staff of the Office of Auditor-General for equity and fairness;
- (b) the review of the staff remuneration proposals and staff terms and conditions for adequacy and reasonableness;
- (c) the review of changes of the office administrative structure.
- (d) dealing with other matters relating to broad issues of policy and administration of the Commission”

Subsection (g) of section 22 of the Principal Law is deleted.

Amendment to
Section 23 of
the Principal
Law

13. Section 23 of the Principal Law is amended by deleting the word “Office” from subsection (1)(b) and substituting it with the word “Commission”.

Amendment to
Section 24 of
the Principal
Law

14. Section 24 of the Principal Law is amended by deleting subsection (5) and substituting it with a new subsection:

“(5) The Auditor-General shall prepare and submit his reports to the Speaker, the Governor, the Public, the Governing Boards or Councils of the audited entity, the reports may include comments from the relevant Accounting Officers, but the Auditor-General has full editorial control over his reports.”

Amendment to
Section 25 of
the Principal
Law

15. Section 25 of the Principal Law is amended by adding a new subsection (7).

“(7) The House of Assembly shall appoint external Auditors from a list provided by Auditor-General, or from any other source, who are qualified Auditors to conduct an annual Audit of the financial statement of the Office of Auditor-General and the State Audit Commission. Any Audit firm so appointed may serve one year term of three years, non-renewable within six years thereafter.”

Amendment to
Section 29 of
the Principal
Law

16. Section 29 of the Principal Law is amended by inserting new Sub-section (1A) to read thus:-

“(1A) The House of Assembly shall be responsible for ensuring that the Auditor-General has proper resources to fulfill his mandate, and the Auditor-General shall have the right to appeal directly to the House of Assembly, where the resources provided are insufficient to allow him fulfill his mandate”.

Amendment to
Section 29 of
the Principal
Law

17. Section 29 of the Principal Law is amended by deleting subsection (4) and substituting it with a new subsection:

“(4) For the effective and practical independence of the office of the Auditor-General, the approved Annual Budget for the office shall be paid as a first line charge and released fully on a monthly basis.”

Amendment to
Section 29 of
the Principal
Law

18. Section 29 of the Principal Law is amended by inserting a new Subsection (5).

“(5) The Auditor-General shall prepare and submit an annual report on the activities of his office to the House of Assembly. The report

shall include all the programmes and initiatives undertaking to improve the capacity of the office and the competence of Audit Staff; and is to be made available to the public.”

Amendment to
Section 30 of
the Principal
Law

19. Section 30 of the Principal Law is amended by deleting Subsections (1) and (3) and substituting the following subsections thus:-

“(1) Within a period of six months after the end of each financial Year, the Accountant-General shall present to the Auditor -General consolidated financial statement and Accounts showing the financial position of the State as at the last day of the preceding Year, and stand-alone financial statements for each Ministry or Department, all prepared in accordance with the extant/applicable financial reporting framework.

“(3) Note to the Accounts shall be presented in the following order:
“(a) Statement of compliance with extant/applicable financial Reporting framework:”

Amendment to
Section 33 of
the Principal
Law

20. Section 33 of the Principal Law is deleted and substituted with a new Section thus:-

“33 (1) Without prejudice to any other provision of this Law any person who fails or refuses to reply to an audit query or observation within the appropriate period specified in this Law, shall have his emoluments and allowance withheld so long as the person fails to reply, shall be guilty of an offence and liable to summary conviction.

(2) Notwithstanding the provision of Subsection (1) of this Section, the Office of Auditor-General shall implement an external follow-up system including post Audit meetings with Audited entity to ensure that Audited entities properly address the Audit observations and recommendations as well as those made by the House of Assembly and to confirm that corrective and remedial actions are taken. An annual report on the results of follow-up shall be submitted to the legislature and the auditee’s governing board or equivalent, for consideration and action, and shall be made available to the public”.

Repeal of
Adamawa state
Audit
(Amendment)
Law 2018

21. The Adamawa State Audit (Amendment) Law No. 21 of 2018 is hereby repealed.

This printed impression has been carefully compared by me with the Bill which has passed the House and found by me to be a true and correctly printed copy of the said Bill



UMAR USMAN HAMID
Acting Clerk to Adamawa State House of Assembly

I assent this^{24th}.....day of.....^{July}~~June~~.....2021



RT. HON. AHMADU UMARU FINTIRI
Governor,
Adamawa State of Nigeria

SCHEDULE OF BILL

SHORT TITLE	LONG TITLE	SUMMARY OF CONTENTS	DATE PASSED BY HOUSE
Adamawa State Audit (Amendment) Law, 2021	A Law to Amend the Adamawa State Audit Law No. 16 2016 so as to provide for the Financial Autonomy, a specific term of Office for other powers to ensure the independence of the Auditor-General and for other matters incidental thereto.	The Bill seeks to amend Adamawa State Audit Law, 2016 so as to provide for a Financial Autonomy of the Office of Auditor-General, liberalize and secure the appointment, grant its more powers and make the office more independence to perform its functions efficiently.	22 nd June, 2021



UMAR USMAN HAMID

Acting Clerk to Adamawa State House of Assembly