

AUDIT

LAW, 2021

GOVERNMENT OF BAYELSA STATE OF NIGERIA

AUDIT LAW, 2021

ARRANGEMENT OF SECTIONS

SECTION

PART ONE

Short title, Interpretation and Repeal

1. Short Title
2. Interpretations
3. Repeal

PART TWO

Establishment of the Office of the Auditor-General for Bayelsa State

4. Establishment of the Office of Auditor-General (State)
5. Appointment of Auditor-General (State)
6. Additional Procedures for Appointment of Auditor-General (State)
7. Oath of Allegiance and Office
8. Independence of the Office of the Auditor-General (State)
9. Remuneration and Allowances of the Auditor-General (State) and staff of the Office
10. Tenure of Office of the Auditor-General (State)
11. Cessation of the Tenure of Appointment of the Auditor-General (State)
12. Vacancy of the Position of the Auditor-General (State)
13. Structure of the Office
14. Functions of the Auditor-General (State)
15. Powers of the Auditor-General (State)
16. Staff matters
17. Performance Audit
18. Audit Quality
19. Audit Standard and Code of Ethics
20. Access to information
21. Power to summon
22. Access to banking information
23. Power to conduct search
24. Power to surcharge
25. Application of Funds
26. Audit Report Privileges
27. Reporting Fraud
28. Follow up on audit
29. Submission of Annual Financial Statements to the Auditor-General (State)
30. Submission of Audited Annual Financial Statement to the House
31. Review of Audit Report by the House
32. Refusal to Answer Audit Queries

33. Delegated Authority
34. Annual Estimates
35. Improper Retention of Public Funds
36. Offences
37. Sanctions on Staff Office of Auditor-General (State)
38. Confidentiality
39. Regulation of Audit Contracts
40. Savings and Transitional Provision
41. Liability of Officers
42. Oath of Secrecy
43. Additional Powers to Make Regulations
44. Rules

PART THREE

Establishment of the Office of the Auditor- General for local governments,
Bayelsa State

45. Establishment of the Office of Auditor-General (LGs)
46. Appointment of Auditor-General (LGs)
47. Additional Procedures for Appointment of Auditor-General (LGs)
48. Oath of Allegiance and Office
49. Independence of the Office of the Auditor-General (LGs)
50. Remuneration and Allowances of the Auditor-General (LGs) and staff of the Office
51. Tenure of Office of the Auditor-General (LGs)
52. Cessation of the Tenure of Appointment of the Auditor-General (LGs)
53. Vacancy of the Position of the Auditor-General (LGs)
54. Structure of the Office
55. Functions of the Auditor-General (LGs)
56. Auditing of accounts of the Local Government Councils
57. Powers and Duties of the Auditor-General (LGs)
58. Staff matters
59. Special Assignment of the Auditor-General (LGs)
60. Audit Report Privileges
61. Reporting Fraud
62. Follow up on audit
63. Performance Audit
64. Audit Quality
65. Audit Standard and Code of Ethics
66. Access to information
67. Power to summon
68. Access to banking information
69. Power to conduct search
70. Power to surcharge
71. Access to Persons, Documents, Computers, Information System and Property
72. Application of Funds
73. Submission of Annual Financial Statements to the Auditor-General (LGs)

74. Submission of Audited Annual Financial Statement to the House
75. Review of Audit Report by the House
76. Refusal to Answer Audit Queries
77. Delegated Authority
78. Annual Estimates
79. Improper Retention of Public Funds
80. Offences
81. Sanctions on Staff of the Office of Auditor-General (LGs)
82. Confidentiality
83. Regulation of Audit Contracts
84. Transitional Provision
85. Liability of Officers
86. Oath of Secrecy
87. Additional Powers to Make Regulations
88. Rules

PART FOUR

89. Establishment of the Audit Service Commission
90. Composition of the Commission
91. Qualification of Members of the Commission
92. Appointment of Members of the Commission
93. Disqualification of Members
94. Powers and Functions of the Secretary
95. Powers of the Commission
96. Functions of the Commission
97. Tenure of Office
98. Cessation of Office
99. Filling of Vacancies
100. Remuneration of Members
101. Power to Co-opt
102. Meetings
103. Proceedings
104. Protection of Members
105. Additional Staff
106. Staff Regulations
107. Pensions
108. Funds of the Commission
109. Appointment of Staff of office of the Auditors-General
110. Oath of Office and Allegiance
111. Independent Auditors
112. Audit Committees

SCHEDULES

FIRST SCHEDULE

SECTIONS 7 AND 48

OATH OF ALLEGIANCE

SECOND SCHEDULE

SECTION 7 AND 48

OATH OF OFFICE OF AUDITOR-GENERAL (STATE) AND AUDITOR-
GENERAL (LGs)

THIRD SCHEDULE

SECTION 36

OATH OF SECRECY

FOURTH SCHEDULE

SECTION 96

OATH OF OFFICE OF CHAIRMAN AND MEMBERS OF THE AUDIT SERVICE
COMMISSION

guidelines or not. Information technology, security and independent accounting consultant, conduct and evaluation of the thoroughness and strength of preparation patterning to compliance;

“Executive Council” means the Bayelsa State Executive Council;

“External Auditors” means Independent Auditors appointed to audit Financial Statements;

“Financial Year” means the financial year of the State Government;

“Financial audit” is one that is conducted in other to ensure that the accounting and financial control system is efficient and cooperating properly; and that financial transactions have been correctly authorized and accounted. In other words, it is to ensure that the financial statement and the account have been prepared to present a true and fair view of the State of affairs of the establishment concerned and in respect of the period covered by the audit;

“Governor” means the Governor of Bayelsa State;

“House” means the Bayelsa State House of Assembly;

“Investigation” means an inquiry into specified law or allegations of impropriety, malfeasance, misfeasance or nonfeasance in the obligation, expenditure, receipt or use of public funds of the State, or into specified financial transactions or practices which may involve such impropriety, malfeasance, misfeasance or nonfeasance;

“Local Government Agencies” means Schools Districts; Units of Local Government and their Offices; Boards of Commissions; Agencies; Bodies; Committees and the Local Courts, which obligates, receive or use public funds of the Bayelsa State of Bayelsa State;

“Office” means Office of the Auditor-General for Bayelsa State or Office of the Auditor-General for the Local Governments;

“Officer” means the holder of an office in the Public Service of the State as the case may be;

“Office of Auditor General” means the Auditor General for Bayelsa State or Auditor-General for the Local Governments as the case may be and all employees and agents of the Auditors-General in Bayelsa State, the equipment and facilities maintained by the Auditors-General in Bayelsa State and the records, files and work product of the Auditors-General for the State or Local Governments and those responsible to both/either of them;

“PAC” means Public Accounts Committee of the House;

“Public money” means and includes the public revenue of the State or and any other money held in trust for any period of time by any officer alone or jointly with other persons;

“Post Audit or Audit”. Post audit or audit means a post fact examination of books, documents, records, and other evidence relating to the obligation, receipt, expenditure or use of public funds of Ministries, Departments, Commissions and Agencies including governmental operations relating to such obligation, receipt, expenditure, or use. A post audit is a financial audit, a compliance audit or other attestation engagement or a performance audit as those terms are defined in this law;

“Performance Audit” refers to an independent examination of a programme, function, operation or the management system and procedure of a governmental or non-profit entity to access whether the entity is achieving economy, efficiency and effectiveness in the employment of the available resources;

“Revenue” means the Bayelsa State share from the Federation Account, Internally Generated Revenue and any other Grant and Loans or Receipts;

“Statutory Body” means any Authority established by Law;

“State” means the Bayelsa State of Nigeria;

“State Agencies” means all Offices, Boards, Commissions and Agencies created by Law whether in the executive, legislative or judiciary arm of government, department, boards, commissions, agencies, institutions, authorities, bodies corporate of the State; and administrative units or corporate outgrowths of the Bayelsa State government which are created by or pursuant to statute, Schools; districts and boards; all administrative units and corporate outgrowths of the above and as may be created by executive order of the Government;

“Special audit” means a Financial Audit, a compliance audit, or other attestation engagement of limited scope.

3. The Bayelsa State Audit (Repeal and Re-enactment) Law, 2020 is

Repeal

PART TWO

ESTABLISHMENT OF THE OFFICE OF THE AUDITOR- GENERAL FOR BAYELSA STATE

4. (1) Subject to the provisions of sections 125 and 126 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), there is established the office of Auditor-General for the State (hereinafter in this Law referred to as “the Office”).
- (2) The Office of the Auditor-General shall be headed by the Auditor-General for the State (hereinafter in this Law referred to as “Auditor-General (State)” who shall be appointed by the Governor subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).
- (3) The Office of Auditor-General (State) shall include the Auditor-General (State), all employees and agents of the Office, the equipment and facilities maintained by the Auditor-General (State), the records, files and work products of the Audi
- (4) The Office of the Auditor-General (State) shall:
- (a) be a body corporate with perpetual succession and having a common seal;
 - (b) have power to sue and be sued in its corporate name; and
 - (c) be capable of acquiring and disposing of movable and immovable properties.
5. (1) The Auditor-General (State) shall be appointed by the Governor on the recommendation of the Civil Service Commission, subject to confirmation by the House.
- (2) The position of the Auditor-General (State) shall be filled by the appointment of the most qualified person with cognate experience in service from the office or from the public.
- (3) The Auditor-General (State) shall be:
- (a) a senior management staff of the office not below the rank of Assistant- Director of grade level 15 with not less than

*Establishment of
the Office of
Auditor-General
(State)*

*Appointment of
Auditor-General
(State)*

ten years cognate experience or a competent professional Accountant with requisite qualifications, having attained 15 years cognate experience;

- (b) a professional Accountant and a member of a recognized accountancy body in Nigeria with experience in Public Sector Finance;
- (c) highly proficient in the use of computer audit software;
- (d) not less than 45 years but not more than 56 years of age; and
- (e) a person of proven integrity and good conduct.

6. (1) In recommending person(s) for appointment as Auditor-General (State), the State Civil Service Commission shall declare and advertise the vacancy on the State's website, in two national newspapers, one local newspaper, the official gazette and procurement journal for a minimum period of six weeks before the date set for interview.

*Additional
Procedures for
Appointment of
Auditor-General
(State)*

(2) The Civil Service Commission shall interview the applicants and recommend the top three candidates to the Governor for appointment.

7. Before assuming office, the Auditor-General (State) shall take Oath of Allegiance and Oath of Office which are to be administered by the Chief Judge of the State, as specified in the first and second schedules of this Law.

*Oath of
Allegiance and
Office*

8. (1) The Office of the Auditor-General (State) shall be an independent institution and shall not be subject to the direction or control of any other authority or person in the performance of its functions under this Law especially including but not limited to:

*Independence of
the Office of the
Auditor-General
(State)*

- (a) selection of audit issues;
- (b) planning, programming, conduct, reporting and follow-up of the audits;
- (c) organization and management of his office; and
- (d) enforcement of decisions.

9. (1) The Auditor General (State) shall be paid such salary, gratuity and benefits as may be prescribed by the House, but not

*Remuneration
and Allowances
of the Auditor-
General (State)
and staff of the
Office*

exceeding the amount as shall have been determined by the Revenue Mobilization Allocation and Fiscal Commission.

- (2) The remuneration of the Auditor-General (State) shall be a first line charge on the Consolidated Revenue Fund of the State.
 - (3) The salaries and allowances payable to the Auditor-General (State) and his conditions of service shall not be altered to his disadvantage after his appointment.
 - (4) Any pension granted by virtue of sub-section (1) of this section shall be charged upon the Consolidated Revenue of the State.
 - (5) The Auditor-General (State) shall be entitled to pension for life at a rate equivalent to the annual salary and allowance of the incumbent Auditor-General.
10. (1) The Auditor-General (State) shall not be removed from Office before such retiring age as prescribed by Law, save in accordance with the provisions of this Law.
- (2) Subject to subsection (1) of this section, the Auditor General (State) shall have a tenure of four years and in the event the term expires before he attains the age of retirement, the Auditor General shall automatically be entitled to a second or further term.
11. A person holding the Office of the Auditor-General (State) shall cease to hold office where:
- (a) he is removed by the Governor acting on an address supported by two third majority of the House praying that he be so removed for inability to discharge the functions of his office, whether arising from infirmity of mind or body or for misconduct. Provided that the Auditor-General (State) shall have been given at least twenty- one days' notice in writing to defend himself on the floor of the House;
 - (b) he resigns his appointment or voluntarily retires from the service of the State;
 - (c) he is permanently incapacitated and unable to carry on with his functions effectively based on a report by a legally constituted medical board;
 - (d) he dies while in office;
 - (e) he becomes bankrupt; and

*Tenure of Office
of the Auditor-
General (State)*

*Cessation of the
Tenure of
Appointment of
the Auditor-
General (State)*

- (f) he is convicted for a crime under the Law of Nigeria or any foreign country or under treaty to which Nigeria is a signatory.
12. (1) In the event of the absence or incapacitation of the Auditor-General (State) or where the Office of the Auditor-General (State) is vacant, the Governor shall appoint the most senior Director in the Office as acting Auditor-General (State) for a period not exceeding six months pending the appointment of a substantive Auditor-General (State). *Vacancy of the Position of the Auditor-General (State)*
- (2) A person appointed in line with subsection (1) of this section shall have such qualifications as spelt out in section 2 of this Law.
- (3) No person shall act in the office of the Auditor-General (State) for a period exceeding six months except by a resolution of the House and shall be restricted to only one extension.
13. (1) The Office of the Auditor-General (State) shall consist of such Directorates, Departments, Divisions and Units as may be determined by the Auditor-General (State). *Structure of the Office*
- (2) The Auditor-General (State) shall from time to time, review the administrative structure of the office to meet the prevailing needs.
14. (1) The Auditor-General (State) shall ensure that: *Functions of the Auditor-General (State)*
- (a) all reasonable precautions have been taken to safeguard the collection and custody of public monies or other monies subject to audit and that the laws, directions and instructions relating thereto have been duly observed;
- (b) all monies appropriated or otherwise disbursed have been expended on and applied for the purpose for which the approvals were made by the executive Council of the State and the House and that the expenditures conform with the authority which governs them;
- (c) adequate audit regulations exist for Accounting and Financial operations in the State and that they are duly observed;
- (d) monies have been expended with efficiency and effectiveness and due regard to the economy;

- (e) satisfactory procedures have been established to measure and report the effectiveness of programmes, where such procedures could appropriately and reasonably be implemented;
 - (f) the attention of the appropriate authorities have been drawn to any irregularity observed during the examination of the records and books of accounts as soon as facts of such irregularities have been established and confirmed;
 - (g) as a result of the audit conducted by him, all queries and observations shall be addressed to the Accountant-General, the Accounting Officer or any other appropriate persons;
 - (h) he calls for such accounts, vouchers, statements, documents and explanations as he deems fit;
 - (i) where he deems it fit, make surcharge and specify to the appropriate Head of Department or Institution, the amount due from any person upon whom he had made a surcharge and the reason for the surcharge and shall report the circumstances of the case to the Accounting Officer of the affected department or institution;
 - (j) pre-payment audit of pensions, gratuities and other retirement benefits of State Governments staff and secondary schools teachers are conducted and certified; and
 - (k) there is audit of implementation of policies of government and public entities.
- (2) The Auditor General (State) shall audit:
- (a) the use of public monies, resources or assets by a recipient or beneficiary regardless of its legal nature;
 - (b) the collection of revenues owed to the government or public entities; and
 - (c) the quality of financial management and reporting.
- (3) The Auditor-General (State) shall, in exercising his functions under the provisions of this Law express his opinion as to whether the financial statement/accounts represent the financial

information in accordance with applicable statutory provisions, accounting policies, International Public Sector Accounting Standards, and are essentially consistent with those of the preceding year.

- (4) The Auditor-General (State) or any person authorized by him to conduct periodic checks on a statutory corporation shall, in addition to the audit report, draw attention to the following:
 - (a) the viability, liquidity, stability and solvency of the parastatals, corporations and educational institutions and also the performance of the shares of the corporation in the capital market, where applicable;
 - (b) any delay in the payment of the government's portion of any dividend into the Consolidated Revenue Fund;
 - (c) any fraud or loss and, if so, their underlying causes and person or persons responsible for such fraud or losses;
 - (d) any internal control weaknesses which were identified;
 - (e) the general corporate performance indicating achievements *against* set targets and objectives;
 - (f) where the finances of the body have been conducted with due regard to economy, efficiency and effectiveness, having regard to the resources utilized.
- (5) The Auditor-General (State) shall evaluate the adequacy of the State's enterprise risk management strategies and policies and make recommendations for their improvement.
- (6) The Auditor-General (State) in the exercise of his responsibility shall publish the annual statutory audit report of the State Government electronically and manually after submission to the House.
- (7) The Auditor-General (State) shall decide the content of the audit reports.
- (8) The Auditor-General (State) shall make observations and recommendations in the audit reports, taking into consideration as appropriate the views of the audited entity.
- (9) The Auditor-General (State) shall decide the timing of the audit reports except where specific reporting requirements are prescribed by law.

- (10) The Auditor-General (State) shall publish and disseminate all audits and annual activity reports to the public, once they have been formally submitted to the House of Assembly.
 - (11) The Auditor-General (State) shall submit follow-up reports to the House where necessary.
 - (12) The Auditor-General (State) shall submit audit reports to the governing board, or council of an audited entity, as appropriate, for review and follow-up on specific recommendations for corrective action.
 - (13) The Audit Office shall have an internal follow-up system including post audit meetings with the audited entity to ensure that audited entities properly address the observations and recommendations as well as those made by the House and to confirm that corrective and remedial actions are taken.
 - (14) The Audit Office shall submit their follow-up reports to the House and to the audited entity's governing board as appropriate.
 - (15) The Auditor-General (State) shall submit an annual activity report to the House and the report is to be made available to the public.
15. (1) The Auditor-General (State) shall prepare an audit plan and associated cost not later than three months before the end of the fiscal year.
- (2) The Auditor-General (State) shall audit all financial statements and annual accounts of the State.
- (3) The Auditor-General (State) shall within ninety days of the receipt of the Accountant-General's Annual Consolidated Financial Statements of the State, submit his Annual Audit report to the House.
- (4) The Auditor-General (State) or any person authorized by him in that behalf shall have unrestricted access to all the books, records returns, and other documents both electronically and manually relating to the accounts referred to in subsection (2) of this Section whether kept electronically or otherwise.
- (5) Where it appears at any time to the Auditor-General (State) that any irregularity has occurred in the receipt, custody, or expenditure of public monies or in the receipt, custody, issue, sale, transfer or delivery of any securities, stores or other Government properties, or in the accounting of same, he shall

*Powers of the
Auditor-General
(State)*

immediately bring the matter to the notice of the House or the Accounting Officer of the affected Ministry or Agency and to any other officer he may deem fit.

- (6) The Auditor-General (State) may:
- (a) seek the advice or opinion of the Attorney-General of the State in writing on any question or issue arising from the provisions of this Law in respect of all matters and issues that may be necessary for the due performance and exercise of the duties and powers vested in him, and the Attorney-General shall give his opinion within twenty-one days;
 - (b) deploy to any Government Department, Authority, Commission or Agency, any person employed in his office (referred to in this Law as the "officer") in order to enable the officer carry out his duties effectively for the given period, such Government Agency shall provide the necessary office accommodation and other facilities for the officer so deployed.
- (7) For the purpose of discharging the functions of the Office, the Auditor-General (State), subject to the provisions of this Law, may take necessary actions and enter into any transactions necessary to ensure the proper performance of these functions which may include:
- (a) establishing and implementing a comprehensive human resource management system and policies for managing the staff and staff development programmes;
 - (b) developing and maintaining such systems, whether by computer or other means, for the collection, storage, analysis and retrieval of relevant information and promulgating procedures for conducting audit work;
 - (c) engaging the services of professionals to serve on a contract basis for limited engagements, including those required as part of agreements with international organizations, but all audit opinions shall remain those of the Auditor-General (State); and
 - (d) constituting or establishing any standing or ad hoc committee to facilitate the discharge of the functions of the Office.

- (8) Nothing in this section shall be construed as authorizing the Auditor-General (State) to audit the accounts of or appoint auditors for government statutory corporations, agencies, including all persons and bodies established by Law, but the Auditor General shall provide such bodies with:
- (a) a list of auditors qualified to be appointed as external auditors and from which the bodies shall appoint their external auditors;
 - (b) a guideline on the level of fees to be paid to external auditors;
 - (c) comment on their annual accounts and auditor's report thereon; and
 - (d) to conduct periodic checks on all government statutory corporations, agencies, including all persons and bodies established by Law of the House.
- (9) The Auditor-General (State) may;
- (a) require a public officer to give explanation or information required in order to enable him to discharge his duties;
 - (b) without the payment of fee, cause a search to be made and extracts to be taken or copies made from any book, document or record in any public office.
- (10) The Auditor-General (State) in the performance of his functions under this Law or any other Law may disallow any item of expenditure, which is contrary to Law, and surcharge:
- (a) the amount of any expenditure disallowed upon the person responsible for incurring or authorizing the expenditure;
 - (b) any sum which has not been duly brought into account upon the person by whom the sum ought to have been brought into account; and
 - (c) the amount of any loss or deficiency upon any person by whose negligence or misconduct the loss or deficiency has been incurred.
- (11) A person aggrieved by a disallowance or surcharge made by the Auditor-General (State) may appeal to the High Court of the State.

- (12) The Auditor General (State) shall recruit personnel into departments to fill vacancies that may exist from time to time in the Office.
 - (13) The Auditor-General (State) shall fix the remuneration and other fringe benefits of the staff of the Office.
 - (14) The Auditor-General (State) may enter into agreement with third parties on any matter that has direct impact on the activities of his office.
16. (1) The Auditor General (State) shall establish and implement a comprehensive human resource management system and policy for managing staff development programmes.
- (2) The responsibility for determining the caliber of staff required to ensure the efficient performance and functioning of the Office of the Auditor-General (State) shall reside with the incumbent Auditor-General who shall further be responsible for aligning cost associated with such recruitment of staff with the funds allocated for remuneration in terms of the vote.
- (3) The Auditor General (State) shall be responsible for ensuring that:
- (a) all vacancies are widely advertised;
 - (b) all applicants shortlisted have the required minimum qualifications;
 - (c) that such qualifications are duly verified with the relevant accreditation body; and
 - (d) the required skills and competence levels are confirmed by means of any combination of interviews, examinations, case study based simulations of the work environment and or other means of assessment so as to ensure that persons recruited to positions required by the Auditor-General are consummately suitable for the appointment.
- (4) Any staff employed by the Auditor-General (State) who is eligible for promotion on the basis of time served and having met all additional qualification requirements, the Auditor-General (State) shall recommend to the Commission such staff for promotion.

Staff matters

- (5) It shall be the responsibility of the Commission to ensure that, once a staff is recommended for promotion by the Auditor-General (State), such promotion is effected without undue delay.
 - (6) It shall be the sole responsibility of the Auditor-General (State) to request the commencement of staff disciplinary processes and to articulate the circumstances and nature of breaches in discipline that may necessitate the commencement of the process to the Commission.
 - (7) The Auditor General (State) shall in consultation with the Commission determine in line with the guidelines issued by the Salaries and Wages Commission (or the state level equivalent) the salaries, allowances, pensions and other conditions of service of staff of the Office of the Auditor-General (State); Provided that the salaries, allowances and conditions of service are competitive enough to attract qualitative personnel for the effective discharge of the mandate of the Office.
 - (8) Staff of the Office shall be paid allowances as follows:
 - (a) 20 percent of basic salary for hazard allowances;
 - (b) 20 percent of basic salary for wardrobe allowances; and
 - (c) any other allowances that the Government may approve.
17. The Auditor-General (State) may, for the purpose of establishing the economy, efficiency and effectiveness of the operations of any Ministry, Department or Institution in respect of which appropriation, or other accounts are required to be prepared under any Law of the House or the Constitution of the Federal Republic of Nigeria, 1999, inquire into, examine, investigate or undertake performance audits and report as he considers necessary on:
- (a) the expenditure of public moneys and the use of public resources by Ministries, Departments, Agencies and all Public Institutions;
 - (b) the conduct of, and performance of their functions by Accounting officers; Heads of Ministries, Departments and Agencies and Public institutions;
 - (c) the extent to which a public entity including ministries, statutory corporations, parastatals, commissions, authorities, agencies, persons and bodies established by a Law of the House, is carrying out its activities effectively;

*Performance
Audit*

- (d) any act of omission of a public entity to determine whether waste has resulted or may have resulted or may result;
- (e) any act of showing or appearing to show a lack of probity or financial prudence by a public entity or any of its members, office holders and employees; and
- (f) any other activity undertaken by the Ministries, Departments and Agencies; and all public institutions referred to in this section.

18. (1) The Auditor-General (State), after considering the oversight mechanisms must:

Audit Quality

- (a) Determine the standards to be applied in performing audits, the nature and scope of such audits; and
- (b) Procedures for the handling of complaints when performing such audits.

(2) In setting standards, the Auditor-General (State) shall take into account all relevant factors, including:

- (a) best auditing practices, both locally and internationally; and
- (b) the capacity of the office of the Auditor-General and the auditing profession to comply with those standards.

19. (1) The Auditor-General (State) shall:

*Audit Standard
and Code of
Ethics*

- (a) determine which audit standards be applied; and
- (b) or may establish specific audit programs and code of ethics to the audits conducted by the Office.

(2) The auditing standards shall include:

- (a) Public Sector Auditing Standards issued by Conference of Federal and States Auditors-General;
- (b) Accounting Standards issued by the Financial Reporting Council of Nigeria, (FRCN) and any Professional Body recognized by an Act of National Assembly;
- (c) the Auditing Standards and Code of Ethics published by the International Organization of Supreme Audit Institutions (INTOSAI), African Organization of English-Speaking Supreme Audit Institutions; and

- (d) the Accounting Standards and Code of Ethics published by the International Federation of Accountants (IFAC).

*Access to
information*

20. (1) The Auditor-General (State) and his staff shall have unrestricted access to such people, documents, computers and other information systems and assets as they consider necessary for the proper performance of their functions and to do this the Auditors-General shall:

- (a) advise the person in writing of the nature of the information and why it is needed;
- (b) state that the information is required under this Law;
- (c) may also obtain such information, as he considers necessary in the performance of his functions from a person who is not a member of staff or public office holder;
- (d) not be involved or seen to be involved in any manner whatsoever, in the management of any auditable entity;
- (e) reimburse the person for any reasonable costs associated with producing such information on condition that the person shall not use such information for any other purpose; and
- (f) have a full discretion in the discharge of his responsibilities to cooperate with government or public entities that strive to improve the use and management of public funds.

21. (1) The Auditor General (State) may, in the course of fulfilling his functions, duties or powers:

*Power to
summon*

- (a) summon a person as witness to give evidence either orally or in writing;
 - (b) for the purpose of examining a person, the Auditor General (State) may administer oath.
- (2) Any person who upon examination pursuant to Subsection (1) (a) and (b) of this Section, knowingly makes any false statement or representation on any matter shall be liable to prosecution and punishment under the provisions of the Criminal Law of the State.

22. (1) For the purpose of exercising his power or functions under this Law, the Auditor General (State) may:

*Access to
banking
information*

- (a) examine or audit the account of any person domiciled at any bank where the Auditor-General (State) has reasons to believe that the money in such account are public funds which had been fraudulently or wrongfully paid into the account;
 - (b) as a condition precedent to performing the function in sub-section (1)(a) of this section, **enter into a non-disclosure agreement with the bank** and give the bank absolute assurance that any information disclosed for purposes of examination or audit shall not be used for any other purposes other than as legally intended under this Law, and shall not proceed with any such examination or audit without first obtaining Ex-parte Order of the High Court authorizing such examination.
 - (c) upon being presented with such Order as provided in sub-section (b) of this section, the bank shall produce all relevant records for the account in question, in any form (hard and/or soft copy), that is in the bank's custody or control.
- (2) The Auditor-General (State) shall have the right to make copies of any record including electronic or digital from any bank, and shall have all such copies notarized by a court appointed notary, the cost of which shall be defrayed by the Auditor-General (State).
 - (3) The bank shall append a suitable endorsement electronically or in indelible ink which shall at least identify the bank from where such records and date were obtained.
 - (4) The bank shall electronically initiate or under it's own hand and in ink, initial each page of all records provided in sub-section (3) of this section.
23. (1) The Auditor-General (State) shall have the power under this Law to:

*Power to
conduct search*

- (a) at any time access any government facility, examine the records of an auditee and have extracts taken from any book(s) of account, accounting entries recorded electronically and any other form of accounts maintained that relate to money or stores and as such may have relevance to the subject of an audit without paying any fee;

- (b) at any time execute a search, without a search warrant by order of court on any State owned property, person present on such property or vehicle located on such property in order to locate and appropriate any such records, accounts or general information of relevance to the audit;
- (c) under the authority of the search warrant by order by of court, enter and conduct a search of any private property, premises, vehicle or person where there is reasonable suspicion that a document, account, written or electronic record, general information, or asset which the Auditor-General (State) needs to inspect for reasons of relevance to the audit is hidden or kept on such property, premises, person or in a vehicle located on such property or premises;
- (d) appropriate and retain any such document written or electronic record, general information, or asset for purposes of completing the audit;
- (e) request the support of relevant law enforcement agencies in the execution of the search warrant by order of court where considered necessary;
- (f) the persons conducting the search shall identify themselves to the person in charge of the premises, property or vehicle and shall hand over a copy of the search warrant to the person in charge or affix a copy of the search warrant by order of court to the premises, property or vehicle in a prominent place;
- (g) any such entry and search of property shall be conducted with due regard for decency, order and constitutional rights of the affected person.

24. (1) The Auditor-General (State) in the performance of his functions under this Law or any other laws may disallow any item of expenditure which is contrary to law, and surcharge fully or partially:
- (a) the amount of any expenditure disallowed upon the person responsible for incurring or authorizing the expenditure;
 - (b) any sum which has not been duly brought into account upon the person by whom the sum ought to have been brought into account;

Power to surcharge

- (c) the amount of any loss or deficiency upon any person by whose negligence or misconduct the loss or deficiency has been incurred.
- (2) Where the Auditor-General (State) makes a surcharge or disallow any expenditure, he shall specify to the appropriate Head of Department or Institution, the amount due from any person they have imposed upon a surcharge and shall state the reason for imposing such surcharge and report the results of the examination of relevant accounts, operational processes and circumstances that caused the surcharge to be imposed to the Accounting Officer of the affected Department or Institution.
 - (3) Every sum so specified by the Auditor-General (State) as a surcharge shall become due for payment by the person on whom such surcharge is imposed, within sixty (60) days after the date on which such surcharge was formally imposed.
 - (4) Any such sum as may become payable under this section and which remains outstanding beyond the prescribed period of sixty (60) days shall become recoverable by the relevant Accounting Officer who may, where necessary, initiate civil proceedings and whereupon judgment is obtained in a court of competent jurisdiction shall consider any such sum recoverable as civil debt.
 - (5) Where such sum owed as a civil debt is recoverable from a person in receipt of remuneration from the State Government or any Government institution, such remuneration shall be attached either in full or incrementally to the extent of the sum lawfully due.
 - (6) Where an Accounting Officer is compelled under this section to initiate civil proceedings for the recovery of a surcharge raised by the Auditor-General (State), a certificate signed by the Auditor-General (State) stipulating the amount payable and describing the circumstances that compelled the raising of such surcharge shall be considered prima facie evidence of the facts certified.
 - (7) The Auditor-General (State) if satisfied by new evidence may at any time, revoke any surcharge imposed under this section.
 - (8) Any person aggrieved by a surcharge, the withholding of an emolument or allowance under this section may appeal to the Public Accounts Committee within sixty (60) days from the date

of such directive being issued by the Auditor-General (State) for redress.

- (9) Any aggrieved person as specified under sub-section (8) of this section shall be given a right of appeal to the High Court provided that such appeal is filed not later than fourteen (14) days after the decision of the Public Accounts Committee to withhold the directive of the Auditor-General (State) from being made public pending the decision of the court.

25. (1) The Auditor-General shall defray costs from the established funds under this Law, all the amount payable being sums representing:

Application of Funds

- (a) salaries and running cost of the Office;
- (b) cost of acquisition, rent or upkeep of premises; and
- (c) any other payment incidental to the performance of his functions under this Law.

(2) The Auditor-General shall manage the funds of the Office in conformity with the approved budget and expenses to be paid from the funds, which shall include:

- (a) salaries and allowances of staff of the Auditor-General;
- (b) costs of training and professional development;
- (c) any capital development project or special expenditure; and
- (d) running cost and maintenance expenses.

(3) The Auditor-General shall appeal directly to the House, where the resources provided are insufficient to deliver his mandate.

26. All reports of the Auditor-General (State) submitted to the House shall be treated as House reports and shall enjoy all privileges accorded to House reports.

Audit Report Privileges

27. (1) Where in the course of conducting a financial compliance or performance audit or any emerging audit, staff from the Office of the Auditor-General (State) or auditors appointed under this Law discovers what they believe to be criminal or fraudulent or

Reporting Fraud

corrupt act, they shall immediately notify the Auditor-General (State).

- (2) Where the Auditor-General (State) is satisfied that sufficient evidence exists to warrant special investigation, he shall carry out detailed investigation and make a special report on his findings to the House.

28. (1) There shall be an exit conference between the audit team and audited entity at the conclusion of an audit exercise.

*Follow up on
audit*

- (2) The purpose of the exit conference shall be:
 - (a) to present audit observations to the management of the audited entity in conference before leaving;
 - (b) to give opportunity to the management of the audited entity to provide clarifications to audit observations in conference; and
 - (c) to isolate observations that will be reported on.

(3) The Auditor-General (State) shall schedule post audit meeting with an audited entity within thirty (30) days of issuing the Audit report.

(4) The post audit meetings referred to in this section shall hold at the office of the audited entity to assess the entity's compliance to audit observations and recommendations.

(5) Any unresolved query or issue shall be forwarded to the House for further actions.

(6) Comments on audit observations by the House shall be forwarded to the concerned audited entities for compliance and to the Auditor-General (State).

(7) A post audit meeting shall be convened by the Auditor-General (State) to resolve any unresolved audit issues referred to in subsection (2) of this section.

(8) The Auditor General (State) shall forward reports of non-compliance to the House in respect of the queries of previous audits.

29. (1) The Accountant-General of the State shall, within a period of six months after the end of each fiscal year present to the Auditor

*Submission of
Annual
Financial
Statements to
the Auditor-
General (State)*

General of the State, accounts showing the fiscal position of the State as at the last day of the preceding year.

- (2) The accounts contemplated in sub-section (1) of this section shall include:
- (a) responsibility for financial statement;
 - (b) cash flow statement;
 - (c) consolidated statement of financial position (statement of assets and liabilities);
 - (d) consolidated statement of financial performance (consolidated revenue fund);
 - (e) statement of capital development fund;
 - (f) statement of recurrent revenue and expenditure;
 - (g) donations and grants;
 - (f) statement of contractual liabilities;
 - (g) statement of investments;
 - (h) statement of changes in net assets/equity;
 - (i) accounting policies and notes to the financial statements;
 - (j) statement of external and internal loans; and
 - (k) other statements that may be required by auditing standards, practices or statutes.
- (3) The notes to the financial statements shall provide:
- (a) information about the basis of preparation of the financial statements and the specific accounting policies selected and applied for significant transactions and other events for the purpose of users' understanding and comparability;
 - (b) statement of compliance with approved accounting standards;
 - (c) statement of accounting policies applied;
 - (d) supporting information for items presented on the face of the financial statements; and

- (e) supporting statements.
- (4) Within three months after the close of each fiscal year, the Accounting Officer shall prepare and submit to the Accountant-General with copies to the Auditor-General, appropriation accounts of the money expended under the votes for which they are responsible, showing:
- (a) the services for which the moneys were voted;
 - (b) sums actually expended on each service during the period of the accounts; and
 - (c) state of each vote compared with the appropriation;

Provided that each account shall contain such variation between the expenditure and the sums voted, such other required information shall be in such form as the Accountant-General may direct and the statement as well as the appropriated accounts shall be signed by the Accounting Officer.

30. The Auditor-General (State) shall within ninety days of receipt of the Accountant-General's Financial Statements and Report on Annual accounts of the State, submit his report to the House and the House shall cause the report to be considered by a committee of the House responsible for Public Accounts (referred to in this Law as "the Public Accounts Committee").

*Submission of
Audited Annual
Financial
Statement to the
House*

31. (1) The Public Accounts Committee shall:

- (a) consider each report from the Auditor-General (State) within one year from the date of submission and the process may include questioning relevant establishment, receipt of explanations from the Auditor-General (State) and official responses from the Government.
- (b) make recommendations on the basis of the considerations and monitor their implementation;
- (c) have power to summon the accounting officers, public officials and any member of the public for questioning about the Auditor-General (State's) findings;
- (d) hold its hearing in public or may choose to hold all or part of its hearing in private sessions;
- (e) prepare a report to the House, which may include comments and recommendations at the end of its review

*Review of Audit
Report by the
House*

of each of the Auditor-General's reports and such reports shall be sent to the Auditor-General (State) and all organizations reported on and shall be made available to the public on demand on payment of a minimal fee which shall be prescribed by the Office.

(2) The action of the PAC shall be governed by the standing orders of the House.

32. Without prejudice to any provision of this Law, every person who fails or refuses to reply to an audit query or observation within the period specified in the audit query or a reasonable time thereafter shall have his emoluments and allowances withheld for so long as the person fails to reply and or shall be liable to disciplinary action under the State Public Service Rules.

*Refusal to
Answer Audit
Queries*

33. The Auditor-General (State) or any person acting in that capacity is not personally liable for any act done or failed to be done in good faith in the exercise of the functions of the Office.

*Delegated
Authority*

34. (1) The Auditor-General (State) shall prepare and submit to the House:

*Annual
Estimates*

(a) the annual estimates of revenues and expenditure of the Office of the Auditor-General for inclusion in the State Budget;

(b) the annual estimates of operational and administrative expenses of the Office including salaries, allowances, gratuities and pensions payable to staff;

(c) the annual estimates of capital expenditure of the Office.

(2) The House after considering the submission of the Auditor-General (State) may amend the estimate and thereafter forward same to the Ministry of Budget for inclusion into the State Annual Appropriation Bill.

(3) The Ministry of Budget shall include the estimate of the Office in the Annual Appropriation Bill of the State as forwarded to it by the House.

(4) The House shall be responsible for ensuring that the Office of the Auditor-General has sufficient resources to deliver his mandate.

- (5) Where the resources provided for the office of the Auditor-General (State) is insufficient to allow him to fulfill his mandate, the Auditor-General (State) shall apply to the House for a supplement to its annual budget
 - (6) Any sum appropriated to the Office by the House in each financial year shall be paid by the State as first line charge in equal installment every month of the year.
 - (7) All funds or finances made available to the Auditor-General (State) for the performance of his statutory responsibilities under this Law shall be controlled and applied exclusively by the Auditor-General (State) in accordance with extant financial regulations and without interference by any person or body of persons.
35. (1) Where during the course of an audit, the Auditor-General becomes aware of an improper retention or misappropriation of public funds or public money or any other activity that may constitute an offence under the criminal law of the State or any existing law, the Auditor-General (State) shall immediately report such activities to the Attorney-General of the State or any other authority charged with that function by the State. *Improper Retention of Public Funds*
- (2) The Auditor-General (State) shall attach to his annual report to the House, a list containing a general description of the incidents and the dates on which those incidents took place contemplated in sub-section (1) of this section.
36. (1) It is an offence for any person without lawful justification or excuse to: *Offences*
- (a) obstruct, intimidate, harass, hinder the Auditor General (State) or any person authorized by him in the exercise of his duties and powers under this Law;
 - (b) refuse or fail to comply with any lawful request of the Auditor-General (State) or his representative;
 - (c) fail to produce for inspection to the Auditor General (State) or his representative or otherwise refuse the Auditor-General (State) or his representative access to any books, record, returns, payment voucher, revenue receipt or other documents relating or relevant to any account to be audited by the Auditor-General (State) or his representative when so requested;

- (d) fail to keep proper books of account or proper records leading to any loss of public funds;
 - (e) make a statement or give information to the Auditor-General (State) or his representation which is false or misleading; and
 - (f) suppress any information required by the Auditor General (State) in the performance of his functions under this Law or any other enactment.
- (2) Any person who commits an offence under the provisions of subsection (1) of this section shall on conviction be liable:
- (a) in the case of an individual, to a fine of not less than ₦500,000.00 or to a term of imprisonment not exceeding two years or both;
 - (b) in the case of body, corporate or firm, to a fine of not less than ₦1,000,000.00;
 - (c) where a body corporate or firm is convicted of an offence under this section, every Director of the company or firm shall be liable to fine of not less than ₦500,000.00 or to a term of imprisonment not exceeding two years or both unless he proves that the offence upon which the conviction was based was committed without his knowledge, consent or connivance;
 - (d) accounting officers and public officers shall be held responsible for full recovery of losses discovered from his subordinates; and
 - (e) where an accounting officer or public officer, individual, body or company fails to make necessary recovery and it is proved that he fails to make reasonable effort to recover the said loss, he shall be guilty of an offence and shall be liable to a penalty of ₦1,000,000.00 plus the amount of loss involved.

37. Any member of staff of the Office of the Auditor-General (State) who:

- (a) demands or takes any bribe, gratification, compensation or reward during the performance of his duty; or

*Sanctions on
Staff Office of
Auditor-General
(State)*

- (b) fails to report to the Auditor-General (State) any abuse or irregularity within his knowledge in the course of his duties in relation to any account audited; or
- (c) makes any report to the Auditor-General (State) which he knows to be false or which he has no reason to believe to be true;

commits an offence under this Law and shall be liable on conviction to a fine of not less than ₦1,000,000.00 or imprisonment for two years or both.

38. The Auditor-General (State) and every person employed in the Office or appointed or engaged to assist the Auditor-General (State) for a limited period of time or in respect of a particular matter shall keep confidential all matters that come to his knowledge in the course of his employment or duties under this Law and shall not communicate those matters to another person, except as may be required in connection with the discharge of his responsibility.

Confidentiality

39. (1) All private audit firms and consultants taking up audit contracts and consultancy jobs relating to audit work must be registered with the Office of the Auditor-General (State).

*Regulation of
Audit Contracts*

(2) The Auditor-General (State) shall provide a list of qualified auditors, audit firms and audit consultants who are duly registered with the Office of the Auditor-General to the management of any organization to choose a firm for a defined period not exceeding three years.

(3) The Audit firm so chosen shall carry out its mandate in accordance with professional standards acceptable to the office of the Auditor- General.

(4) Contracts on audit work shall include but not limited to:

- (a) revenue audit and consultancy work including tax audit;
- (b) government bank accounts audit and bank reconciliation;
- (c) audit of Government offices including Special Investigations;
- (d) personnel audit including payment at sight;
- (e) pension audit including verification;
- (f) contracts in respect of estate/building valuation or valuation of some specialized government assets; and

(g) assessment and evaluation of effective Government Information Systems.

(5) The report of such contracts or consultancy audit jobs in subsection (4) of this section shall be submitted to the affected organizations and the Auditor-General (State).

(6) The Audit firm shall submit copies of his report to the Auditor General (State) for evaluation and subsequent delivery to the Public Accounts Committee of the House.

(7) The Public Accounts Committee shall review the Auditor-General's Report within a period of six months from the date of submission of the report to the House.

40. (1) Subject to the provisions of this Law, officers serving in the Office shall at the commencement of this Law, be deemed to have been appointed in accordance with the provisions of this Law.

*Savings and
Transitional
Provision*

(2) All Officers and members serving in the Commission shall at the commencement of this Law, be deemed to have been employed and appointed in accordance with the provisions of this Law.

(3) All movable and immovable properties, rights and privileges as well as liabilities held by the Office of the Auditors- General and the Audit Service Commission shall from the commencement of this Law be deemed to be held and preserved in accordance with the provisions of this Law.

(4) All audits and other related matters which existed before the commencement of this Law shall continue to subsist as where same have been made in accordance with this Law.

41. (1) The Auditor-General (State) or an employee of the Office or a person acting on the directives of the Auditor-General (State) is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of the functions of the Office:

*Liability of
Officers*

(a) in the performance of any duty or in the exercise of any power vested or conferred upon him under this Law;

(b) in giving evidence or any explanation or producing any document before a Committee of the House in connection with his report.

42. The staff of the Office of Auditor-General (State) shall swear to an Oath of Secrecy in the performance of their duties as provided in Third Schedule of this Law. *Oath of Secrecy*
43. For the purpose of this Law the Auditor-General (State) may make additional regulations which shall enhance the effective implementation of this Law. *Additional Powers to Make Regulations*
44. The Auditor-General (State) may adopt rules governing the operations of the Office as may be necessary in the execution of his duties, except on subject matters where this Law requires or authorizes the adoption of specific regulations. *Rules*

PART THREE

ESTABLISHMENT OF THE OFFICE OF THE AUDITOR- GENERAL FOR LOCAL GOVERNMENTS, BAYELSA STATE

45. (1) Subject to the provisions of sections 50 of the State Local Government Laws, 2006, there is established, the Office of Auditor-General (LGs) for the State (hereinafter in this Law referred to as "the Office"). *Establishment of the Office of Auditor-General (LGs)*
- (2) The Office shall be headed by the Auditor-General for Local Governments of the State (hereinafter in this Law referred to as "Auditor-General (LGs)") who shall be appointed by the Governor of the State subject to the provisions of the State Local Government Laws, 2006.
- (3) The Office of Auditor-General (LGs) shall include the Auditor-General (LGs), all employees and agents of the Office, the equipment and facilities maintained by the Auditor-General (LGs), the records, files and work products of the Auditor-General (LGs) and those responsible to him.
- (4) The Office of the Auditor-General (LGs) shall:
- (a) be a body corporate with perpetual succession and having a common seal;
 - (b) have power to sue and be sued in its corporate name; and
 - (c) be capable of acquiring and disposing of movable and immovable properties.
46. (1) The Auditor-General (LGs) shall be appointed by the Governor on the recommendation of the Civil Service Commission, subject to confirmation by the House. *Appointment of Auditor-General (LGs)*

- (2) The position of the Auditor-General (LGs) shall be filled by the appointment of the most qualified person with cognate experience in service from the office or from the public.
- (3) The Auditor-General (LGs) shall be:
 - (a) a senior management staff of the office not below the rank of Assistant- Director of grade level 15 with not less than ten years cognate experience or a competent professional Accountant with requisite qualifications, having attained 15 years cognate experience;
 - (b) a professional Accountant and a member of a recognized accountancy body in Nigeria with experience in Public Sector Finance;
 - (c) highly proficient in the use of computer audit software;
 - (d) not less than 45 years but not more than 61 years of age; and
 - (e) a person of proven integrity and good conduct.

47. (1) In recommending person(s) for appointment as Auditor-General (LGs), the State Civil Service Commission shall declare and advertise the vacancy on the State's website, in two national newspapers, one local newspaper, the official gazette and procurement journal for a minimum period of six weeks before the date set for interview.
- (2) The Civil Service Commission shall interview the applicants and recommend the top three candidates to the Governor for appointment.

*Additional
Procedures for
Appointment of
Auditor-General
(LGs)*

48. Before assuming office, the Auditor-General (LGs) shall take Oath of Allegiance and Oath of Office which are to be administered by the Chief Judge of the State, as specified in the first and second schedules of this Law.

*Oath of
Allegiance and
Office*

49. (1) The Office of the Auditor-General (LGs) shall be an independent institution and shall not be subject to the direction or control of any other authority or person in the performance of its functions under this Law especially including but not limited to:

*Independence of
the Office of the
Auditor-General
(LGs)*

- (a) selection of audit issues;

- (b) planning, programming, conduct, reporting and follow-up of the audits;
- (c) organization and management of his office; and
- (d) enforcement of decisions.

50. (1) The Auditor General (LGs) shall be paid such salary, gratuity and benefits as may be prescribed by the House, but not exceeding the amount as shall have been determined by the Revenue Mobilization Allocation and Fiscal Commission.
- (2) The remuneration of the Auditor-General (LGs) shall be a first line charge on the Consolidated Revenue Fund of the State.
- (3) The salaries and allowances payable to the Auditor-General (LGs) and his conditions of service shall not be altered to his disadvantage after his appointment.
- (4) Any pension granted by virtue of sub-section (1) of this section shall be charged upon the Consolidated Revenue of the State.
- (5) The Auditor-General (LGs) shall be entitled to pension for life at a rate equivalent to the annual salary and allowance of the incumbent Auditor-General.

Remuneration and Allowances of the Auditor-General (LGs) and staff of the Office

51. (1) The Auditor-General (LGs) shall not be removed from Office before such retiring age as prescribed by Law, save in accordance with the provisions of this Law.
- (2) Subject to subsection (1) of this section, the Auditor General (LGs) shall have a tenure of four years and in the event the term expires before he attains the age of retirement, the Auditor General shall automatically be entitled to a second or further term.

Tenure of Office of the Auditor-General (LGs)

52. The Auditor-General (LGs) shall vacate the office where;
- (a) he is removed by the Governor acting on an address supported by two third majority of the House praying that he be so removed for inability to discharge the functions of his office, whether arising from infirmity of mind or body or for misconduct. Provided that the Auditor-General (LGs) shall have been given at least twenty-one (21) days' notice in writing to defend himself on the floor of the House;
 - (b) he resigns his appointment or voluntarily retires from the service of the (LGs);

Cessation of the Tenure of Appointment of the Auditor-General (LGs)

- (c) he is declared to be permanently incapacitated and therefore unable to perform the functions of that Office, and the declaration in this paragraph is verified, after such necessary medical examination by a medical panel including his personal physician and two other medical practitioners in Nigeria appointed by the Speaker of the House;
 - (d) where there is no such personal physician as contemplated in paragraph (c) of this Section, the Speaker shall appoint three qualified medical practitioners in Nigeria for the purpose of this section.
 - (e) he dies while in office;
 - (f) he becomes bankrupt; and
 - (g) he is convicted for a crime under the Laws of Nigeria or any foreign country or under treaty to which Nigeria is a signatory.
53. (1) In the event of the absence or incapacitation of the Auditor-General (State) or where the Office of the Auditor-General (LGs) is vacant, the Governor shall appoint the most senior Director in the Office as acting Auditor-General (LGs) for a period not exceeding six months pending the appointment of a substantive Auditor-General (LGs).
- (2) A person appointed in line with subsection (1) of this section shall possess the qualification spelt out in section 46 (2) of this Law.
- (3) No person shall act in the office of the Auditor-General (LGs) for a period exceeding six months except by a resolution of the House and shall be restricted to only one extension.
54. (1) The Office of the Auditor-General (LGs) shall consist of Directorates, Departments, Divisions and Units as may be determined by the Auditor-General (LGs).
- (2) The Auditor-General (LGs) shall from time to time, review the administrative structure of the Office to meet the prevailing needs.
55. (1) The Auditor-General (LGs) shall ensure that:
- (a) all reasonable precautions have been taken to safeguard the collection and custody of public monies or other

*Vacancy of the
Position of the
Auditor-General
(LGs)*

*Structure of the
Office*

*Functions of the
Auditor-General
(LGs)*

monies subject to audit and that the laws, directions and instructions relating thereto have been duly observed;

- (b) all monies appropriated or otherwise disbursed have been expended on and applied for the purpose for which the approvals were made by the Local Government Council and by the finance and General Purses Committee and the House, and that the expenditures conform with the authority which governs them;
- (c) adequate audit regulations exist for Accounting and Financial operations in the Local Government Council and that they are duly observed;
- (d) monies have been expended with efficiency and effectiveness and due regard to the economy;
- (e) satisfactory procedures have been established to measure and report the effectiveness of programmes, where such procedures could appropriately and reasonably be implemented;
- (f) the attention of the appropriate authorities have been drawn to any irregularity observed during the examination of the records and books of accounts as soon as facts of such irregularities have been established and confirmed;
- (g) as a result of the audit conducted by him, all queries and observations shall be addressed to the authorities of the Local Government Council, Accountant-General, the Accounting Officer or other appropriate persons or other authorities where necessary;
- (h) may call for such accounts, vouchers, statements, documents and explanations as he deems fit;
- (i) where necessary, make surcharge and specify to the appropriate Local Government Council, Head of Department or Institution, the amount due from any person upon whom he had made a surcharge and the reason for the surcharge and shall report same to the Local Government Council, the affected department or institution;

- (j) to certify and conduct pre-payment audit of pensions, gratuities and other retirement benefits of the staff of the Local Government Council and education authorities; and
 - (k) there is audit of implementation of policies of Local Government Councils and public entities.
- (2) The Auditor General (LGs) shall audit:
- (a) the use of public monies, resources or assets by a recipient or beneficiary regardless of its legal nature;
 - (b) the collection of revenues owed to the government or public entities; and
 - (c) the quality of financial management and reporting.
- (3) The Auditor-General (LGs) shall, in exercising his functions under the provisions of this Law express his opinion as to whether the financial statement or accounts represent the financial information in accordance with applicable statutory provisions, accounting policies, International Public Sector Accounting Standards, and are essentially consistent with those of the preceding year.
- (4) The Auditor-General (LGs) or any person authorized by him to conduct periodic checks on a statutory corporation shall, in addition to the audit report, draw attention to the following:
- (a) the viability, liquidity, stability and solvency of the agency, and educational institutions where applicable;
 - (b) any delay in the remittance of the initially generated revenue or dividend into the statutory dividend fund of the council or agency;
 - (c) any fraud or loss and, if so, their underlying causes and person or persons responsible for such fraud or losses;
 - (d) any internal control weaknesses which were identified;
 - (e) the general corporate performance of the agency or council indicating achievements *against* set targets and objectives;
 - (f) whether the finances of the agency or council have been managed with due regard to economy, efficiency and effectiveness, having regard to the resources utilized.

- (5) The Auditor-General (LGs) shall evaluate the adequacy of the Local Government Council enterprise risk management strategies and policies and make recommendations for their improvement.
- (6) The Auditor-General (LGs) in the exercise of his responsibility shall publish the annual statutory audit report of the Local Governments electronically and manually after submission to the House.
- (7) The Auditor-General (LGs) shall decide the content of the audit reports.
- (8) The Auditor-General (LGs) shall make observations and recommendations in the audit reports, taking into consideration as appropriate the views of the audited entity.
- (9) The Auditor-General (LGs) shall decide the timing of the audit reports except where specific reporting requirements are prescribed by law.
- (10) The Auditor-General (LGs) shall publish and disseminate all audits and annual activity reports to the public, once they have been formally submitted to the House.
- (11) The Auditor-General (LGs) shall submit follow-up reports to the House where necessary.
- (12) The Auditor-General (LGs) shall submit audit reports to the governing board, or council of an audited entity, as appropriate, for review and follow-up on specific recommendations for corrective action.
- (13) The Audit Office shall have an internal follow-up system including post audit meetings with the audited Local Government Council or department to ensure that audited Local Government Council or departments properly address the observations and recommendations as well as those made by the House and to confirm that corrective and remedial actions are taken.
- (14) The Audit Office shall submit their follow-up reports to the House and to the audited local Government Council or department as appropriate.
- (15) The Auditor-General (LGs) shall submit an annual activity report to the House of Assembly and the report is to be made available to the public.

56. (1) The public accounts of Local Governments' Council and Offices of the Local Government shall be audited annually by the Auditor-General (LGs) who shall submit the report to the House for review.

*Auditing of
accounts of the
Local
Government
Councils*

(2) Notwithstanding the provisions of sub-section (1) of this section, the Auditor-General (LGs) may carry out the auditing of a Local Government Council whenever the need arises.

57. (1) The Auditor-General (LGs) shall audit, irrespective of the provisions of any other Law in the State:

*Powers and
Duties of the
Auditor-General
(LGs)*

- (a) the public accounts of local governments;
- (b) the funds of the pensions board of all local governments;
- (c) the funds of the primary education authorities in all local governments;
- (d) the training fund of all local governments;
- (e) the training fund of all local government service commission;
- (f) the joint accounts of State and local governments;
- (g) the funds of the Traditional Rulers Council;
- (h) the funds of boards, authorities and parastatals of local government; and
- (i) any other fund of the offices created by the local governments,

and submit his report to the House for review.

(2) For the purpose of carrying out the above duties, Auditor-General (LGs) or any person authorized by him in that behalf shall have access to all books, records, returns and other documents relating to the Accounts of the Local Government Councils and other institutions concerned.

(3) In the exercise of his functions under this Law, the Auditor-General shall not be subject to the directions or control of any other authority or person, except that the House may review his report for the purposes of exposing fraud and waste of public funds, unauthorized expenditure, and expenditure against directives. etc.

- (4) Every Local Government Council shall submit its approved budget and render an Annual Financial Statement to the Office of Auditor-General (LGs) in accordance with section 63 of this Law.
- (5) Every Local Government Council shall publish its Annual Financial Statements after the report of the Auditor-General (LGs) to the House.
- (6) It shall be the duty of any auditor appointed under this Law at every audit conducted by him:
 - (a) to disallow any item of account which is contrary to Law or to the Financial Memoranda or is unsupported by proper records or accounts, or which he considered unreasonable;
 - (b) to surcharge the amount of any expenditure disallowed upon the person responsible for incurring or authorizing the expenditure;
 - (c) to surcharge any sum which has not been duly brought into account upon the person by whom that sum ought to have been brought into account;
 - (d) to surcharge the amount of any loss or deficiency upon any person by whose negligence or misconduct the loss or deficiency has been incurred;
 - (e) to certify the amount due from any person whom he has made a surcharge; and
 - (f) to certify and conduct pre-payment audit of pensions, gratuities and other retirement benefits of local governments staff and primary school teachers.
- (7) The Auditor-General (LGs) shall fix the remuneration and other fringe benefits of the staff of the Office.
- (8) The Auditor-General (LGs) shall recruit personnel into departments to fill vacancies that may exist from time to time in the Office.
- (9) The Auditor-General (LGs) may enter into agreement with third parties on any matter that has direct impact on the activities of his Office.

- (10) The Auditor-General (LGs) shall:
- (a) prepare an audit plan and associated cost not later than three months before the end of the fiscal year;
 - (b) audit all financial statements and annual accounts of the Local Government Councils;
 - (c) within ninety days of the receipt of the Treasurer's Annual Consolidated Financial Statements of the Local Government Councils, submit his Annual Audit report to the House;
 - (e) or any person authorized by him in that behalf shall have unrestricted access to all the books, records returns, and other documents both electronically and manually relating to the accounts referred to in paragraph (b) of this sub-section whether kept electronically or otherwise;
 - (f) where it appears at any time to the Auditor-General (LGs) that any irregularity has occurred in the receipt, custody, or expenditure of public monies or in the receipt, custody, issue, sale, transfer or delivery of any securities, stores or other Government properties, or in the accounting of same, he shall immediately bring the matter to the notice of the House or the accounting officer of the affected Local Government or Authorities and to any other officer he may deem fit;

- (11) The Auditor-General (LGs) may:
- (a) seek the advice or opinion of the Attorney-General of the State in writing on any question or issue arising from the provisions of this Law in respect of all matters and issues that may be necessary for the due performance and exercise of the duties and powers vested in him, and the Attorney- General shall give his opinion within twenty-one days; and
 - (b) deploy any person employed in the Office (referred to in this Law as the "Officer") to any Local Government Council, Department or Authority in order to enable the officer carry out his duties effectively for the given period and such Local Government Council, Department or Authority shall provide the necessary office

accommodation and other facilities for the officer so deployed.

- (12) For the purpose of discharging the functions of the Office, the Auditor-General (LGs), subject to the provisions of this Law, may take necessary actions and enter into any transactions necessary to ensure the proper performance of these functions which may include:
- (a) establishing and implementing a comprehensive human resource management system and policies for managing the staff and staff development programmes;
 - (b) developing and maintaining such systems, whether by computer or other means, for the collection, storage, analysis and retrieval of relevant information and promulgating procedures for conducting audit work;
 - (c) engaging the services of professionals to serve on a contract basis for limited engagements, including those required as part of agreements with international organizations, but all audit opinions shall remain those of the Auditor-General (LGs); and
 - (d) constituting or establishing any standing or ad-hoc committee to facilitate the discharge of the functions of the Office.
- (13) Nothing in this section shall be construed as authorizing the Auditor-General (LGs) to audit the accounts of or appoint auditors for government statutory corporations, agencies, including all persons and bodies established by Law, but the Auditor-General (LGs) shall provide such bodies with:
- (a) a list of auditors qualified to be appointed as external auditors and from which the bodies shall appoint their external auditors;
 - (b) a guideline on the level of fees to be paid to external auditors;
 - (c) comment on their annual accounts and auditor's report thereon; and
- (14) The Auditor-General (LGs) shall have power to conduct periodic checks on all government statutory corporations, agencies,

including all persons and bodies established by Law of the House.

- (15) The Auditor-General (LGs) may:
 - (a) require a public officer to give explanation or information required in order to enable him to discharge his duties;
 - (b) without the payment of fee, cause a search to be made and extracts to be taken or copies made from any book, document or record in any public office.
- (16) The Auditor-General (LGs) in the performance of his functions under this Law or any other Law may disallow any item of expenditure, which is contrary to Law, and surcharge:
 - (a) the amount of any expenditure disallowed upon the person responsible for incurring or authorizing the expenditure;
 - (b) any sum which has not been duly brought into account upon the person by whom the sum ought to have been brought into account; and
 - (c) the amount of any loss or deficiency upon any person by whose negligence or misconduct the loss or deficiency has been incurred.
- (17) A person aggrieved by a disallowance or surcharge made by the Auditor-General (LGs) may appeal to the High Court of the State.
- (18) The Auditor General (LGs) shall recruit personnel into departments to fill vacancies that may exist from time to time in the Office.
- (19) The Auditor-General (LGs) shall fix the remuneration and other fringe benefits of the staff of the Office.
- (20) The Auditor-General (LGs) may enter into agreement with third parties on any matter that has direct impact on the activities of his office.

58. (1) The Auditor General (LGs) shall establish and implement a comprehensive human resource management system and policy for managing staff development programmes.
- (2) The responsibility for determining the caliber of staff required to ensure the efficient performance and functioning of the Office of the Auditor-General (LGs) shall reside with the incumbent Auditor-General who shall further be responsible for aligning cost associated with such recruitment of staff with the funds allocated for remuneration in terms of the vote.
- (3) The Auditor General (LGs) shall be responsible for ensuring that:
- (a) all vacancies are widely advertised,;
 - (b) all applicants shortlisted have the required minimum qualifications;
 - (c) that such qualifications are duly verified with the relevant accreditation body; and
 - (d) the required skills and competence levels are confirmed by means of any combination of interviews, examinations, case study based simulations of the work environment and or other means of assessment so as to ensure that persons recruited to positions required by the Auditor-General are consummately suitable for the appointment.
- (4) Any staff employed by the Auditor-General (LGs) who is eligible for promotion on the basis of time served and having met all additional qualification requirements, the Auditor-General (LGs) shall recommend to the Commission such staff for promotion.
- (5) It shall be the responsibility of the Commission to ensure that, once a staff is recommended for promotion by the Auditor-General (LGs), such promotion is effected without undue delay.
- (6) It shall be the sole responsibility of the Auditor-General (LGs) to request the commencement of staff disciplinary processes and to articulate the circumstances and nature of breaches in discipline that may necessitate the commencement of the process to the Commission.
- (7) The Auditor General (LGs) shall in consultation with the Commission determine in line with the guidelines issued by the Salaries and Wages Commission (or the State level equivalent) the salaries, allowances, pensions and other conditions of

service of staff of the Office of the Auditor-General (LGs); Provided that the salaries, allowances and conditions of service are competitive enough to attract qualitative personnel for the effective discharge of the mandate of the Office.

- 8) Staff of the Office shall be paid allowances as follows;
- (a) twenty percent of basic salary for hazard allowances;
 - (b) twenty percent of basic salary for wardrobe allowances;
 - (c) any other allowances that the Government may approve.

59. (1) The Auditor-General (LGs) shall defray costs from the established funds under this Law and all the amount payable being sums representing:

*Special
Assignment of
the Auditor-
General (LGs)*

- (a) salaries and running cost of the Office;
- (b) cost of acquisition of premises, rent or upkeep of premises; and
- (c) any other payment incidental to the performance of his functions under the Law.

(2) The Auditor-General (LGs) shall manage the funds of the Office in conformity with the approved budget and expenses to be paid from the funds, which shall include:

- (a) salaries and allowances of staff of Auditor-General (LGs);
- (b) costs of training and professional development;
- (c) any capital development project or special expenditure; and
- (d) running cost and maintenance expenses.

60. All reports of the Auditor-General (LGs) submitted to the House shall be treated as House Report and shall enjoy all privileges accorded to House reports.

*Audit Report
Privileges*

61. (1) Where, in the course of conducting a financial, compliance or performance Audit or any emerging audit, staff of the Office of the Auditor-General (LGs) or auditors appointed under this Law, discover what they believe to be criminal, fraudulent or corrupt acts, they shall immediately notify the Auditor-General (LGs).

Reporting Fraud

- (2) Where the Auditor-General (LGs) is satisfied that sufficient evidence exists to warrant special investigation, he shall carry out detailed investigation and make a special report on his findings to the House.
62. (1) There shall be an exit conference between the audit team and audited entity at the conclusion of an audit exercise.
- (2) The purpose of the exit conference shall be:
- (a) to present audit observations to the management of the audited entity in conference before leaving;
 - (b) to give opportunity to the management of the audited entity to provide clarifications to audit observations in conference; and
 - (c) to isolate observations that will be reported on.
- (3) The Auditor-General (LGs) shall schedule post audit meeting with an audited entity within thirty days of issuing the Audit report.
- (4) The post audit meetings referred to in this section shall hold at the office of the audited entity to assess the entity's compliance to audit observations and recommendations.
- (5) Any unresolved query or issue shall be forwarded to the House for further actions.
- (6) Comments on audit observations by the House shall be forwarded to the concerned audited entities for compliance and to the Auditor-General (LGs).
- (7) A post audit meeting shall be convened by the Auditor-General (LGs) to resolve any unresolved audit issues referred to in sub-section (2) of this section.
- (8) The Auditor General (LGs) shall forward reports of non-compliance to the House in respect of the queries of previous audits.
63. The Auditor-General (LGs) may, for the purpose of ensuring efficiency and effective economy of the operations of any local government council, authority, board or institution in respect of which appropriation, or other accounts may be required to be prepared under the State Local Government Laws, 2006 or any Law of the State or the Constitution of the Federal Republic of Nigeria, 1999, inquire

*Follow up on
audit*

*Performance
Audit*

into, examine, investigate or undertake performance audits and report as he considers necessary on:

- (a) the expenditure of public moneys and the use of public resources by departments, agencies, education authorities and all public institutions of the local government councils;
- (b) the conduct of, and performance of their functions by accounting officers; heads of departments, agencies, education authorities and public institutions of the local government councils;
- (c) the extent to which public entities including local government councils, parastatals, commissions, authorities, agencies, persons and bodies of the local government councils established by a law of the House, is carrying out its activities effectively;
- (d) any act of omission of a public entity as provided in sub-section (1) paragraph (c) of this section to determine whether waste has resulted or may have resulted or may result;
- (e) any act of showing or appearing to show lack of probity or financial prudence by a public entity or any of its members, office holders and employees; and
- (f) any other activity undertaken by local government councils, commissions, authorities, departments, agencies, persons and bodies of the local government councils; and all other public entities referred to in this section.

64. (1) The Auditor-General (LGs), after considering the oversight mechanisms shall: *Audit Quality*

- (a) determine the standards to be applied in performing audits, the nature and scope of such audits; and
 - (b) procedures for the handling of complaints when performing such audits.
- (2) In setting standards, the Auditor-General (LGs) shall take into account all relevant factors, including:
- (a) best auditing practices, both locally and internationally; and
 - (b) the capacity of the Office of the Auditor-General (LGs) and the auditing profession to comply with those standards.

65. (1) The Auditor-General (LGs) shall determine which audit standards be applied and may establish audit programs and code of ethics specific to the audits performed by the Office.
- (2) The auditing standards shall include:
- (a) Public Sector Auditing Standards issued by Conference of Federal and States Auditors-General;
 - (b) Accounting Standards issued by the Financial Reporting Council of Nigeria (FRCN) and any professional body recognized by an Act of the National Assembly;
 - (c) the Auditing Standards and Code of Ethics published by the International Organization of Supreme Audit Institutions (INTOSAI), African Organization of English-Speaking Supreme Audit Institutions; and
 - (d) the Accounting Standards and Code of Ethics published by the International Federation of Accountants (IFAC).

66. (1) The Auditor-General (LGs) and his staff shall have unrestricted access to such people, documents, computers and other information systems and assets as they consider necessary for the proper performance of their functions and to do this the Auditors-General shall:

- (a) advise the person in writing of the nature of the information and why it is needed;
- (b) state that the information is required under this Law;
- (c) may also obtain such information, as he considers necessary in the performance of his functions from a person who is not a member of staff or public office holder;
- (d) not be involved or seen to be involved in any manner whatsoever, in the management of any auditable entity;
- (e) reimburse the person for any reasonable costs associated with producing such information on condition that the person shall not use such information for any other purpose; and
- (f) have a full discretion in the discharge of his responsibilities to cooperate with government or public entities that strive to improve the use and management of public funds.

67. (1) The Auditor General (LGs) may, in the course of fulfilling his functions, duties or powers:

*Power to
summon*

(a) summon a person as witness to give evidence either orally or in writing;

(b) for the purpose of examining a person, the Auditor General (LGs) may administer oath.

(2) Any person who upon examination pursuant to Sub-section (1) (a) and (b) of this Section, knowingly makes any false statement or representation on any matter shall be liable to prosecution and punishment under the provisions of the Criminal Law of the State.

68. (1) For the purpose of exercising his power or functions under this Law, the Auditor General (LGs) may:

*Access to
information*

(a) examine or audit the account of any person domiciled at any bank where the Auditor-General (LGs) has reasons to believe that the money in such account are public funds which had been fraudulently or wrongfully paid into the account;

(b) as a condition precedent to performing the function in sub-section (1)(a) of this section, enter into a non-disclosure agreement with the bank and give the bank absolute assurance that any information disclosed for purposes of examination or audit shall not be used for any other purposes other than as legally intended under this Law, and shall not proceed with any such examination or audit without first obtaining Ex-parte Order of the High Court authorizing such examination.

(c) upon being presented with such Order as provided in sub-section (b) of this section, the bank shall produce all relevant records for the account in question, in any form (hard and/or soft copy), that is in the bank's custody or control.

(2) The Auditor-General (LGs) shall have the right to make copies of any record including electronic or digital from any bank, and shall have all such copies notarized by a court appointed notary, the cost of which shall be defrayed by the Auditor-General (LGs).

- (3) The bank shall append a suitable endorsement electronically or in indelible ink which shall at least identify the bank from where such records and date were obtained.
 - (4) The bank shall electronically initiate or under its own hand and in ink, initial each page of all records provided in sub-section (3) of this section.
69. (1) The Auditor-General (LGs) shall have the power under this Law to:
- (a) at any time access any government facility, examine the records of an auditee and have extracts taken from any book(s) of account, accounting entries recorded electronically and any other form of accounts maintained that relate to money or stores and as such may have relevance to the subject of an audit without paying any fee;
 - (b) at any time execute a search, without a search warrant by order of court on any State owned property, person present on such property or vehicle located on such property in order to locate and appropriate any such records, accounts or general information of relevance to the audit;
 - (c) under the authority of the search warrant by order of court, enter and conduct a search of any private property, premises, vehicle or person where there is reasonable suspicion that a document, account, written or electronic record, general information, or asset which the Auditor-General (LGs) needs to inspect for reasons of relevance to the audit is hidden or kept on such property, premises, person or in a vehicle located on such property or premises;
 - (d) appropriate and retain any such document written or electronic record, general information, or asset for purposes of completing the audit;
 - (e) request the support of relevant law enforcement agencies in the execution of the search warrant by order of court where considered necessary;
 - (f) the persons conducting the search shall identify themselves to the person in charge of the premises, property or vehicle and shall hand over a copy of the search warrant to the person in charge or affix a copy of

*Power to
conduct search*

the search warrant by order of court to the premises, property or vehicle in a prominent place;

- (g) any such entry and search of property shall be conducted with due regard for decency, order and constitutional rights of the affected person.

70. (1) The Auditor-General (LGs) in the performance of his functions under this Law or any other laws may disallow any item of expenditure which is contrary to law, and surcharge fully or partially:

Power to surcharge

- (a) the amount of any expenditure disallowed upon the person responsible for incurring or authorizing the expenditure;

- (b) any sum which has not been duly brought into account upon the person by whom the sum ought to have been brought into account;

- (c) the amount of any loss or deficiency upon any person by whose negligence or misconduct the loss or deficiency has been incurred.

(2) Where the Auditor-General (LGs) makes a surcharge or disallow any expenditure, he shall specify to the appropriate Head of Department or Institution, the amount due from any person they have imposed upon a surcharge and shall state the reason for imposing such surcharge and report the results of the examination of relevant accounts, operational processes and circumstances that caused the surcharge to be imposed to the Accounting Officer of the affected Department or Institution.

(3) Every sum so specified by the Auditor-General (LGs) as a surcharge shall become due for payment by the person on whom such surcharge is imposed, within sixty days after the date on which such surcharge was formally imposed.

(4) Any such sum as may become payable under this section and which remains outstanding beyond the prescribed period of sixty days shall become recoverable by the relevant Accounting Officer who may, where necessary, initiate civil proceedings and whereupon judgment is obtained in a court of competent jurisdiction shall consider any such sum recoverable as civil debt.

(5) Where such sum owed as a civil debt is recoverable from a person in receipt of remuneration from the State Government or

any Government institution, such remuneration shall be attached either in full or incrementally to the extent of the sum lawfully due.

- (6) Where an Accounting Officer is compelled under this section to initiate civil proceedings for the recovery of a surcharge raised by the Auditor-General (LGs), a certificate signed by the Auditor-General (LGs) stipulating the amount payable and describing the circumstances that compelled the raising of such surcharge shall be considered prima facie evidence of the facts certified.
- (7) The Auditor-General (LGs) if satisfied by new evidence may at any time, revoke any surcharge imposed under this section.
- (8) Any person aggrieved by a surcharge, the withholding of an emolument or allowance under this section may appeal to the Public Accounts Committee within sixty (60) days from the date of such directive being issued by the Auditor-General (LGs) for redress.
- (9) Any aggrieved person as specified under sub-section (8) of this section shall be given a right of appeal to the High Court provided that such appeal is filed not later than fourteen (14) days after the decision of the Public Accounts Committee to withhold the directive of the Auditor-General (LGs) from being made public pending the decision of the court.

71. (1) The Auditor-General (LGs) and his staff shall:

- (a) have unrestricted access to persons, documents, computers and other information systems, and assets as he considers necessary for the proper performance of his functions;
- (b) or may also obtain such information, as he considers necessary in the performance of his functions from a person who is not a member of staff or public office holder;
- (c) before obtaining such information notify and advise the person in writing of the nature of the information required and why it is needed;
- (d) not be involved or seen to be involved in any manner whatsoever, in the management of any auditable entity; and

*Access to
Persons,
Documents,
Computers,
Information
System and
Property*

- (e) have a full discretion in the discharge of his responsibilities to cooperate with government or public entities that strive to improve the use and management of public funds.

72. (1) The Auditor-General (LGs) shall defray costs from the established funds under this Law, all the amount payable being sums representing:

Application of Funds

- (a) salaries and running cost of the Office;
- (b) cost of acquisition, rent or upkeep of premises; and
- (c) any other payment incidental to the performance of his functions under this Law.

(2) The Auditor-General (LGs) shall manage the funds of the Office in conformity with the approved budget and expenses to be paid from the funds, which shall include:

- (a) salaries and allowances of staff of the Auditor-General (LGs);
- (b) costs of training and professional development;
- (c) any capital development project or special expenditure; and
- (d) running cost and maintenance expenses.

(3) The Auditor-General shall appeal directly to the House, where the resources provided are insufficient to deliver his mandate.

73. (1) The Heads of Local Government Councils and the Directors of Personal Managements of the Rural Development Authorities of the State shall, within a period of six months after the end of each fiscal year present to the Auditor General (LGs) accounts showing the fiscal position of the Local Government Councils as at the last day of the preceding year.

Submission of Annual Financial Statements to the Auditor-General (LGs)

(2) The accounts contemplated in sub-section (1) of this section shall include:

- (a) responsibility for financial statement;
- (b) cash flow statement;
- (c) consolidated statement of financial position (statement of assets and liabilities);

- (d) consolidated statement of financial performance (consolidated revenue fund);
 - (e) statement of capital development fund;
 - (f) statement of recurrent revenue and expenditure;
 - (g) donations and grants;
 - (h) statement of contractual liabilities;
 - (i) statement of investments;
 - (j) statement of changes in net assets/equity;
 - (k) accounting policies and notes to the financial statements;
 - (l) statement of external and internal loans; and
 - (m) other statements that may be required by auditing standards, practices or statutes.
- (3) All financial books and statements shall provide or include:
- (a) information about the basis of preparation of the financial statements and the specific accounting policies selected and applied for significant transactions and other events for the purpose of users' understanding and comparability;
 - (b) statement of compliance with approved accounting standards;
 - (c) statement of accounting policies applied;
 - (d) supporting information for items presented on the face of the financial statements; and
 - (e) supporting statements.
- (4) Within three months after the close of each fiscal year, the Accounting Officer shall prepare and submit to the Accountant-General with copies to the Auditor-General (LGs), appropriation accounts of the money expended under the votes for which they are responsible, showing:
- (a) the services for which the moneys were voted;
 - (b) sums actually expended on each service during the period of the accounts; and
 - (c) state of each vote compared with the appropriation;

Provided that each account shall contain such variation between the expenditure and the sums voted, such other required information shall be in such form as the Accountant-

General may direct and the statement as well as the appropriated accounts shall be signed by the Accounting Officer.

74. The Auditor-General (LGs) shall within ninety days of receipt of the Financial Statements and Reports of Annual Accounts of the Local Government Councils and other public entities through the Heads of Local Government Councils and the Directors of Personal Managements of the Rural Development Authorities of the State, submit the reports to the House and the House shall cause the report to be considered by a committee of the House responsible for Public Accounts (referred to in this Law as “the Public Accounts Committee”).

*Submission of
Audited Annual
Financial
Statement to the
House*

75. (1) The Public Accounts Committee (PAC) shall:

*Review of Audit
Report by the
House*

- (a) consider each report from the Auditor-General (LGs) within one year from the date of submission and the process may include questioning the quarried or affected officer from the Local Government Councils or agencies or other public entities based on the explanations from the Auditor-General (LGs) and official responses from the Local Government Councils or agencies or officials.
- (b) make recommendations on the basis of the considerations and monitor their implementation;
- (c) have power to summon the accounting officers, public officials and any member of the public for questioning about the Auditor-General (LG’s) findings;
- (d) hold its hearing in public or may choose to hold all or part of its hearing in private sessions; and
- (e) prepare a report to the House, which may include comments and recommendations at the end of its review of each of the Auditor-General (LG’s) reports and such reports shall be sent to the Auditor-General (LGs) and all organizations reported on and shall be made available to the public on demand on payment of a minimal fee which shall be prescribed by the Office of the Auditor-General (LGs).

- (2) The action of the Public Account Committee shall be governed by the standing orders of the House.

*Refusal to
Answer Audit
Queries*

*Delegated
Authority*

*Annual
Estimates*

76. Without prejudice to any provision of this Law, every person who fails or refuses to reply to an audit query or observation within the period specified in the audit query or a reasonable time thereafter shall have his emoluments and allowances withheld for so long as the person fails to reply and or shall be liable to disciplinary action under the State Public Service Rules.
77. The Auditor-General (LGs) or any person acting in that capacity is not personally liable for any act done or failed to be done in good faith in the exercise of the functions of the Office.
78. (1) The Auditor-General (LGs) shall prepare and submit to the House:
- (a) the annual estimates of revenues and expenditure of the Office of the Auditor-General (LGs) for inclusion in the State Budget;
 - (b) the annual estimates of operational and administrative expenses of the Office including salaries, allowances, gratuities and pensions payable to staff of the Office; and
 - (c) the annual estimates of capital expenditure of the Office.
- (2) The House after considering the submission of the Auditor-General (LGs) may amend the estimate and thereafter forward same to the Ministry of Budget for inclusion into the State Annual Appropriation Bill.
- (3) The Ministry in charge of Budget shall include the estimate of the Office in the Annual Appropriation Bill of the State as forwarded to it by the House.
- (4) The House shall be responsible for ensuring that the Office of the Auditor-General (LGs) has sufficient resources to deliver its mandate.
- (5) Any sum appropriated to the Office by the House in each financial year shall be paid by the State as first line charge in equal installment every month of the year.
- (6) Every Local Government shall make a contribution of not more than one percent of its revenue from the Federal Account to the office of Auditor-General (Local Governments) to enable it carry out its functions and such funds shall be drawn from source, the specific percentage above shall be determined by the House of Assembly at all times.

- (7) The one percent referred to in sub-section (6) above shall be for funding overhead operational cost of the Office.
79. (1) Where during the course of an audit, the Auditor-General (LGs) becomes aware of an improper retention or misappropriation of public funds or public money or any other activity that may constitute an offence under the criminal law of the State or any existing law, the Auditor-General (LGs) shall immediately report such activities to the Attorney-General of the State or any other authority charged with that function by the State.
- (2) The Auditor-General (LGs) shall attach to his annual report to the House, a list containing general description of the incidents referred to in subsection (1) of this section and the dates on which those incidents took place.
80. (1) It is an offence for any person without lawful justification or excuse to:
- (a) obstruct, intimidate, harass, hinder the Auditor General (LGs) or any person authorized by him in the exercise of his duties and powers under this Law;
 - (b) refuse or fail to comply with any lawful request of the Auditor-General (LGs) or his representative;
 - (c) fail to produce for inspection to the Auditor General (LGs) or his representative or otherwise refuse the Auditor-General (LGs) or his representative access to any book, record, returns, payment voucher, revenue receipt or other documents relating or relevant to any account to be audited by the Auditor-General (LGs) or his representative when requested;
 - (d) fail to keep proper books of account or proper records leading to any loss of public funds;
 - (e) make a statement or give information to the Auditor-General (LGs) or his representation which is false or misleading; and
 - (f) suppress any information required by the Auditor General (LGs) in the performance of his functions under this Law or any other enactment.
- (2) Any person who commits an offence under the provisions of subsection (1) of this section shall on conviction be liable:

*Improper
Retention of
Public Funds*

Offences

- (a) in the case of an individual, to a fine of not less than ₦500,000.00 or to a term of imprisonment not exceeding two years or both; and
- (b) in the case of body, corporate or firm, to a fine of not less than ₦1,000,000.00 and every Director of the company or firm shall be liable to a fine of not less than ₦500,000.00 or to a term of imprisonment not exceeding two years or to both such fine and imprisonment, unless he proves that the offence upon which the conviction was based was committed without his knowledge, consent or connivance.

(3) Accounting officers and public officers shall be held responsible for full recovery of losses discovered from his subordinates.

(4) Where an accounting officer or public officer, individual, body or company fails to make necessary recovery and it is proved that he fails to make reasonable effort to recover the said loss, he shall be guilty of an offence and shall be liable to a penalty of ₦1,000,000.00 plus the amount of loss involved.

81. (1) Any member of staff of the Office of the Auditor-General (LGs) who:

*Sanctions on
Staff of the
Office of
Auditor-General
(LGs)*

- (a) demands or takes any bribe, gratification, compensation or reward during the performance of his duty; or
- (b) fails to report to the Auditor-General (LGs) any abuse or irregularity within his knowledge in the course of his duties in relation to any account audited; or
- (c) makes any report to the Auditor-General (LGs) which he knows to be false or which he has no reason to believe to be true;

commits an offence under this Law and shall be liable on conviction to a fine of not less than ₦1,000,000.00 or imprisonment for two years or both.

82. The Auditor-General (LGs) and every person employed in the Office or appointed or engaged to assist the Auditor-General (LGs) for a limited period of time or in respect of a particular matter shall keep confidential all matters that come to his knowledge in the course of his employment or duties under this Law and shall not communicate those matters to another person, except as may be required in connection with the discharge of his responsibility.

Confidentiality

83. (1) All private audit firms and consultants taking up audit contracts and consultancy jobs relating to audit work must be registered with the Office of the Auditor-General (LGs).
- (2) The Auditor-General (LGs) shall provide a list of qualified Auditors, audit firms and Audit Consultants who are duly registered with the Office of the Auditor-General to the management of any organization to choose a firm for a defined period not exceeding three years.
- (3) The Audit firm so chosen shall carry out its mandate in accordance with professional standards acceptable to the Office of the Auditor-General (LGs).
- (4) Contracts on audit work shall include but not limited to:
- (a) revenue audit and consultancy work including tax audit;
 - (b) government bank accounts audit and bank reconciliation;
 - (c) audit of Government offices including special investigations;
 - (d) personnel audit including payment at sight;
 - (e) pension audit including verification;
 - (f) contracts in respect of estate/building valuation or valuation of some specialized government assets; and
 - (g) assessment and evaluation of effective Government Information Systems.
- (5) The report of such contracts or consultancy audit jobs in subsection (4) of this section shall be submitted to the affected organizations and the Auditor-General (LGs).
- (6) The Audit firm shall submit copies of his report to the Auditor General (LGs) for evaluation and subsequent delivery to the Public Accounts Committee of the House.
- (7) The Public Accounts Committee shall review the Auditor-General's Report within a period of six months from the date of submission of the report to the House.

84. (1) Subject to the provisions of this Law, officers serving in the Office shall at the commencement of this Law, be deemed to have been appointed in accordance with the provisions of this Law. *Transitional Provision*
- (2) All Officers and members serving in the Commission shall at the commencement of this Law, be deemed to have been employed and appointed in accordance with the provisions of this Law.
- (3) All movable and immovable properties, rights and privileges as well as liabilities held by the Office of the Auditors- General and the Audit Service Commission shall from the commencement of this Law be deemed to be held and preserved in accordance with the provisions of this Law.
- (4) All audits and other related matters which existed before the commencement of this Law shall continue to subsist as where same have been made in accordance with this Law.

85. The Auditor-General (LGs) or an employee of the Office or a person acting on the directives of the Auditor-General (LGs) is not personally liable for any act or omission done in good faith in the exercise of the functions of the Office. *Liability of Officers*

86. The staff of the Office of Auditor-General (LGs) shall swear to an Oath of Secrecy in the performance of their duties as provided in Third Schedule of this Law. *Oath of Secrecy*

87. For the purpose of this Law the Auditor-General (LGs) may make additional regulations which shall enhance the effective implementation of this Law. *Additional Powers to Make Regulations*

88. The Auditor-General (LGs) may adopt rules governing the operations of the Office as may be necessary or advisable in the execution of his duties, except on subject matters where this Law requires or authorizes the adoption of specific regulations. *Rules*

PART FOUR

ESTABLISHMENT OF AUDIT SERVICE COMMISSION

89. (1) There is established a Commission to be known as the Bayelsa State Audit Service Commission (referred to in this Law as “the Commission”). *Establishment of the Audit Service Commission*
- (2) The Commission shall:

- (a) be a body corporate with perpetual succession and having a common seal;
- (b) have power to sue and be sued in its corporate name; and
- (c) be capable of acquiring and disposing of movable and immovable properties.

90. (1) The Commission shall consist of:

Composition of the Commission

- (a) a Chairman;
- (b) two members to serve as Commissioners who shall be retirees from the service of the Office of the Auditor's-General; and
- (c) Secretary of the Commission with proven integrity and good conduct and shall be an officer not below the rank of Assistant Director of Audit.

(2) The Governor shall appoint the Chairman and the two other Commissioners.

(3) The Chairman and the two other Commissioners shall be appointed from each of the three senatorial districts of the State.

91. (1) The Chairman shall have not less than fifteen years' cognate experience in Accounting and Auditing in the public and private sector.

Qualification of Members of the Commission

(2) All other members of the Commission shall be professional Accountants who are members of any recognized Accountancy body in Nigeria with not less than 10 years post qualification experience in public financial management and audit.

(3) No serving member of any board, agency, parastatal, commission or any other government institution shall be qualified for appointment as member of the Commission.

92. (1) The Chairman and other members of the Commission shall be appointed by the Governor subject to confirmation by the House.

Appointment of Members of the Commission

(2) The Chairman and the other two Commissioners shall be appointed one each from the three senatorial districts of the State.

- (3) The two Commissioners shall be appointed as Commissioner 1 and Commissioner 2 according to their qualifications and cognate experience in public financial management and audit.
- (4) In the absence of the Chairman, the Commissioner 1 shall act pending the appointment of a substantive Chairman by the Governor.
- (5) The Chairman and the two other Commissioners shall be appointed on full time while the other members on part time basis.
- (6) The appointment of the Secretary shall be alternated between the Office of the Auditor-General (State) and the Office of the Auditor-General (LGs).
- (7) Where the Secretary retires from service before the expiration of the four-year tenure as provided in section 84 of this Law, a qualified person shall be appointed from the Office of the Auditor-General (State) or Office of the Auditor-General (LGs), whichever one the retiring Secretary retired from, to complete the remaining part of the tenure.

93. No Person shall be qualified for appointment as a member of the Commission where:

Disqualification of Members

- (a) he is of questionable character;
- (b) within the preceding ten years he has been removed as a member of any of the bodies established by Section 197 of the Constitution of the Federal Republic of Nigeria, 1999(as amended) or any Law in the State or as the holder of any other office on the ground of misconduct; and
- (c) a court of competent jurisdiction or tribunal in Nigeria or abroad has convicted him of a criminal offence.

94. (1) Subject to the general directions of the Commission, the Secretary shall be the administrative head and be responsible for the day-to-day administration of the Commission and for the keeping of books and records of proceedings of the Commission.

Powers and Functions of the Secretary

- (2) The Secretary to the Commission shall not be entitled to vote at meetings.

(3) The Secretary shall perform all other duties affecting the Commission as may be assigned to him by the Chairman.

95. (1) The Commission shall appoint persons to hold office and functions in such other offices as may constitute the units or departments of the Commission.

Powers of the Commission

(2) The power of the Commission to appoint persons under subsection (1) of this section shall include power to:

(a) promote, transfer and confirm appointments of persons employed by the Commission;

(b) dismiss and exercise disciplinary control over such persons holding or acting in such offices;

(c) implement guidelines; and

(d) perform such other duties and functions as are necessary or expedient for the discharge of its functions under this Law.

(3) Any member of staff of the Offices may elect to transfer or be seconded to any other public service of the State and such right of transfer shall not operate to the disadvantage of the officer concerned.

(4) In exercising its power to make appointments or discipline of persons under this Law, the Commission shall not be subjected to the direction or control of any authority or persons outside it.

(5) Advise the Governor on the need to provide welfare of staff of the Commission.

(6) Advise the State Government on policy issues relating to Internal Audit matters.

(7) Implement government policy on audit reforms and matters relating to Internal Audit.

96. The Commission shall review and make recommendations on matters of recruitments, promotions, pensions, gratuities, retirement and discipline of members of staff of the Offices of the Auditors-General for consideration.

Functions of the Commission

97. (1) A member of the Commission shall hold office for a period of four years from the date of appointment and may be re-appointed for a further term of four years and no more.

Tenure of Office

- (2) The Secretary shall serve for one (1) tenure of four years and no more.
- (3) Notwithstanding the provision of subsection (1) of this section, the Secretary ceases to be in office upon retirement from service.
98. The Chairman and any of the members shall cease to hold office in the event of any of the followings: *Cessation of Office*
- (a) where he is removed by the Governor acting on an address supported by two third majority of the House praying that he be so removed for inability to discharge the functions of his Office (whether arising from infirmity of the mind or body) or for misconduct; or
 - (b) where he resigns his membership of the Commission by writing, addressed to the Governor; or
 - (c) where he becomes permanently incapacitated or dies; or
 - (d) where he is convicted for an offence by a competent court of law;
 - (e) been involved in any act that may be considered inimical to the interest of the Office or the State; or
 - (f) where he becomes bankrupt.
99. Upon the expiration of the tenure of members of the Commission, or upon a vacancy occurring in the membership of the Commission, the Governor shall within sixty days fill the vacancy by appointing new members subject to the confirmation of the House. *Filling of Vacancies*
100. The members of the Commission shall be paid such remuneration and allowances as may be applicable to other Commissions with similar oversight responsibilities. *Remuneration of Members*
101. The Commission may co-opt person(s) who are not members of the Commission for any meeting, or its committees and such co-opted person(s) may take part in the deliberations of the Commission or any of its committees but shall not be entitled to vote or be counted as part of the quorum of the meeting. *Power to Co-opt*
102. The meetings of committees shall be convened and conducted in the manner prescribed below: *Meetings*

- (a) meet at such times and in such places as it shall determine for the exercise of its functions, but in any case shall meet at least three times in a year
 - (b) the quorum shall be three members, one of which must be any of the Commissioners.
 - (c) at every meeting, the Chairman shall preside and in his absence Commissioner 1 shall preside;
 - (d) all decisions taken at its meeting where questions proposed for determination shall be carried by a simple majority of members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote;
 - (e) the validity of any proceedings shall not be affected by any vacancy among its members or by any defect in the appointment of any member.
103. The Commission shall have power to regulate its proceedings and make standing orders for that purpose. *Proceedings*
104. No member of the Commission or Committee shall be liable to be sued in any court for any act done in the course of exercising his legal duties or functions assigned to him by the Commission. *Protection of Members*
- (1) Any report, statement, communication, record of the Commission, meeting or proceedings which the Commission may make in the due exercise of its functions or which any member of the Commission may make in the course of performing his official duties shall be privileged.
 - (2) Subject to subsection (1) of this section, a report, statement, communication, record of any meeting or proceeding of the Commission may be released on the order of court or by a Resolution of the House.
105. The Commission may appoint such persons as may be necessary to enable it carry out its functions under the provisions of this Law. *Additional Staff*
106. The Commission may make Regulations relating to the conditions of service of the employees of the Commission and without prejudice to the generality of the foregoing such Regulations may provide for: *Staff Regulations*
- (a) the appointments, promotion, disciplinary control and dismissal of employees of the Commission; and

- (b) appeals by such employees against dismissal or such other disciplinary measures and until such regulations are made, any instrument relating to the conditions of service of officers in the Civil Service of the State shall be applicable, with such modifications as may be necessary, to the employees of the Commission,

Provided that such regulations are subject to approval of the House.

107. (1) Notwithstanding the provisions of the Pensions Reform Law, 2014, of the State, service in the office of the Auditors-General and the Commission shall be service in the Public Service for the purpose of that Law and accordingly, officers of the office of the Auditors-General and the Commission, shall in respect of their services, be entitled to such pensions, gratuities and other retirement benefits as are prescribed under the State pensions regulations.
- (2) The period of service of any officer in the office of the Auditors-General and the Commission shall be calculated and deemed to be continuous with the period served by that officer previously or subsequently in any other pensionable service.
- (3) Nothing in subsections (1) and (2) this section shall prevent the appointment of a person to any office in the Commission or the office of the Auditors-General on terms which preclude the grant of a pension or gratuity in respect of service in the office of the Auditors-General and the Commission.

Pensions

108. (1) There is established a Fund for the Commission and the provision for the fund shall be made in the Annual Budget of the State.
- (2) The Commission shall submit the annual estimate of capital and recurrent expenditure, administrative expenses of the Commission, including remuneration and allowances payable to the Commissioners and staff to the House for its consideration and inclusion in the State Annual Budget.
- (3) There shall be paid and credited to the Fund established under subsection (1) of this section:
- (a) any sum appropriated to the Commission by the House in each financial year;
 - (b) all monies realized for the purposes of the Commission by way of gifts, grants-in-aid;

Funds of the Commission

- (c) take off grant; and
 - (d) proceeds from all other assets that may from time to time accrue to the Commission.
- (4) The Commission shall defray all expenditures incurred by it from the fund referred to in subsection (1) of this section and shall include:
- (a) the cost of administration;
 - (b) the payment of salaries, fees, or other remunerations or allowances and pensions and gratuities payable to members and employees of the Commission; and
 - (c) other necessary things done in furtherance to any of its functions under this Law.
109. (1) Subject to a request by the Auditors-General for staff required for the efficient performance of the functions of the Office, the Office of the Auditors-General shall recruit such staff for the Offices.
- (2) The Offices of the Auditors-General shall carry out all appointments of staff to positions on Grade Levels 1 to 6 or its equivalent.
- (3) The Offices of the Auditors-General shall carry out all appointments of staff to positions on Grade Levels 7 to 10 or its equivalent, while the Audit Commission reviews all recruitments and provide recommendations to the Auditor-General (State) for consideration.
- (4) Where there are no qualified persons to fill the positions on Grade Level 12 and above or its equivalent, advertisement shall be made on two national dailies and interviews conducted to ensure the engagement of competent and qualified persons by the Office of the Auditors-General.
110. All members of the Commission shall take Oath of Office which is to be administered by the Chief Judge of the State before assuming office.
111. (1) The accounts of the Office of the Auditors-General and the Audit Service Commission shall, in each financial year, be audited and reported upon by three external auditors which shall be

Appointment of Staff of office of the Auditors-General

Oath of Office and Allegiance

Independent Auditors

appointed by the House on the recommendation of the Public Accounts Committee.

- (2) Pursuant to subsection (1) of this section, the Public Accounts Committee shall advertise for the positions of the Independent Auditors in at least three national dailies.
- (3) The Independent Auditors referred to in subsection (1) of this section shall not be persons engaged by the Office and the Commission in the last five years.
- (4) Without prejudice to subsection (1) of this section, a firm shall be qualified for appointment as Independent Auditor to the Office and Commission where:
 - (a) it holds a valid practicing license within the country for at least a period of five years preceding such appointments;
 - (b) has proven track record of performance and integrity;
 - (c) it has not been involved or has not audited the Office or the Commission or any entity which is subject to audit by the Office of Auditors-General for at least a period of five years before such appointment; and
 - (d) has not been a consultant to the Office or Commission for at least a period of five years preceding such appointment.
- (5) Notwithstanding anything to the contrary in any law in force, the Office of the Auditors-General and the Commission shall, within three months after the end of their financial year, prepare and submit to the auditors appointed under subsection (1) of this section financial statements of the Office of the Auditors-General and the Commission.
- (6) The auditors under sub-section (1) of this section shall have access to all books of accounts, vouchers and other records of the Office of the Auditors-General and are entitled to any information and explanation required in relation to those records.
- (7) Where the Audit Commission fails to appoint Independent Auditors provided in sub-section (1) of this section, the House shall after three months of the end of the financial year mandate the Commission to appoint such Independent Auditors to audit the accounts of the Office of the Auditors- General.

(8) The Independent Auditor so appointed under sub-section (1) of this section shall submit the audited report to the House, the Office of the Auditors- General and the Commission not later than ----- months of their appointment.

112. (1) The Accounting officers in ministries, departments and agencies of the State and Local Government Councils shall set up Audit Committees consisting of a maximum of three members.

*Audit
Committees*

(2) The Audit Committees shall:

(a) implement all recommendations contained in the reports of the Auditors-General which are approved by the House and any other resolution or directive of the House;

(b) prepare annually a report showing the status of the implementation of the provisions of sub-section (2) paragraph (a) of this Section; and

(c) the reports prepared pursuant to sub-section 2 (a) and (b) of this section shall contain a statement showing the remedial actions taken or being taken to avoid or minimize the occurrence of the undesirable features in the accounts and operations of the ministries, departments or agencies and the time frame within which the remedial action shall be completed, if any.

(3) The Audit Committee shall forward copies of the reports to the Auditors-General.

SCHEDULES

FIRST SCHEDULE

SECTIONS 6, 42 AND 110

OATH OF ALLEGIANCE

I, do solemnly swear/ affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria and that I will preserve, protect and defend the Constitution of the Federal Republic of Nigeria.

So help me God.

SECOND SCHEDULE

SECTIONS 6 AND 42

OATH OF OFFICE OF AUDITOR-GENERAL (STATE) AND AUDITOR-GENERAL(LGs)

Ido solemnly swear/affirm in the name of the Almighty God that as the Auditor-General for the State/Auditor-General for local government, I will be faithful and bear true allegiance to the Federal Republic of Nigeria; I will discharge my duties to the best of my ability, faithfully and in accordance with the Constitution of the Federal Republic of Nigeria and Bayelsa State Audit Law 2021, that I will not allow my personal interest to influence my official conduct or decisions, that I will abide by the code of conduct contained in the fifth schedule to the Constitution of the Federal Republic of Nigeria; that in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will; that I will not directly or indirectly communicate or reveal to any unauthorized person, any matter which shall be brought under my consideration or shall become known to me as Auditor-General (State)/ (LGs) except as may be required for the due discharge of my duties as Auditor General (State)/ (LGs) that I will devote myself to the service of Bayelsa State and Nigeria.

So help me God.

THIRD SCHEDULE

SECTION 42

OATH OF SECRECY

I, do solemnly swear/affirm in the name of God Almighty that as staff of the office of the Auditor-General (State)/(LGs), I will assist the Auditor-General (State)/(LGs) in the discharge of his office and I shall keep all confidential matters that come to my knowledge in the course of my employment or duties under this Law and shall not communicate those matters to other persons, except as may be required by law or in connection with the discharge of my duties.

So help me God.

FOURTH SCHEDULE

SECTION 110

OATH OF OFFICE OF CHAIRMAN AND MEMBERS OF THE COMMISSION.

Ido solemnly swear/affirm in the name of the Almighty God that as Chairman/ Commissioner/ Member/ Secretary of the Audit Service Commission, I will be faithful and bear true allegiance to the Federal Republic of Nigeria; I will discharge my duties to the best of my ability, faithfully and in accordance with the Constitution of the Federal Republic of Nigeria and Bayelsa State Audit (Repeal and Re-enactment) Law, 2021, that I will not allow my personal interest to influence my official conduct or decisions, that I will abide by the code of conduct contained in the fifth schedule to the Constitution of the Federal Republic of Nigeria; that in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will; that I will not directly or indirectly communicate or reveal to any unauthorized person, any matter which shall be brought under my consideration or shall become known to me as Chairman/ Commissioner/ Member/ Secretary of the Audit Service Commission, except as may be required for the due discharge of my duties as Chairman/Commissioner/Member/Secretary of the Audit Service Commission, that I will devote myself to the service of Bayelsa State and Nigeria.

So help me God.

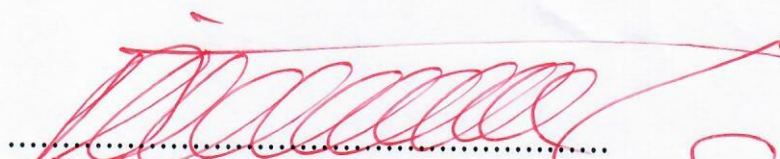
This printed impression has been carefully compared by me with the Bill which has passed the Bayelsa State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.



.....
MR. ADOGU TENEDIA KENT

Ag. Clerk of the House

Assented the 28th day of June, 2021.



.....
SENATOR DOUYE DIRI

Governor of Bayelsa State