



KOGI STATE OF NIGERIA

A LAW

TO REPEAL AND RE-ENACT

THE KOGI STATE LOCAL
GOVERNMENT AUDIT LAW, 2020,
AND OTHER MATTERS
CONNECTED THEREWITH, 2021

THE KOGI STATE LOCAL GOVERNMENT AUDIT (REPEAL AND RE-ENACTMENT) LAW, 2021

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A LAW TO REPEAL AND RE-ENACT THE KOGI STATE LOCAL GOVERNMENT AUDIT LAW, 2020 AND OTHER MATTERS CONNECTED THEREWITH, 2021

ENACTED by the Kogi State House of Assembly and by the authority of same as follows: *Enactment*

**PART I:
PRELIMINARY PROVISIONS**

1. This Law may be cited as the Kogi State Local Government Audit (repeal and re-enactment) Law, 2021. *Citation*
2. This Law shall come into force on the _____ day of _____ 2021. *Commencement*
3. In this Law, unless the context otherwise requires: *Interpretation*
 - “Accounting entry”** means a posting of transactions in the accounting records either to increase or decrease an asset or expense account whilst simultaneously effecting a corresponding decrease or increase to a liability or income account;
 - “Accounting Officer”** means Head of Local Government Administration (HLGA) or any person in the Local Government who is in full control of, and is responsible for human, material and financial resources which are critical inputs in the management of the organization and the achievement of service delivery objectives;
 - “Accounts Officers”** means any Head of Department, imprest holder, collectors of revenue or other officer of the Local Governments whose duties involve fiduciary responsibility for public funds or assets of any of the 21 Local Government Councils, Local Government Education Authority and Traditional Councils;
 - “Affiliates”** means government entities like Local Government Education Authority, Traditional and Area Councils and other

business enterprises of any of the 21 Local Governments of Kogi State;

“Audit” means an independent examination of accounting records, financial statements and supporting documents for the purpose of expressing an informed opinion concerning their propriety, fairness, completeness, consistency and conformity with generally accepted accounting standards and relevant legislation;

“Audit fees” means a payment for the services of a professional auditor;

“Audit query” means audit reports asking questions or expressing doubts about the genuineness, validity or accuracy of transactions carried out by an auditee;

“Audit standards” means a set of systematic guidelines used by Auditors when conducting audits on organizations' finances, ensuring the accuracy, consistency and verifiability of Auditors' actions and reporting that result from such audit actions;

“Auditee” means a chief accounting officer, officer or organization whose account is being audited by an Auditor;

“Auditor” means an officer in the Office of the Auditor-General for Local Governments or whoever is authorised to be in charge of an audit function by the Auditor-General for Local Government for Local Governments;

“Auditor-General” means the Kogi State Auditor-General for Local Governments;

“Authorised auditor” means auditor given delegated power or permission to conduct an audit on behalf of the Auditor-General for Local Government for Local Governments as provided for in this Law;

- “Chairman”** means Executive Chairman of a Local Government Council or any person acting in that capacity;
- “Chief Accounting Officer”** means the Local Government Chairman/Heads of Parastatals/Ministries/Education Secretary/Traditional/Area Council Secretary/Director of Local Government;
- “Cognate experience”** means working experience as Auditor;
- “Company”** means a company established under the Companies and Allied Matters Act 1999 including Banks;
- “Conference of Federal, State and Local Government Auditors-General”** means the body comprising the Auditors General of the Federation, the 36 States Auditor-General for States and Local Governments of Nigeria;
- “Engagement letter”** means a written agreement to perform professional audit and accounting services by Audit Firms in exchange for compensation;
- “F&GPC”** means Local Government Finance and General Purpose Committee;
- “Financial Statement”** means a formal IPSAS General Purpose Financial Statement report on the financial position and financial performance and the extent to which the accounting officer and their subordinates at the level of the 21 LGA, LGEA, Traditional Council, and Parastatal have successfully fulfilled their fiduciary obligations as provided for in the Financial Memoranda and Regulation;
- “Financial year”** means the financial year of the Local Government, Parastatals, LGEA and Traditional Councils, or the accounting period as adopted for Kogi State public service;
- “Gender”** means that reference to any one gender and includes reference to the other gender;

- "Government"** means the Government of Kogi State;
- "Governor"** means the Executive Governor of Kogi State;
- "Local Government Council"** means any of the 21 Local Government Councils of Kogi State;
- "Local Government Education Authority"** means any of the 21 Local Governments Education Authority of Kogi State;
- "Local Government"** means the Government of any of the 21 Local Government Councils of Kogi State;
- "Ministry"** means the Ministry of Local Government and Chieftaincy Affairs which the Auditor General for Local Governments shall audit to the extent of funds allocated to it by the Local Government Areas or Joint Accounts Allocation Committee and its activities as it relates to their mandate on LGAs operations;
- "Office of the Auditor-General for Local Government for Local Governments"** means Office of the Auditor-General for Local Government for Local Governments, Kogi State;
- "Officer"** means the holder of any position in the Local Government of the State.
- "Oversight Mechanism"** means the bodies, units and processes used to review institutional performance in the State to enhance their effectiveness, integrity and productivity;
- "Parastatals"** means State Public Offices that receive statutory transfers from the Joint Account Allocation Committee or directly from the Local Government Councils for which the Auditor-General for Local Government shall audit their accounts to the extent of funds allocated to it by the Local Government Councils or Joint Accounts Allocation Committee and its activities as it relates to their

mandate on Local Government Councils' operations, and the Parastatals include: -

- (i) Local Government Service Commission;
- (ii) Kogi State Pension Commission (Local Government Section);
- (iii) State Universal Basic Education Board; and
- (iv) any other deductions on Joint Account Allocation Committee's Account or directly from the Local Governments pursuant to the Law by the State Assembly;

"Private Audit firm" means a firm duly registered with Office of Auditor-General for Local Government for Local Governments, licensed by any of the recognized professional accounting and auditing certification bodies to perform an examination of an organization's accounting records in terms of predetermined audit standards or other related engagements (private or public) on any accounting entity of a Country/State in which they are licensed to operate in terms of their charter of professional certification;

"Professional Accountant" means a qualified accountant who is a full member of any of the professional accounting bodies recognized as such within the Federal Republic of Nigeria;

"Public moneys" include:

- (a) The public revenue of Kogi State Local Government, Traditional Councils; and
- (b) Any other money held in public trust for any period, however short by any officer alone or jointly with other person(s);

"Public Sector" means the governments and all publicly controlled or publicly funded agencies, enterprises and other entities that deliver public programs, goods and services at the Local Government Level;

"Revenue" means Kogi State 21 Local Governments' share from the Federation Account, internally generated revenues, grants and loans;

"Speaker" means the Speaker of the Kogi State House of Assembly;

"State" means Kogi State of Nigeria;

"State Assembly" means the Kogi State House of Assembly;

"Statutory Body" means any authority established under the Act of the Federation or Law of a State;

"Storekeeper" means any officer having in his charge stores, articles or items that are public property;

"Supreme Audit Institution" means National or State Institution that is designated and organised in terms of the Law to direct the activities and exercise the authority of the highest public auditing function of the Federal Republic or an autonomous State;

"The Law" means the law enacted by the State Assembly;

"Traditional/Area Council" means any of the Local Government Traditional/Area Councils of the State.

PART II:

OFFICE OF THE AUDITOR-GENERAL FOR THE LOCAL GOVERNMENTS OF KOGI STATE

4. (1) There is hereby established in the Service of the State an Office to be known as the Office of the Auditor-General for the Local Governments, Kogi State.
- (2) The Office shall be headed by the Auditor-General for Local Governments.
- (3) The Office of the Auditor-General for the Local Governments shall be a body corporate with perpetual succession and

*Establishment of
the Kogi State
Office of the
Auditor- General
for Local
Governments.*

common seals, may sue and be sued in its corporate name and may acquire, hold, or dispose of any property, movable or immovable for the purpose of carrying out its functions under this Law.

5. (1) The Auditor-General for Local Governments, in exercising his power or in performing his functions, shall be neutral and independent and shall not be under the direction or control of the State House of Assembly and the Executive.
- (2) Auditor General for Local Government, in performing the functions under this Law, shall not be subject the direction and control to any other authority or person in the:
 - (a) Selection of audit issues; or
 - (b) Planning, programming, conducting, reporting, and following up on the audits; or
 - (c) Organization and management of offices in the Office of the Auditor General; or
 - (d) Enforcement of audits' decisions wherein the application of sanction(s) is (or are) part of the mandate.
- (3) The Auditor-General for Local Government shall have 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.
- (4) The Auditor-General for Local Governments shall not be involved or seen to be involved in any manner, whatsoever, in the management of any auditable entity.
- (5) The Auditor-General for Local Government shall perform the functions under this Law impartially, without fear, favour or prejudice, and shall exercise the powers independently.

*Neutrality and
Independence of
the Auditor-
General.*

(6) The Auditor-General for Local Government shall audit the implementation of the policies of Government and public entities at Local Government level and ensure that the quality of financial management and reporting follow acceptable standards and best practices.

6. The Auditor-General for Local Governments shall be appointed by the Governor of the State on the recommendation of the State Civil Service Commission, subject to confirmation by the State Assembly in accordance with the provisions of Sections 7 and 8 of this Law.

The Appointment of the Auditor-General for Local Governments.

7. (1) The process of selection of the Auditor-General For Local Governments should be a transparent and an open process.

The Process of Selection of the Auditor-General for Local Governments.

(2) The process shall be widely advertised to enable well-qualified candidates to compete.

(3) In recommending persons for appointment as the Auditor General for Local Governments, the State Civil Service Commission shall advertise the vacancy on its website, in two national newspapers, the official gazette and the Procurement Journal for a minimum period of six weeks before the date set for interview.

(4) The State Civil Service Commission shall interview the applicants and recommend the top three candidates to the Governor.

8. (1) A person shall not be appointed as the Auditor-General for Local Governments unless, that person:

Minimum Qualification for Appointment as the Auditor-General for Local Governments

(a) has a basic qualification of B.Sc. or Higher National Diploma (HND) in Accountancy or an accounting or related discipline;

- (b) be is a member of any of the recognized professional accounting bodies e.g. ICAN, ANAN or Foreign Professional bodies as provided in the scheme of service;
- (c) must have minimum of fifteen (15) years of post-qualification experience;
- (d) registered with the Financial Reporting Council of Nigeria;
- (e) be of proven professional ability and expertise; and
- (f) has not been convicted of any offence involving dishonesty by a Law Court or found guilty of any professional misconduct involving dishonesty by any professional body established by law in Nigeria.

9. (1) The functions of the Auditor-General for Local Governments shall include:

Functions of the Auditor- General for Local Governments.

- (a) audit of all Accounts of the 21 Local Government Councils including Traditional Area Councils, Local Government Education Authorities, the Ministry and Parastatals and any Agency of Government responsible for the receipt or expenditure of Local Government funds;
- (b) expression of opinion on whether the financial statements prepared by the Accounting Officers of the Local Governments and Parastatals represent fairly or otherwise the financial position and result of operations of the Local Government Councils and the Parastatals;

- (c) audit revenues accruing to the 21 Local Governments, Local Government Education Authorities and those of the Ministry and the Parastatals;
 - (d) audit donations, grants, and loans accruable to the 21 Local Government Councils, Local Government Education Authorities and those of the Ministry and the Parastatals.
 - (e) undertaking performance audit by confirming that the businesses of the Local Governments, parastatals are economically, efficiently, and effectively performed
 - (f) carrying out forensic and special investigation into any alleged financial irregularities and or fraud which have negative impact on delivery of public goods and service;
 - (g) conducting audit of personnel records to ascertain compliance by the Local Government Areas, Local Government Education Authorities and Traditional Area Councils, with rules and procedures governing recruitment, promotion, discipline, and retirement;
 - (h) determining the scope of such audits as he may deem necessary to safe guard public funds and assets, and promote good governance.
- (2) (a) Provide the Parastatals with:-
- (i) list of Auditors to be appointed by them as External Auditor and from which the bodies shall appoint their external auditors.
 - (ii) guideline on the level of fees to be paid to the external auditors.

(iii) liaising with the Parastatals for the payment agreed fees.

(b) comment on the Annual Accounts and the External Auditors report on the Parastatals and report same to the State Assembly.

10. (1) The Auditor-General for Local Government shall have power to:

*Powers of the
Auditor- General
for Local
Governments*

(a) decide on the methodology to be adopted in respect of all audit and related assignments;

(b) determine the nature and extent of audit to be carried out and request the details, statements of account and financial statements and other relevant documents which he considers necessary for purpose of his audit;

(c) have free access to all information that relates to the fulfilment of his responsibilities and be entitled to require and receive from members of the Public Service of the Local Government Councils and of the Ministry and Parastatals receiving and or expending Local Government Funds, information, reports and explanations as he deems necessary for that purpose;

(d) have access to all records, books, vouchers, documents, cash, stamps, securities, stores, and any other government property in the possession of any person in the Public Service of the Local Government, the Ministry and the Parastatals;

(e) require any individual, employee or an official, upon his request or his representative, to make available correct and complete books, documents, ledgers, vouchers and all other documentary or oral evidences which are

- deemed useful and necessary for the discharge of his responsibilities;
- (f) issue directive and circulars concerning accounts and proper auditing procedures and standards;
 - (g) have access to all Government bank account (within his statutory coverage) with a view to ensuring completeness, adequacy and accuracy of audit exercise;
 - (h) surcharge the amount of any expenditure which has not been duly brought into account or the amount of any loss or deficiency incurred;
 - (i) revoke any surcharge imposed by the Office of the Auditor-General for Local Governments; and
 - (j) recommend withholding the emoluments and allowances of persons who failed or refused to reply to audit query 7 days from the date of receipt of such query, and for as long as the person fails to comply.
- (2) Conduct periodic check of the 21 Local Government Councils, the Ministry and Parastatals, and Local Government business entities, including all persons and bodies established in that regard by law of the State Assembly or bye laws of the Local Government Area Legislative Councils.
- (a) The Auditor-General for Local Governments 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

- (b) in doing so, the Auditor-General for Local Governments shall advise the person in writing of the nature of the information required.
- (4) (a) The Auditor General for Local Governments may, in the course of performing his/her functions, duties or exercise of powers, summon a person as witness to give evidence either orally or in writing;
- (b) any person who pursuant to paragraph (a) of this subsection, knowingly give false evidence or information or makes any false statement on any matter shall be deemed to be guilty of an offence under this Law.
- (5) (a) The Auditor General Local Governments in the performance of his/her functions under this Law or any other law may disallow any item of expenditure which is contrary to law, and surcharge fully or partially:
- (i) the amount of any expenditure disallowed upon the person responsible for incurring or authorizing the expenditure,
- (ii) 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
- (iii) the amount of any loss or deficiency upon any person by whose negligence or misconduct the loss or deficiency has been incurred.
- (b) (i) where the Auditor-General for Local Governments makes a surcharge or disallow any expenditure, he shall specify to the appropriate Head of Department or Institution, the amount due from any person upon whom the surcharge have been imposed,

*Power to
surcharge*

- (ii) pursuant to paragraph (b) (i) above, he 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 Local Governments, Local Government Education Authority, Ministry, and Parastatals;
- (c) every sum so specified by the Auditor-General for the Local Governments 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;
- (d)
 - (i) 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, and
 - (ii) where such sum owed as a civil debt is recoverable from a person in receipt of a remuneration from the Local Governments, such remuneration shall be attached either in full or incrementally to the extent of the sum lawfully due;
- (e) where an Accounting Officer is compelled in terms of this Section to initiate civil proceedings for the recovery of a surcharge raised by the Auditor-General for Local Governments, a certificate signed by the Auditor-

General 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;

- (f) the Auditor General if satisfied by new evidence may at any time, revoke any surcharge imposed in terms of this Section; and
 - (g) any person aggrieved by a surcharge, the withholding of an emolument or allowance in terms of this Section may appeal to the Public Accounts Committee of the House of Assembly within sixty (60) days from date of such directive being issued by the Auditor-General for Local Government for redress and, thereafter, be afforded a further avenue of appeal to the High Court provided that such appeal is lodged to the High Court not later than fourteen (14) days after the decision of the Public Accounts Committee to uphold the directive of the Auditor General Local Government as made public.
- (6) (a) For the purpose of performing his functions and duties or exercising his power under this Law, the Auditor General for Local Governments may:
- (i) examine or audit the account of any person held at any bank if the Auditor-General Local Governments has reason to believe that the money held in such an account are public funds which had been fraudulently or wrongfully paid into such account,
 - (ii) as a pre-requisite to exercising this authority, the Auditor-General may enter into a non-disclosure agreement with the holder of the account and afford such holder absolute assurance that any information

*Power to access
Banking
Information*

disclosed for purposes of examination or audit shall not be used for any other purpose other than as legally intended under this Law, and shall not proceed with any such examination or audit without first obtaining ex-parte warrant of the High Court authorizing such examination, and

- (iii) upon being presented with such warrant as is described in this Section, the bank officer shall be required to 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;
 - (b) (i) the Auditor-General for Local Governments shall have the right to make copies of any record, including electronic or digital records or the like, obtained in terms of this Section and shall have all such copies notarized by a court appointed notary, the cost of which shall be defrayed by Auditor-General for Local Governments
 - (ii) the officer of the bank shall append a suitable endorsement electronically or in indelible ink that at a minimum shall identify the bank from which such records were obtained and the date on which such records were obtained, and
 - (iii) the officer of the bank shall electronically initiate or under his own hand and in ink, initial each page of any records so provided.
- (7) Auditor-General for Local Governments 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 the need for a warrant of the court, on any Local Councils' 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 warrant of a court enter and conduct a search of any private property, premises, vehicle or person if there is reasonable suspicion that a document, account, written or electronic record, general information, or asset which the Auditor-General for Local Governments 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 warrant of the 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 warrant of the court to the person in charge or affix a copy of the warrant to the premises, property or vehicle in a prominent place; and

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

11. (1) (a) The Auditor General for Local Government shall have a term of five (5) years in Office, renewable once for another five(5) years;

*Tenure and
Removal of the
Auditor- General
for Local
Governments
from Office.*

(b) the Auditor General shall retire on the 5th anniversary of his appointment (or the 10th anniversary if the appointment was renewed), and shall remain in post until the end of their fixed term regardless of whether they have reached 65 years of age or 35 years of service.

(2) The Auditor-General for Local Governments may be removed from office by the Governor of the State acting on an address supported by two-third majority of all the members of the State Assembly praying that he be so removed for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct.

(3) The House of Assembly before voting in (2) above, shall give a minimum of 21 days' notice of removal to the Auditor General and demand written explanation why he should not be removed from Office.

(4) The Auditor-General for Local Governments shall not be removed from office before such retiring age as may be

prescribed by law save in accordance with the provisions of subsection 2 of this Section.

- (5) The Auditor-General for Local Government for Local Governments is considered to be removed from office if he voluntarily retires from service or resigns his appointment by a notice, under his hand, addressed to the Governor indicating his intention to retire from service or resign his appointment.

12. (1) There shall be established five (5) Directorates and two (2) Units to function directly under the office of the Auditor-General for Local Government for Local Governments.

*Creation of
Directorates and
Departments.*

- (2) The Directorates established shall consist of:
 - (a) Directorate of Audit Services which shall comprise two (2) Departments:
 - (i) Field Operations, and
 - (ii) External Audit;
 - (b) Directorate of Forensic Audit and Investigation, which shall comprise three (3) Departments:
 - (i) System Audit,
 - (ii) Forensic Audit, and
 - (iii) Monitoring and Evaluation Department;
 - (c) Directorate of Pension and Retirement Services which shall focus on civil servants undergoing retirement under the outgoing Define Benefit Scheme, to exit when the last staff under the scheme retires from the service of any Local Government;

- (d) Directorate of Finance and Administration, which shall comprise of two (2) Departments:
 - (i) Administration and Procurements,
 - (ii) Finance and Account;
- (e) Directorate of Quality Control and Performance Audit, which shall consist of two Departments:
 - (i) Quality Control, and
 - (ii) Service Improvement
- (3) The Units shall be known as:
 - (a) Legal Unit;
 - (b) Public Relations Services.
- (4) (a) The Local Government Audit Service Board on the recommendation of the Auditor-General for the Local Governments shall from time to time, review the administrative structure of the Office to meet the prevailing needs;
- (b) any change made to the administrative structure of the Audit Office by the Auditor General for the Local Governments shall be on interim basis until published in the State Official Gazette.
- (5) The Office of the Auditor General for the Local Governments shall have the executive authority over Human Resources and associated matters.
- (6) The Office of the Auditor General shall consult with and take the report and recommendations of the Audit Service Board into consideration regarding recruitments, appointments, promotions, sanctions, discipline, remuneration, terms and

conditions of employment, the structure of the Office and the applicable code of conduct and ethics.

- 13 (1) There is hereby established independent funds for the Offices of the Auditor General.
- (2) Not later than 90 days before the end of the financial year, the Auditor General for Local Government shall prepare and submit draft estimates of revenue and expenditures of his/her offices for the next financial year directly to the House of Assembly, make necessary amendments after receiving comments from the House of Assembly and then submit to the Ministry of Budget and Economic Planning.
- (3) No changes shall be made to the estimates submitted by the State Auditor General to the Ministry of Budget and Economic Planning without the prior agreement of the House of Assembly.
- (4) The Executive must not control or have direct access to the resources of the Office of the Auditor General.
- (5) The sum appropriated for the Office of the Auditor General for Local Governments by the House of Assembly in each financial year shall be charged on the Consolidated Revenue Fund of the State or the Joint Accounts Allocation of the Local Government Areas as appropriate and paid as a first line charge in twelve equal instalments for each month of that financial year.
- (6) The Auditor-General shall manage the budget of the Office and allocate it as is appropriate.
- (7) (a) The Auditor-General for Local Governments shall discharge his fiduciary duty in terms of the funds appropriated to the Office by the House of Assembly of

*Funding of the
Office of the
Auditor- General
for Local
Governments.*

the State in accordance with the requirements of relevant legislation and the prescripts of existent Financial Regulations; and

- (b) expenses to be paid from this subvention shall include, but not limited to:
 - (i) cost of training and professional development activities,
 - (ii) monies for travelling, transportation and subsistence required by staff engaged in conducting the official business of the Auditor-General for the Local Governments away from their home office,
 - (iii) the administrative expenses of the Office of the Auditor-General for Local Governments, and
 - (iv) any capital development project or special expenditure.
- (8) The Auditor-General for Local Government shall have recourse to the House of Assembly for a Supplementary Appropriation where the sum appropriated for the year is not sufficient for identified audit issues required to be completed within the year.
- (9) It shall be the responsibility of the House of Assembly to ensure that the Auditor-General for the Local Governments and the Office have proper resources to meet obligations of the Office.
- (11) Similarly, to enable the Auditor General for Local Government to carry out Quality Assurance on all Audit reports submitted by External Auditors, and consolidation of same for submission of Annual Audit Report to the House of

Assembly, the Auditor General for Local Government shall be entitled to 5% as levy on professional fees payable to external auditors engaged as Statutory Auditors for Agencies, Commissions, Parastatals and Government Business Entities in the State.

- (12) It shall be the responsibility of the House of Assembly to ensure that the Auditor-General for Local Governments and the Office have proper resources to meet obligations of the Office.
- (13) To effectively carry out value for money audit in respect of capital expenditure, contracts and projects at the Local Governments, the Office of the Auditor General for Local Government shall be required to carry out project audit, regular monitoring of projects executed by the Local Government Areas and shall engage professionals for this purpose;
- (14). Funding of the salaries and overhead of the Office of the Auditor-General for Local Governments shall be in accordance with the yearly Appropriation Law of the State.
- (15). Draft Budget submitted by the Auditor General for Local Governments directly to the State House of Assembly, when approved shall not be altered by the Ministry of Budget and Economic Planning without prior agreement of the State House of Assembly.
- (16). Any amount standing to the credit of Office of the Auditor-General for Local Governments in the annual Appropriation Law shall be paid directly to the Office of the Auditor-General for Local Governments and disbursed in accordance with the approved budget of the State.

(17). The Auditor-General for Local Government shall have recourse to the House of Assembly for a Supplementary Appropriation where the sum appropriated for the year is not sufficient for identified audit issues required to be completed within the year.

14. (1) The State Joint Local Government Account Allocation Committee or the Finance and General Purpose Committee (F&GPC) of each Local Government shall remit to the Office of the Auditor-General for Local Governments, within a period not exceeding seven (7) working days from the day of receipt, a one percent (1%) of the total monies disbursed to all Local Government Councils from the Federation Account or directly remitted by the 21 Local Government Councils to off-set the administrative and auditing charges incidental to its statutory functions to the Local Government Authorities in the State as provided for in the State Joint Local Government Account Disbursement Committee Law, 2008 (as amended). This requirement does not constitute a cap on the funding of the Audit Office, and further funding is to be provided through the annual appropriation.

(2) Any amount standing to the credit of the Office of the Auditor-General for Local Governments shall be paid directly into the official Bank Account of the Office of the Auditor-General for Local Governments.

15. (1) The Auditor General for Local Governments shall be paid such salary and emoluments as prescribed by the House of Assembly.

(2) The total remuneration shall not be more than the amount provided for by the Revenue Mobilization Allocation and Fiscal Commission pursuant to Section 6 (1) (d) Part B, First

*The State Joint
Local Government
Account
Disbursement
Committee Law,
2008 (as
amended)*

*Remuneration of
Auditor General
for Local
Government and
Other Officers of
Auditing Cadre*

Schedule, Revenue Mobilization and Fiscal Commission Act (CAP. R 7) 2004.

- (3) In addition to the allowances currently provided for by the Revenue Mobilization Allocation & Fiscal Commission to other cadre of Public Service similar to that of the Auditor General for Local Governments, the following allowance shall accrue to the Auditor General for Local Governments as well as all Officers of the auditing cadre:
 - (a) a minimum of 50% of basic salary as hazard allowance; and
 - (b) a minimum of 50% of basic salary as clothing allowance.
 - (4) The remuneration and salaries payable to the holders of the said offices and their conditions of service, other than allowances, shall not be altered to their disadvantage after their appointment.
 - (5) The allowances as stipulated in this Section shall be in addition to any such other allowances as the House of Assembly may appropriate from time to time to cater for Auditors' exposure due to consistent field work.
16. (1) The Auditor-General for Local Governments shall prepare and submit to the House of Assembly at least within ninety (90) days before the beginning of each year, a draft annual plan that:
- (a) describes the Auditor-General's proposed work programme for the year; and
 - (b) includes interim report for that financial year.
- (2) The Auditor General for Local Governments, after considering any comments of the House or of the Public

*Annual Work
Plan of the
Auditor General*

Accounts Committee that considered the draft plan, may amend the plan as necessary and submit back to the House of Assembly.

- (3) The Auditor General for Local Governments shall submit the full year Performance and Activity report of the Audit Office to the House of Assembly not later than five (5) months after the end of a financial year, and shall publish the report online immediately after submission to the House. The Annual Activity Reports shall set out the financial and non-financial impacts achieved by the Office, progress made with improving its human capital, challenges and mitigations in the course of fulfilling its mandate, support received from various sources, the audited financial statements of the Office and all other relevant information on the activities of the Audit office in the year.

17. (1) The Auditor-General for Local Governments shall express an independent opinion on the results of each audit and state whether;

*Auditor-General
for Local
Governments'
Report on Local
Government
Activities.*

- (a) the accounts are in conformity with the requirements of the Finance (Control and Management) Act, other Acts and Financial regulations; and of Financial Memorandum;
- (b) all moneys appropriated or otherwise disbursed have been expended and applied for the purpose intended and that such expenditure conforms to the authority which governs it;
- (c) all reasonable precautions have been taken to safeguard the revenues, resources and property, and that all regulations, directives and instructions relating to them have been duly complied with;

- (d) in his opinion, the accounts reflected fairly the financial positions of the public entities;
 - (e) money has been expended with due regard to economy, efficiency and effectiveness;
 - (f) adequate financial regulations exist for accounting and financial operations in the State 21 Local Governments and its affiliates and that they are fully observed; and
 - (g) satisfactory procedures have been adopted to measure and report the effectiveness of program, where such procedure could appropriately and reasonably be implemented.
- (2) The Auditor-General for Local Government shall, ninety (90) days of the receipt from the Accounting Officers the Financial Statement and Annual Accounts of the 21 Local Government Councils, and those of the Parastatals, submit his report to the State Assembly and the State Assembly shall cause the report to be considered by a Committee of the State Assembly responsible for Public Accounts.
- (3) The Auditor-General for Local Governments shall follow-up on the implementation of audit recommendations and the recommendations of the State Assembly arising from the reports submitted to it, under this Law and report back to the State Assembly on outstanding issue(s).
- (4) The Auditor-General for Local Governments shall, at any time, when the need arises, submit to the State Assembly a special report on any matter incidental to his powers and functions under this Law.
- (5) The Auditor-General for Local Government for Local Governments shall draw the attention of the House of

Assembly and other relevant authorities to any irregularity observed during the audit of the accounts as soon as the facts of such irregularities have been established and confirmed.

- (6) The Auditor-General for Local Governments shall as a result of the audit conducted periodically or as at when considered necessary make such enquiries and observations addressed to the Accounting Officer of the Local Government and call for such details, vouchers, statements, documents and explanations as he deemed necessary for the performance of his duties.
- (7) The Auditor-General for Local Government for Local Governments or any person authorized by him to carry out an audit shall hold exit meeting with the Accounting Officer on observations raised and obtain response in connection with the audit observations.
- (8) The Auditor-General for Local Governments shall make a copy of his findings available to the responsible Accounting Officer of the audited entity who shall provide his responses to the issues raised.
- (9) The Office of the Auditor General for Local Governments shall put in place an internal follow-up system including post audit meetings with the audited Local Governments to ensure that the Local Governments properly address the observations and recommendations as well as those made by the House of Assembly and to confirm that corrective and remedial actions are taken.
- (10) The Office of the Auditor General for Local Governments may submit the follow-up reports to the audited entities as

appropriate, for review and follow-up on specific recommendations for corrective action.

- (11) The Auditor General for Local Governments shall make copy of his findings available to the responsible Accounting Officer of the audited entity who shall provide his responses to the issues raised.
18. (1) The Auditor General shall from time to time determine and implement the auditing standards, guidelines, and code of ethics specific to the audits performed by him.
- (2) The auditing standards may include:
- (a) Public Sector Auditing Standards issued by Conference of Federal and State Auditors-General;
 - (b) the Auditing Standards and Code of Ethics published by the International Organisation of Supreme Audit Institutions (INTOSAI) and the International Auditing and Assurance Standards Board (IA&ASB);
 - (c) the Accounting Standards and Code of Ethics published by the International Federation of Accountants (IFAC); and
 - (d) other recognised or required standards issued or accepted as current best practices by funding or donor organisations or regulatory bodies such as the Financial Reporting Council (FRC).
19. (1) In the course of conducting an audit, where the staff of the Office of the Auditor-General for Local Governments or auditors appointed by him discover what they believed to be fraudulent or act of financial misdemeanour or corruption,

*Auditing Standard
and Code of
Ethics.*

*Responsibility for
Reporting Fraud
to the Auditor-
General for Local
Governments.*

they shall immediately notify the Auditor-General for Local Government for Local Governments.

- (2) Where the Auditor-General for Local Government for Local Governments is satisfied that sufficient evidence exists on the face of the preliminary report to warrant special investigation or forensic audit, he shall carry out detailed investigation or appoint an independent expert to do same and make a special report on his findings to the State Assembly.
20. (1) The Office of the Auditor-General for Local Governments may carry out special audit, investigation, forensic or any other audit as he considers necessary from time to time.
- (2) Upon completion of the special audit or investigation, the Office of the Auditor-General for Local Governments shall forward a report of the audit to the State Assembly and may copy the Executive Governor.
21. (1) The Accounting Officers of all the Boards, Parastatal and State Public Business Entities and Institutions shall engage External Auditors to be appointed in line with Section 9 (2) of this Law to audit their accounts and submit their audited financial statements to the Office of the Auditor General for Local Government not later than the first quarter of the preceding year.
- (2) The Directors of the Local Governments shall submit the financial statements of the Local Governments on the preceding year to the Auditor General for Local Governments not later than the first quarter of the present year.
- (3) The Auditor General shall within sixty days from the receipt of the financial statements as provided in subsection (1) and

Special Audit and Investigation.

Statutory Audit of Boards, Parastatal and Local Government Public Business Entities and Institutions

(2) of this Section, submit his report and the audited financial statements to the House of Assembly for legislative actions.

22. (1) The Internal Audit of all the Local Governments shall submit monthly compliance report detailing observation, response by the audited departments and resolutions or planned resolution for observed anomaly if any to the Office of the Auditor General for Local Governments within ten (10) days following the end of the previous month.

*Submission of
Monthly Returns
by Internal
Auditors.*

(2) The methodology and procedures for the continuous audit in Section 26 of this Law, shall be determined by the Office of the Auditor General for the Local Government.

(3) Non-compliance with the provisions of this Section shall be treated in line with the applicable provisions of Section 32 (2) or (3) of this Law.

23. (1) The Auditor-General for Local Governments shall, within reasonable time and subject to the receipt of submissions from relevant entities or 180 days from the end of the financial year, submit his audit reports (to be known as: Statutory Audit Reports to the State Assembly and the Speaker shall cause the report to be considered by the Public Accounts Committee of the State Assembly).

*Submission of
Financial
Statements and
Annual Audit
Report to the State
Assembly*

(2) The report under this Section may include any information and recommendation(s) that the Auditor-General for Local Government for Local Governments may deem fit:

(a) for effective and efficient management of public resources; and

(b) for proper keeping of records and books of accounts including transactions relating to effective utilization of public resources.

- (3) All reports issued by the Auditor-General for Local Government for Local Governments shall be considered as public documents after the report have been submitted to the State Assembly, and shall be published on the website of the Audit Office.
- (4) The Auditor-General for Local Government may provide copies of his published reports to;
 - (a) The State Government press and approved print and electronic media.
 - (b) On the official website of the State Government.
- (5) The Auditor-General is free to decide the content of the audit reports, free to make observations and recommendations in the audit reports, taking into consideration, as appropriate, the views of the audited entity, and is free to decide the timing of the audit reports except where specific reporting requirements are prescribed by law. Furthermore, it is only the Auditor-General for Local Governments, after giving due consideration to the public interest and with regards to auditor's professional obligation for confidentiality of information, that determines what information (beyond the publicly available report) can be disclosed or as may be demanded by the Court of competent jurisdiction or the State Assembly.

24. (1) The Public Accounts Committee shall consider and give effect to each report from the Auditor-General for Local Governments which he shall submit to the State Assembly.

Consideration of Auditor-General's Report by Public Accounts Committee

25. (1) The Auditor-General Local Governments or any person appointed in that behalf or a person acting on his authority shall not be personally liable for any action or omission

Protection of Auditor-General for Local Government for Local Governments from Litigation

committed in good faith in the performance of his functions as provided in this Law.

- (2) All reports of the Auditor-General for Local Governments submitted to the State Assembly shall enjoy all privileges accorded to such reports.
 - (3) Pursuant to subsection (1) of this Section, no civil or criminal proceeding shall be instituted against the Auditor-General for Local Governments on the basis of any report emanating from the performance of his duties.
 - (4) The Committee shall make recommendations on the basis of this consideration and shall monitor their implementation as approved by the State Assembly.
26. (1) The Office of the Auditor-General for Local Governments shall adopt continuous audit approach in carrying out its audit in addition to conventional periodic audit to ensure accountability and transparency to entrench good governance in the State 21 Local Government Councils.
- (2) To give effect to subsection (1) of this Section, the respective Accounting Officers of all the Local Government Councils, Local Government Education Authorities, the Ministry and Parastatals shall submit monthly returns of financial transactions of their Offices to the Auditor General for Local Governments within Seven (7) days after the end of each month.
 - (3) Subject to subsections (1) and (2) of this Section the monthly returns shall be jointly signed by the Director of Local Government Administration (DLG) and Local Government Treasurer (LGT) in the case of the 21 Local Government Councils and Chief Accounting Officers and Director of

*Rendition of
Returns and
Establishment of
Continuous Audit.*

Administration and Finance (DAFs) in case of the Local Government Education Authorities, the Ministry and the Parastatals, and shall include the following: -

- (a) monthly trial balance;
- (b) Bank Statement(s) showing transactions for the month;
- (c) monthly Bank Reconciliation Statement;
- (d) monthly summary of Revenue and Expenditures;
- (e) number (serial and total) of payment vouchers for the month;
- (f) number (serial and total) of revenue receipt and bank deposit slip for the month;
- (g) details of obligations to contractors (Payables);
- (h) details of receivables;
- (i) details of property, plant and equipment acquired during the month;
- (j) property, plant and equipment schedule classified into opening balance, additions, disposal, obsolete or non-serviceable assets;
- (k) report on any additional Staff employed in the service for the reporting month and total number of personnel to date;
- (l) schedule of debts and any addition during the month under consideration;
- (m) monthly salary schedule to bank.

- (5) The methodology and procedures for the continuous audit in subsection (1) of this Section, shall be determined by the Office of Auditor-General for Local Governments.
- (6) Non-compliance with subsection (2), (3) and (4) of this Section shall be treated in line with the provisions of Section 32, subsection (1) of this Law.
27. (1) The Auditor General for Local Governments may, in the performance of his functions under this Law, may engage the services of:
- Power to Appoint Professionals or Consultants*
- (a) Professionals to support and assist him in carrying out audits under this Law; and
- (b) Technical experts or consultants to enhance the performance of the Office of the Auditor General for Local Governments.
- (2) The Professional or Technical Expert appointed under subsection (1) of this Section shall be under the direct supervision of the Auditor General for Local Governments or Officers as he might designate.
- (3) Subject to the provisions of this Section, a person is qualified for appointment as Professionals or Consultant by the Office where:
- (a) he holds a valid practicing licence issued by approved professional body in Nigeria;
- (b) has proven track records of performance and integrity;
- (c) has registered or renewed his registration with the Office of the Auditor General; and
- (d) has complied with the State Public Procurement guidelines.

28. (1) The accounts of the Office of the Auditor General for Local Governments shall, in each financial year, be audited and reported on by an auditor appointed by the House of Assembly.

*Power to Appoint
Independent
Private Auditors*

(2) Pursuant to subsection (1) of this Section, the House of Assembly shall select and appoint for a period not in excess of three (3) years an audit firm from the list of approved independent audit firms compiled by the Auditor -General.

(3) No one audit firm may be appointed beyond one term.

(4) Subject to subsection (1) of this Section, a firm is qualified for appointment as Independent Auditor to the Office of the Auditor General for the Local Governments if such firm has not been a consultant to either of the Offices of the Auditors General for the State and Local Governments at least a period of three years prior to such appointment.

(5) Notwithstanding anything to the contrary in any law in force, the Auditor General for Local Governments shall, within three months after the end of its financial year, prepare and submit to the Auditor Appointed under subsection (1) of this Section, financial statement of the Auditor General for Local Governments

(6) The Auditor appointed under subsection (1) of this Section shall have access to all books of accounts, vouchers and other records of the Auditor General for Local Governments and is entitled to any information and explanation required in relation to such records.

29. (1) Funding designated for payment to Independent or Private Auditors and appropriated by House of Assembly shall be

*Payment to
Professionals or
Consultants*

warehoused with the Office of the Auditor General for Local Government.

- (2) Such monies shall be paid to the Independent or Private Auditor upon satisfactorily completing the assignment.
30. (1) A person appointed to the Office of the Auditor-General for Local Governments shall not begin to perform the functions of that Office until he has subscribed to the Oath of Office prescribed in the Schedule I to this Law.
- (2) Every person appointed to the services of the Office of Auditor-General for Local Governments shall before assuming office subscribe to the Oath or Affirmation of Secrecy specified in Schedule II to this Law.
 - (3) Without prejudice to subsection (2) of this Section, all officers already in the service of the Office of Auditor-General for Local Governments before the enactment of this Law shall be required to sign the Oath or Affirmation of Secrecy specified in subsection (2) of this Section to remain in the service of the Office of Auditor-General for Local Governments.
 - (4) All information at the disposal of Auditors or persons appointed by the Auditor-General for Local Governments shall be kept confidential and shall not be disclosed unless in the interest of the public or as may be demanded by the Court of competent jurisdiction or House of Assembly.

*Affirmation and
Oath of Secrecy*

31. (1) It shall be an offence under this Law if a person:

- (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Auditor-General for Local Governments or any person authorized by the Auditor-General for Local Governments in the performance of his functions;

*Offences and
Penalties.*

- (b) without lawful justification, refuses or fails to comply with any lawful request, order or directives of the Auditor-General for Local Governments or any person authorized by the Auditor-General for Local Governments;
- (c) without any lawful justification, refuses or fails to give to the Auditor-General for Local Governments or any person authorized by the Auditor-General for Local Governments, access to any property, books, records, returns or other documents, information referred to in this Law;
- (d) knowingly presents to the Auditor-General for Local Governments or any person authorized by the Auditor-General Local Governments, a false or fabricated document or makes a false statement with intent to deceive or mislead the Auditor-General for Local Governments or any person authorized by the Auditor-General for Local Governments;
- (e) present himself as having authority under this Law without such lawful authority;
- (f) misuses any information obtained while performing his official function or exercising his official power;
- (g) colludes with any Accounting Officer or internal Auditor or other public officer in the conduct of his functions.
- (h) requests or accepts a bribe or any form of compensation, reward or favour for the neglect or non-performance of any duty of the staff member;
- (i) fails to report to the Auditor General any evidence or suspicion of abuse of funds, assets, irregularity, fraud or

theft that he may become aware of in the course of executing his duties as an auditor.

- (2) (a) Any breach of the provisions under this Section shall be liable upon conviction to a fine of not less than Five Hundred Thousand (N500,000.00) Naira only or a term of imprisonment of not less than two (2) years, or to both fine and imprisonment;
- (b) the provision under this subsection is without prejudice to the provisions of the relevant Civil Service Rules

**PART III:
STAFF AND OTHER RELATED MATTERS**

- 32. (1) (a) The Audit Services Board is herewith assigned the duty of recruiting the staff required for resourcing of the Offices of the Auditors General for Local Governments;
 - (b) the responsibility for requesting for the recruitment of staff and for determining the calibre of staff required to ensure the efficient performance and functioning of the Offices of the Auditors General for Local Government shall reside with the Auditors General for Local Governments 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.
- (2) Recruitment of staff at the request of the Auditor-General for Local Government shall be concluded within the shortest possible time without compromising the calibre of staff so selected and ultimately appointed.
 - (3) The Local Government Audit Service Board is herewith assigned responsibility for the selection and approved

*Appointment of
Staff.*

proposal for appointment of all staff, officers and other employees required as human capital resources in the Offices of the Auditors General for the Local Governments or the Office of the Board other than the Auditors General's.

- (4) The Local Government Audit Service Board may engage in consultation with the State Civil Service Commission, such consultation shall, however, not under any circumstances absolve the Auditor-General from the responsibility for taking the final decision on the approval and appointment of all Staff of the Auditors General for Local Government Offices proposed for appointment by the Board.
 - (5) The Board shall on behalf of the Office of the Auditor-General be responsible for ensuring that all vacancies are widely advertised, that all applicants shortlisted are in possession of the required minimum qualifications, that such qualifications are duly verified with the relevant accreditation body, and that the required skills and competence levels are confirmed by means of any combination of the following (i.e. interviews, examinations, case study based simulations of the work environment) so as to ensure that persons recruited to positions required by the Auditor General for Local Government are consummately suitable for the appointment.
33. (1) When a member of staff, as recommended for appointment by the Board and approved by the Auditor-General, becomes eligible for promotion on the basis of time served and having met all additional qualification criteria, the Auditor General for the Local Governments shall recommend to the Board such member of staff for promotion.
- (2) It shall be the responsibility of the Board to ensure that, once a staff member is recommended for promotion by the Auditor-

*Promotion of
Officers in the
Office of the State
Auditor General*

General for Local Governments, such promotion is effected without undue delay.

34. The Board shall:

- (a) review changes proposed by the Auditor-General for Local Governments in matters of Human Resources and Office Administrative structure and provide recommendations to the Auditor-General for Local Governments for consideration;
- (b) based on the recommendation of the Auditor-General, determine the terms and conditions of service for officers and employees engaged in all offices in the Office of the Auditors General for Local Governments;
- (c) be responsible for all administrative matters pertaining to staff deployed in Auditors General for Local Governments' Office and the Board where such matters of administration shall include, but not be limited to, discipline, benefits, pension, gratuity and issue of gratuity upon retirement and any other conditions of service-related matters;
- (d) ensure that members of the staff engaged in the service of the Board take an oath of secrecy/confidentiality as a prerequisite for appointment to such a highly sensitive position;
- (e) make certain that the Staff appointed to the Offices of the Auditors General for Local Governments by the Board, in addition to the provision of this Law, are privy to all rights and privileges as contained in the public service rules of the State and shall retire at the mandatory retirement age of 60 years or upon accumulating 35 years of service, or as provided in the Pensions Law and any periodic amendments thereto may stipulate.

*Conditions of
Service for Officers
Other Than the
Auditor General*

35. Whereas it is the duty of the Board, to implement disciplinary procedures against the staff of the Auditors General for Local Governments Office, it shall be the sole responsibility of the Auditors General for Local Governments to request the commencement of such disciplinary processes and to articulate the circumstances and nature of breaches in discipline that shall necessitate the commencement of such a disciplinary process.

*Discipline of Staff
of the Office of the
Auditor General*

**PART IV:
ESTABLISHMENT OF THE LOCAL GOVERNMENT AUDIT SERVICE BOARD**

36. (1) There is hereby established a Board to be known as "Local Government Audit Service Board" (referred to in this Law as (Board).

*Establishment of
the State Audit
Service Board*

- (2) The Board shall be a body corporate with perpetual succession and shall have power to sue and be sued.

37. The Chairman and other members other than the ex-officio member shall be appointed by the Governor. The appointment of the Chairman and members who are non-Public Servants shall be subject to confirmation by the House of Assembly.

*Appointment of
Board Members*

38. The Board shall comprise of a Chairman and six other members as follows:

*Composition of
Board*

- (a) a retired Auditor-General of the Local Government who shall be the Chairman of the Board;
- (b) the Auditors General for Local Governments.
- (c) the Solicitor General and Permanent Secretary, Ministry of Justice or his representative who shall not be less than a GL16 legal officer;
- (d) One Representative of Civil Service Commission;
- (e) representative of the State Head of Service;

- (f) one representative of the Civil Society.
39. No person shall be qualified for appointment as a member of the Board if:
- Qualification for Membership of the Board*
- (a) within the preceding ten (10) years he/she 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 or as the holder of any other office on the ground of misconduct;
- (b) he has been convicted of a criminal offence by a Court of competent jurisdiction or Tribunal.
40. A member of the Board shall hold office for a period of four (4) years from the date of his/her appointment and maybe reappointed for another term only.
- Tenure of Office for Members of Audit Service Board*
41. (1) The Chairman and any of the members shall cease to hold office in the event of any of the following:
- 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 mind or body) or for misconduct; or
- (b) if he resigns his membership of the Board in writing by a letter addressed to the Governor;
- (c) in case of permanent incapacity or death;
- (d) been convicted of an offence which involves moral turpitude.
42. (1) At the commencement of this Law, or upon the expiration of the tenure of members of the Board at any-time or upon a vacancy occurring in the membership of the Board, the
- Board's Remuneration and Allowances*

Governor shall within thirty (30) days fill the vacancy upon confirmation by the House of Assembly where applicable.

- (2) The Chairman and members of the Board shall be paid such remunerations and allowances as maybe applicable to other Boards and Commissions in Kogi State.
43. (1) There shall be appointed by the Board, a Secretary who shall be:
- (a) a Senior Officer not below the rank of a Director as the Secretary to the Board from the Office of the Auditor General for Local Government, who, upon appointment, shall enjoy all the rights and privileges of a Permanent Secretary;
 - (b) assigned the role of Accounting Officer of the Board.
- (2) The Secretary shall hold Office on such terms and conditions as may be applicable in the State Civil Service Rules.
 - (3) Subject to the general direction of the Board and with reporting responsibility to the Chairman, the Secretary shall be responsible for the day-to-day administration of the Board and for the keeping of the books of account and for maintaining proper records of proceedings and resolutions of the Board.
 - (4) The Secretary shall perform all other duties affecting the Board as may be assigned to him by the Chairman.

*Appointment
Secretary to the
Board*

44. (1) The Audit Service Board shall, on the basis of recommendations by the Auditor-General of the Local Governments:

*Powers and
Functions of the
Board*

- (a) approve the administrative structure of the Office for the Auditors General of the Local Governments;

- (b) approve persons to offices of the Auditors General of the Local Governments;
 - (c) handle all matters on recruitment, promotion and discipline of members of staff of the Offices of the Auditors General of the Local Governments;
 - (d) perform such other duties and functions as are necessary or expedient for the discharge of its functions under this Law. For this purpose and for the execution of its mandate, the Board shall rely on the Audit Office for the provision of staff to administer its functions.
- (2) The powers of the Board detailed in subsection 1 above shall be subject to the powers of the Auditors General of the Local Governments to establish and implement a comprehensive human resource management system and policy for managing staff development programs.
 - (3) The Audit Service Board on the recommendation of the Auditor General for Local Governments shall advise the Local Government Councils on policy issues relating to audit matters.
- 45.** (1) The Local Government Audit Service Board shall meet ordinarily for the transaction of business at such time and place as it may fix at least once in a quarter.
- (2) A special meeting of the Local Government Audit Service Board shall be convened upon written request of the Chairman or by a majority decision of members addressed to the Secretary of the Local Government Audit Service Board.
 - (3) The Chairman shall preside at any meeting of the Board but in his absence, members may appoint one of their own to preside in a meeting.

*Meetings of the
State Audit Service
Board*

- (4) Decisions shall be determined by a simple majority of members present and voting; where there is equality of votes, the presiding officer shall have a casting vote.
 - (5) The quorum at a meeting shall be one-third of the total members including the Chairman.
 - (6) The Local Government Audit Service Board may co-opt any person to attend its meeting, but such person shall not vote on any matter affecting the decision of the Local Government Audit Service Board.
 - (7) Except otherwise provided by this Law, the Local Government Audit Service Board shall regulate its own proceedings.
 - (8) The validity of any meeting shall not be affected by reason of the existence of any vacancy in the Board or any defect in the appointment of any member.
46. (1) The Local Government Audit Service Board may engage, subject to the Public Procurement Law the services of such consultants and experts, as it may consider desirable for the efficient discharge of its functions. *Engagement of Consultants*
- (2) In addition to the provisions of subsection (1), the Consultants and experts shall be engaged on such terms and conditions as the Board may determine.
47. (1) There shall be established a fund for the Board and provision for the fund shall be made in the annual budget of Kogi State. *Funds of the Board*
- (2) There shall be paid and credited to the fund established under subsection (1) of this Section:
- (a) Any sum appropriated to the Board by the State house of assembly in each financial year;

- (b) all monies raised for the purposes of the Board by way of gifts, grants-in-aid;
 - (c) take off grant; and
 - (d) proceeds from all other assets that may from time to time Accrue to the Board.
- (3) The Board shall defray all expenditures incurred by it from the fund referred to in subsection (1) of this Section and such shall include;
- (a) the cost of administration;
 - (b) the payment of fees, other remunerations or allowances payable to members of the Board; and
 - (c) anything done in furtherance to any of its functions under this Law.
48. (1) Where a member of the Board becomes aware that the matters scheduled for deliberation by the Board include items that may represent a conflict of interest in any form whatsoever such member shall disclose to the chairperson, either verbally or in writing, the nature of such conflict of interest and it shall be compulsory for such member to be excused from all proceedings pertinent to such conflict of interest.
- (2) Where a member fails to disclose such conflict of interest to the chairperson prior to the commencement of formal proceedings of the Board, and subsequently proceeds to participate in the deliberations and voting processes such conduct shall be considered an irreparable breach of ethics unbecoming to an officer occupying a position of Public trust

*Declaration of
Interest on Matters
before the Board*

and such member shall have his membership revoked with immediate effect and may face criminal prosecution.

49. (1) The Board may appoint committees consisting of its members and non- members to execute any of its functions.
- (2) The Chairman of a committee as established by the Board shall be appointed from the membership of the Board.
- (3) A committee established by the Board may, at the discretion and consensus of the committee, co-opt any person/persons that shall enable the committee to fulfil its duties, provided that this does not constitute a violation of the terms of reference under which the Board established such committee.

*Appointment of
Committees by the
Board*

50. (1) The Secretary, as the Accounting Officer of the Board, shall prepare the statement of accounts and a report on the performance of the Board for the financial year ended 31st December of every year and submit such accounts and report to the Auditor appointed by the House of Assembly on terms of Section 51 of this Law, not later than three months after the end of each financial year.

*Submission of
Statement of
Accounts and
Annual Report*

51. (1) The Public Accounts Committee of the House of Assembly shall appoint an Independent Auditor to audit the accounts of the Board for each financial year.
- (2) The Independent Auditor appointed by the Public Accounts Committee, in terms of sub-section (1) above, shall submit the audit report on the accounts of the Board to the State House of Assembly not later than three months after commencement of the engagement.
- (3) The Auditor appointed by the Public Accounts Committee shall have access to all books of accounts, vouchers and

*Appointment of
Independent Auditor
for the Board*

other records of the Board and shall be entitled to any information and explanation required for successful and timely conclusion of the audit.

52. (1) The Kogi State Local Government Audit Law 2020 is hereby repealed.
- (2) All valid appointments of staff made by Office of the Auditor General of the Local Governments pursuant to the repealed law and any other enactments before the coming into force of this Law, shall be deem to have been validly made pursuant to this Law and the existing right, if any, to pension and gratuity is by virtue of this Section preserved.
- (3) All actions, audit checks, audit queries, audit exercise, findings, opinions, special reports, engagement of consultants and surcharge made by the Auditor General of the Local Governments or officer acting by his delegated directives before the coming into force of this Law, and the existing rights therein are by virtue of this Section preserved.

*Repeal and
Savings*

SCHEDULE I:

OATH OF OFFICE OF THE AUDITOR-GENERAL FOR LOCAL GOVERNMENTS

I, having been appointed as Kogi State Auditor-General for Local Governments, do hereby solemnly affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as the Kogi State Auditor-General for Local Governments, I shall discharge my duties to the best of my ability, faithfully and in accordance with the Constitution of the Federal Republic of Nigeria and the Law; that I will not allow my personal interest to influence my official conduct or my official decision, 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 the Kogi State Auditor-General for Local Governments, except as may be required for the due discharge of my duties as the Auditor-General for Local Governments; that I will devote myself to the service of Kogi State. So help me God.

Signature:

Date:

SCHEDULE II:

**OATH OF OFFICE FOR MEMBERS OF STAFF OF THE OFFICE OF
THE KOGI STATE AUDITOR-GENERAL FOR LOCAL
GOVERNMENTS KOGI STATE**

I, do hereby solemnly affirm that I will be faithful and bear true allegiance to the Kogi State Government of Nigeria; and that I will discharge my duties and perform my functions honestly to the best of my ability and faithfully in accordance with the Constitution of the Federal Republic of Nigeria and the Kogi State Local Government Audit Law. So help me God

Signature:

Date:

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



IBRAHIM ISA-AMOKA

23/12/2021

CLERK OF THE HOUSE



RT. HON. (PRINCE) MATTHEW KOLAWOLE

SPEAKER

I assent this 29th day of December, 2021.



ALHAJI YAHAYA BELLO


GOVERNOR OF KOGI STATE.

Date: 29/12/2021

SCHEDULE TO THE KOGI STATE LOCAL GOVERNMENT AUDIT (REPEAL AND RE-ENACTMENT) LAW, 2021

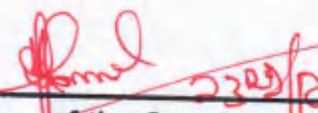
(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of Contents of the Bill</i>	(4) <i>Date passed by the House</i>
The Kogi State Local Government Audit (repeal and re-enactment) Bill, 2021.	A Bill for a Law to repeal and re-enact the Kogi State Auditor-General for Local Government Law, 2020 and other Matters connected Therewith, 2021.	The Bill seeks to repeal and re-enact the Kogi State Auditor General for Local Government Law of 2020 to strengthen the independence of the Office.	December 23 rd , 2021.

I certify that this a true copy of the Bill passed by the Kogi State House of Assembly.



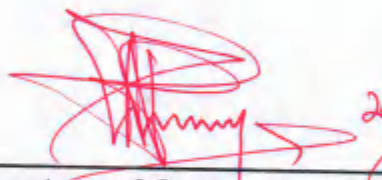
 Signature of the Clerk of the House
 Alhaji Ibrahim Isa-Amoka

23/12/2021



 Signature of the Speaker
 Rt. Hon. (Prince) Matthew Kolawole

23/12/2021



 Signature of Governor of Kogi State,
 Alhaji Yahaya Bello

29/12/2021