



NASARAWA STATE

LOCAL GOVERNMENT AUDIT

**LAW
2021**

Nasarawa State Local Government Audit Law, 2021



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**A
LAW
TO PROVIDE FOR THE ESTABLISHMENT OF THE OFFICE OF THE AUDITOR'
GENERAL FOR LOCAL GOVERNMENTS AND OTHER MATTERS INCIDENTAL
THERETO**

ENACTED by the House of Assembly of Nasarawa State of Nigeria and the authority of same as follows:- Enactment

PART I – PRELIMINARIES

1. This Law may be cited as the Nasarawa State Local Government Audit Law 2021 and shall come into operation on the day of, **2021**. Short title and Commencement

2. In this Law, unless where the context otherwise requires: Interpretation

“Auditor General” means the Auditor General for Local Government Councils in Nasarawa State;

“Chairman” means the Chairman of a Local Government in Nasarawa State;

“Government” means the Government of Nasarawa State;

“Governor” means the Governor of Nasarawa state;

“High Court” shall mean the High Court of Nasarawa State

“House” means Nasarawa State House of Assembly;

“Local Government” means Local Government Councils in Nasarawa State and shall include Development Areas;

“Public Accounts Committee” shall mean the Public Accounts Committee of the State House of Assembly.

“Statutory body” means any authority established under any Law;

“State” means Nasarawa State of Nigeria.

**PART II – ESTABLISHMENT OF THE OFFICE OF THE AUDITOR
GENERAL FOR LOCAL GOVERNMENTS**

3. (1) There is hereby established for the State, an Office to be known as the Office of the Auditor General for Local Governments. Establishment of the Office of the Auditor-General for Local Governments

(2) The Office of the Auditor General for Local Governments shall be a corporate body with perpetual succession, a common seal, 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 any of their functions under the Law.

4. (1) There shall be an Auditor-General for Local Governments who shall be appointed by the Governor of the State on the recommendation of the Civil Service Commission subject to confirmation by the House in accordance with the provisions of Sub-section (2) of this Section.

Appointment of Auditor-General for Local Governments

(2) The power to appoint a person to act in the office of the Auditor General for Local Governments is vested in the Governor.

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

5. (1) A person shall be appointed Auditor General provided the person is a qualified Accountant who has held full membership of a professional accountancy body recognized by an Act of Parliament in Nigeria, for a period of not less than fifteen (15) years post qualification and is able to demonstrate and provide independent testament to a minimum of fifteen years cognate experience in auditing in the public sector.

Qualification and appointment

(2) A person shall be appointed Auditor General where he/she is not more than 56 years old at the date of appointment where he/she is from within the Civil Service.

(3) In recommending persons for appointment as Auditor-General, the Civil Service Commission shall advertise the vacancy on its website, in two national newspapers, the official gazette and/or 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 who shall appoint one of the three recommended persons as the Auditor General.

6. The Auditor General shall serve for a four (4) year tenure, which will be deemed renewed, until he/she attains the retirement age of sixty (60) years and shall vacate his office when he attains the age of sixty (60) years or is removed pursuant to Section 7 of this Law.

Tenure of Office of Auditor-General

Tenure

7. (1) A person holding the office of the Auditor General shall be removed from office by the Governor acting on a resolution supported by two-third majority of the House of Assembly praying that he be removed for inability to discharge

Removal of the Auditor-General

the functions of his office, whether arising from infirmity of mind or body or proven misconduct.

- (2) Provided that prior to such a resolution, the Auditor General shall have been given at least 21 days to defend himself on the floor of the House and shall be entitled to legal representation.
8. (1) In the exercise of functions under this Law, the Auditor General shall be independent and shall not be subject to the direction or control of any other authority or person including but not limited to the following areas;
- a. Selection of Audit Issues;
 - b. Planning, programming, conduct, reporting, and follow up of the audits;
 - c. Organization and management of the Office of the Auditor General;
or
 - d. Enforcement of Audit decisions where the application of sanctions is part of the mandate.
- (2) The Auditor General shall have the full discretion in the discharge of his/her responsibilities, to cooperate with government or public entities that strive to improve the use and management of public funds.
- (3) The Auditor General shall have full control of personnel issues of his office including appointments, discipline and promotion of the staff and the overall number of personnel required for the effective performance of the duties of his office and shall also make recommendations to the House on the appropriate remuneration for audit staff, for inclusion in the annual appropriation.
- (4) The Auditor-General shall not be involved or seen to be involved in any manner, whatsoever in the management of any auditable entity.
9. (1) Irrespective of the provisions of any other Law in the State:
- (a) The Public Accounts of Local Governments;
 - (b) The funds of the Pension Boards of all Local Governments;
 - (c) The funds of the Primary Education Board and Authorities in all Local Governments;

Powers and Duties of
Auditor-General

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- (d) The training fund of all Local Governments;
 - (e) The training fund of all Local Government Service Commissions;
 - (f) The funds of Local Governments in the State/Local Government Joint Account;
 - (g) The funds of the Traditional Rulers Council;
 - (h) The funds of Boards, Agencies and Parastatals of Local Government;
 - (i) Any other funds of the offices created by any Local Government;
 - (j) Performance Audit for confirming that the functions of Local Government Councils and their Departments are economically, efficiently and effectively performed;
 - (k) The collection of revenues owed to the Local Government Councils or entities;
 - (l) The quality of financial management and reporting; and
 - (m) The implementation of Government policies;

Shall be audited by the Auditor General for Local Governments who shall submit his Report to the State House of Assembly and provide copies of the published reports to those charged with governance including the Governing Board, Council or Chief Accounting Officer of an audit entity for review and follow up on specific recommendations for corrective action.

- (2) For the purpose of carrying out the above duties, the Auditor General 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 Governments and other institutions concerned.
- (3) The Auditor General may accommodate specific requests for audit or investigation by the State House of Assembly, the State Government or any Local Government Council.

(4) Every Local Government Council shall submit its approved budget and render an Annual Financial Statement to the Office of Auditor General in accordance with this Law.

(5) Every Local Government Council shall publish its Annual Financial Statements after the report of the Auditor-General has been submitted to the House.

10. (1) It shall be the duty of the Auditor General, at every audit he/she conducts, to:

Surcharge

(a) Disallow any item of account which is contrary to Law or the financial memoranda or is not supported by proper records of account;

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

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

(e) Certify the amount due from the person whom he has made a surcharge; and

(f) Certify the audit of the amount to any disallowance or surcharge which he may have made.

(g) Specify for the appropriate Head of Department or Institution the amount due to or from any person upon whom he had made surcharge, the reason for the surcharge and the circumstances of the case to the Accounting Officer of the affected Department or Institution.

(2) No expenditure incurred by a Local Government Council shall be disallowed if it has been approved by the Council and is within the spending limits approved by the House.

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- (3) The Auditor General shall have power to carry out Forensic Audits, if necessary.
 - (4) The Auditor General shall at his discretion, determine the nature and extent of the Audit to be carried out and request the details, statements of account and financial statements which he consider necessary.
 - (5) The Auditor General shall as a result of the audit conducted by him, issue such queries and make observations addressed to the Chairman of the Council, the Head of any Statutory Board, Commission, Authority, Agency, Body or Department concerned and demand such statements, documents and explanation as he deems fit.
 - (6) Every such query and observation to the Director of Finance or any other person shall within 30 days after its receipt by that person, be returned with necessary explanations to the Auditor General.
 - (7) Every sum so specified by the Auditor General to be due to any other person shall be paid by that person to the Department or Institution as the case may be within 60 days after it has been so specified.
 - (8) Any person aggrieved by a disallowance or surcharge made by the Auditor General may appeal to the Public Accounts Committee for redress and thereafter if not satisfied, to the High Court not later than the expiration of the period of the 60 days prescribed.
 - (9) Any sum which is lawfully due under this Section shall, on civil proceedings taken by the Accounting Officer in a court of competent jurisdiction, be recoverable as a civil debt, provided that where the person surcharged is in receipt of remuneration from the Council or any Government Institution, the remuneration shall be attached to the extent of the sum lawfully due.
 - (10) In any proceedings for the recovery of the said sum, a certificate signed by the Auditor General shall be prima-facie evidence of the facts certified.
 - (11) To efficiently carry out his functions under this Law, the Auditor General is empowered to employ or engage the services of professionals such as

Engineers, Geologists, Builders, Quantity Surveyors, etc. for the purpose of proper monitoring and evaluation of projects.

(12) In this Section the word “person” includes;

(a) Any employee of the Council;

(b) Any person who though not an employee of the Council, holds or formerly held an office with emoluments attached to it which are or were paid wholly or partly from the revenue or other fund of the Council;

(c) Any Chairman or other Member or any former Chairman or former Member of the Council; and

(d) Any administrator or any Chairman of a Caretaker Committee or other member of a Caretaker Committee or any former Chairman Caretaker Committee or other former member of a Caretaker Committee appointed for a Council.

(13) For the purpose of this part of the Law, a member of council is deemed to be responsible for incurring or authorizing expenditure if:

(a) He votes in favor of the resolution; or

(b) Does not cast his votes against the resolution; or

(c) He is recorded in the minutes.

11. (1) In the performance of his duties under this Law, the Auditor-General shall as a result of the Audit Report conducted by him, ensure that queries and observations are addressed to the Director of Finance or any other person and call for such accounts, vouchers, statements, documents and explanations as he deems fit;

Responsibilities of
Auditor General

(2) The Auditor General may at any time, revoke any surcharge made under this Section.

(3) The Auditor General may examine any person on oath or affirmation (which oath or affirmation the Auditor-General is hereby empowered to administer) on any matter appertaining to any account subject to audit by him and may by summons under his hand require any such person to appear before him to give evidence.

(4) Without prejudice to any other provision of this Law, any person who fails or refuses to reply to any audit query or observations within the appropriate period specified shall, if the Auditor-General so directs, have his emoluments or allowances withheld for so long as the person fails to respond or pay.

12. (1) For the purpose of performing his functions and duties or exercising his power under this Law, the Auditor-General may:

- i. Examine or audit the account of any person held at any bank if the Auditor-General have 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 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 a warrant of the Court authorizing such examination.
- 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.

Access to Banking
Information

(2) The Auditor-General shall, in terms of this law, 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 the Auditor-General. 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. The officer of the bank shall electronically initiate or under his own hand and in ink, initial each page of any records so provided.

13. The Auditor-General shall have the power under this law to:

(1) At any reasonable 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

Power to conduct Search

maintained that relate to money or stores and as such may have relevance to the subject of an audit without paying any fee;

- (2) At any time execute a search, without the need for a warrant of the 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;
- (3) 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 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.
- (4) Appropriate and retain any such document written or electronic record, general information, or asset for purposes of completing the audit;
- (5) Request the support of relevant law enforcement agencies in the execution of the warrant of the court where considered necessary;
- (6) 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;
- (7) Any such entry and search of property shall be conducted with due regard for decency, order and constitutional rights of the affected person.

14. (1) The Auditor General shall, where necessary, institute, set up and execute an internal follow up system which may include post audit meetings with the audited entity to ensure that audited entities have properly addressed, through remedial action, the observations and recommendations contained in the Audit Report as well as those made by the State House of Assembly.
- (2) There shall be an exit conference between the audit team and audited entity at the conclusion of an audit exercise.
- (3) The purpose of the exit conference shall be:
 - (a) To present audit observations to auditee entity management in conference before leaving;
 - (b) To allow management opportunity to provide clarification to audit observations in conference;
 - (c) To isolate observations which will be reported on.

Follow up on Audit

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- (4) The Auditor General shall schedule post audit meeting with an audited entity within 30 days of issuing the Audit report. The post audit meetings shall hold at the office of the auditee entity to assess the entity's compliance to audit observations and recommendations. Any unresolved query or issue will be forwarded to the State House of Assembly for further action.
 - (5) Comments on audit observations by the House of Assembly of the State shall be forwarded to responsible audited entities for compliance and to the Auditors-General. A post audit meeting shall be convened by the Auditors-General to resolve such issues.
 - (6) An Annual Report of non-compliance with audit recommendations and the directives of the State House of Assembly in respect of the queries of previous audits will be forwarded to the State House of Assembly and copies provided to those charged with governance including the Governing Board, Council or the Chief Accounting Officer of an audited entity for review and follow up on specific recommendations for corrective action.

PART III – STRUCTURE OF THE OFFICE OF THE AUDITOR GENERAL FOR LOCAL GOVERNMENTS

15. (1) The Office of the Auditor General for Local Governments shall consist of Departments which shall include the following:-

Department of the Office
of the Auditor-General

- (a) Audit Inspection Department which shall comprise of the following Sections:-
 - i. Local Governments and Development Areas Account Sections
 - ii. Local Government Joint Accounts Sections;
 - iii. Statutory Audit and final Accounts Sections;
 - iv. Losses and Queries Section;
 - v. Information Technology;
 - vi. Internal Audit Section;
 - vii. Legal Service Unit.
- (b) Parastatals/Special Investigation Department which shall comprise of the following Sections:-
 - i. Boards/Agencies (Pension Board, Universal Basic Education Board and Primary Healthcare Development Agency) Sections;

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- ii. Special Investigation Sections;
 - iii. Emirate/Traditional Councils Sections;

(c) Planning Department made up the following Sections:-

- i. Planning research and Statistics Section
- ii. Forensic Audit Section;
- iii. Quality Assurance and Standards Section;

(d) Project monitoring and evaluation department comprises of the following sections:-

- i. Project units Section;
- ii. Quantity Survey Section.
- iii. Board of Survey on unserviceable items sections;

(2) The Auditor General may vary the Departments, Sections and Units as he deems fit.

16. (1) The Auditor General shall determine which Auditing Standards should be applied and shall establish Audit Programmes and Codes of Ethics specific to the audits performed by his Office which shall include:

Audit standards

- (a) Public Sector Auditing Standards issued by the Conference of Federal, State and Local Government Auditors General;
- (b) Accounting Standards issued by the Nigerian Accounting Standards Board (**NASB**);
- (c) The Auditing Standards and Code of Ethics published by the International Organization of Supreme Audit Institutions (**INTOSAI**) and the International Audit and Assurance Standards Board (**IAASB**);
- (d) The Auditing Standards and Code of Ethics published by the International Federation of Accounting (**IFAC**);
- (e) Other recognized or required standards issued or accepted by funding or donor organizations as may be required in conducting audits of their projects.

17. (1) The Auditor General or any person employed by him and acting on his authority shall not be liable, in his personal capacity, in any Civil or Criminal proceedings in respect of anything done in good faith:

Immunity of the Auditor
General

- a. In the performance of any duty or exercise of any power conferred upon him under this Law;
- b. In giving evidence or an explanation or producing any document before a committee of the Legislative Council in connection with the report.

(2) The provisions of this Section apply to:-

- (a) The Auditor-General in his personal capacity; and
- (b) Every person employed by the Auditor General, whether acting as an appointed auditor or not, in connection with the performance or exercise of the functions, duties or powers of the Office.

18. (1) The salary, superannuation and benefits of the Auditor General shall be, pursuant to Section 124 (1), (2), (3) and (4) of the Constitution of the Federal Republic of Nigeria (as amended), as prescribed by the State House of Assembly but not exceeding as recommended by the Revenue Mobilization, Allocation and Fiscal Commission and shall be charged upon the Consolidated Revenue Account of the State.

Remuneration of
Auditor-General and
staff

- (a) The salary, other than the allowances payable to the Auditor-General, his rights in respect of leave of absence, retirement benefits or retiring age shall not be varied to his disadvantage after his appointment.
- (b) The Auditor General shall be entitled to pension for life at a rate equivalent to the annual salary and allowances of the incumbent Auditor General.
- (c) Any pension granted by virtue of sub-section (1) (b) of this Section shall be charged upon the Consolidated Revenue Fund of the State in accordance with the applicable State Pension Law.
- (d) Apart from the normal allowance payable in the Service, the Auditor-General and his staff herein shall be paid additional allowances as may be determined and approved by the House of Assembly in respect of the following:-

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- i. 10% Annual basic salary as consolidated allowance;
 - ii. At least 5% of annual basic salary as hazard allowance;
 - iii. 10% of basic annual salary as wardrobe allowance; and
 - iv. Such other allowances as the House of Assembly may approve from time to time on the recommendation of the Auditor General.

(e) Allowances in (i), (ii), and (iii) above shall be payable once annually.

(f) Staff of the Office of the Auditor General, other than the Auditor-General, shall in addition to the provisions of this Law, enjoy rights and privileges as are contained in the Public Service of the State and shall retire upon the attaining the age of 60 years or service period of 35 years or as the Constitution and Pension Law may from time to time stipulate.

Staff of Auditor General
rights and privileges

(2) Staff of the Office of the Auditor General, other than the Auditor-General, shall in addition to the provisions of this Law, enjoy rights and privileges as are contained in the Public Service of the State and shall retire upon the attaining the age of 60 years or service period of 35 years or as the Constitution and Pension Law may, from time to time, stipulate.

(3) The Auditor General shall establish and implement a comprehensive human resource management system and policy for managing staff development programmes.

(4) The responsibility for determining the calibre of staff required to ensure the efficient performance and functioning of the Office of the Auditor-General 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.

(5) The Auditor General shall 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 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.

- (6) When a member of staff, as appointed by the Auditor-General, becomes eligible for promotion on the basis of time served and having met all additional qualification criteria, the Auditor-General shall recommend such member of staff for promotion.
- (7) It shall be the responsibility of the Auditor General to ensure that, once a staff is recommended for promotion, such promotion is effected without undue delay.
- (8) It shall be the sole responsibility of the Auditor-General to request the commencement of staff disciplinary processes and to articulate the circumstances and nature of breaches in discipline that shall necessitate the commencement of the process.
- (9) The Auditor General shall 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 members of staff of the office of the Auditor-General; 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.

PART IV – AUDIT PROCESS

19. (1) Within a period of three months after the end of each fiscal year, the Local Government Councils shall present to the Auditor General, their Financial Statements showing the financial position of their Local Governments Council as at the last day of the preceding year.

Local Government
Financial Statement

- (2) The Financial Statements referred to in sub section (1) of this Section shall include:
 - (a) Responsibility for Financial Statement;
 - (b) Opinion of the in-house Auditor on the Accounts;
 - (c) Cash flow statements;
 - (d) Statement of assets and Liabilities/Consolidated statement of financial position;

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- (e) Statement of Revenue and Expenditure/Consolidated Statement of Financial Performance;
 - (f) Statement of Capital Development Fund;
 - (g) Statement of Recurrent Revenue and Expenditure;
 - (h) Donations and grants;
 - (i) Statement of contractual liabilities;
 - (j) Statement of investments;
 - (k) Statement of changes in net assets/equity;
 - (l) Accounting policies and notes to the financial Statements;
 - (m) Statement of external and internal loans; and
 - (n) Other statements that may be required by auditing standards, practices or statutes;

- (3) The notes to the financial statements shall provide 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
- (4) The notes referred to in subsection (3) of this Section shall include the following:-
 - (a) Statement of compliance with approved accounting standards;
 - (b) Statement of accounting policies applied;

20. (1) The Auditor General shall within Ninety (90) days of the submission of the Annual Accounts of the Local Governments, prepare and submit his report to the House which shall cause the report to be considered by its Public Accounts Committee.

Annual Certificate
Report of the Auditor
General

- (2) The Auditor General shall include in his Annual Report:-
 - (a) His opinion on the truth and fairness of the public accounts of the Local Governments;
 - (b) Such significant findings and recommendations which he considers should be brought to the notice of the House including:-
 - i. Any act of commission or omission by any Officer relating to the probity, regularity or value for money with which public money is managed;

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- ii. Any deficiencies which have been identified in the internal control system of any public body;
 - iii. Details of essential records that have not been maintained or the rules and procedures applied that have been insufficient to safeguard and control assets, to secure an effective check on the assessment, collecting and proper allocation of revenue and ensure that expenditures have been made only as authorized;
 - iv. Any money that has been expended without due regards to economy, efficiency and effectiveness.

(5) The Auditor General shall cause his report to be submitted before the House of Assembly before the end of every second quarter of each financial year.

(6) The Auditor General may at any time it appears to him desirable, issue a special report to the Governor on any matter incidental to his powers and duties under this Law.

(7) The Annual Audit Report of the Auditor General shall:-

- (a) Be considered a public document and thus shall be made available to the public at reasonable cost-recovery fee after submission to the House; and
- (b) Be made publicly available in electronic format, which shall be downloadable, on the internet or other convenient means.

21. (1) The Public Accounts Committee (hereinafter referred to as “the Committee”) shall consider each report from the Auditor General, which is tabled before the House of Assembly within 30 days.

Review of report by
Public Accounts
Committee

(2) The consideration may include questioning the Accounting Officer, explanations from the Auditor General and Official responses from the affected Local Government and the Committee shall make recommendations to the House of Assembly on this consideration and shall monitor their implementation.

(3) The Committee shall have the power to summon the Accounting Officers, Public Officials and any Member of the Public to be questioned about the Auditor General’s findings.

(4) The Committee shall ordinarily hold its hearings in public but may choose to hold all or part of its hearings in private.

(5) The Committee shall prepare a report.

22. All private audit firms and consultants taking up jobs relating to audit work which involves Local Government Statutory Boards, Commission Bodies, Authorities, Agencies or Departments shall be registered for a fee with the Office of the Auditor-General and their engagement letters shall be issued by him for contracts on audit work which shall include but are not limited to:-

Audit Contracts

(g) Revenue Audits and consultancy work including Tax Audits;

(h) Local Governments, Development Areas, Emirate/Traditional Councils, Local Government joint account; Statutory audit of Accounts;

(i) Audit of Local Government Boards, Parastatals and Offices;

(j) Staff Audit including payment on sight;

(k) Pension Audit including verification of "I am alive certificate";

(l) Contracts in respect of estate/building valuation or valuation of some specialized Local Government assets; and

(m) Assessment and evaluation of effective Government Electronic Information Systems.

23. (1) The Auditor-General and his Staff shall have unrestricted access to such people, documents, computers and other information system, and assets as he considers necessary for the proper performance of his functions.

Access to people
documents and
properties

(2) The Auditor General may also obtain such information as he considers necessary for the proper performance of his functions from a person who is not a member, employee or public office holder and to do this, he shall:

(a) Advise the person in writing of the nature of information and why it is needed; and

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- (b) Reimburse the individual for any reasonable costs associated with producing such information provided that the individual shall not use such information for any other purpose.
- (3) The Auditor General may, in the course of performing his functions, duties or exercising his power:-
- (a) Require a person to give evidence either orally or in writing;
 - (b) For the purpose of examining a person, the Auditor-General may administer an oath or affirmation on such a person and sanctions relating to perjury are applicable;
 - (c) In exercising this authority, the Auditor General shall establish that the information obtained shall not be used for any other purpose other than as legally intended and shall first obtain a Warrant of a court authorizing such examination;
 - (d) When presented with the Warrant, any person, including a Bank Officer, shall produce any document or provide such requested information relating to an account in the bank's custody or control;
 - (e) The Auditor-General may make copies of any document so produced.

PART V FINANCIAL PROVISIONS

24. (1) The Auditor General shall prepare and submit to the House of Assembly at ^{Funds} least 120 days before the beginning of each year the following documents:
- (a) A draft Annual Plan that;
 - i. Describes the Auditor General's proposed work programme for the incoming year;
 - ii. Includes the interim report for the current financial year;

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- (b) The estimate of revenues and expenditure for inclusion in the State budget; and
- (c) The operational, administrative and capital expenses of the Local Government Auditor General's Office including salaries, allowances, gratuities and pensions payable to staff.
- (2) The Auditor General, after considering the comments of the House of Assembly through the Public Accounts Committee of the House of Assembly which considered the draft Annual Plan, may amend the Plan as necessary and submit to the Ministry of Economic Planning and Budget for inclusion in the State Budget for appropriation by the State House of Assembly.
- (3) The House of Assembly shall ensure that the Auditor General's Office is properly and sufficiently funded through budgetary allocations and oversight functions, to enable the Office to perform its statutory functions effectively.
- (4) Any sum appropriated to the Audit Office by the State House of Assembly in each financial year shall be charged upon the Consolidated Revenue Fund of the State and paid as a first line charge in equal instalments every month of the year.
- (5) All funds or finances made available to the Auditor General for the performance of his statutory responsibilities under this Law shall be controlled and applied exclusively by the Auditor General in accordance with extant financial regulations and without interference by any person or body of persons.
- (6) Where the resources provided for the Auditor General's Office are insufficient to allow him to fulfil his mandate, the Auditor General shall apply to the House of Assembly for a supplement to its annual budget.
- (7) The Auditor General shall establish and maintain a fund consisting of contributions of **1%** percent of all Local Government Federal Account

allocations which shall be paid as a first line charge to the Office of the Local Government Auditor General.

(8) The Auditor General may receive from any Non-Governmental Organization, whether national or international and keep for its own use financial and other assistance for the enhancement of his functions.

25. (1) The sums appropriated for the Office of the Auditor General by the House of Assembly of the State in each financial year shall be charged on the Consolidated Revenue Fund of the State and paid as a first line charge in twelve equal instalments for each month of that financial year.

(2) The Auditor General shall manage the budget of the Offices and allocate it as is appropriate.

(3) The Auditor General shall discharge his/her fiduciary duty in terms of the funds appropriated to the Office by the House of Assembly of the State in accordance with the requirements of relevant legislation and the prescripts of existent Financial Regulations. Expenses to be paid from this subvention shall include, but not limited to:

Managements of funds

(a) Cost of training and professional development activities;

(b) Monies for travelling, transportation and subsistence required by staff engaged in conducting the official business of the Auditors-General away from their home office;

(c) The administrative expenses of the Office of the Auditor-General;

(d) Any capital development project or special expenditure.

(4) The Auditor-General shall have recourse to the House of Assembly of the State 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.

(5) It shall be the responsibility of the State House of Assembly to ensure that the Auditor General and the Office of the Local Government Auditor have proper resources to meet the obligations of the Offices.

Work Plan

26. (1) The Auditor General shall prepare and submit to the House of Assembly at least 90 days before the beginning of each year a draft annual plan that

describes the Auditor General’s proposed work programme for that year and includes the interim report for that financial year.

- (2) The Auditor General may, after considering any comments of the State House of Assembly or of the Public Accounts Committee that considered the draft plan, amend the plan as necessary and submit the final copy to the State House of Assembly.
- (3) The Auditor General shall, before the end of the 1st Quarter of the year, submit an Annual Activity Report, which shall include the results of audit work, to the State House of Assembly and the State Government which shall be published on its website and made available to the public.
- (4) The Public Accounts Committee (PAC) of the Nasarawa State House of Assembly shall appoint Independent Auditors selected from the list of approved independent audit firms compiled by the Auditor General to audit the accounts of the Office of the Local Government Auditor General for each financial year.
- (5) The Office of the Auditor General shall within three months after the end of its financial year, prepare and submit to the Auditors appointed under subsection (4) of this Section, its financial statements.
- (6) The Independent Auditors appointed by the Public Accounts Committee (PAC), shall submit the audit report on the accounts of the Auditor General to the State House of Assembly not later than three months after commencement of the engagement.
- (7) The Independent Auditors appointed by the Public Accounts Committee (PAC) shall have access to all books of accounts, vouchers and other records of the Auditor General and shall be entitled to any information and explanation required for successful and timely conclusion of the audit.

Audit of Office of the
Local Government
Auditor

PART VI – MISCELLANEOUS PROVISIONS

27. Any person who, without Lawful justification or excuse:-

Offences

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- a. Obstructs, hinders or resists the Auditor-General or any person authorized by him in the performance of his duties and exercise of his powers under this Law;
 - b. Refuses or fails to comply with any lawful request of the Auditor General or his representative;
 - c. Fails to provide access to any book, records, returns, payment vouchers, revenue receipts or other documents relating or relevant to any account to be audited by the Auditor General, when so requested;
 - d. Makes a statement or gives information to the Auditor-General or his representative which is false or misleading:
Commits an offence under this Law.

28. (1) Any person who commits an offence under Section 20 of this Law shall on conviction be liable to a fine not exceeding ₦200, 000.00 or to imprisonment for six months or both.

Penalties

(1) In the case of a body corporate, it shall be liable to a fine not exceeding ₦500, 000.00

29. Without prejudice to any other provisions of this Law, any person who fails or refuses to reply to an audit query or observation within the appropriate period specified in this Law, shall have his emoluments and allowance withheld so long as the person fails to reply and shall be guilty of an offence and liable on conviction as punishable under Section 21 of this Law.

Failure to reply an Audit query

30. Any member of staff of the Auditor General's Office who:

Offences by the Staff of Auditor-General

- a. Demands or takes any bribe, gratification recompense or reward for the neglect or non-performance of his duty; or
- b. Willfully fails to report to Auditor-General any abuse or irregularity coming to his notice in relation to any account audited by him; or
- c. Makes any report to the Auditor-General 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 on conviction be liable to a fine not exceeding ₦100, 000.00 or imprisonment for one year or both such fine and imprisonment.

31. (1) In case of offence committed under this Law by a body of persons:-

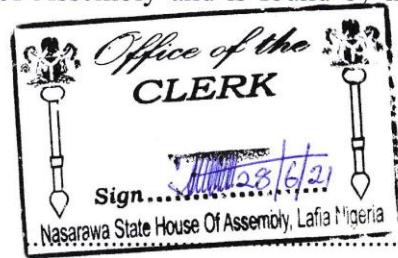
Liability for Offences by
body corporate and
partnership

- a. Where the body of persons is a body corporate, other than a partnership, every Director and officer of that body corporate shall deemed also to be guilty of that offence; and
- b. Where the body is a partnership every partner shall be deemed guilty of an offence;
- c. Provided that no such person shall be deemed to be guilty of an offence under subsection 1 (a) and (b) of this Section if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of the offence.

- (1) Accounting Officers shall be held responsible for recovery of losses discovered from erring officers.
- (2) Where an Accounting Officer fails to make necessary recovery, he shall be guilty of an offence and shall be liable to a fine not exceeding ₦500, 000.00 plus the amount of loss involved, if it is proved that he failed to make reasonable effort to recover the said loss.



This printed impression (**Nasarawa State Local Government Audit Law 2021**) has been carefully compared by me with the Bill, which has been passed by the Nasarawa State House of Assembly and is found by me to be a true and correct copy of the Bill.



EGO MAIKEFFI ABASHE
Clerk to the House
Nasarawa State House of Assembly

I assented this^{28th}.....day of ^{JUNE}.....2021

A handwritten signature in red ink, consisting of several loops and a central vertical stroke.

.....
ENGR. ABDULLAHI A. SULE
Governor
Nasarawa State of Nigeria