YOBE STATE GOVERNMENT

A

LAW

TO REPEAL AND RE-ENACT THE YOBE STATE PUBLIC SECTOR AUDIT AND OTHER RELATED MATTERS LAW, 2021

ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY SECTION

PART II
ESTABLISHMENT, APPOINTMENT, DUTIES, POWERS AND IMMUNITY OF THE AUDITOR-GENERAL

PART III
AUDIT SERVICE BOARD AND MATTERS RELATED THERETO

I ASSENT THIS ......6TH.................. DAY OF ....NOV........................... 2021

HON MAI MALA BUNI
EXECUTIVE GOVERNOR
YOBE STATE

A Bill for a Law to Repeal and Re-enact The Yobe State Public Sector Audit Law and Other Matters Connected Thereto.

PRELIMINARY

ENACTED by Yobe State House of Assembly as follows:

1. This Law may be cited as **Yobe State Public Sector Audit Law and shall come into force on...6TH.......day of.........NOV..................... 2021.** **Citation and Commencement**

2. In this law unless the context otherwise provides:

"Accountant-General" means the Accountant-General of Yobe State; 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 the Permanent Secretary of a Ministry or Head of Extra-Ministerial Office or any other arm of government who is in full control of, and is responsible for human, material and financial resources which are critical inputs in the management of an organization and the achievement of service delivery objectives;

"Account Officers" means any Head of Department, imprest holder, collectors of revenue or other officer of the State whose duties involve fiduciary responsibility for public funds or assets of Yobe 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 International Public Sector Accounting Standards (IPSAS)/Generally Accepted Auditing Standards (GAAS) and relevant legislation; International Standards of Supreme Audit Institutions (ISSAI)

"Audit Fees" means a payment for the services of a professional m audit firm;

"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 an accounting officer, officer or organization whose account is being audited by an Auditor;

"Auditor" means an officer in the Office of the State/Local Governments Auditor-General who is in charge of an audit function;

"Auditor-General" means the Office of the Auditor-General of Yobe State as an institution or the individual appointed to such office or the individual duly delegated to act in such capacity as contemplated in terms of section 125 (1) of the 1999 Constitution of the Federal Republic of Nigeria;

"Auditors-General" means the Auditor-General for Yobe State and the Auditor-General for Local Governments;

"Auditor-General for Local Governments" means the Office of the Auditor- General for Local Governments in Yobe State as an institution or the individual appointed to such office or an individual duly delegated to act in such capacity;

"Authorized Auditor" means auditor given delegated power or permission to conduct an audit on behalf of the Auditor- General;

"Board" means the Audit Service Board of the State of Yobe;

"Chairmen" means the Chairmen of the Local Governments;

"Company" means a company established under the Companies and Allied Matters Act 1999 including Banks;

"Constitution" means the Constitution of the Federal Republic of Nigeria 1999 (as amended);

"Conference of Federal and State Auditors-General" means the body comprising the Auditors-General of the Federation and of the 36 States of Nigeria;

"Engagement Letter" means a written agreement to perform professional audit/accounting services by Audit Firms in exchange for compensation;

"Executive Council" means State Executive Council of Yobe State;

"Financial Statement" (or financial report) means a formal report on the financial position and financial performance and the extent to which the accounting officer and subordinates have successfully fulfilled their fiduciary obligations toward the accounting entity over which they have ownership control, as required by law;

"Financial Year" means the financial year of the Government or, in the case of a limited liability company, the accounting period as adopted by the company resolution;

"Government" means the Government of Yobe State;

"Local Government" means the Local Governments of Yobe State;

"High Court" means the Yobe State High Court of Justice;

"House of assembly" means the Yobe State House of Assembly;

"Officer" means the holder of any position in the Public Service Sector of a State;

"Oversight Mechanism" means the bodies, units and processes used to review institutional performance in the state to enhance their effectiveness, integrity and productivity;

"Audit Firm" means a firm 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 Monies" include:

(a) the public revenue of Yobe State; and
(b) any other money held in 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 programmes, goods and services;

"Qualification/Qualified Accountant" means a holder of a First Degree (B.Sc.) or Higher National Diploma (HND) who have been inducted as a member of any of the professional accountancy bodies recognized by Law of the Federal Republic of Nigeria;

"Revenue" means Yobe State or Local Government share from the Federation Account, internally generated revenue and any other grants and loans;

"Service" means being already in the employment of the Offices of the Auditors-General of the State or Local Government.

"**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 International, 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;

"**Statutory Expenditure**" means any expenditure which, by the Constitution or any Law of the State, is charged on the Consolidated Revenue Fund, the general revenue and assets of the State or other public funds of the State;

"**Sub-accounting Officer**" means any imprest holder, collector of revenue, or other person whose duties involve responsibility in connection with public monies.

"**The Governor**" means the Governor of Yobe State;

"**The State**" means Yobe State of Nigeria;

"**Treasurer**" means Head of Finance and Supply of Local Governments.

PART II
ESTABLISHMENT, APPOINTMENT, DUTIES, POWERS AND IMMUNITY OF THE AUDITORS-GENERAL.

Establishment of the Offices of the Auditors-General

3. (1) Subject to the provision of section 125(1) of the Constitution, there shall be established the Office of the Auditor-General for Yobe State which shall be independent and permanent.

(2) There shall be established the Office of the Auditor-General for Local Governments in Yobe State which shall be independent and permanent.

(3) The Offices as referred to in 3(1) and 3(2) of this law shall be independently and separately headed by an Auditor-General (in this Law referred to as the Auditor-General).

(4)The Offices of the Auditors-General shall be a body corporate with perpetual succession and 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 of its function under the law.

4. (1) The respective Auditors-General for Yobe State and Local Governments shall be appointed by the Governor of the State on the recommendation of the Yobe State Civil Service Commission subject to confirmation by the Yobe State House of Assembly.

Appointment of Auditors-General

(2) The power to appoint a deputized officer to act for an interim period in the Office of the Auditor-General for Yobe State or the Office of the Auditor General for Local Governments shall be vested in the Governor.

(3) On assumption of duty, each of the Auditors-General shall take an oath or affirmation, (as in Schedule I of this Law) administered by a Judge pledging to perform honestly and impartially the duties of their offices, abide by laws of the State, and uphold the Constitution of the Federal Republic of Nigeria.

5. (1) Subject to the provisions of section 125(1) of the Constitution, a person shall be appointed Auditor-General provided the person is:

Qualifications for Appointment as Auditors-General

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 (15) years cognate experience in auditing the public or Private sector.

(2) A person shall be appointed Auditor General for Local Governments if he/she possesses the qualifications stated in subsection 1 of this section.

(3) In recommending person(s) for appointment as Auditors-General, the State Civil Service Commission shall advertise the vacancy on the State's website, in two national newspapers, the official gazette and 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.

6. (1) The Auditors-General shall be paid such salary, allowances, pension and severance pay as determined by the Revenue Mobilization Allocation and Fiscal Commission, in addition to Yobe State existing approved Auditors' allowances such as inducement, hazard, and consolidated allowances.

Remuneration and Other Conditions of Service

(2) Auditors-General shall not be removed from office before such retiring age as may be prescribed by the Law, save in accordance with the provisions of this Law.

S. 127(2) CFRN, 1999

(3) The Auditors-General shall hold office for a period of one term of four years and may be re-appointed for another one term of four years only.

(4) The Auditors-General shall, upon reaching the age of retirement as in section 6(3), be entitled to pension for life at a rate equivalent to the annual salary inclusive of all allowances of the incumbent Auditors-General.

(5) Any pension granted to the retiring Auditor-General by virtue of section 6(4) above shall be charged upon the Consolidated Revenue Fund of the State.

7. (1) In the exercise of his function under this Law, the Auditors-General for Yobe State, and any other staff member or authorised auditor shall be exempted from legal action or prosecution before a court of law for carrying out a duty or exercising a power in terms of this Law, in so far as the execution of such duty or the exercising of such power emanates from an approved audit engagement and was carried out in good faith. The aforesaid immunity shall apply to the entire tenure of active service.

Immunity and Independence

(2) In the exercise of his function under this law, the Auditors-General shall not be subject to the direction, control or interference of any authority or person, including but not limited to the following areas:

S. 125(6) CFRN, 1999

(a) Selection of Audit Issues.

(b) Planning, programming, conduct, reporting, and follow up of the audits,

(c) Organization and management of Offices of the Auditors-General, and;

(d) the enforcement of their decisions where the application of sanctions is part of their mandate'

(3) The Auditors-General shall not be involved or seen to be involved in any manner, whatsoever in the management of any auditable entity.

(4) The Auditors-General shall have the full discretion in the discharge of their responsibilities, to cooperate with government or public entities that strive to improve the use and management of public funds.

8. An Auditor-General may be removed from office in accordance with section 127(1) of the 1999 Constitution of the Federal Republic of Nigeria, (as amended) as detailed below: **Cessation of Office**

(i) By the Governor acting on a decision supported by not less than a two-third majority of the House of Assembly propagating the removal of the incumbent Auditor-General on grounds of inability to discharge the functions of his office (whether arising from infirmity of mind or body) or has been found guilty of misconduct, PROVIDED that the Auditor- General shall have been given at least twenty-one (21) days' notice in writing prior to being called upon to defend himself on the floor of the House.

(ii) Resignation for reasons of physical incapacity, illness, or reasons of a personal nature that the Governor agrees to entertain.

(iii) Where the Auditor-General tenders his resignation for reasons unrelated to Sub-sections (i)&(ii) of this Section, the Auditor-General shall be required to serve a notice for a period of thirty (30) days, which the Governor may reduce or waive in full, dependent upon individual circumstances.

9. (1) Subject to section 126(3) of the Constitution of the Federal Republic of Nigeria, 1999, as amended:

(a) In the temporary absence or incapacitation of the incumbent Auditor-General or where the Office of the Auditor-General has become vacant, the Governor may, on the recommendation of the State Civil Service Commission, appoint a person to perform the duties of the Auditor-General in an acting capacity. **Vacancy**

(b) In the event of the unexpected and untimely death of an incumbent Auditor-General, the Governor shall appoint an Acting Auditor-General without undue delay.

(c) Where a person is appointed in terms of subsection 9(a) above it shall be compulsory for such appointee to comply with all the qualification requirements as are stipulated under Section 5 of this law.

10. The Auditor-General of the State shall perform the duties as stipulated under section 125 (1-6) of the Constitution.

Duties and Functions of the State Auditor-General

(a) Pursuant to this, the Auditor-General shall audit and report on -

S. 125 (2) CFRN, 1999

(i) The public accounts of all Offices and Courts of the State. The Auditor-General State shall submit his reports to the Yobe State House of Assembly, and for that purpose the Auditors-General or any person authorised by him in that behalf shall have access to all the books, records, returns, and other documents relating to those accounts.

(ii) The Consolidated Financial Statements, as submitted by the Accountant-General.

(iii) *the use of public monies, resources or assets by a recipient or beneficiary regardless of its legal nature;*

(iv) collection of revenues owed to the government or public entities;

(v) *the quality of financial management and reporting.*

(vi) The accounts, financial statements and financial management of all State Government counter-part funded or donor funded projects.

(vii) All procurement of goods and services in so far as they are funded by State Public Funds.

(viii) Performance of all State funded programmes/projects

(ix) Pensions, Gratuities and superannuation schemes to the extent of the States' contribution to such schemes.

(x) Special investigations and forensic matters.

(xi) Classified expenditure

(xii) Subsidy Schemes

(xiii) Disaster related aid

(xiv) Environmental impact of Government projects and other related activities, including Climate Change

(xv) Other emerging audit(s).

(xvi) Such audits as may prove necessary to safeguard Government assets.

(xvii) The quality of financial management and reporting by Auditee establishments

(b) The Duties of the Auditor-General shall further include:

(i) The provision of a list of registered and pre-assessed audit firms for the auditing of the accounts, financial statements, and financial management of State Government Statutory Corporations, Commissions, Authorities, Educational Institutions, Government business entities, as well as all entities and bodies established by a Law of the State House of Assembly.

(ii) The provision of a guideline on the level of fees to be paid to the Audit Firms.

(iii) Review and comment on their annual accounts and auditor's report thereon.

(iv) The Auditor-General shall have the power to conduct periodic checks, and field-reviews of all entities and institutions mentioned in section 10(1) (b) (i) above.

(v) The report on the checks and reviews in 'iv' above shall be forwarded to the Governing Board or Council of the audited entity for review and follow-up on specific recommendation for corrective actions.

(c) Subject to Section 125(6) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the State Governor or the State Executive Council may request the Auditor-General, at any particular time to audit the accounts of any Institution, Entity or Organization where the request to conduct such audit is in the public interest.

The acceptance of such request from the Executive shall be at the discretion of the Auditor-General

(d) The Auditor-General shall further be obligated to satisfy himself that:

(i) All reasonable precautions have been taken to safeguard the collection of public monies and that legislation, directions and instructions pertaining thereto have been duly observed and obeyed.

(ii) All monies appropriated or otherwise disbursed have been expended and applied to facilitate the purpose for which the funds allocated by the Executive Council of the State were intended, and that any expenditure incurred was duly approved by an officer with the authority to grant such approval in accordance with the requirements that governs the approval of such expenditure.

(iii) Adequate Financial Instructions/Regulations exist for the direction and control of accounting and financial operations in the State and that the Instructions/Regulations are duly observed.

(iv) Expenditure is incurred with due regard for economy, efficiency and effectiveness.

(v) Satisfactory procedures have been established to measure the performance and report on the effectiveness of programmes as measured against predetermined objectives.

(vi) All queries and observations raised as a result of the audit performed are addressed through formal interaction with the Accounting Officer or any other appropriate person as designated by the Accounting Officer to facilitate access to such accounts, vouchers, statements and documents as may be required for purposes of providing a substantively verifiable explanation to the Auditor.

(viii) where the Auditor-General deems it appropriate, an amount be determined and a surcharge raised against any such person as is found responsible for a loss of public monies or State assets and a formal request be made, inclusive of reasons for imposing such surcharge, to the appropriate Head of the Department or Institution who shall then in terms of this law be responsible for the collection or deduction of the surcharge from the officer concerned and the Auditor- General shall report the circumstances of the case to the Accounting Officer of the affected department or institution.

(e) The Auditor-General shall in exercising his functions under the provisions of this law, express his opinion as to whether the financial statements/accounts of the Auditee represent the financial information in accordance with applicable statutory provisions, stated accounting policies of government, generally accepted accounting principles and International Public Sector Accounting Standards, and are essentially consistent with those of the preceding years.

11. The Auditor-General for Local Governments shall be responsible for the audit of the public accounts of Local Governments inclusive of all satellite offices and Agencies responsible for the receipt of Local Governments funds as well as such offices or Agencies from where Local Government funds are expensed. The Auditor-General for Local Governments shall submit the reports of such audits to the House of Assembly of the State

Duties and Functions of the Auditor-General for Local Governments

(2) The State Governor or the State Executive Council may request the Auditor General for Local Governments, at any particular time to audit the accounts of any Institutions, Entity or Organisation where the request to conduct such audit is in the public interest. The acceptance of such request from the Executive shall be at the discretion of Auditor General for Local Governments.

(3) The Auditor General for Local Governments or any such person duly authorised to perform an audit of Local Governments and any associated offices or agencies shall be afforded unencumbered access to the records, books of account, returns and any other documents relating to those accounts as they are relevant to the performance of such audits:

(a) The Auditor-General for Local Governments shall ensure that:

(i) all reasonable precautions have been taken to safeguard the collection of public monies and that the laws, regulations, directives and instructions relating to the collection and safeguarding of such public monies have been duly observed and obeyed;

(ii) all monies appropriated or otherwise disbursed have been expended on and applied for facilitating the intended purposes for which the funds were allocated by the Executive Council of Local Governments and that any expenditure incurred is duly approved by an officer with the authority to grant such approval in accordance with the requirements that govern the approval of such expenditure.

(iii) adequate Financial Memorandum exist for the direction and control of Accounting and Financial operations in the Local Governments and that the regulations are duly observed;

(iv) expenditure is incurred with due regard for economy, efficiency, effectiveness and the Financial Memorandum/ Regulations that direct the approval and authorization of such expenditure;

(v) satisfactory procedures have been established to measure the performance of and report on the effectiveness of programmes;

(vi) any irregularity or irregularities discovered during the execution of an audit of the accounts of a local Government were reported to the relevant authority as soon as the facts pertaining to the nature and scale of such irregularities had been established and confirmed;

(vii) The quality of financial management and reporting by Auditee establishments

(b) The Auditor-General or any person authorised by delegation of the Auditor-General to conduct periodic examination of the accounts and records of a Local Government shall, in addition to the audit report as required in terms of section 17(2)(b) draw attention to the following:

(i) any occurrence of fraud or loss, the underlying causes and the identity of the person(s) implicated in the perpetration of such fraud or the incurrence of such losses;

(ii) the quality of Financial Management and reporting, any internal control weaknesses identified, and the institutional performance as expressed in terms of actual targets achieved as measured against pre- determined objectives.

(iii) Whether the finances, assets and resources of the Local Government institution, office or agency have been utilised with due regard to economy, efficiency and effectiveness.

(c) The Auditor-General shall evaluate the adequacy of the Local Government enterprises risk management strategies and policies and make recommendations for their improvement.

(d) The Auditor-General or any person(s) authorised by delegation of the Auditor-General to do so, shall from time to time inspect all Local Government projects in progress for purposes of ensuring compliance to specifications as stipulated in the Bills of Quantity (B.O.Q) specific to individual projects and where irregularities in compliance are discovered as a result of such inspections, the appropriate authorities shall be alerted and monitoring measures implemented by the Auditor-General to ensure that the required processes for effecting rectification are implemented in accordance with pre-determined standards before final payment is made.

(e) The Auditor-General shall, as part of his normal duties and functions, be responsible for the timely publication of the annual statutory report of Local Governments and such annual statutory report shall be published both electronically and manually.

(3) The Auditor General for Local Governments shall audit:

(a) the use of public monies, resources or assets by a recipient or beneficiary regardless of its legal nature;

(b) collection of revenues owed to the government or public entities;
(c) the quality of financial management and reporting.

12. (1) The primary responsibility for detection and prevention of irregularities and fraud is at all times that of the management of Auditee organizations and the preparer of the financial statements.

Obligations of the Auditors-General to Report Irregularities or Losses

(2) If, at any time, it appears to the Auditors-General that any irregularity has occurred in the receipts, custody or expenditure of public monies or in the receipt, custody, issue, sale, transfer or delivery of any security, stores or other Government property, or in the accounting of the same, the Auditor-General may be obligated in terms of this law to bring any such matter to the attention of the Governor and the Accounting Officer of the affected Ministry/Department/Agency/ Institution/Entity and any other Authority that the Auditors- General are legislatively required to report such matters to and any other Officer that the Auditors-General may deem fit as soon as the fact of such irregularities have been established and confirmed.

(3) The Auditors-General shall discharge the obligation incurred under Section 12 (2) of this Law as follows:

(a) Where the Auditors-General through an examination of accounts, discover, potential irregularities the Auditors-General shall make such observations known to the Accountant-General and request from the Accountant General, the Accounting Officer or any other person such accounts, vouchers, statements, documents and records pertaining to such apparent irregularities and request from aforesaid office bearer and officers to provide under oath any such explanations as the Auditors-General may think necessary in order to satisfy the professional requirements for due diligence.

(b) The Accountant-General or Treasurer shall, within twenty (21) days, respond formally and in writing to the observations, enquiries and request for explanations received from the Auditors-General, whereas an Accounting Officer or any other officer so requested shall within fourteen (14) days furnish the Accountant-General or Treasurer with all such accounts, vouchers, statements, documents and records as may be pertinent to the response formulated by the Accountant-General or Treasurer for submission to the Auditors-General.

(c) Subject to any other provision of this law, every person who fails or refuses to respond to an observation or enquiry as described under section 12(3)(a) and fails to respond within the appropriate period as specified in section 15(3)(b) shall, if the Auditors-General so directs, have his emolument and allowances withheld for so long as such person fails to formally respond in writing.

(d) Any person aggrieved by the withholding of an emolument or allowance in terms of section 12(3)(c) of this Law may appeal to the Public Accounts Committee (PAC) of the Yobe State House of Assembly within sixty (60) days from date of such directive being issued by the Auditors-General for redress and, thereafter, be afforded a further avenue of appeal with 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 Auditors-General is made public.

(e) Where the Auditors-General have established and confirmed culpability for a loss, the Auditors-General may deem it fit to impose a surcharge on the person or persons responsible and may specify to the appropriate Head of Department or Institution, the amount due from any person upon whom the Auditors-General have imposed surcharge and shall state the reason for imposing such surcharge and report the results of the examination of relevant accounts, operational processes and circumstances that caused the surcharge to be imposed to the Accounting Officer of the affected Department or Institution.

(f) Every sum so specified by the Auditors-General 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.

(g) Any person aggrieved by the decision of the Auditors-General to impose a surcharge in accordance with section 12(3)(e) shall have opportunity to appeal for redress in accordance with the directives of section 12(3)(d) of this Law.

(h) Any such sum as may become payable under section 12(3)(f) of this Law 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. Where such sum owed as a civil debt is recoverable from a person in receipt of a remuneration from the State Government or any Government institution such remuneration shall be attached either in full or incrementally to the extent of the sum lawfully due.

(i) Where an Accounting Officer is compelled in terms of section 12(3)(h) of this law to initiate civil proceedings for the recovery of a surcharge raised by the Auditors-General, a certificate signed by the Auditors-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.

(j) The Auditors-General may, at any time, revoke any surcharge imposed in terms of section 12(3)(f) of this Law.

13. (1) In so far as the execution of such duty or the exercise of such power emanates from the performance of his duties under this law the Auditors-General shall have the power:

Powers of the Auditors-General to access information and documents

(a) To call upon any public officer at all reasonable times for any explanation and information which the Auditors-General may require in order to enable him to discharge his duties;

(b) The Auditors-General and his staff shall have unrestricted access to such people, documents, computers and other information systems and assets as he considers necessary for the proper performance of his functions and to do this the Auditors-General shall:

(i) Advise the person in writing of the nature of the information and why it is needed.

(ii) State that the information is required under this law.

(ii) Reimburse the person for any reasonable costs associated with producing such information on condition that the person shall not use such information for any other purpose.

(2) The Auditors-General shall have the power to execute upon the subject of an examination an oath or affirmation, which oath or affirmation the Auditors-General is hereby empowered to administer, and which shall be binding upon the subject where such examination is relevant to the receipt or expenditure of money, or the receipt or issue of any stores that may form part of the audit mandate of the Auditors-General in the performance of his duties and exercise of his powers. The Auditors-General shall have the power in the course of fulfilling his duties and functions to:

Administering of evidence under oath

(a) require a person to give evidence on oath or affirmation either orally or in writing; and

(b) for the purpose of examining a person, any person under oath who knowingly or deliberately provides the Auditors-General with information that is known to be false or which he has reason to believe may not be true commits an offence under section 51(1)(c) hereunder.

(3) For the purpose of performing his functions and duties or exercising his power the Auditors-General may under this Law:

(a) examine or audit the account of any person held at any bank if the Auditors-General 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.

Access to banking information

(b) In exercising this authority, the Auditors-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 as described in section 13(3)(a) above 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.

(c) Upon being presented with such warrant as is described in section 13(3)(b) above, 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.

(d) The Auditors-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 section 13(3)(c) and shall have all such copies notarized by a court appointed notary, the cost of which shall be defrayed by the Auditors-General. The officer of the bank shall append a suitable endorsement 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 in his own hand and in ink, initial each page of any records so provided. The endorsement shall also include appending electronic signature and initials on every page.

Engagement of Consultants

(4) For the purpose of performing his functions and duties or exercising his powers, the Auditors-General may under this Law:

(a) authorize any officer of any other Government in Nigeria to conduct on his behalf any inquiry, examination or audit, and such officer shall report thereon to the Auditors-General, provided that any such authority shall be subject to the concurrence of the Head of the Department in which the officer concerned is employed, or in the case of an officer of another Government of Nigeria, to the consent of the Head of the Government.

(b) Engage the services of such consultants and professional Experts as he may consider necessary for the efficient Discharge of his duties and services;

(c) the consultants and experts as described in section 16(4)(b) shall be engaged strictly on such terms and conditions as the Auditors-General may determine;

(d) may engage the services of professionals on a contract basis for limited engagements, including those required as part of agreements with international organisations. However, all audit opinions expressed shall remain exclusively those of the Auditors-General.

(e) all private audit firms and consultants applying for consultancy assignments relating to audit work must be pre- registered with the Office of the Auditors-General. Such contracts on audit work may include but shall not be limited to:

(i) Revenue audit and consultancy work including tax audit
(ii) Government bank accounts audit
(iii) Staff audit including payment at sight
(iv) Pension audit including verification of "I am alive certificate"
(v) Contracts in respect of estate/building valuation, or valuation of some specialized government assets.
(vi) Assessment and evaluation of effective government electronic information systems.

(5) The Auditors-General shall have the power under this Law to disallow any item of expenditure which he considers contrary to law and impose a surcharge on those persons found guilty of unlawful expenditure, which surcharge shall be:

Power to disallow expenditure and raise a surcharge

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

(b) equal to any such sum as has not been duly brought into account upon the person by whom the sum ought to have been brought into account; or

(c) the amount of any loss or shortfall upon any person who, upon examination, has been found negligent or guilty of misconduct resultant to which a loss or shortfall had been incurred.

(6) The Auditors-General shall have the power under this law to:

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

Power to conduct search

(b) 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;

(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 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;

(g) 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 Auditors-General shall have the power to delegate any of his powers or duties to any member of staff, any authorised Auditor as well as the members, officers and employees of any of the institutions of government as is described in section 13(4)(a) above, which powers and duties have relevance to an examination of records, inventories and assets of an Auditee responsible for public monies, securities, stores or other properties of the Government;

Delegation of power

(2) The Auditors-General shall delegate such powers and duties which may include but not be limited to those defined in section 13(4) above in writing or in whatsoever form the Auditors-General may deem suitable.

(3) The authority afforded the Auditors-General under this Law shall not divest the Auditors-General of the responsibility concerning the exercise of the delegated power or the delegated duty.

15. (1) Within a period of three months after the 31st of December in each year (or any lesser period as may be determined by the State Public Finance Legislation or other applicable Laws), the Accountant-General of the State shall present to the Auditor-General, Treasury accounts and financial statements as required under the Constitution and other relevant legislations when read in conjunction with approved Public Sector Accounting Standards for the State.

Submission of Accounts and annual Financial Statements

(2) Within a period of three months after the 31st of December in each year, (or any lesser period as may be determined by the state public finance legislation or any other applicable laws) the Treasurer of each Local Government shall present to the Auditor-General for Local Government, Treasury Accounts and Financial Statements as required by this law and any other relevant legislation when read in conjunction with approved Public Sector Accounting Standards for the state.

(3) Statements to be submitted to the Auditors-General shall include:

(a) Statement of Responsibility for the Financial Statements
(b) Statement of Significant Accounting Policies
(c) Statement of Financial Position
(d) Statement of Financial Performance
(e) Statement of Changes in Equity/Net Assets
(f) Statement of Cash Flow
(g) Statement of Comparison of Budget and Actual Amount (prepared on Cash Basis) OR as an additional Budget column in the primary Financial statements where the Financial Statements and the Budget are prepared on a comparative basis.
(h) Consolidated Segment Reporting
(i) Notes to the Financial Statements
(j) Other Statements that may be required by Auditing Standards, Practices or Statutes.

(4) Within three months (or any lesser period as may be determined by the State Public Finance Legislation) after the close of each financial year, Accounting Officers shall prepare and submit to the Auditors-General stand-alone Financial Statements prepared in accordance with International Public Sector Accounting Standards (IPSAS), showing the appropriation accounts of the monies expended under the votes for which they are responsible and stating the services for which the funds were allocated per vote, the sum actually expended on each service during the period for which accounts were prepared and the state of each vote when compared with the appropriation for that vote. Each account shall contain the value of any variation between the sum actually expended and the sum voted and shall furthermore contain such information as the Auditors-General may direct and shall be reported on by the Accounting Officer in whatsoever form the Auditors-General may direct. When submitting the accounts the Accounting Officer shall ensure that a simultaneous submission of the appropriation accounts is made to the Auditor- General and the Accountant-General.

16. (1) Where the Accountant-General or Treasurer should fail to submit such consolidated accounts and annual financial statements as are required in terms of section 15(1) to the Auditors-General by the close of business on the last day of the period stipulated, the Accountant-General shall be compelled under this Law to submit to the House of Assembly, in writing, the reasons for such delay and stipulate an alternate later date whereby the requisite consolidated accounts and annual financial statements shall be submitted to the Auditors-General for audit purposes.

Failure to Submit the Required Accounts and Annual Financial Statements to the Auditors-General

(2) The later date for the submission of Consolidated Accounts and Annual Financial Statements to the Auditors-General, as described in section 16(1) above, shall not exceed the last day forinitial submission by a period of more than thirty (30) calendar days.

(3) Where the Accountant-General or Treasurer fails to submit the Consolidated Accounts and Annual Financial Statements within the extension period as provided in section 19 (1) and (2) the Auditors-General shall issue a special report on the delay.

17. The Auditors-General shall express in their annual reports:

The Reports of the Auditors-General

(a) An opinion on the representative truth and fairness of the public accounts submitted to the Auditors-General.

(b) Such significant findings and recommendations as considered relevant and necessary for the attention of the legislature:

(c) Significant findings and recommendations shall at a minimum include:

(i) Any act or omission by any officer relating to the probity, regularity or value for money with which public money is managed;

(ii) Any deficiency or 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 produced for auditing purposes;

(iv) Inadequacies in the policies implementation, processes and procedures applied to safeguard and control assets, or to ensure effective supervision and control over the assessment, collection and proper allocation of revenue and to ensure that expenditure is appropriately authorized and incurred in strict compliance with the intended allocation;

(v) Assurance that all monies have been expended with due regard to economy, efficiency and effectiveness.

(2) The Auditors-General may when necessary in a matter of public interest, issue a special report to the Governor on any matter incidental to his powers and duties under this Law.

(3) The Auditors-General shall submit their reports to the House of Assembly which reports may include comments from the relevant Accounting Officers. However, the Auditors-General shall at all times retain full editorial discretion and control over such reports.

(4) The annual audit report of the Auditors-General shall be considered a public document and as such shall be made accessible to members of the public. Members of the public may obtain a hard copy of the annual audit report at a nominal cost, which cost shall be used solely to defray the incidental expense of producing such copy. The annual audit report shall only be made available to the general public subsequent to its submission before the State House of Assembly.

(5) The Auditors-General shall place the annual audit reports on the State Government's website after submission to the State House of Assembly to allow electronic access to interested Members of the of the public at no cost.

(6) The Auditors-General shall also submit reports on the activities of their respective Offices for the year to the State House of Assembly, and the report is to be made available to the public.

18. There shall be an exit conference between the audit team and audited entity at the conclusion of an audit exercise. **Follow up on Audit**

(1) 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 that will be reported on.

(2) The Auditors-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/issue will be forwarded to the State House of Assembly for further action.

(3) 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.

(4) Report of non-compliance to the directives of the State House of Assembly in respect of the Queries of previous Audit will be forwarded to the State House of Assembly.

(5) Notwithstanding the provisions of sections 17 (3) & (5) above, the Auditor-General shall be under obligation to submit follow up report to the State House of Assembly.

19. (1) There shall be provision for Deputy Auditors-General in the Offices of the State and Local Governments Auditors-General.

Establishment of Deputy Auditors-General

(a) There is established two (2) Deputy Auditors-General in each of the Offices of the State and Local Government Auditors-General.

(b) The Deputy Auditors-General shall earn a salary of Grade Level 16 plus the salary of a Grade Level 03[15] officer.

Appointment of Deputy Auditors-General

(2) (a) The Deputy Auditors-General shall be the best two Officers from each of the Offices of the Auditors-General through a written and oral examinations conducted by the Offices of the Auditors-General amongst the Directors and Deputy Directors in the Offices.

(b) The qualification for the appointment of Deputy Auditors General shall apply as same with Section 8 of this Law except that the number of years of post-qualification and cognate experience shall be 12 years.

(3) (a) The first Deputy Auditor-General shall be referred to as "Deputy Auditor-General Corporate Services."

(b) The second Deputy Auditor-General shall be referred to as "Deputy Auditor-General Audit Services."

20. (1) The autonomy and independence of the Office of the Auditors- General is herewith ensured by the legislated amendment to the formal ranking designations assigned to staff deployed in the audit cadre within the Offices of the Auditors-General:

Organizational Structure – Offices of the Auditors-General

(a) Audit officers on Grade level 16 shall henceforth be referred to as Director (Audit) provided such a person is a qualified Accountant;

(b) Audit officers on Grade Level 15 shall henceforth be referred to as Deputy Director (Audit) provided such a person is a qualified Accountant;

(c) Audit officers on Grade Level 14 shall henceforth be referred to as Chief Auditor provided such a person is a qualified Accountant;

(d) Audit officers on Grade Level 13 shall henceforth be referred to as Assistant Chief Auditor provided such a person is a qualified Accountant;

(e) Auditors with three (3) or more years of post-qualification in service experience shall henceforth be referred to as Principal Auditor (Level 12);

(f) Newly qualified auditors with less than three (3) years of service experience and a Degree or Higher National Diploma in Accounting shall henceforth be referred to as Senior Auditor; (Level 10);

(g) Trainees with a Degree or Higher National Diploma in Accounting who have not yet qualified as professional Accountant shall be engaged by the Office of the Auditors General under the formal terms and conditions of a training contract and shall henceforth be referred to as Audit Clerk (Level 08).

(h) Every other existing Audit staff with a Degree or Higher National Diploma in Accounting but is yet to qualify as a professional Accountant shall continue with the old Cadre as specified by the Scheme of Service.

(2) The Departments shall be organizationally structured as follows:

(a) Corporate Support Services: shall assume responsibility for accounting and staff functions, i.e. finance and in-year budget monitoring, maintaining accounting records, preparing monthly, quarterly, and annual financial statements, human resource planning, allocation and other employees and logistics.

(b) Quality Control: shall be responsible for deploying of auditor, evaluating, measuring and reporting on consistent compliance with ISSAI and other relevant standards.

(c) Research and Innovation; shall be accountable for ongoing liaison with stakeholders in quality control, training and development, tertiary institutions, private audit firms, audit staff and INTOSAI or any Federal or State affiliation thereof, to ensure that audit staff at all levels remain aware of audit practice innovations, publication of additional audit standards or amendments to existing audit standards that impact on the audit of public entities in general or a specific class of public entity.

(d) Training and Skills Development shall be responsible for ongoing training interventions in the Offices of the Auditors-General. The adoption and implementation of ISSAI standards and ensuring that the management and staff of the Offices of the Auditors-General remain abreast of changes and additions to the standards.

(3) The Auditors-General shall have the power to alter the organizational structure and functional resourcing of the Offices of the Auditors-General as described in this law for strategic or operational reasons as and when required may adjust the units under the departments as he deems fit.

21. The Auditors-General shall determine which auditing standards should be applied and shall establish audit programmes and a code of ethics specific to the audits performed by the Office of the Auditors-General. The auditing standards shall include: **Audit Standards**

(a) Public Sector Auditing Standards issued by the body of Federal and States Auditors-General.

(b) Accounting Standards issued by the Financial Reporting Council and International Public Sector Accounting Standards Board (IPSASB)

(c) The Auditing Standards and Code of Ethics published by the International Organisation of Supreme Audit Institutions (INTOSAI), International Ethics Standards Board for Accountants, and the International Auditing and Assurance Standards Boards.

(d) The auditing standards/code of ethics published by the International Federation of Accountants (IFAC) may be used for conducting audits of public enterprises and other recognized or required standards issued or accepted by funding or donor organizations which may be used in conducting audits of their projects.

22. (1) The Auditors-General shall prepare and submit their estimates of revenue and expenditures directly to the House of Assembly for inclusion in the Appropriation Law. **Funding of the Offices of the Auditors-General**

(2) The sum appropriated for each of the Offices of the Auditors 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 installments for each month of that financial year.

(3) Such appropriation for the Office of the State Auditor-General by the House of Assembly of the State shall not be less than two percent (2%) of total Internally Generated Revenue accruing to the Consolidated Revenue Fund for the previous fiscal year.

(4) In addition to section 25 (1) and (2) the Local Governments shall contribute one percent (1%) of total revenue collected by such Local Governments to the State as a compulsory contribution to the Yobe State Local Governments Audit Levy Fund. Fifty percent (50%) of such contributions to the Yobe State Local Governments Audit Levy Fund shall be remitted to the Office of the Auditor-General for Local Governments. The funds so remitted shall be applied to co-fund logistical and audit service delivery cost.

(5) The Auditors-General shall manage the budget of the Offices and allocate it as is appropriate.

(6) The Auditors-General shall discharge his fiduciary duty in terms of the funds appropriated to each of the Offices of the Auditors-General 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:

(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 Auditors-General;

(d) Any capital development project or special expenditure.

(7) The Auditors-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.

(8) It shall be the responsibility of the State House of Assembly to ensure that the Auditors-General and the Offices have proper resources to meet obligations of the Offices.

Annual work plan

23. (1) The Auditors-General shall prepare and submit to the House at least ninety (90) days before the beginning of each year:

(a) a draft annual plan that:

(i) describes the Auditor-General proposed work programme for the incoming year; and

(ii) includes interim report for that financial year.

(2) The Auditors-General, after considering any comments of the House or of the Public Accounts Committee that considered the draft plan, may amend the plan as necessary and submit back to the House

Independent Auditors for the respective Offices of the Auditors-General

24.(1) The accounts of the Offices of the Auditors-General and the Audit Service Board shall, in each financial year, be audited and reported on by an auditor appointed by the State House of Assembly.

(2) Pursuant to subsection (1) above 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 of the State.

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

(4) Subject to subsection (1) above, a firm is qualified for appointment as Independent Auditors to the Offices of the Auditors-General and the Audit Service Commission if such firm has not been a consultant to either of the Offices of the Auditors-General or the Commission for at least a period of three years prior to such appointment.

(5) Notwithstanding anything to the contrary in any law in force, the Offices of the Auditors-General and the Commission shall within three months after the end of its financial year, prepare and submit to the Auditors appointed under subsection (1) of this section, financial statements of the Offices of the Auditors-General and the Commission.

(6) The Auditors appointed under subsection (1) shall have access to all books of accounts, vouchers and other records of the Offices and is entitled to any information and explanation required in relation to such records

Directorate of Internal Audit

25. (1) There shall be established an Internal Audit Directorate to be domiciled in the Ministry of Finance and report to the Hon. Commissioner of the Ministry. Similarly, the Internal Audit Directorate for Local Government System shall be domiciled in the Ministry in charge of Local Government Affairs and report to the Hon. Commissioner of the Ministry. **Establishment**

(2) The Internal Audit is a management control function which measures and evaluates the effectiveness of internal control system in an organization. It is to provide a complete and continuous pre-payment audit of accounts and records of revenue and expenditure, assets, allocated and unallocated stores, where applicable. **Internal Audit Policy**

(3) It shall be mandatory for all accounting officers of Ministries, Extra-ministerial Departments, and other arms of Government to set up Internal Audit Unit in their offices. **Internal Audit Mandatory for MDAs**

(4) The Internal Audit Directorate shall be headed by a Director of Accounts/Audit to be placed on Grade level 17. **Headship of the Directorate**

(5) The duties of the Directorate shall include but not limited to: **Duties**

(i) Posting and supervision of the Internal Auditors
(ii) Addressing work challenges of the Internal Auditors including their welfare.
(iii) Ensuring the preparation and rendition of quarterly reports to the Accountant-General, Auditors-General, by the Internal Auditors in line with extant Financial Rules

(6)For purpose of incentives to perform the duties of that office, an Internal Auditor shall be paid the salary and allowances of an officer immediately above his/her substantive grade in the accounting cadre. This incentive shall be lost if the officer is posted out of his present schedule as an Internal Auditor. **Incentives**

PART III
AUDIT SERVICE BOARD AND MATTERS RELATED THERETO

Establishment of Audit Service Board

26. (1) There is herewith established the Yobe State Audit Service Board (hereinafter referred to in this Law as "Board")

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

Composition of the Board

27. (1) The Board shall comprise of a Chairman and four other members. The Chairman and at least two members shall be Professional Accountants with cognate auditing experience in the public sector.

(2) The Board shall have the following Ex-Officio members

(i) The Auditor-General of Yobe State.

(ii) The Auditor-General for Local Governments Yobe State.

(iii) A representative of Ministry of Justice, who shall not be less than a GL15 Legal Officer.

(iv) The Permanent Secretary of Establishment in the Office of the Head of Service or his representative who shall not be less than a GL15 officer in the public service.

(v) The Permanent Secretary of the State Civil Service Commission or his representative who shall not be less than a GL 15 officer in the public service.

Appointment of Members of the Board other than Ex-Officio Members

(3) The Chairman and other members other than the ex-officio members shall be appointed by the Governor and their appointment shall be subject to confirmation by the State House of Assembly.

28. (1) No person shall be qualified for appointment as a member of the Board if:

Qualification for Membership

(a) He is of questionable integrity;

(b) Within the preceding ten (10) years he has been removed on the grounds of misconduct as a member of any of the bodies established by section 197 of the Constitution (as amended) or as the holder of any other office;

(c) He has been convicted of a criminal offence which involves moral turpitude by a Court of competent jurisdiction or tribunal.

(2) Any person employed in the Public Service of the Federation or of a State shall not be disqualified for an appointment as a Chairman or member of the Commission: Provided that where such person has been duly appointed, he shall on his appointment be deemed to have resigned or retired from his former office as from the date of such appointment.

29. A member of the Board, inclusive of the Chairman, shall hold office for a period of one term of four years and may be re-appointed for another one term of four years only.

Tenure of Office

30. The Chairman and any of the members (other than the Auditors General, the Representative of the Civil Service Commission, Ministry of Justice and Office of Establishment) shall cease to hold office where:

Cessation of Office

(a) The Chairman or any other member is removed by the Governor acting on a decision supported by not less than a two-thirds majority of the House of Assembly praying for the removal of the Chairman or member on grounds of inability to discharge the functions of his office (whether arising from infirmity of mind or body) or have been found guilty of misconduct, or

(b) He tenders his resignation from the Board in writing addressed to the Governor, or

(c) He is permanently incapacitated or deceased; or

(d) He is convicted of an offence which involves moral turpitude; or

(e) He is involved in any act that may be considered inimical to the interest of the Office or the State; or

(f) He becomes bankrupt or is compromised with his creditors.

31. At the commencement of this Law, or upon the expiration of the tenure of the members of the Board, or upon a vacancy occurring in the membership of the Board, the Governor shall within 30 days appoint another person to fill the vacancy subject to confirmation of such appointment by the State House of Assembly.

Filling of a Vacancy

32. (1) Where a member of the Board resigns, is deceased or is removed from office for whatsoever reason the Chairman shall inform the Governor in writing within 15 days and request the Governor to appoint a suitable person as a replacement to the vacancy, with such replacement to hold office for the unexpired period of the term, subject to the approval of the State House of Assembly.

(2) A member of the Board may at any time resign his office in writing with such resignation to be addressed to the Governor through the Chairman of the Board.

Resignation or Termination of Members of the Board

33. Any and all existing members of the Board cease to hold office on the dissolution of the Board and, when reappointed, shall only complete the unexpired part of any such term.

Dissolution of the Board

34. The Chairman and members of the Board shall be paid such remuneration and allowances as may be applicable to other Commissions/Boards in the State as determined by the Revenue Mobilization Allocation and Fiscal Commission.

Remuneration and allowances

35. (1) There shall be appointed by the Civil Service Commission, as recommended by the Auditor-General a Secretary to the Board who shall be; **Secretary to the Board**

(a) a Senior Officer not below the rank of a Director in the Service of Office of the Auditor-General who, upon appointment, shall enjoy all the rights and privileges of a Board 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.

36. (1) The Board shall pull Secretarial Staff needed for their operation from the Staff of Offices of the Auditors-General

Powers and Functions of the Board

(2) The Board shall have power to:

(a) Confirm the selection and appointment of persons recruited by the Auditors-General.

(b) Subject any staff of the offices of the Auditors-General to disciplinary processes and impose sanction based on the recommendation of the Auditors-General as provided in section 48 of this Law;

(c) Perform such other duties and functions as are necessary or expedient for the purpose of discharging its functions under this Law;

37. The Board may co-opt any person who is not a member of the Board to join a particular meeting or series of meetings of the Board, for such co-opted person to participate in the deliberations of the Board and advise the Board on resolutions under consideration by the Board. Such co-opted person shall however not be entitled to vote or be counted as part of the quorum of said congregation of the Board. **Power to co-opt**

38. (1) The Board shall meet ordinarily for the transaction of business at such a time and place as determined by the Board at least once in a quarter (three months). **Meetings and Quorum**

(2) The written request for the convening of a special meeting by the Chairman or a written request by a majority of members to the Secretary shall constitute adequate grounds for the convening of such a special meeting by the Chairman of the Board.

(3) The Chairman shall preside over the proceedings at all duly constituted meetings of the Board other than where circumstances prevail, which may be construed as a potential conflict of interest. Whereupon the Chairman shall excuse himself from the discussions, or circumstances prevail which prevent the Chairman from being in attendance, the remaining members shall elect from those in attendance an acting Chairman who shall preside over that meeting.

(4) Motions shall be carried by a simple majority of one vote where all the members present shall each have one and should the initial vote result in a tie the Chairman shall have the casting vote.

(5) The minimum number of members required to constitute a quorum shall be any four members, which may include the Auditors-General and the appointed officers or representatives from the State's Civil Service Commission or a representative who shall have full voting rights, as is permitted in terms of Section 26 above.

(6) Where the Board deems it necessary to co-opt any person to attend a meeting of the Board such person shall participate in all relevant deliberations but shall not vote on any motion put to the vote by the Chairman.

(7) Where any of the ordinary members of the Board fails to attend three consecutive meetings of the Board without a valid reason for such absences, such member shall automatically forfeit his position as a member of the Board with immediate effect.

(8) Subject to the provisions of this section, the Board shall determine the procedure for conducting its meeting.

39. (1) Subject to the Provision of the Freedom of Information Act 2011:

Privilege of Access to Board Information

(a) all records of any report, statement, communication, meeting or proceeding pertaining to the Board exercising its powers and performing its duties, regardless as to whether such action is that of an individual or the Board as collective, it is herewith determined that such records shall be privileged and confidential.

(b) notwithstanding Sub-section (a) above, the Board shall be obligated to surrender in full and without undue delay, all records of any report, statement, communication, meeting or proceeding of the Board if so ordered by a court of law of appropriate jurisdiction, or by a Resolution of the Yobe State House of Assembly.

40. (1) There shall be established a fund for the Board and the fund so appropriated shall be provided for in the annual budget of the State.

Funding for the Board

(2) There shall be paid and credited to the fund established under Section 49(1) above:

(a) Any sum appropriated to the Board by the State House of Assembly in each financial year;

(b) All monies raised for the purpose of the Board by way of gifts, donations, grants-in-aid;

(c) Take-off grant;

(d) Proceeds from all other assets that may from time to time accrue to the Commission.

(3) The Board shall defray all expenditures incurred by it from the fund referred to in Section 49(1) and shall include:

(e) The cost of administration;

(f) The payment of salaries, fees or other remunerations or allowances and pensions and gratuities payable to members of the Baord;

(g) Anything done in furtherance of any of its functions under this law.

41. (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 Chairman, 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.

Declaration of interest on matters before the Board

(2) Where a member fails to disclose such conflict of interest to the Chairman 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 and such member shall have his membership revoked with immediate effect and may face criminal prosecution.

42.(1) The Board may appoint Committees consisting of its members and non-members to execute any of its functions.

Appointment of Committees

(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 fulfill its duties, provided that this does not constitute a violation of the terms of reference under which the Board established such Committee.

43.(1) The Board may engage the services of such consultants and experts as it may consider desirable for the efficient discharge of its duties and services.

Engagement of Consultants

(2) The consultants and experts shall be engaged on such terms and conditions as the Board may determine.

(3) Nothing in this Section or any other provision of this Law shall be construed as empowering the Board to interfere in the operations of the Auditors-General's Offices or to engage any consultant or any other person to initiate any form of interference in the operations of the Auditors-General's Offices.

44. The Secretary, as the Accounting Officer of the Board, shall prepare the Statements of Accounts and Annual 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 Auditors appointed by the State House of Assembly in terms of Section 44 below, not later than three months after the end of each financial year.

Submission of Statements of Accounts and Annual Report

45. (1) The Public Accounts Committee (PAC) of the Yobe State House of Assembly shall appoint Independent Auditors to audit the accounts of the Board for each financial year.

Independent Auditors for the Board

(2) The independent Auditors appointed by the Public Accounts Committee (PAC), in terms of Section 23 and in Sub-section 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 Independent Auditors appointed by the Public Accounts Committee (PAC) shall have access to all books of accounts, vouchers and other records of the Board and shall be entitled to any information and explanation required for successful and timely conclusion of the audit.

PART IV
MATTERS CONCERNINGSTAFF

46. (1) The Auditors General shall establish and implement a comprehensive human resources system and policies for managing staff development programmes. **Appointment of Staff**

(2) The Audit Office is herewith assigned the responsibility for the recruitment of all staff, officers and other employees required as human capital resources in the Offices of the Auditors-General.

(3) The responsibility for determining the calibre of staff required to ensure the efficient performance and functioning of the Offices of the Auditors-General shall reside with the incumbent Auditors-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.

(4) The Auditors-General shall make recommendation to the Board for the appointment, progression and dismissal of all staff and as well consider their report in reaching a decision.

(5) The Auditors-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 Auditors-General are consummately suitable for the appointment.

47. (1) When a member of staff, as appointed by the Auditors-General, becomes eligible for promotion on the basis of time served and having met all additional qualification criteria, the Auditors-General shall recommend to the Board such member of staff for promotion. **Promotion of Staff of the Auditors-General Offices**

(2) It shall be the responsibility of the Board to ensure that, once a staff is recommended for promotion by the Auditors-General, such promotion is carried out without undue delay.

48. The Auditors-General shall be responsible for all administrative matters pertaining to the staff deployed in the Auditors-General's office and the Board where such matters of administration shall include; but not limited to; discipline, remuneration/allowances, benefits, pension, gratuity and issue of gratuity upon retirement and any other condition(s) of service-related matter(s)

Power over Administrative Matters

49. It shall be the sole responsibility of the Auditors-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 disciplinary process and forward same to the Board for necessary action

Discipline of Staff of the Offices of the Auditors-General

PART V

REVIEW OF AUDIT REPORTS BY PUBLIC ACCOUNTS COMMITTEE

50. (1) The Public Accounts Committee shall examine and scrutinize each report submitted to the House of Assembly by the Auditors-General. Such examination and scrutiny of reports submitted to the House of Assembly may include; questioning the Accounting Officer from the relevant public body, requiring explanation and clarification from the Auditors-General and an official response from any Government Agency. The Public Accounts Committee shall, upon completion of such examination and scrutiny, make recommendations for redress or improvement to the relevant Accounting Officer and shall monitor the implementation of such recommendations. The actions of the Public Accounts Committee shall be governed by the standing orders issued by the State House of Assembly.

(2) The Public Accounts Committee shall have the power to summon any Accounting Officer, public official or member of the public to appear before the Public Accounts Committee for questioning relating to the content and findings of the Auditors- General's report.

(3) The Public Accounts Committee shall within 90 days, upon conclusion of the review of the reports submitted by the Auditors-General, prepare and submit a report to the State House of Assembly.

PART VI
MISCELLANEOUS

51. (1) A person who willfully or negligently does any of the acts stipulated below:- **Offences and Sanctions**

(a) fails to produce for inspection to the Auditors-General or otherwise refuses the Auditors-General access to any book, record, returns, payment voucher, record of revenue or other document relating to or which has relevance to any account to be audited by the Auditors-General requested to do so;

(b) fails to maintain proper books of account or proper records in relation thereto as required by law and where such failure results in a loss of public funds;

(c) provides the Auditors-General with information that is confirmed to be false;

(d) destroys or suppresses any information required for the performance of any function assigned to the Auditors-General in this law or any other law;

(e) obstructs or frustrates the Auditors-General in the performance of his functions under this law or any other law;

(f) fails to comply with section 12 (1) of this law;

(g) appoints an audit firm or consultants relating to audit work from outside the list of registered and pre-assessed audit /consultancy firms

(h) pays audit fees beyond the guidelines on level of fees to be paid to audit firms as provided by the Auditors-General

(i) fails to submit audited annual accounts and the Auditor's report thereon on or before 30th June of the subsequent year.

Commits an offence and shall be liable upon conviction to a fine of not less than Five hundred thousand naira (₦500,000.00) or a term of imprisonment not less than two (2) years, or to both fine and imprisonment.

(2) Where a member of staff employed in the Office of the Auditors-General:

(a) 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;

(b) fails to report to the Auditors-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;

Commits an offence and shall be liable upon conviction to a fine of not less than Five hundred thousand naira (₦500,000.00) or a term of imprisonment of not less than two (2) years, or to both fine and imprisonment.

(3) For purposes of this Section, where reference is made to "Auditors-General", such reference shall include any person acting under the direction of the Auditors-General or with the Auditors-General's delegated authority.

(4) Where an offence is committed under Sub-section (1) of this Section:

(a) By a legal entity or trust other than Government Ministries, Departments, Agencies, Commissions or Boards; then every Director, Officer or Trustee of that legal entity or trust, as the case may be, shall be deemed to have committed the offence;

(b) Where a body of persons are constituted as a partnership, every partner shall be deemed to have committed the offence unless it is proved that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of the offence;

(c) Where the body of persons is an un-incorporated association or collection of persons, the Office bearers and members of the committee in control of the affairs of the un-incorporated association or collection of persons shall be deemed to have committed the offence

52. The Auditors-General shall by way of circulars publish rules and regulations for ensuring the effective discharge of his duties and functions as determined in this law. **General**

53. Nothing in this law shall affect any act done under the previous enactment, before the commencement of this law. **Savings**

54. The Yobe State Public Sector Audit Law 2021 is hereby repealed. **Repeal**

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

HMohammed

MOHAMMED A. HARUNA
CLERK
YOBE STATE HOUSE OF ASSEMBLY

SCHEDULE 1
OATH OF OFFICE OF THE STATE AUDITOR-GENERAL

I, --, do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria, that as the State Auditor-General of Yobe State, 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 law and always in the interest of the Sovereignty, integrity and prosperity of Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria. I will not allow my personal interest to influence my official conduct or my official decisions; that I will preserve, protect and defend the Constitution of Federal Republic of Nigeria. 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 circumstance, I will do right to all manner of people according to law, without fear of favour, affection or ill-will; that I will not directly or indirectly reveal to any person any matter brought under my consideration or shall be known to me as the State Auditor-General of Yobe State, except as may be required for the due discharge of my duties as the State Auditor-General

So help me God.

Sworn at Damaturu

This ----------- day of-------------------------, --------------

BEFORE ME

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GOVERNOR, YOBE STATE OF NIGERIA

SCHEDULE 2

OATH OF OFFICE OF THE AUDITOR-GENERAL FOR LOCAL GOVERNMENTS

I, --, do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria, that as the Auditor-General for Local Governments of Yobe State, 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 law and always in the interest of the Sovereignty, integrity and prosperity of Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria. I will not allow my personal interest to influence my official conduct or my official decisions; that I will preserve, protect and defend the Constitution of Federal Republic of Nigeria. That I will abide by the Code of Conduct contained in the First Schedule to the Constitution of the Federal Republic of Nigeria; that in all circumstance, I will do right to all manner of people according to law, without fear of favour, affection or ill-will; that I will not directly or indirectly reveal to any person any matter brought under my consideration or shall be known to me as the Auditor-General for Local Governments of Yobe State, except as may be required for the due discharge of my duties as the Auditor-General for Local Governments of Yobe State.

So help me God.

Sworn at Damaturu

This ----------- day of-------------------------, -------------

BEFORE ME

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GOVERNOR, YOBE STATE OF NIGERIA

SCHEDULE 3

OATH OF ALLEGIANCE

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

So help me God.

SWORN at Damaturu

This ---------- day of-------------------------, -------------

BEFORE ME

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JUDGE, YOBE STATE OF NIGERIA