



KOGI STATE OF NIGERIA

A LAW

TO REPEAL AND RE-ENACT

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

THE KOGI STATE LOCAL GOVERNMENT AUDIT (REPEAL AND AMENDMENT) LAW, 2021

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

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

Enactment

1. This Law may be cited as the Kogi State Local Government Audit (repeal and re-enactment) Law, 2021.

Citation

2. This Law shall come into force on the _____ day of _____ 2021.

Commencement

3. In this Law, unless the context otherwise requires:

Interpretation

“Accounting entry” means a posting of transactions in the accounting records either to increase or decrease an asset or expense account whilst simultaneously effecting a corresponding decrease or increase to a liability or income account;

“Accounting Officer” means Head of Local Government Administration (HLGA) or any person in the Local Government who is in full control of, and is responsible for human, material and financial resources which are critical inputs in the management of the organization and the achievement of service delivery objectives;

"Accounts Officers" means any Head of Department, imprest holder, collectors of revenue or other officer of the Local Governments whose duties involve fiduciary responsibility for public funds or assets of any of the 21 Local Government Councils, Local Government Education Authority and Traditional Councils;

“Affiliates” means government entities like Local Government Education Authority, Traditional and Area Councils and other

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

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

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

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

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

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

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

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

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

“Chairman” means Executive Chairman of a Local Government Council or any person acting in that capacity;

“Chief Accounting Officer” means the Local Government Chairman/Heads of Parastatals/Ministries/Education Secretary/Traditional/Area Council Secretary;

“Cognate experience” means working experience as Auditor;

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

“Conference of Federal, State and Local Government Auditors-General” means the body comprising the Auditors General of the Federation, the 36 States Auditor-General for States and Local Governments of Nigeria;

“Engagement letter” means a written agreement to perform professional audit and accounting services by Audit Firms in exchange for compensation;

“Executive” means the State Executive Council;

"F&GPC" means Local Government Finance and General Purpose Committee;

“Financial Statement” means a formal IPSAS General Purpose Financial Statement report on the financial position and financial performance and the extent to which the accounting officer and their subordinates at the level of the 21 LGA, LGEA, Traditional Council, and Parastatal have successfully fulfilled their fiduciary obligations as provided for in the Financial Memoranda and Regulation;

"Financial year" means the financial year of the Local Government, Parastatals, LGEA and Traditional Councils, or the accounting period as adopted for Kogi State public service;

“Gender” means that reference to any one gender and includes reference to the other gender;

"Government" means the Government of Kogi State;

“Governor” means the Executive Governor of Kogi State;

“Local Government Council” means any of the 21 Local Government Councils of Kogi State;

“Local Government Education Authority” means any of the 21 Local Governments Education Authority of Kogi State;

“Local Government” means the Government of any of the 21 Local Government Councils of Kogi State;

“Ministry” means the Ministry of Local Government and Chieftaincy Affairs which the Auditor General for Local Governments shall audit to the extent of funds allocated to it by the Local Government Areas or Joint Accounts Allocation Committee and its activities as it relates to their mandate on LGAs operations;

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

“Officer” means the holder of any position in the Local Government Service of Kogi State;

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

“Parastatals” means State Public Offices that receive statutory transfers from the Joint Account Allocation Committee or directly from the Local Government Councils for which the Auditor-General shall audit their accounts to the extent of funds allocated to it by the Local Government Councils or Joint Accounts Allocation Committee and its activities as it relates to their mandate on Local Government Councils’ operations, and the Parastatals include: -

- (i) Local Government Service Commission;
- (ii) Kogi State Pension Commission (Local Government Section);

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

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

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

"Public moneys" include:

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

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

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

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

“State” means Kogi State of Nigeria;

“State Assembly” means the Kogi State House of Assembly;

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

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

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

“The Law” means the law enacted by the State Assembly;

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

4. (1) There is hereby established in the Service of the State an Office known as the Office of the Auditor-General for Local Governments, Kogi State.

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

- (2) The Office shall be headed by the Auditor-General for Local Governments.

5. (1) There shall be an Auditor-General for Local Governments who shall be appointed by the Governor, subject to confirmation by the State Assembly, upon the recommendation of the State Civil Service Commission in accordance with the provisions of Sections 7 and 8 of this Law.

*The Appointment
of the Auditor-
General for Local
Governments.*

- (2) The Auditor-General for Local Governments or any person so authorized by him shall have unfettered access to the records, books of account, returns and any other documents relating to financial transactions of the Local Government

Councils, Local Government Education Authorities, Traditional Area Councils, the Ministry, Parastatals or any Agency of Government responsible for the receipt or expenditure of Local Government funds.

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

Functions of the Auditor- General for Local Governments.

- (a) audit of all Accounts of the 21 Local Government Councils including Traditional Area Councils, Local Government Education Authorities, the Ministry and Parastatals and any Agency of Government responsible for the receipt or expenditure of Local Government funds;
- (b) expression of opinion on whether the financial statements prepared by the Accounting Officers of the Local Governments and Parastatals represent fairly or otherwise the financial position and result of operations of the Local Government Councils and the Parastatals;
- (c) audit revenues accruing to the 21 Local Governments, Local Government Education Authorities and those of the Ministry and the Parastatals;
- (d) audit donations, grants, and loans accruable to the 21 Local Governments Councils, Local Government Education Authorities and those of the Ministry and the Parastatals.
- (e) undertaking performance audit by confirming that the businesses of the Local Governments, parastatals are economically, efficiently and effectively performed

- (f) carrying out forensic and special investigation into any alleged financial irregularities and or fraud which have negative impact on delivery of public goods and service;
 - (g) conducting audit of personnel records to ascertain compliance by the Local Government Areas, Local Government Education Authorities and Traditional Area Councils, with rules and procedures governing recruitment, promotion, discipline, and retirement;
 - (h) determining the scope of such audits as he may deem necessary to safe guard public funds and assets, and promote good governance.
- (2) (a) Provide the Parastatals with:-
- (i) list of Auditors to be appointed by them as External Auditor and from which the bodies shall appoint their external auditors.
 - (ii) guideline on the level of fees to be paid to the external auditors.
 - (iii) liaising with the Parastatals for the payment agreed fees.
- (b) comment on the Annual Accounts and the External Auditors report on the Parastatals and report same to the State Assembly.
7. (1) (a) The Auditor-General for the Local Governments shall be appointed by the Governor of the State upon the recommendation of the State Civil Service Commission subject to the confirmation by the State Assembly.
- (b) The vacancy may be filled by the appointment of the most qualified person with cognate experience in the

*Recommendation for
the Appointment of
Auditor-General for
Local Governments*

service of the Office of the Auditor-General for the Local Governments or in the Public Service of the State or the Local Government Councils.

(c) Without prejudice to subsection (b) of this Section, the State Governor may appoint any person, not being a public servant of the State, who meet the qualification specified in Section 8 of this Law.

(2) The tenure of Office of the Auditor-General for Local Governments appointed from outside the public service under subsection (1) (c) of this Section shall lapse with the Administration under which such appointment was made, while the tenure of appointees within the office of the Auditor-General for Local Governments or the Public Service of the State shall lapse upon the completion of 35 years of service or 60 years of age, whichever comes first.

(3) The Power to appoint a person to act as acting Auditor-General for Local Governments in the State shall be vested in the Executive Governor of the State.

(4) Except with the issuance of a resolution of the State Assembly, no person appointed to act as the Auditor General for Local Governments or assumed the position in acting capacity shall act for a period exceeding six months.

8. (1) Apart from such other qualification as may be prescribed by a Law of the State Assembly, a person shall not qualify for appointment as the Auditor-General for Local Governments unless that person:

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

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

related discipline with at least ten (10) years post-graduation experience;

- (b) is a member of a recognized professional accounting body e.g. ICAN, ANAN as provided in the scheme of service;
- (c) must have minimum of five (5) years of post-qualification experience and must also have been registered with the Financial Reporting Council of Nigeria;
- (d) be of proven professional ability and expertise;
- (e) has not been convicted of any offence involving dishonesty by a Law Court or found guilty of any professional misconduct involving dishonesty by any professional body established by law in Nigeria.

9. (1) The Auditor-General shall have power to:

- (a) decide on the methodology to be adopted in respect of all audit and related assignments;
- (b) determine the nature and extent of audit to be carried out and request the details, statements of account and financial statements and other relevant documents which he considers necessary for purpose of his audit;
- (c) have free access to all information that relates to the fulfilment of his responsibilities and be entitled to require and receive from members of the Public Service of the Local Government Councils and of the Ministry and Parastatals receiving and or expending Local Government Funds, information, reports and explanations as he deems necessary for that purpose;

*Powers of the
Auditor- General
for Local
Governments*

- (d) have access to all records, books, vouchers, documents, cash, stamps, securities, stores, and any other government property in the possession of any person in the Public Service of the Local Government, the Ministry and the Parastatals;
 - (e) require any individual, employee or an official, upon his request or his representative, to make available correct and complete books, documents, ledgers, vouchers and all other documentary or oral evidences which are deemed useful and necessary for the discharge of his responsibilities;
 - (f) issue directive and circulars concerning accounts and proper auditing procedures and standards;
 - (g) have access to all Government bank account (within his statutory coverage) with a view to ensuring completeness, adequacy and accuracy of audit exercise;
 - (h) surcharge the amount of any expenditure which has not been duly brought into account or the amount of any loss or deficiency incurred;
 - (i) revoke any surcharge imposed by the Office of the Auditor-General for Local Governments; and
 - (j) recommend withholding the emoluments and allowances of persons who failed or refused to reply to audit query 7 days from the date of receipt of such query, and for as long as the person fails to comply.
- (2) Conduct periodic check of the 21 Local Government Councils, the Ministry and Parastatals, and Local Government business entities, including all persons and

bodies established in that regard by law of the State Assembly or bye laws of the Local Government Area Legislative Councils.

10. (1) (a) The Auditor-General for Local Governments shall have a term of five years in Office, renewable once for another five years;

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

- (b) the Auditor General shall retire on the 10th anniversary of his appointment regardless of whether they have reached 60 years of age or 35 years of service.

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

- (2) The Auditor-General for Local Governments shall not be removed from office before such retiring age as may be prescribed by law save in accordance with the provisions of subsection 2 of this Section.

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

11. (1) The Auditor-General for Local Government, Kogi State in exercising his power or performing his functions shall be neutral and independent and shall not be under the direction or control of any authority or persons.

*Neutrality and
Independence of
the Auditor-
General for Local
Governments.*

- (2) The Auditor-General for Local Government shall not be involved or seen to be involved in any manner, whatsoever in the management of any auditable entity.

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

*Creation of
Directorates and
Departments.*

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

- (e) Directorate of Quality Control and Performance Audit, which shall consist of two Departments:
 - (i) Quality Control, and
 - (ii) Service Improvement
 - (3) The Units shall be known as:
 - (a) Legal Unit;
 - (b) Public Relations Services.
13. (1) There is hereby established independent funds for the Office of the Auditor-General for Local Governments.
- (2) (a) Not later than 90 days before the end of the financial year, the Auditor-General for Local Governments shall prepare and submit draft estimates of revenue and expenditures for the next financial year directly to the House of Assembly, make necessary amendments after receiving comments from the House of Assembly and then submit to the Ministry of Budget and Economic Planning;
 - (b) No changes shall be made to the estimates submitted by the Auditor-General for Local Governments to the Ministry of Budget and Economic Planning without the prior agreement of the House of Assembly.
 - (3) The Executive shall not control or have direct access to the resources of the Office of the Auditor-General for Local Governments.
 - (4) The sum appropriated for the Office of the Auditor-General for Local Governments by the House of Assembly in each financial year shall be charged on the Consolidated Revenue

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

Fund of the State and paid as a first line charge in twelve equal instalments for each month of that financial year.

- (5) The Auditor-General for Local Governments shall manage the budget of the Office and allocate it as is appropriate.
- (6) (a) The Auditor-General for Local Governments shall discharge his fiduciary duty in terms of the funds appropriated to the Office by the House of Assembly of the State in accordance with the requirements of relevant legislation and the prescripts of existent Financial Regulations; and
 - (b) expenses to be paid from this subvention shall include, but not limited to:
 - (i) cost of training and professional development activities,
 - (ii) monies for travelling, transportation and subsistence required by staff engaged in conducting the official business of the Auditor-General for Local Governments away from their home office,
 - (iii) The administrative expenses of the Office of the Auditor-General for Local Governments, and
 - (iv) any capital development project or special expenditure;
- (7) (a) The Auditor-General for Local Governments shall have recourse to the House of Assembly for a Supplementary Appropriation where the sum appropriated for the year is not sufficient for identified audit issues required to be completed within the year; and

- (b) it shall be the responsibility of the House of Assembly to ensure that the Auditor-General for Local Governments and the Office have proper resources to meet obligations of the Office.
- (8) To effectively carry out value for money audit in respect of capital expenditure, contracts and projects, the Office of the Auditor-General for Local Governments shall be required to carry out project audit, regular monitoring and shall engage professionals for this purpose;
- (9) (a) The State Joint Local Government Account Disbursement Committee or the Finance and General Purpose Committee (F&GPC) of each Local Government shall remit to the Office of the Auditor-General for Local Governments, within a period not exceeding seven (7) working days from the day of receipt, a one percent (1%) of the total monies disbursed to all Local Government Councils from the Federation Account or directly remitted by the 21 Local Government Councils to off-set the administrative and auditing charges incidental to its statutory functions to the Local Government Authorities in the State as provided for in the State Joint Local Government Account Disbursement Committee Law, 2008 (as amended).
- (b) The Auditor-General for Local Governments shall apply to the State House of Assembly for more fund where the 1% funding referred to in paragraph (a) of this subsection is insufficient;
 - (c) Subject to subsection (4) of this Section, any amount standing to the credit of the Office of the Auditor-General

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

for Local Governments shall be paid directly into the official Bank Account of the Office of the Auditor-General for Local Governments.

14. Remuneration of the Auditor General for Local Government:

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

- (1) The Auditor General for Local Governments shall be paid such salary and emoluments as prescribed by the House of Assembly.
- (2) The total remuneration shall not be more than the amount provided for by the Revenue Mobilization Allocation and Fiscal Commission pursuant to Section 6 (1) (d) Part B, First Schedule, Revenue Mobilization and Fiscal Commission Act (CAP. R 7) 2004.
- (3) In addition to the such allowances currently provided for by the Revenue Mobilization Allocation & Fiscal Commission to other cadre of Public Service similar to that of the Auditor General for Local Governments, the following allowance shall accrue to the Auditor General for Local Governments as well as all Officers of the auditing cadre:
 - (a) a minimum of 50% of basic salary as a consolidated allowance;
 - (b) a minimum of 50% of basic salary as hazard allowance; and
 - (c) a minimum of 50% of basic salary as clothing allowance.

- 15. (1)** The accounts of the Office of the Auditor-General for Local Governments shall, in each financial year, be audited and the report submitted by the auditor appointed by the State Assembly.

Audit

- (2) Pursuant to the provisions of subsection (1) of this Section, the State 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 for Local Governments.
- (3) No one audit firm may be appointed beyond one term.
- (4) Subject to the provisions of subsection (1) above, a firm is qualified for appointment as Independent Auditor to the Office of the Auditor -General for Local Governments if such firm has not been a consultant to the Office of the Auditor-General for Local Governments for at least a period of three (3) years prior to such appointment.
- (5) Notwithstanding anything to the contrary in any law in force, the Office of the Auditor-General for Local Governments shall, within three months after the end of its financial year, prepare and submit to the auditor appointed under subsection (1) of this Section the financial statement of the Office of the Auditor-General for Local Governments.
- (6) The Auditor appointed under the provisions of subsection (1) shall have access to all books of accounts, vouchers and other records of the Office of the Auditor-General for Local Governments and is entitled to any information and explanation required in relation to such records, and shall, likewise, express an independent opinion on the result of the audit as provided under Section 16 (1) (a) – (e) of this Law.
- (7) The fees or such charges of the Auditor appointed under this Section shall be paid by the Office of the Auditor General for Local Governments.

16. (1) The Auditor-General for Local Governments shall express an independent opinion on the results of each audit and state whether.
- (a) the accounts are in conformity with the requirements of the Finance (Control and Management) Act, other Acts and Financial regulations; and of Financial Memorandum;
 - (b) all moneys appropriated or otherwise disbursed have been expended and applied for the purpose intended and that such expenditure conforms to the authority which governs it;
 - (c) all reasonable precautions have been taken to safeguard the resources and property, and that all regulations, directives and instructions relating to them have been duly complied with;
 - (d) in his opinion, the accounts reflected fairly the financial positions of the public entities;
 - (e) money has been expended with due regard to economy, efficiency and effectiveness;
 - (f) adequate financial regulations exist for accounting and financial operations in the State 21 Local Governments and its affiliates and that they are fully observed; and
 - (g) satisfactory procedures have been adopted to measure and report the effectiveness of program, where such procedure could appropriately and reasonably be implemented.
- (2) The Auditor-General for Local Governments shall, within One Hundred and Eighty (180) days of the receipt from the

Accounting Officers the Financial Statement and Annual Accounts of the 21 Local Government Councils, and those of the Parastatals, submit his report to the State Assembly and the State Assembly shall cause the report to be considered by a Committee of the State Assembly responsible for Public Accounts.

- (3) The Auditor-General for Local Governments shall follow-up on the implementation of the recommendations of the State Assembly arising from the reports submitted to it, under this Law and report back to the State Assembly on outstanding issue(s).
- (4) The Auditor-General for Local Governments shall, at any time, when the need arises, submit to the State Assembly a special report on any matter incidental to his powers and functions under this Law.
- (5) The Auditor-General for Local Governments shall draw the attention of the State Assembly to any irregularity observed during the audit of the accounts as soon as the facts of such irregularities have been established and confirmed.
- (6) The Auditor-General for Local Governments shall as a result of the audit conducted periodically or as at when considered necessary make such enquiries and observations addressed to the Accounting Officer of the entity and call for such details, vouchers, statements, documents and explanations as he deemed necessary for the performance of his duties.
- (7) The Auditor-General for Local Governments or any person authorized by him to carry out an audit shall hold exit meeting with the Accounting Officer on observations raised and obtain response in connection with the audit observations.

- (8) The Auditor-General for Local Governments shall make a copy of his findings available to the responsible Accounting Officer of the audited entity who shall provide his responses to the issues raised.
17. (1) In the performance of his functions, the Office of the Auditor-General for Local Governments shall apply the auditing standards and code of ethics recommended by the Financial Reporting Council of Nigeria.
- (2) Without prejudice to the provision of subsection (1) of this Section, where the recommendation by the Financial Reporting Council of Nigeria is silent on any issue, the Office of the Auditor-General for Local Governments may apply the auditing standards and code of ethics recommended by the International Organization of Supreme Audit Institutions (INTOSAI) and or African Organization of English Speaking Supreme Audit Institutions (AFROSAI-E) and other provisions provided by the relevant local professional bodies such as ICAN, ANAN and others.
- (3) Without prejudice to subsections (1) and (2) of this Section, the Office of the Auditor-General for Local Governments shall, from time to time, determine and implement the auditing standards, guidelines, and code of ethics specific to the audits performed by him.
18. (1) In the course of conducting an audit, where the staff of the Office of the Auditor-General for Local Governments or auditors appointed by him discover what they believed to be fraudulent or act of financial misdemeanour or corruption, they shall immediately notify the Auditor-General for Local Governments.
- Auditing Standard and Code of Ethics.*
- Responsibility for Reporting Fraud to the Auditor-General for Local Governments.*

- (2) Where the Auditor-General for Local Governments is satisfied that sufficient evidence exists on the face of the preliminary report to warrant special investigation or forensic audit, he shall carry out detailed investigation or appoint an independent expert to do same and make a special report on his findings to the State Assembly.
19. (1) The Office of the Auditor-General for Local Governments may carry out special audit, investigation, forensic or any other audit as he considers necessary from time to time.
- (2) Upon completion of the special audit or investigation, the Office of the Auditor-General for Local Governments shall forward a report of the audit to the State Assembly and may copy the Executive Governor or the Chief Judge of the State.
20. (1) The Accounting Officer of each Local Government shall submit the financial statements of the Local Government to the Office of Auditor-General for Local Governments not later than the first quarter after the year ended 31 December of the year under consideration for vetting of the Auditor-General for Local Governments.
- (2) The Chief Accounting Officer, Accounting Officer and Director Account or Sub-Accountant of parastatals, Traditional Area Council Accountants shall submit the financial statements of their organization not later than the first quarter after the year ended 31 December of the year under consideration for vetting of the Auditor-General for Local Governments.
21. The Accounting Officers of all the 21 Local Government Councils and the State Public Offices & Government Business Entities funded by Local Government shall engage external auditors to be
- Special Audit and Investigation.*
- Submission of Annual Financial Statements to the Office of Auditor-General for Local Governments*
- Engaging the External Auditors*

appointed in line with Section 6 (2) (a) (i) of this Law to audit their accounts.

22. (1) The Auditor-General for Local Governments shall, within reasonable time and subject to the receipt of submissions from relevant entities or 180 days from the end of the financial year, submit his audit reports (to be known as: Statutory Audit Reports on 21 Local Government Councils, Ministry of Local Government and Chieftaincy Affairs, State Universal Basic Education Board, Local Government Service Commission and State Pension Commission) to the State Assembly and the Speaker shall cause the report to be considered by the Public Accounts Committee of the State Assembly.

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

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

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

(3) All reports issued by the Auditor-General for Local Governments shall be considered as public documents after the report have been submitted to the State Assembly.

(4) The Auditor-General for Local Government may provide copies of his published reports to;

- (a) The State Government press and approved print and electronic media.
- (b) On the official website of the State Government.

- (5) It is only the Auditor-General for Local Governments, after giving due consideration to the public interest and with regards to auditor's professional obligation for confidentiality of information, that determines what information (beyond the publicly available report) can be disclosed or as may be demanded by the Court of competent jurisdiction or the State Assembly.
- 23. (1)** The Public Accounts Committee shall consider and give effect to each report from the Auditor-General for Local Governments which he shall submit to the State Assembly.
- Consideration of Auditor-General's Report by Public Accounts Committee*
- (2) The Committee shall make recommendations on the basis of this consideration and shall monitor their implementation as approved by the State Assembly.
- 24. (1)** The Office of the Auditor-General for Local Governments shall adopt continuous audit approach in carrying out its audit in addition to conventional periodic audit to ensure accountability and transparency to entrench good governance in the State 21 Local Government Councils, Local Government Education Authorities, the Ministry and the Parastatals.
- Rendition of Returns and Establishment of Continuous Audit.*
- (2) To give effect to subsection (1) of this Section, the respective Accounting Officers of all the Local Government Councils, Local Government Education Authorities, the Ministry and Parastatals shall submit monthly returns of financial transactions of their Offices to the Auditor General for Local Governments within fourteen (14) days after the end of each month.
- (3) Subject to subsections (1) and (2) of this Section the monthly returns shall be jointly signed by the Director of Local Government Administration (DLG) and Local Government

Treasurer (LGT) in the case of the 21 Local Government Councils and Chief Accounting Officers and Director of Administration and Finance (DAFs) in case of the Local Government Education Authorities, the Ministry and the Parastatals, and shall include the following: -

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

- Submission of
Monthly Returns
by Internal
Auditors.*
- (4) The Internal Auditors of the 21 Local Governments, the Local Government Education Authorities, the Ministry and Parastatals shall submit monthly compliance report detailing observation, response by the audited departments and resolutions or planned resolutions for observed anomaly if any, to the Office of the Auditor General for Local Governments within fourteen (14) days following the end of the previous month.
- (5) The methodology and procedures for the continuous audit in subsection (4) of this Section, shall be determined by the Office of Auditor-General for Local Governments.
- (6) Non-compliance with subsection (2), (3) and (4) of this Section shall be treated in line with the provisions of Section 30, subsection (1) of this Law.
- 25.** (1) The Auditor-General for Local Governments or any person appointed in that behalf or a person acting on his authority shall not be personally liable for any action or omission committed in good faith in the performance of his functions as provided in this Law.
- Protection of
Auditor-General
for Local
Governments
from Litigation*
- (2) All reports of the Auditor-General for Local Governments submitted to the State Assembly shall enjoy all privileges accorded to such reports.
- (3) Pursuant to subsection (1) of this Section, no civil or criminal proceeding shall be instituted against the Auditor-General for Local Governments on the basis of any report emanating from the performance of his duties.
- 26.** (1) The Auditor-General for Local Governments may, in the performance of his functions under this Law, engage the services of:
- Power to Appoint
Independent
Private Auditors*

- (a) Independent or Private Auditors to support and assist him in carrying out audits under this Law;
 - (b) Professionals or Technical Experts or Consultants to enhance the performance of the Office of Auditor-General for Local Governments.
- (2) The Independent Auditors or Professional Experts appointed under subsection (1) of this Section shall be under the direct supervision of the Auditor-General for Local Governments or Officer(s) as he might designate.
- (3) Subject to the provisions of this Section, a person is qualified for appointment as independent auditor by the Office of the Auditor-General for Local Governments where he:
 - (a) holds a valid practicing license issued by an approved professional body in Nigeria;
 - (b) has proven track records of performance and integrity;
 - (c) has registered or renewed its registration with the Office of Auditor-General for Local Governments;
 - (d) has complied with the relevant Public Procurement Guidelines.
- 27. (1) The State Auditor-General for Local Governments shall submit the report of each Local Government Council to its respective Legislative Council for its consideration.

*Submission by the S
Auditor-General for
Local Governments
Audited Reports to
Elected Local
Government Legisla
Councils*

- (2) In situations where there are laws passed by the Local Government Legislative Councils creating small businesses, such are to be part of the institutions to be audited by the State Auditor-General for Local Governments.
- 28. (1) A person appointed to the Office of the Auditor-General for Local Governments shall not begin to perform the functions

*Affirmation and
Oath of Secrecy*

of that Office until he has subscribed to the Oath of Office prescribed in the Schedule I to this Law.

- (2) Every person appointed to the services of the Office of Auditor-General for Local Governments shall before assuming office subscribe to the Oath or Affirmation of Secrecy specified in Schedule II to this Law.
- (3) Without prejudice to subsection (2) of this Section, all officers already in the service of the Office of Auditor-General for Local Governments before the enactment of this Law shall be required to sign the Oath or Affirmation of Secrecy specified in subsection (2) of this Section to remain in the service of the Office of Auditor-General for Local Governments.
- (4) All information at the disposal of Auditors or persons appointed by the Auditor-General for Local Governments shall be kept confidential and shall not be disclosed unless in the interest of the public or as may be demanded by a Court of competent jurisdictions or the State Assembly.

29. The Auditor-General for Local Governments shall, by way of circulars, publish rules and regulations for ensuring the effective discharge of his duties and functions as determined in this Law.

Regulations

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

Offences and Penalties.

- (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Auditor-General for Local Governments or any person authorized by the Auditor-General in the performance of his functions;
- (b) without lawful justification, refuses or fails to comply with any lawful request, order or directives of the Auditor-General for Local Governments or any person

authorized by the Auditor-General for Local Governments;

- (c) without any lawful justification, refuses or fails to give to the Auditor-General for Local Governments or any person authorized by the Auditor-General for Local Governments, access to any property, books, records, returns or other documents, information referred to in this Law;
 - (d) knowingly presents to the Auditor-General for Local Governments or any person authorized by the Auditor-General for Local Governments, a false or fabricated document or makes a false statement with intent to deceive or mislead the Auditor-General for Local Governments or any person authorized by the Auditor-General for Local Governments;
 - (e) present himself as having authority under this Law without such lawful authority;
 - (f) misuses any information obtained while performing his official function or exercising his official power;
 - (g) colludes with any Accounting Officer or internal Auditor or other public officer in the conduct of his functions.
- (2) (a) Any breach of the provisions under this Section shall be punishable by this Law and by the provisions of the relevant Civil Service Rules;
- (b) a person who commits any of the listed offences under this Section while working in the Office of the Auditor-General for Local Governments is liable to a fine not more than ₦300,000 or a jail term of not more than 3

years or both, while in the case of a corporate entity, a fine not more than ₦5,000,000.00.

- 31. (1)** The Relevant sections of the Kogi State Local Government Law 2007 (as amended) and relevant sections of the Kogi State Local Government Law 2008 (as amended) relating to Auditor General for Local Government and Kogi State Local Government Audit Law 2020 are hereby repealed.
- (2) All valid appointments of staff made by office of the Auditor General for Local Government pursuant to repealed law and any other enactments before the coming into force of this law, shall be deem to have been validly made pursuant to this law and the existing right, if any, to pension and gratuity is by virtue of this section preserved.
- (3) All actions, audit checks, audit queries, audit exercise, findings, opinions, special reports, engagement of consultants and surcharge made by Auditor General for Local Government or officer acting by his delegated directives before the coming into force of this law, and the existing rights therein are by virtue of this section preserved.

*Repeal and
Savings*

SCHEDULE I:

OATH OF OFFICE OF THE AUDITOR-GENERAL FOR LOCAL GOVERNMENTS

I, having been appointed as Kogi State Auditor-General for Local Governments, do hereby solemnly affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as the Kogi State Auditor-General for Local Governments, I shall discharge my duties to the best of my ability, faithfully and in accordance with the Constitution of the Federal Republic of Nigeria and the Law; that I will not allow my personal interest to influence my official conduct or my official decision, that I will abide by the Code of Conduct contained in the Fifth Schedule to the Constitution of the Federal Republic of Nigeria; that in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will; that I will not directly or indirectly communicate or reveal to any unauthorized person, any matter which shall be brought under my consideration or shall become known to me as the Kogi State Auditor-General for Local Governments, except as may be required for the due discharge of my duties as the Auditor-General for Local Governments; that I will devote myself to the service of Kogi State. So help me God.

Signature:

Date:

SCHEDULE II:

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

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

Signature:

Date:

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

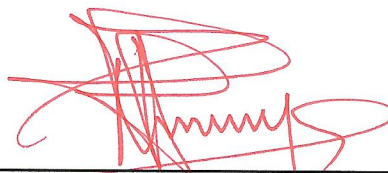


IBRAHIM ISA-AMOKA
CLERK OF THE HOUSE



RT. HON. (PRINCE) MATTHEW KOLAWOLE
SPEAKER

I assent this 11th day of Nov. 2021.



ALHAJI YAHAYA BELLO
GOVERNOR OF KOGI STATE.

Date: 11/11/2021

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

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of Contents of the Bill</i>	(4) <i>Date passed by the House</i>
The Kogi State Local Government Audit (repeal and re-enactment) Bill, 2021	A Bill for a Law to repeal and re-enact the Kogi State Auditor-General for Local Government Law, 2020 and other Matters connected Therewith, 2021	The Bill seeks to repeal and re-enact the Kogi State Auditor General for Local Government Law of 2020 to strengthen the independence of the Office.	June 29 th , 2021

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



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



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



**Signature of Governor of Kogi State,
Alhaji Yahaya Bello**