



**AN BILLE UM AN ARD-REACHTAIRE CUNTAS AGUS
CISTE (LEASÚ), 2012
COMPTROLLER AND AUDITOR GENERAL
(AMENDMENT) BILL 2012**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
 2. New section 5A of the Comptroller and Auditor General (Amendment) Act 1993.
 3. Amendment of section 9 of the Comptroller and Auditor General (Amendment) Act 1993.
 4. Amendment of section 10 of the Comptroller and Auditor General (Amendment) Act 1993.
 5. Amendment of section 11 of the Comptroller and Auditor General (Amendment) Act 1993.
 6. Amendment of Chapter 2 of Part 12 of Act of 2001.
 7. Amendment of First Schedule of Act of 1993.
 8. Amendment of Second Schedule of Act of 1993.
 9. Short title and commencement.
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ACTS REFERRED TO

Comptroller and Auditor General (Amendment) Act 1993
Local Government Act 2001

1993, No 8
2001, No 37



**AN BILLE UM AN ARD-REACHTAIRE CUNTAS AGUS
CISTE (LEASU), 2012
COMPTROLLER AND AUDITOR GENERAL
(AMENDMENT) BILL 2012**

BILL

entitled

BILL ENTITLED AN ACT TO AMEND THE LAW RELATING
TO THE COMPTROLLER AND AUDITOR GENERAL.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

10 **1.**—In this Act:

Interpretation.

“the Act of 1993” means the Comptroller and Auditor General
(Amendment) Act 1993;

“local authority” means a local authority for the purposes of the
Local Government Act 2001;

15 “the Minister” means the Minister for Public Expenditure and
Reform.

2.—The Act of 1993 is amended by inserting the following section
after section 5:

New section 5A of
the Comptroller
and Auditor
General
(Amendment) Act
1993.

20 “Audit of
accounts of
local
authorities.

5A.—(1) Accounts of local authorities shall be
audited by the Comptroller and Auditor General.

(2) In the course of the audit of such accounts,
the Comptroller and Auditor General shall carry
out such audit tests as he considers appropriate in
order to satisfy himself as to—

25 (a) whether the income and expenditure
recorded therein are supported by sub-
stantiating documentation,

30 (b) whether the local authority concerned
has applied such expenditure for the
purposes for which the sums paid to
the authority, whether out of moneys
provided by the Oireachtas or other-
wise, were intended, and

- (c) whether the transactions conform with the authority under which they purport to have been carried out.

(3) Upon the completion of his audit of the accounts of a local authority for a financial year, the Comptroller and Auditor General shall attach to the accounts a certificate stating whether, in his opinion—

- (a) the accounts properly present the income and expenditure of the local authority,
- (b) the statement of balances properly presents the state of affairs of the local authority at the end of the financial year concerned, and
- (c) the accounts are in accordance with any accounting policies laid down by the Minister for the Environment, Community and Local Government,

and referring to any material case in which—

- (i) the local authority has failed to apply expenditure recorded in the accounts for a purpose for which the sums paid to the local authority and out of which the expenditure was made, were intended, or
- (ii) transactions recorded in the accounts do not conform to the authority under which they purport to have been carried out.

(4) Upon the completion of his audit of the accounts of a local authority, the Comptroller and Auditor General shall also draw up a report in writing on—

- (a) such matters arising on the audit as he considers it appropriate to report on, and
- (b) such matters as he considers it appropriate to report on arising from his examination of the system of internal control operated by the local authority to ensure—
 - (i) the regularity of its financial transactions,
 - (ii) the correctness of its income and expenditure,
 - (iii) the reliability and completeness of its accounting records, and

(iv) the safeguarding of the assets owned or controlled by it.

5 (5) The accounts of a local authority shall be submitted to the Comptroller and Auditor General for audit on or before such date in the year following the financial year to which they relate as may stand specified for the time being by order made for the purposes of this subsection by the Minister after consultation with the Minister for the Environment, Community and Local Government.

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15 (6) Upon the completion of the audit of the accounts of a local authority, the Comptroller and Auditor General shall submit copies of the accounts together with his certificate under *subsection (3)*, and report under *subsection (4)*, in relation to the accounts to the local authority and to the Minister for the Environment, Community and Local Government who shall cause copies thereof to be laid before each House of the Oireachtas on or before such date as may stand specified for the time being by order made for the purposes of this subsection by the Minister after consultation with the Minister for the Environment, Community and Local Government and then the local authority shall publish the accounts, certificate and report.

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25 (7) The Minister may by order made after consultation with the Minister for the Environment, Community and Local Government vary either or both of the dates standing specified for the time being under *subsections (5)* and *(6)*.

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35 (8) This section shall have effect as respects the accounts of a local authority for a financial year of the local authority beginning not less than 3 months after the commencement of this section.”.

3.-(1) Subsection (1) of Section 9 of the Act of 1993 is amended by the insertion of of Section 9 the words “local authority,” after the three references to the word “Department,”.

Amendment of section 9 of the Comptroller and Auditor General (Amendment) Act 1993.

40 (2) Subsection (2) of Section 9 of the Act of 1993 is amended by the insertion of the words “or local authority” after the two references to the word “Department”.

45 4.—Subsection (1) of Section 10 of the Act of 1993 is amended by the insertion of the words “local authority” after the three references to the word “Department,” in paragraphs (a), (b) and (c).

Amendment of section 10 of the Comptroller and Auditor General (Amendment) Act 1993.

5.—Section 11 of the 1993 Act is hereby amended by:

(a) the inclusion in paragraph (ii) of subsection (2) of “5A” immediately after “5,”.

Amendment of section 11 of the Comptroller and Auditor General (Amendment) Act 1993.

(b) The insertion in subsection (4) after the words “as soon as possible after it is laid before it” of the words “and the chairman of the Committee shall place a motion on the Order Paper of Dáil Éireann seeking consideration of each report of the committee.”. 5

(c) The insertion after subsection (4) of the following subsections:

“(4A) Whenever the report to Dáil Éireann of the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann requires an Accounting Officer of any Department or local authority or other entity subject to audit by the Comptroller and Auditor General pursuant to the provisions of the Act of 1993, to respond to requests advanced by the Dáil Committee, such Accounting Officer shall respond to such requests within 30 days of receipt of such requests. 10 15

(4B) Where the Accounting Officer of any Department or local authority or other entity audited by the Comptroller and Auditor General fails to respond to reasonable requests of the Dáil Committee established under the Standing Orders of Dáil Éireann, that Committee shall certify to the relevant Minister that its reasonable request has not been complied with and the Minister shall take all necessary steps to ensure compliance with its request.”. 20

Amendment of Chapter 2 of Part 12 of Act of 2001.

6.—The following section shall be inserted after Section 126 of the Act of 2001: 25

“126A.—All accounts of a local authority or the audit of accounts of a local authority or the report of a local government Auditor shall be audited by the Comptroller and Auditor General and no provision of this part of the Act shall interfere with the statutory obligation of the Comptroller and Auditor General, pursuant to Section 9 of the Comptroller and Auditor General (Amendment) Act 1993, to perform such auditing function.”. 30

Amendment of First Schedule of Act of 1993.

7.—The First Schedule of the Act of 1993 is amended by the insertion of the following: 35

“Housing Finance Agency public limited company”.

Amendment of Second Schedule of Act of 1993.

8.—The Second Schedule of the Act of 1993 is amended by the deletion of the following:

“Housing Finance Agency public limited company” and “Local Authorities”.

Short title and commencement.

9.—(1) This Act may be cited as the Comptroller and Auditor General (Amendment) Act 2012.

(2) This Act shall come into operation on such day or days as the Minister may by order appoint, either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions. 45