

THE STATE AUDIT COMMISSION BILL, 2016

MEMORANDUM

The objects of this Bill are to—

- (a) provide for the membership, functions, operations and financial management of the State Audit Commission; and
- (b) provide for matters connected with, or incidental to, the foregoing.

L. KALALUKA,
Attorney-General

THE STATE AUDIT COMMISSION BILL, 2016

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THE STATE AUDIT COMMISSION

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A BILL

ENTITLED

An Act to provide for the membership, functions, operations and financial management of the State Audit Commission; and provide for matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY PROVISIONS

1	1. This Act may be cited as the State Audit Commission Act, 2016, and shall come into operation on such date as the Minister may appoint by statutory instrument.	Short title and commencement
2.	In this Act, unless the context otherwise requires—	Interpretation
	“ associate ” has the meaning assigned to it in the Anti-Corruption Act, 2012;	Act No. 3 of 2012
10	“ Audit-or-General ” means the Auditor-General appointed under Article 249 of the Constitution;	Cap. 1
	“ Chairperson ” means the person appointed Chairperson of the Commission under section <i>five</i> ;	
15	“ Commission ” means the State Audit Commission established by Article 234 of the Constitution;	Cap. 1
	“ emoluments ” has the meaning assigned to it in the Constitution;	Cap. 1
20	“ Emoluments Commission ” means the Emoluments Commission established under Article 232 of the Constitution;	Cap. 1

Act No. 17 of 2010	“Engineering Institution of Zambia ” means the Engineering Institution of Zambia established under the Engineering Institution of Zambia Act, 2010;	
Cap. 31	“ Law Association of Zambia ” means the Law Association of Zambia established under the Law Association of Zambia Act;	5
	“ member ” means a person appointed as a member of the Commission under section <i>five</i> ;	
Act No. of 2016	“ National Audit Office ” means the National Audit Office established under the Public Audit Act, 2016;	10
Cap. 1	“ oath ” has the meaning assigned to it in the Constitution;	
	“ relative ” means—	
	(a) a person’s son, daughter, brother, sister, nephew, niece, parent, uncle, aunt, grandparent or cousin; and	15
	(b) a person’s spouse or the spouse of any of the persons mentioned in paragraph (a);	
	“ Secretary ” means a person appointed as Secretary of the Commission under section <i>nine</i>	
Cap. 1	“ State institution ” has the meaning assigned to it in the Constitution;	20
Cap. 1	“ State organ ” has the meaning assigned to it in the Constitution;	
	“ Vice-Chairperson ” means the person elected Vice-Chairperson of the Commission under section <i>five</i> ;	
Act No. 13 of 2008	“ Zambia Institute of Chartered Accountants ” means the Zambia Institute of Chartered Accountants continued under the Accountants Act, 2008; and	25
Act No. 11 of 1997	“ Zambia Institute of Human Resources Management ” means the Zambia Institute of Human Resources Management established under the Zambia Institute of Human Resources Management Act, 1997.	30

PART II

THE STATE AUDIT COMMISSION

3. (1) The seal of the Commission shall be such device as may be determined by the Commission and shall be kept by the Secretary.

Seal of
Commission

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Secretary or any other person authorised in that behalf by a resolution of the Commission.

(3) A contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed without seal on behalf of the Commission by the Secretary or any other person generally or specifically authorised by the Commission in that behalf.

(4) A document purporting to be under the seal of the Commission or issued on behalf of the Commission shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.

4. (1) The Commission shall perform the functions set out in Article 234 of the Constitution. (2) Without prejudice to the generality of subsection (1), the functions of the Commission are to—

Functions of
Commission
Cap. 1

(a) oversee the undertaking of the functions by the National Audit Office;

(b) appoint auditors and other staff as are necessary to assist the Auditor-General in the performance of the Auditor-General's functions under the Constitution, the Public Audit Act, 2016, and any other written law;

Cap. 1

(c) exercise disciplinary powers in relation to auditors and other staff of the National Audit Office;

Act No. of
2016

(d) promote auditors and other staff of the National Audit Office;

(e) receive and investigate complaints from any person relating to the performance of functions by the National Audit Office;