

The Law Amending the Auditor General of the Union Law, 2018

(The Pyidaungsu Hluttaw Law No.2/2018)

The 6th Waxing day of Tabodwe, 1379 M.E.

(22 January 2018)

The Pyidaungsu Hluttaw hereby enacts this law.

1. This law shall be called **the Law Amending the Auditor General of the Union Law, 2018.**
2. The expression “and implementation of works” shall be inserted after the expression “the accounts of receipt and payment of the Union” contained in section 5 of the Auditor General of the Union Law.
3. Section 11 of the Auditor General of the Union Law shall be substituted as follows:
“11. The duties of the Auditor General of the Union are as follows:
 - (a) submitting the report on auditing the accounts of receipt and payment of the Union as well as implementation of works at least once a year and on the unusual situation from time to time to the session of the Pyidaungsu Hluttaw, Pyithu Hluttaw or Amyotha Hluttaw;
 - (b) under the provisions of the Union Budget Law:
 - (i) auditing the accounts of receipt and payment of the Union;
 - (ii) auditing whether measures have been taken to obtain fully the receipts contained in the budget estimates;
 - (iii) auditing whether the sanctioned money contained in the budget estimates are utilized effectively;
 - (c) auditing whether the set-up and staff strength of relevant government departments and government organizations are appropriate enough for the responsibilities they have to perform;
 - (d) auditing whether the appointment of staff of relevant government departments and government organizations are within the sanctioned staff;
 - (e) auditing whether the set-up and the situation of implementation of works of relevant government departments and government organizations are likely achieve the original purpose or objective;
 - (f) auditing whether the union level organizations, union ministries, government departments, government organizations and Nay Pyi Taw Council have applied the accounting system that is prescribed in accordance with the existing financial regulations;”

- (g) auditing whether the projects and implementation of works of the union level organizations, union ministries, government departments, government organizations and Nay Pyi Taw Council are actually effective for the public;
- (h)
 - (i) auditing whether there are precision, accuracy, systematic maintenance and effective utilization in taking over and using the state-owned assets, co-operative-owned assets and public-owned assets;
 - (ii) auditing whether ownerless assets, confiscated assets, assets that are taken over as public owned by notification and assets legally relinquished by the owner are officially recorded in the accounts, maintained, utilized systematically and in case of necessity, systematically disposed and transferred;
- (i) in respect of manufacturing, trading and services:
 - (i) auditing the accounts of manufacturing, trading and services;
 - (ii) auditing the quantity and standards of products and services;
 - (iii) auditing whether there are wastages, leakages, damages, losses and misappropriation in implementing projects;
 - (iv) comparing and auditing the cost and effectiveness;
 - (v) auditing supervision over organization or the way of the organization works, performing work under effective operational controls, improvement in economic efficiency, social and cultural impact, systematic work, performance of staff which is free from corruption and beneficial utilization of funds and properties;
- (j) presenting findings to the relevant organizations after auditing as the case may be if the President of the Union, Speaker of the Pyidaungsu Hluttaw, Speaker of the Pyithu Hluttaw or Speaker of the Amyotha Hluttaw or any union level organization, any union ministry or Nay Pyi Taw Council request to audit any of its activities;
- (k) supervising the Myanmar Accountancy Council and the Myanmar Institute of Certified Public Accountants, and providing necessary guidance;
- (l) determining and supervising the duties, ethics and rights of the Certified Public Accountant and the Practicing Accountant in accordance with the law;

- (m) auditing, if necessary, the accounts of private business that have been audited by the Certified Public Accountant and the Practicing Accountant relating to taxes to be paid to the Union;
- (n) submitting necessary bill relating to the auditing works to the Pyidaungsu Hluttaw;
- (o) reporting his performance and findings to the President of the Union and the Pyidaungsu Hluttaw simultaneously;
- (p) submitting the report to the Pyidaungsu Hluttaw if the Pyidaungsu Hluttaw assigns him to audit the implementation of works of the union level organizations, union ministries, government departments, government organizations and Nay Pyi Taw Council;
- (q) auditing the accounts of receipt and payment relating to debt, deposits, suspense which are operated in conjunction with the Union Budget at the union level organizations, union ministries, government departments, government organizations and Nay Pyi Taw Council, and checking whether the responsible persons systematically control and effectively supervise such receipts and payments;
- (r) auditing whether the internal audit teams have been formed at the organizations which will be audited according to the law, and whether such teams carry out their activities in accordance with the work programs, orders, directives and procedures determined by the relevant ministries and organizations;
- (s) in auditing the organizations or works which will be audited according to the law, sending the findings regarding the matters which are considered to require legal actions to the head of the relevant organizations and to the member of its union level organization and that of its region or state level organization;
- (t) in auditing any organization or work, if it is considered to be stopped and prevented forthwith the wastages, leakages, damages, losses and misappropriation are currently occurring in such organization or worksite;
 - (i) informing immediately to the head of the relevant organizations and the member of its union level organization and that of its region or state-level organization;

- (ii) reporting to the Union Government and relevant Region or State Government, if the head of the relevant organizations does not take any action;
- (u) (i) entering and auditing premises and buildings of the organizations, offices, work-sites, factories which will be audited according to the law;
- (ii) requesting and auditing projects, plans, operation systems, contracts, list of personnel, cash accounts, asset accounts, reports, books of account, vouchers and other documents maintained in the organizations, offices, work-sites, factories which will be audited according to the law;
- (iii) in requesting the documents mentioned in sub-section (ii), causing the relevant organizations to send the original or copy of them or by the electronic system;
- (iv) maintaining the evidential properties, documents, recorded disks and electronic records that are found regarding auditing as exhibits;
- (v) interviewing the relevant persons for the purpose of auditing and obtaining statements;
- (vi) obtaining the help of skilled staff according to the work or time frame with the approval of the relevant organization for auditing if necessary;
- (v) auditing the accounts relating to the other financial matters of the government departments and government organizations if necessary;
- (w) auditing the works and accounts of joint ventures operating with the government which are granted benefits by various types of agreements and various systems utilizing state-owned water land, air and resources if necessary;
- (x) auditing whether law, regulations, bye-laws and procedures are compiled with in regard to loans borrowed from this country or abroad, loans disbursed to this country or abroad, interest paid and interest received on loans;
- (y) auditing whether moneys and assets receivable, moneys and assets payable are disclosed completely and accurately and whether accounts are cleared in accordance with the prescriptions;
- (z) performing other duties assigned by the President of the Union in accordance with the law;

(aa) performing other duties stipulated under any existing law.”

4. Section 13 of The Auditor General of the Union Law shall be substituted as follows:

“13. The Auditor General of the Union may delegate the duties and powers conferred on him under sections 11 and 12 to the Deputy Auditor General, Auditor General of the Region or State and audit officers of the different levels of audit offices, and small teams, staff and persons who are assigned duties by him.”

5. In Section 25 of the Auditor General of the Union Law:

(a) sub-sections (a), (c) and (d) shall be substituted as follows:

“(a) submitting the report on auditing related to the accounts of receipt and payment of the Region and State as well as of the implementation of works at least once a year and on the unusual situation from time to time to the session of the relevant Region or State Hluttaw;

(c) auditing whether the implementation of works of the relevant region or state level organizations, region or state ministries, government departments, government organizations are actually effective for the public.

(d) submitting the report on his performance and findings to the Chief Minister of the Region or State and to the Region or State Hluttaw simultaneously:”

(b) sub-sections (f), (g), (h), (i) and (j) shall be inserted as follows after sub-section (e), and sub-section (f) of the original law shall be renumbered as sub-section(k):

“(f) submitting the report to the Region or State Hluttaw if the Region or State Hluttaw assigns him to audit the implementation of works of the relevant region or state level organizations, government departments and government organizations;

(g) auditing the accounts relating to the other financial matters of the government departments and government organizations of the Region or State if necessary;

(h) auditing, if necessary and assigned, the works and accounts of joint ventures operating with the relevant Region or State Government which are granted benefits by various types of agreements and various systems utilizing state-owned water, land, air and resources;

(i) auditing the accounts of receipt and payment relating to debt, deposits and suspense which are operated in conjunction with the Region or State Budget and assigning audit officers to check whether the responsible

persons systematically control and effectively supervise such receipts and payments;

- (j) auditing whether moneys and assets receivable and moneys and assets payable are disclosed completely and accurately, and whether accounts are cleared in accordance with the prescriptions;”

6. In Section 34 of the Auditor General of the Union Law:

- (a) sub-Section (b) shall be substituted as follows:

“(b) auditing whether the implementation of works of the relevant organizations are actually effective for the public;”

- (b) sub-section (e) shall be inserted after sub-section (d) as follows:

“(e) auditing the accounts of receipt and payments relating to debt, deposit, suspense which are operated in conjunction with the Region or State Budget and checking whether the responsible person systematically control and effectively supervise such receipts and payments;”

7. Section 36 A, Section 36 B and Section 36 C shall be inserted after Section 36 of the Auditor General of the Union Law as follows:

“36 A. The organizations which will be audited according to the law shall send a list of staff strength and final accounts including account, inventory of goods to the Office of the Auditor General of the Union and audit offices at different levels within 90 days of the end of the financial year.

36 B. When action taking against the staff as per the audit reports of the Office of the Auditor General of the Union and the audit offices at different levels, the departmental enquiry shall proceed based on the finding of the audit offices at different levels is deemed as the evidence without conducting a preliminary enquiry again.

36 C. The responsible persons of the relevant organizations or works shall cooperate with the Office of the Auditor General of the Union and the audit offices at different levels for enabling to perform their auditing work effectively.”

I sign in accordance with the Constitution of the Republic of the Union of Myanmar.

(Sd) Htin Kyaw

President of the Union

Republic of the Union of Myanmar