

THE PRESIDENT

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 09/2015/L-CTN

Hanoi, July 8, 2015

ORDER
On the promulgation of law¹

**THE PRESIDENT OF THE SOCIALIST REPUBLIC OF
VIETNAM**

*Pursuant to Articles 88 and 91 of the Constitution of the Socialist
Republic of Vietnam;*

*Pursuant to Article 91 of the Law on Organization of the National
Assembly;*

Pursuant to Article 57 of the Law on Promulgation of Legal Documents,

PROMULGATES:

The Law on State Audit,

which was passed on June 24, 2015, by the XIIIth National Assembly of
the Socialist Republic of Vietnam at its 9th session.

President of the Socialist Republic of Vietnam
TRUONG TAN SANG

¹ Công Báo Nos 865-866 (27/7/2015)

No. 81/2015/QH13

LAW On State Audit²

*Pursuant to the Constitution of the Socialist Republic of Vietnam;
The National Assembly promulgates the Law on State Audit.*

Chapter I GENERAL PROVISIONS

Article 1. Scope of regulation

This Law prescribes the functions, tasks, powers, organization and operations of the State Audit Office of Vietnam; tasks and powers of the State Auditor General; tasks and powers of state auditors; powers and responsibilities of agencies, organizations and individuals involved in state audit activities.

Article 2. Subjects of application

1. The State Audit Office of Vietnam.
2. Agencies and organizations managing and using public finance and public assets.
3. Other agencies, organizations and individuals involved in state audit activities.

Article 3. Interpretation of terms

In this Law, the terms below are construed as follows:

1. *Audit report of the State Audit Office of Vietnam* means a document issued and publicized by the State Audit Office of Vietnam after each audit to present evaluations, verifications, conclusions and proposals regarding the

² Công Báo Nos 865-866 (27/7/2015)

audited contents. Audit reports of the State Audit Office of Vietnam shall be signed and stamped by the State Auditor General or his/her authorized persons.

2. *Audit evidence* means documents and information gathered by state auditors and related to an audit, which serve as a basis for making audit evaluations, verifications, conclusions and proposals.

3. *Audited entity* means an agency or organization managing and using public finance and public assets.

4. *Audit dossier* of an audit means documents collected, sorted, used, made, archived and managed according to regulations.

5. *Audit activities of the State Audit Office of Vietnam* means evaluation and verification of the accuracy and truthfulness of information on public finance and public assets or financial statements in relation to the management and use of public finance and public assets; the compliance with law and the effectiveness in the management and use of public finance and public assets.

6. *Specialized state audit offices* are units attached to the State Audit Office of Vietnam which audit audited entities at the central level and perform tasks as assigned by the State Auditor General.

7. *Regional state audit offices* are units attached to the State Audit Office of Vietnam which audit audited entities in localities and perform tasks as assigned by the State Auditor General.

8. *State auditors* are civil servants appointed by the State Auditor General to the ranks of state auditor in order to perform audit tasks.

9. *Rank of state auditor* is the name reflecting ranks of professional capacity and qualifications of state auditors, including the ranks of auditor, principal auditor, and senior auditor.

10. *Public finance* covers the state budget; national reserves, extra-budget state financial funds; finance of state agencies, people's armed force units, public non-business units, public service and goods suppliers, political organizations, socio-political organizations, socio-politico-professional organizations, social organizations, socio-professional organizations using state budget funds; and state capital in enterprises; and public debts.

11. *Public assets* include land; water resources; mineral resources; resources in the sea and airspace; other natural resources; state assets in state agencies, people's armed force units, public non-business units, political organizations, socio-political organizations, socio-politico-professional organizations, social organizations, socio-professional organizations; public assets assigned to enterprises for management and use; state reserve assets;

assets of infrastructure serving public interests and other assets managed and invested in by the State and owned by all the people, and represented and uniformly managed by the State.

Article 4. Audited objects of the State Audit Office of Vietnam

Audited objects of the State Audit Office of Vietnam are the management and use of public finance and public assets and activities related to the management and use of public finance and public assets of audited entities.

Article 5. Principles of audit activities of the State Audit Office of Vietnam

1. Independence and compliance with law only.
2. Honesty, objectivity, openness and transparency.

Article 6. State audit standards

1. State audit standards means the regulations and guidelines on audit requirements, principles and procedures and handling of relationships arising in audit activities, which shall be complied with by state auditors when carrying out such activities; and serve as a basis for examination and evaluation of the quality of audits and professional ethics of state auditors.

2. The State Auditor General shall develop and promulgate a system of state audit standards in accordance with the Law on Promulgation of Legal Documents.

Article 7. Legal validity of audit reports

1. Audit reports of the State Audit Office of Vietnam shall, after being issued and publicized, be valid for compulsory implementation by audited entities that commit violations in the management and use of public finance and public assets.

2. Audit reports of the State Audit Office of Vietnam shall be used as one of the bases for:

a/ The National Assembly to consider and decide on and oversee the implementation of objectives, targets, policies and key tasks of the country's long-term and annual socio-economic development; investment policies for national target programs and important national projects; fundamental national financial and monetary policies; imposing, modifying and abolishing taxes; decision to divide revenues and expenditures between central and local budgets; safe limits of national debts, public debts and government debts; state budget estimates and allocation of the central budget; and ratification of final accounts of the state budget;

b/ The Government, state management agencies and other state organizations and agencies to use in their management and administration work and perform their tasks and exercise their powers;

c/ The People's Councils to consider and decide on local budget estimates and allocation; ratify final accounts of local budgets; supervise the management and use of public finance and public assets and perform their tasks and exercise their powers;

d/ Audited entities to exercise their right to complaint.

Article 8. Prohibited acts

1. Prohibited acts for the State Audit Office of Vietnam, state auditors and state audit collaborators:

a/ Harassing, causing difficulties or troubles to audited entities;

b/ Unlawfully interfering in normal activities of audited entities;

c/ Offering, taking and mediating bribes;

d/ Reporting false and incomplete audit results;

dd/ Abusing their positions and powers for self-seeking purposes;

e/ Disclosing state secrets and professional secrets of audited entities;

g/ Disclosing information on audit situation and results which have not yet been publicized officially.

2. Prohibited acts for audited entities and related organizations and individuals:

a/ Refusing to provide information and documents serving an audit at the request of the State Audit Office of Vietnam and state auditors;

b/ Obstructing the work of the State Audit Office of Vietnam and state auditors;

c/ Reporting false, untruthful, incomplete, untimely or unobjective information on an audit conducted by the State Audit Office of Vietnam;

d/ Buying off, offering bribes to state auditors and state audit collaborators;

dd/ Covering up violations of the law on public finance and public assets.

3. Agencies, organizations and individuals are prohibited from unlawfully interfering in audit activities and results of the State Audit Office of Vietnam and state auditors and state audit collaborators.

Chapter II

FUNCTIONS, TASKS, POWERS AND ORGANIZATION OF THE STATE AUDIT OFFICE OF VIETNAM

Section 1

FUNCTIONS, TASKS AND POWERS OF THE STATE AUDIT OFFICE OF VIETNAM

Article 9. Functions of the State Audit Office of Vietnam

The State Audit Office of Vietnam shall function to evaluate, verify, conclude on and make proposals regarding the management and use of public finance and public assets.

Article 10. Tasks of the State Audit Office of Vietnam

1. To decide on annual audit plans and report them to the National Assembly before implementation.

2. To organize the implementation of annual audit plans and perform audit tasks at the request of the National Assembly, the National Assembly Standing Committee, the President, the Government, or the Prime Minister.

3. To consider and decide on audits that are not included in the State Audit Office of Vietnam's annual audit plans when so requested by the Ethnic Council, Committees of the National Assembly, National Assembly deputies' delegations, the Standing Bodies of the People's Councils, or the People's Committees of the provinces or centrally run cities, and agencies and organizations.

4. To submit the State Audit Office of Vietnam's opinions to the National Assembly for consideration and decision on the state budget estimates, decision on the allocation of the central budget and investment policies for national target programs and national important projects, and approval of final accounts of the state budget.

5. To join National Assembly and Government agencies in considering state budget estimates, plans on allocation of the central budget, adjustment of state budget estimates or arrangement of budgets for national target programs and national important projects which have been decided by the National Assembly, and final accounts of the state budget.

6. To join National Assembly agencies, when so requested, in overseeing the implementation of laws and resolutions of the National Assembly, ordinances and resolutions of the National Assembly Standing Committee in the financial and budgetary field, as well as the implementation of the state budget and financial policies.

7. To join National Assembly and government agencies and competent agencies, when so requested, in submitting draft laws and ordinances in the formulation and verification of draft laws and ordinances.

8. To make summarization reports on annual audit results and results of implementation of audit conclusions and proposals to the National Assembly,

the National Assembly Standing Committee; to send such reports to the President, the Government and the Prime Minister, the Ethnic Council and Committees of the National Assembly; to provide audit results to the Ministry of Finance, National Assembly deputies' delegations, and the People's Councils and People's Committees of localities where the audits are conducted, and to other agencies in accordance with law.

9. To explain audit results to the National Assembly and National Assembly agencies in accordance with law.

10. To publicize audit reports, summarization reports on annual audit results and reports on results of implementation of audit conclusions and proposals in accordance with Articles 50 and 51 of this Law and other relevant laws.

11. To monitor and examine the implementation of the State Audit Office of Vietnam's conclusions and proposals.

12. To transfer to investigation agencies, the People's Procuracy and other competent state agencies for examination and handling dossiers of cases showing signs of crime or signs of violation detected through audit activities.

13. To manage audit dossiers; to keep secret accounting documents and figures and information about operations of audited entities in accordance with law.

14. To implement international cooperation on state audit.

15. To organize and manage scientific research, training and development of human resources of the State Audit Office of Vietnam.

16. To organize examination for state auditors and grant, revoke and manage state auditor certificates.

17. To organize information, communication and education about the law on state audit.

18. To develop the state audit development strategy and submit it to the National Assembly Standing Committee for promulgation.

19. To perform other tasks as prescribed by law.

Article 11. Powers of the State Audit Office of Vietnam

1. To present draft laws, ordinances and resolutions before the National Assembly and the National Assembly Standing Committee in accordance with law.

2. To request audited entities and related organizations and individuals to fully, accurately and promptly provide information and documents to serve audits.

3. To request audited entities to implement the State Audit Office of Vietnam's conclusions and proposals regarding violations in financial statements and in the observance of law; to propose measures to redress shortcomings in operations of entities which it has detected.

4. To propose competent agencies and persons to request audited entities to fully and promptly implement conclusions and proposals regarding violations in financial statements and in the observance of law; to propose the handling in accordance with law of cases of failure to implement its audit conclusions and proposals or to fully or timely implement them.

5. To propose competent agencies and persons to handle violations committed by agencies, organizations or individuals which have been clarified through audit activities.

6. To request competent agencies and persons to handle in accordance with law agencies, organizations and individuals that obstruct its audit activities or provide untruthful information and documents to it and state auditors.

7. To solicit professional assessment when necessary.

8. To entrust or hire audit enterprises to audit agencies or organizations managing and using public finance and public assets; to take responsibility for the accuracy of audit data, documents, conclusions and proposals provided by audit enterprises.

9. To propose the National Assembly, the National Assembly Standing Committee, the Government, the Prime Minister and other state agencies to amend and supplement mechanisms, policies and laws.

Section 2

THE ORGANIZATIONAL SYSTEM OF THE STATE AUDIT OFFICE OF VIETNAM

Article 12. State Auditor General

1. The State Auditor General is the head of the State Audit Office of Vietnam, who takes responsibility for the organization and operation of the State Audit Office of Vietnam before the National Assembly and the National Assembly Standing Committee.

2. The State Auditor General shall be elected, relieved of duty and removed from office by the National Assembly at the proposal of the National Assembly Standing Committee.

3. The State Auditor General shall work for a term of five years according to the National Assembly's term. He/she may be re-elected but for not more than two terms.

Article 13. Responsibilities of the State Auditor General

1. To lead and direct the State Audit Office of Vietnam to perform its tasks and exercise its powers prescribed in Articles 10 and 11 of this Law.
2. To present reports on annual audit results and its work before the National Assembly; when the National Assembly is in recess, to report before the National Assembly Standing Committee; to answer National Assembly deputies' questions before the National Assembly or the National Assembly Standing Committee.
3. To take responsibility before law for the contents of audit reports of the State Audit Office of Vietnam.
4. To decide on, and organize the implementation of specific measures to enhance discipline in state audit activities; to prevent and combat corruption, practice thrift and combat wastefulness and all manifestations of bureaucracy, arrogance and authoritarianism of civil servants and public employees of the State Audit Office of Vietnam.
5. To define functions, tasks, powers and organizational structure of units attached to the State Audit Office of Vietnam.
6. To submit to the National Assembly Standing Committee for decision the payroll, establishment, consolidation and dissolution of units attached to the State Audit Office of Vietnam.
7. To implement measures to ensure the State Audit Office of Vietnam's independence and audit quality in audit activities.
8. To settle complaints and denunciations related to the State Audit Office of Vietnam's audit activities.
9. To perform other tasks as prescribed by law.

Article 14. Powers of the State Auditor General

1. To issue audit decisions.
2. To be invited to plenary sessions of the National Assembly, sessions of the National Assembly Standing Committee and the Government's meetings on relevant matters.
3. To promulgate legal documents in accordance with the Law on Promulgation of Legal Documents.
4. To propose ministers, heads of ministerial-level agencies and government-attached agencies and other central agencies, chairpersons of provincial-level People's Committees, heads of immediate superior agencies of audited entities to handle according to their competence agencies, organizations or individuals that commit acts of obstructing audit activities of the State Audit Office of Vietnam; providing untruthful information or

documents to the State Audit Office of Vietnam; failing to implement or incompletely and untimely implement conclusions and proposals of the State Audit Office of Vietnam. In cases where conclusions or proposals of the State Audit Office of Vietnam are not complied with or incompletely complied with, the State Auditor General shall propose competent persons to consider and handle these cases in accordance with law.

5. To decide on audit at the request of agencies and organizations defined in Clause 3, Article 10 of this Law.

6. To decide on the sealing up of documents, inspect accounts of audited entities or related individuals.

7. To propose the National Assembly Standing Committee to appoint, relieve of duty or remove from office Deputy State Auditors General.

Article 15. Deputy State Auditors General

1. Deputy State Auditors General shall assist the State Auditor General in performing the tasks assigned by the State Auditor General and take responsibility before the latter for their assigned tasks. When the State Auditor General is absent, a Deputy State Auditor General shall be authorized by the State Auditor General to lead and direct the work of the State Audit Office of Vietnam.

2. Deputy State Auditors General shall be appointed, relieved of duty and removed from office by the National Assembly Standing Committee at the proposal of the State Auditor General.

3. The term of office of a Deputy State Auditor General is five years.

Article 16. Organization of the State Audit Office of Vietnam

1. The State Audit Office of Vietnam shall be organized and managed in a centralized manner, consisting of the Office of the State Audit Office of Vietnam, units of the administrative apparatus, specialized state audit offices, regional state audit offices, and public non-business units.

The Office of the State Audit Office of Vietnam, regional state audit offices and public non-business units have bank accounts and own seals.

2. The National Assembly Standing Committee shall decide on the number of units attached to the State Audit Office of Vietnam at the proposal of the State Auditor General.

Article 17. Chief auditors, deputy chief auditors

1. A chief auditor is the head of a specialized state audit office or a regional state audit office.

2. A deputy chief auditor shall assist the chief auditor in performing the tasks assigned by the latter and take responsibility before the latter for his/her assigned tasks.

3. Chief auditors and deputy chief auditors must be principal or senior auditors.

4. The State Auditor General shall appoint, relieve of duty and remove from office chief auditors and deputy chief auditors.

5. Tasks, powers and responsibilities of chief auditors and deputy chief auditors shall be defined by the State Auditor General.

Section 3

THE STATE AUDIT COUNCIL

Article 18. Establishment and dissolution of the State Audit Council

1. The State Audit Council shall be established when necessary to advise the State Auditor General on appraising important audit reports; assist the State Auditor General in re-appraising audit reports at the request of audited entities and settling complaints about audit reports.

2. The State Auditor General shall decide on the establishment of the State Audit Council and its membership and working regulation. The State Audit Council must have one Deputy State Auditor General as its chairman. On a case-by-case basis, the State Auditor General may invite specialists outside the State Audit Office of Vietnam to the Council.

3. The State Audit Council shall automatically dissolve upon completion of its task.

Article 19. Working principles of the State Audit Council

1. To work under the collegial regime.

2. To make decision by a vote of the majority, reserve opinion of the minority and report to the State Auditor General.

3. The records and documents of the State Audit Council shall be preserved and kept in audit dossiers of the State Audit Office of Vietnam.

Chapter III

STATE AUDITORS AND AUDIT COLLABORATORS

Article 20. Ranks of state auditors

1. The ranks of state auditors are:

a/ Auditor;

b/ Principal auditor;

c/ Senior auditor.

2. The State Auditor General shall decide to appoint and relieve of duty the ranks of state auditors.

Article 21. General criteria for state auditors

State auditors must meet all criteria prescribed by the law for cadres and civil servants, and the following criteria:

1. Possessing good moral qualities and sense of responsibility, being uncorrupt, honest and objective;
2. Possessing a university or higher degree in audit, accounting, finance, banking, economics, law or another discipline directly related to audit activities;
3. Having worked continuously for at least five years in the trained discipline or involved in audit activities at the State Audit Office of Vietnam for at least three years, excluding probation period;
4. Possessing a state auditor certificate.

Article 22. Responsibilities of state auditors

1. To perform audit tasks and bear responsibility for the performance of assigned audit tasks; to give evaluations, verifications, conclusions and proposals regarding audited contents.
2. To comply with law, working principles, standards, process and procedures of audit of the State Audit Office of Vietnam and other relevant regulations of the State Auditor General.
3. To take responsibility before law for audit evidence, evaluations, verifications, conclusions and proposals.
4. To collect audit evidence, record and preserve working documents of state auditors under regulations of the State Auditor General.
5. To keep secret information and documents collected in the course of audit.
6. To show state auditor cards when performing audit tasks.
7. To constantly study and train themselves in order to improve their professional knowledge, skills and ethics; to follow the annual knowledge updating programs under regulations of the State Auditor General.
8. To promptly and fully report to the persons having issued decisions on the formation of audit teams in the cases specified in Article 28 of this Law and other circumstances which affect the independence of state auditors.

Article 23. Criteria for appointment to the rank of auditor

1. Satisfying general criteria for state auditors specified in Article 21 of this Law.

2. Thoroughly grasping the Party's line and policies, audit policies and laws; and possessing the knowledge about state and socio-economic management.

3. Understanding the state audit process and standards.

4. Having passed the exam for the rank of state auditor.

Article 24. Criteria for appointment to the rank of principal auditor

1. Thoroughly grasping and mastering the application of the law on state audit.

2. Having the capacity to propose and advise the formulation of audit sector development strategies and long- and medium-term audit plans and being able to summarize practice and study theories of audit; being capable of developing state audit standards and proposing modifications and supplements to state audit standards.

3. Understanding international audit regulations and standards.

4. Having worked at least for five years as auditor or at least for eight years in an equivalent rank.

5. Having passed the exam for the rank of principal auditor.

Article 25. Criteria for appointment to the rank of senior auditor

1. Thoroughly grasping and being capable of directing the application of audit process, standards and methods in various audit fields to audit activities.

2. Having the capacity of presiding over scientific research projects in state audit at ministerial and state levels.

3. Having worked for at least five years as principal auditor or at least eight years in an equivalent rank.

4. Having passed the exam for the rank of senior auditor.

Article 26. State auditor cards

1. State auditor cards shall be granted by the State Auditor General to state auditors for use in performing audit tasks.

2. The State Auditor General shall prescribe the form and the management and use of state auditor cards.

Article 27. Relief of duty of state auditors

1. A state auditor may be relieved of duty in the following cases:

a/ Retiring, discontinuing work or changing to another sector;

b/ Being unable to accomplish assigned tasks for health and family situation or other reasons.

2. A state auditor shall be relieved of duty in the following cases:

a/ Being convicted under a legally effective sentence of the court;

b/ Violating Clause 1, Article 8 of this Law;

c/ Breaching the ethics of state auditors;

d/ Failing to accomplish tasks in the appointed rank;

dd/ There is evidence proving the person appointed to the rank of state auditor committed cheating in his/her exams and appointment dossier.

Article 28. State auditors who may not be appointed to be members of audit teams

1. Having purchased shares from, contributed capital to, or had any economic-benefit relationships with audited entities.

2. Being used to work as manager, executive, member of the supervisory board, chief accountant or accounting manager at audited entities in the audited fiscal years.

3. Within at least five years since leaving the post of manager, executive, member of the supervisory board, chief accountant or accounting manager at audited entities.

4. Being biological parents, adoptive parents, parents in law, spouses, offspring or siblings of the heads, chief accountants or accounting managers of audited entities.

Article 29. State audit collaborators

1. The State Audit Office of Vietnam may use collaborators being Vietnamese or foreign specialists, scientists and managers under task performance contracts. Fund for use of audit collaborators shall be included in the annual operation fund of the State Audit Office of Vietnam.

2. State audit collaborators have the following rights and obligations:

a/ To exercise their rights and perform their obligations as contracted;

b/ To strictly observe the law on state audit;

c/ To take responsibility before the State Audit Office of Vietnam and law for the results of task performance.

3. The State Auditor General shall stipulate in detail the use of state audit collaborators.

Chapter IV

STATE AUDIT ACTIVITIES

Section 1

AUDIT DECISIONS

Article 30. Bases for issuance of audit decisions

The State Auditor General shall issue an audit decision when having one of the following bases:

1. The annual audit plan of the State Audit Office of Vietnam;
2. The request of the National Assembly, the National Assembly Standing Committee, the President, the Government or the Prime Minister;
3. The request of an agency or organization defined in Clause 3, Article 10 of this Law, which has been approved by the State Auditor General.

Article 31. Audit decisions

1. An audit decision must contain the following principal contents:
 - a/ Legal basis for conducting the audit;
 - b/ The audited entity;
 - c/ The audit objective, contents and scope;
 - d/ The venue and duration of the audit;
 - dd/ The head and members of the audit team.
2. The audit decision shall be sent to the audited entity and members of the audit team within three working days and publicized within 15 days after its signing, except for extraordinary audits.
3. In the course of an audit, if it is necessary to change the audit contents, scope, venue or duration, or members of the audit team, the State Auditor General shall issue a decision to this effect and send it to the audited entity and members of the audit team within the time limit specified in Clause 2 of this Article.

Article 32. Audit contents

1. Audit contents include:
 - a/ Financial audit, which is an audit to evaluate and verify the accuracy and truthfulness of financial information and financial statements of audited entities;
 - b/ Compliance audit, which is an audit to evaluate and verify the observance of applicable law, rules and regulations by audited entities;
 - c/ Operational audit, which is an audit to evaluate the economic nature, efficiency and effectiveness in the management and use of public finance and public assets.
2. Pursuant to requirements of each audit, the State Auditor General shall decide on its contents.

Article 33. Audit of reports on final settlement of the state budget

1. Reports on final settlement of the state budget of different levels shall be audited before they are ratified by the National Assembly or People's Councils. The audit of reports on final settlement of local budgets of different levels shall, after being ratified by the People's Councils, be conducted under decisions of the State Auditor General.

2. In case reports on final settlement of the state budget have been audited but not yet ratified by the National Assembly or People's Councils, the State Audit Office of Vietnam shall, within the ambit of its tasks and powers, further clarify matters requested by the National Assembly or People's Councils in order to submit such reports to the latter at the time decided by the latter.

Section 2

AUDIT DURATION AND VENUE

Article 34. Audit duration

1. The audit duration shall be counted from the date of announcement of the audit decision to the completion of the audit at the audited entity.

2. The duration of an audit must not exceed 60 days, except the case specified in Clause 3 of this Article. In complicated cases where it is necessary to extend the audit duration, the State Auditor General may extend the duration once for no more than 30 days.

3. For an audit to evaluate the economic nature, efficiency and effectiveness of the management and use of public finance and public assets nationwide, the State Auditor General shall decide on specific audit duration.

Article 35. Audit venue

1. The audit shall be conducted at audited entities, headquarters of the State Audit Office of Vietnam or other venues decided by the State Auditor General.

2. In case an audit is conducted outside the head office of the audited entity, such entity shall transfer dossiers and documents under regulations of the State Auditor General.

Section 3

AUDIT TEAMS

Article 36. Formation and dissolution of audit teams

1. An audit team shall be formed to perform audit tasks of the State Audit Office of Vietnam. The State Auditor General shall decide on the formation of audit teams at the proposal of chief auditors of specialized state audit offices

or regional state audit offices. Based on the scope of the audit, the audit team may consist of audit groups.

2. The audit team shall automatically dissolve upon completion of audit tasks but shall take responsibility for its evaluations, verifications, conclusions and proposals in its audit report.

Article 37. Composition of audit teams

1. Head of the audit team.
2. Deputy heads of the audit team.
3. Leaders of audit groups if the audit team consists of audit groups.
4. Other members.

Article 38. Criteria for heads and deputy heads of audit teams and audit group leaders

1. Criteria for heads and deputy heads of an audit team:
 - a/ Having adequate professional qualifications, leading capacity and working experience suitable to the assigned tasks;
 - b/ Being a principal auditor holding the post of deputy head of division or higher or an auditor holding the post of head of division or higher.
2. Criteria for audit group leaders:
 - a/ Having adequate professional qualifications, leading capacity and working experience suitable to the assigned tasks;
 - b/ Being a principal auditor or an auditor holding the post of deputy head of division or higher.

Article 39. Tasks, powers and responsibilities of heads of audit teams

1. The head of an audit team has the following tasks:
 - a/ To organize the performance of audit tasks under the audit decision;
 - b/ To approve audit records of audit groups; to make the audit report; to report and explain on audit results before the chief auditor and join the chief auditor in reporting and explaining such results to the State Auditor General; to notify the audit results which have already been approved by the State Auditor General to the audited entity; to sign the audit report;
 - c/ To manage members of the audit team under regulations of the State Auditor General;
 - d/ To make periodical or extraordinarily reports at the request of the chief auditor on the progress of implementation of the audit plan, the situation and results of audit activities.

2. The head of an audit team has the following powers:

a/ To request the audited entity to provide necessary information and documents and explain matters related to audit contents; to request the inventory of assets and cross-checking of debts of the audited entity which are related to audit contents;

b/ To request related organizations and individuals to provide information and documents related to audit contents for use as audit evidence;

c/ To request the chief auditor to propose the State Auditor General to issue decisions on inspection of accounts of the audited entity or related individuals at credit institutions or state treasuries in accordance with law; to seal up documents of the audited entity if detecting illegal acts or acts of tampering with, removing, concealing or destroying documents related to audit contents;

d/ To request deputy heads, group leaders and members of the audit team to report on audit results; if there are divergent opinions within the audit team on the audit results, to make decision and take responsibility therefor, and concurrently report such divergent opinions to the chief auditor;

dd/ To reserve in writing his/her own opinions which are different from the evaluations, verifications, conclusions and proposals in the audit report;

e/ To report to the chief auditor to request the State Auditor General to propose competent agencies to handle illegal acts committed by the audited entity;

g/ To suspend the performance of tasks of audit team members holding the position of audit group leader or lower positions when they show signs of violations specified in Clause 1, Article 8 of this Law.

3. The head of an audit team has the following responsibilities:

a/ To take responsibility before the chief auditor for activities of the audit team;

b/ To take responsibility before law for the accuracy, truthfulness and objectivity of evaluations, verifications, conclusions and proposals in the audit report;

c/ To take joint responsibility for illegal acts committed by members of the audit team; to take responsibility for decisions to suspend the performance of tasks of the audit team members holding the position of audit group leader and lower positions.

Article 40. Tasks, powers and responsibilities of deputy heads of audit teams

Deputy heads of an audit team shall assist the head of the team in performing tasks assigned by the latter and take responsibility before the latter for the assigned tasks.

Article 41. Tasks, powers and responsibilities of leaders of audit groups

1. The leader of an audit group has the following tasks:

- a/ To organize the implementation of the audit plan after it is approved;
- b/ To summarize audit results, make and sign audit records of the audit group;
- c/ To manage the group members under regulations of the State Auditor General.

2. The audit group leader has the following powers:

- a/ To request the audited entity to fully and promptly provide necessary information and documents and explain matters related to audit contents;
- b/ To request related organizations and individuals to provide information and documents related to audit contents;
- c/ To report on violations committed by group members and propose handling measures to the audit team head for consideration and handling according to his/her competence or propose competent agencies or persons to handle these members in accordance with law.
- d/ To request the audit team head to clarify reasons for changes in their evaluations, verifications, conclusions and proposals in audit records or audit reports;
- dd/ To reserve in writing their opinions which are different from evaluations, verifications, conclusions and proposals in audit records and reports;
- e/ To request the audit team head to suspend the performance of tasks by the audit group members upon the detection of signs of violations specified in Clause 1, Article 8 of this Law.

3. The audit group leader has the following responsibilities:

- a/ To take responsibility before the audit team head for the group's activities;
- b/ To take responsibility before law for the accuracy, truthfulness and objectivity of evaluations, verifications, conclusions and proposals in the group's audit records;
- c/ To explain matters related to the group's work at the request of the audit team head or competent agencies, organizations or persons;
- d/ To take joint responsibility for illegal acts committed by group members in audit activities.

Article 42. Tasks and powers of audit team members being state auditors

1. Audit team members being state auditors have the following tasks:

a/ To abide by the assignment and report on the results of performance of audit tasks to the audit team head and audit group leader;

b/ When conducting an audit, to comply with law and audit principles, standards, process and regulations of the State Auditor General;

c/ To collect and evaluate audit evidence; to record audit journals and working documents of state auditors; to keep and preserve audit dossiers in accordance with law;

d/ To abide by the directions and conclusions of the audit group leader and audit team head;

dd/ To observe the working discipline of the audit group and audit team under regulations of the State Auditor General.

2. Audit team members being state auditors have the following powers:

a/ When conducting an audit, to be independent and comply with law only;

b/ To request the audited entity and related organizations and individuals to provide fully and promptly information and documents relating to audit contents;

c/ To use information and documents of state audit collaborators; to consider all documents related to operations of the audited entity; to collect and protect other documents and evidence; to examine the process of operations of the audited entity;

d/ To reserve in writing their opinions on audit results within the assigned scope and report them to the audit team head and audit group leader; in case of disagreement, to report them to the chief auditor; in case of the chief auditor's disagreement, to report them to the State Auditor General;

dd/ To request the audit team head and audit group leader to clarify reasons for changes in their evaluations, verifications, conclusions and proposals in audit records or audit reports;

e/ To request the audit team head and audit group leader to request the audited entity to explain matters related to the audit; to request the invitation of specialists and state audit collaborators when necessary;

g/ To be assured of necessary working conditions and facilities to conduct the audit.

Article 43. Tasks and responsibilities of audit team members other than state auditors

1. Audit team members other than state auditors include:

a/ Civil servants and public employees of the State Audit Office of Vietnam;

b/ State audit collaborators.

2. Audit team members other than state auditors have the following tasks and responsibilities:

a/ To perform their tasks assigned by the audit team head and audit group leader;

b/ To comply with law and audit standards, process, professional methods of the State Audit Office of Vietnam;

c/ To take responsibility before the audit team head and audit group leader for the assigned tasks.

Section 4

AUDIT PROCESS

Article 44. Steps of the audit process

1. Preparing audit.
2. Auditing.
3. Making and sending the audit report.
4. Supervising and inspecting the implementation of audit conclusions and proposals.

Article 45. Preparation for audit

1. Surveying and collecting information on the internal control system, financial situation and other information relating to the audited entity.
2. Evaluating the internal control system of, and gathered information on, the audited entity so as to determine the audit objectives, contents and scope and appropriate methods.
3. Making an audit plan.

Article 46. Auditing

1. An audit team shall conduct the audit in accordance with the audit decision.
2. Members of an audit team shall apply audit professional and operational methods to collect and evaluate audit evidence; to conduct examination, comparison and verification; to investigate organizations and individuals involved in audit activities in order to acquire bases for evaluations, verifications, conclusions and proposals on the audited contents.

Article 47. Making and sending of audit reports

1. Within 30 days after the end of the audit at the audited entity, the State Audit Office of Vietnam shall complete the draft audit report and send it to the audited entity for opinion.

2. Within 10 days after receiving the draft audit report, the audited entity shall send its written comments to the State Audit Office of Vietnam; past this time limit, if the audited entity has no comments, it shall be regarded as agreeing to the draft audit report.

3. The audit report shall be sent by the State Audit Office of Vietnam to the audited entity and related agencies under regulations of the State Auditor General within 45 days after the end of the audit at the audited entity; in special cases, this time limit may be extended but must not exceed 60 days after the end of the audit at the audited entity.

4. Audit reports on final settlement of local budgets shall be sent to the National Assembly deputies' delegation, the People's Council and People's Committee of the same level; audit reports on final settlement of budgets of provinces or centrally run cities shall be sent to the Ministry of Finance.

Article 48. Making and sending of audit reports on final settlement of the state budget and summarization reports on annual audit results of the State Audit Office of Vietnam

1. Audit reports on final settlement of the state budget shall be made under Clauses 1, 2 and 3, Article 47 of this Law.

2. Summarization reports on annual audit results of the State Audit Office of Vietnam shall be made on the basis of audit reports on final settlement of the state budget and summarization of the annual audit results of the State Audit Office of Vietnam.

3. The State Audit Office of Vietnam shall send audit reports on final settlement of the state budget and summarization reports on annual audit results to the National Assembly, the National Assembly Standing Committee, the Ethnic Council and the National Assembly's Committees within 16 months after the end of the budgetary year, and concurrently to the President, the Government and the Prime Minister.

Article 49. Inspection of the implementation of audit conclusions and proposals

1. The State Audit Office of Vietnam shall plan and organize the inspection of audited entities' full and timely implementation of its conclusions and proposals.

2. The inspection of the implementation of audit conclusions and proposals shall be conducted in the following manners:

a/ Requesting audited entities to make written reports on the results of implementation of audit conclusions and proposals;

b/ Inspecting the implementation of audit conclusions and proposals at audited entities as well as related agencies, organizations and units.

3. The State Audit Office of Vietnam shall make and send reports on the results of implementation of audit conclusions and proposals. These reports shall be sent in accordance with Clause 3, Article 48 of this Law.

Section 5

PUBLICITY OF AUDIT RESULTS AND RESULTS OF IMPLEMENTATION OF AUDIT CONCLUSIONS AND PROPOSALS

Article 50. Publicity of audit reports

1. Audit reports shall, after being issued, be publicized, excluding contents of state secrets as prescribed by law.

2. The State Audit Office of Vietnam shall organize the publicity of audit reports in one or some of the following manners:

a/ Organizing press conferences;

b/ Publishing in Cong bao (Official Gazette) and the mass media;

c/ Posting on the State Audit Office of Vietnam's website and publications;

d/ Posting at the head offices of audited entities.

Article 51. Publicity of summarization reports on annual audit results and reports on results of implementation of audit conclusions and proposals.

1. Summarization reports on annual audit results and reports on results of implementation of audit conclusions and proposals after reporting to the National Assembly shall be made public in accordance with law.

2. The publicity shall be conducted in manners specified at Points a, b and c of Clause 2, Article 50 of this Law.

Section 6

AUDIT DOSSIERS

Article 52. Audit dossiers

1. Documents of every audit shall be compiled in dossier.

2. The State Auditor General shall stipulate in detail audit dossiers.

3. Audit dossiers shall be archived within 12 months from the date of issuance of audit reports.

4. The archival duration of audit dossiers must be at least 10 years, unless otherwise decided by competent state agencies.

Article 53. Preservation and use of audit dossiers

1. Audit dossiers shall be preserved fully, safely and confidentially.

2. Audit dossiers shall be used only in the following cases:

a/ At the request of people's courts, people's procuracies, investigation agencies and related agencies in accordance with law;

b/ Upon a request for assessment, inspection of audit quality or handling of proposals regarding audit reports, complaints, denunciations and audit plans for subsequent periods and other requests under decisions of the State Auditor General.

Article 54. Destruction of audit dossiers

1. Upon the expiration of the archival time limit, unless otherwise decided by a competent state agency, audit dossiers shall be destroyed under the decision of the State Auditor General.

2. The State Auditor General shall decide on the formation of a council for destruction of expired audit dossiers. This council shall inventory and make a list of audit dossiers to be destroyed, and destruction records.

3. The destruction of audit dossiers must comply with law.

Chapter V

RIGHTS AND OBLIGATIONS OF AUDITED ENTITIES

Article 55. Audited entities

1. Ministries, ministerial-level agencies, government-attached agencies and other central state agencies.

2. The agencies assigned with state budget collection and spending tasks at all levels.

3. People's Councils and People's Committees at all levels, other local state agencies.

4. People's armed forces units.

5. Units managing and using national reserves and extra-budget state financial funds.

6. Political organizations, socio-political organizations, socio-politico-professional organizations, social organizations, socio-professional organizations funded by the state budget.

7. Public non-business units.

8. Organizations managing national assets.

9. Management boards of investment projects funded by the state budget or using funding sources originating from the state budget.

10. Enterprises in which the State holds more than 50 percent of charter capital. For an enterprise in which the State owns 50 percent of charter capital or lower, in case of necessity, the State Auditor General shall decide to select appropriate audit objectives, criteria, contents and methods.

11. Units enjoying price subsidy by the State and units having state-guaranteed debts other than enterprises managing and using state capital and assets. These units may hire audit enterprises to conduct audits; audit enterprises shall conduct audits according to state audit standards and process and send audit reports to the State Audit Office of Vietnam.

12. Agencies assigned to manage and use public debts.

Article 56. Rights of audited entities

1. To request audit teams to show audit decisions and state auditors to show state auditor cards.

2. To refuse to provide information and documents not related to audit contents; to request the replacement of members of audit teams when having evidence that such members are dishonest and unobjective when performing their tasks or ineligible for working as members of the audit team in the cases prescribed in Article 28 of this law.

3. To give written explanations about issues presented in draft audit reports if considering them inappropriate.

4. To complain about acts of members of audit teams in the course of conducting audits when having grounds to believe that such acts are illegal;

5. To complain about audit evaluations, verifications, conclusions and proposals when having grounds to believe that such evaluations, certifications, conclusions and proposals are unlawful.

6. To request the State Audit Office of Vietnam to pay compensation for damaged caused to the audited entity in accordance with law.

7. To exercise other rights provided for by law.

Article 57. Obligations of audited entities

1. To abide by audit decisions.

2. To make and send fully and promptly financial statements, reports on the situation of implementation, final settlement of capital and management of investment projects; revenue and expenditure plans; reports on the situation of execution and final settlement of budgets to the State Audit Office of Vietnam when requested.

3. To provide fully and promptly information and documents necessary for an audit at the request of the State Audit Office of Vietnam or state auditors and take responsibility before law for the accuracy, truthfulness and objectivity of the provided information and documents.

4. To reply and explain fully and promptly matters related to audit contents at the request of audit teams or state auditors.

5. To sign audit records.

6. To implement fully and promptly the State Audit Office of Vietnam's conclusions and proposals regarding the management and use of public finance and properties; to redress shortcomings in their operations according to the State Audit Office of Vietnam's conclusions and proposals; to make a written report on the implementation of such conclusions and proposals to the State Audit Office of Vietnam.

7. Pending the settlement of their complaints, to fully and promptly implement the State Audit Office of Vietnam's conclusions and proposals, unless the State Auditor General or competent state agencies decide to suspend the implementation of such conclusions and proposals.

Article 58. Responsibilities to send financial statements and reports on final settlement of budgets, fund estimates of audited entities

1. At the end of a budgetary year, grade-I central budget-funded units and provincial-level People's Committees and audited entities shall send financial statements, reports on final settlement of budgets and fund estimates for the following year to the State Audit Office of Vietnam.

2. The Ministry of Finance and provincial-level Finance Departments shall send reports on the realization of budget revenue and expenditure estimates to the State Audit Office of Vietnam.

3. The State Auditor General shall stipulate in detail the time and place for receiving such reports in accordance with law

Chapter VI

ASSURANCE OF OPERATIONS OF THE STATE AUDIT OFFICE OF VIETNAM

Article 59. Operation fund and physical foundations of the State Audit Office of Vietnam

1. The State shall guarantee the operation fund and physical foundations for the State Audit Office of Vietnam in accordance with law. The operation fund of the State Audit Office of Vietnam shall be estimated by the State Audit Office of Vietnam itself and sent to the Government for summarization and submission to the National Assembly for decision.

2. The management, allocation and use of the operation fund of the State Audit Office of Vietnam must comply with the state budget law.

Article 60. Payroll of the State Audit Office of Vietnam

The payroll of the State Audit Office of Vietnam shall be decided by the National Assembly Standing Committee at the proposal of the State Auditor General.

Article 61. Investment for modernization of State Audit Office of Vietnam activities

The State shall adopt investment policies to develop physical foundations, information technology and other facilities to ensure the organization and operation of the State Audit Office of Vietnam, meeting the requirements of international integration.

Article 62. Regimes for officials and civil servants of the State Audit Office of Vietnam

The salary, allowance and uniform regimes as well as preferences for officials and civil servants of the State Audit Office of Vietnam shall be stipulated by the National Assembly Standing Committee.

Chapter VII

RESPONSIBILITIES OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS FOR STATE AUDIT OFFICE OF VIETNAM ACTIVITIES

Article 63. The National Assembly and the State Audit Office of Vietnam

1. The National Assembly, the National Assembly Standing Committee, the Ethnic Council, the National Assembly's Committees, the National Assembly deputies' delegations and National Assembly deputies shall, within the ambit of their functions, tasks and powers, oversee the operations of the State Audit Office of Vietnam.

2. The State Auditor General shall report audit results and activities of the State Audit Office of Vietnam before the National Assembly and the National Assembly Standing Committee; report, explain, provide documents, study and answer petitions when requested by the Ethnic Council, the National Assembly's Committees, the National Assembly deputies' delegations and National Assembly deputies; and answer National Assembly deputies' questions before the National Assembly or the National Assembly Standing Committee.

Article 64. The Government and the State Audit Office of Vietnam

The Government, ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, coordinate with the State Audit Office of Vietnam in state audit organization and activities; implement and urge and direct agencies in the implementation of and report on the results of implementation of the State Audit Office of Vietnam's conclusions and proposals.

Article 65. Responsibilities of investigation agencies and People's Procuracies

Investigation agencies and People's Procuracies shall receive and handle within their competence cases showing signs of crime detected and proposed by the State Audit Office of Vietnam.

Article 66. Responsibilities of the People's Councils

The People's Councils shall oversee the implementation of local state audit offices' conclusions and proposals.

Article 67. Responsibilities of the People's Committees

1. To implement and direct local agencies to fully and promptly provide information and documents to serve the State Audit Office of Vietnam's audit activities.

2. To implement and direct local agencies to implement and fully and promptly report on the results of implementation of the State Audit Office of Vietnam's conclusions and proposals

Article 68. Responsibilities of agencies, organizations and individuals involved in state audit activities.

1. Agencies, organizations and individuals involved in state audit activities shall fully, accurately and promptly provide information and documents at the request of the State Audit Office of Vietnam and state auditors and take responsibility before law for the accuracy, truthfulness and objectivity of the provided information and documents.

2. Related agencies, organizations and individuals shall implement the State Audit Office of Vietnam's conclusions and proposals and concurrently send reports on implementation results to the State Audit Office of Vietnam.

3. The Ministry of Finance, the Ministry of Planning and Investment, other agencies of the Government, and provincial-level People's Committees shall fully and promptly provide information and documents to the State Audit Office of Vietnam to perform the tasks prescribed in Clause 4, Article 10 of this Law.

Chapter VIII

COMPLAINTS, DENUNCIATIONS AND HANDLING OF VIOLATIONS IN STATE AUDIT ACTIVITIES

Article 69. Complaints and settlement of complaints in state audit activities

1. Complaints and settlement of complaints in state audit agencies must comply with the law on complaints.

2. Complaints and settlement of complaints related to audited entities:

a/ During an audit, the audited entity may complain to the State Auditor General about acts of the audit team head, audit group leader and other members of the audit team when having grounds to believe that such act is illegal and harms its lawful rights and interests;

b/ Within 30 days after receiving an audit report, the audited entity may complain to the State Auditor General about evaluations, verifications, conclusions and proposals in the audit report when having grounds to believe that audit results are unlawful and harm its lawful rights and interests;

c/ The order and procedures for settling complaints in audit activities must comply with the Law on Complaints;

d/ Rights and obligations of complainants, the complained, complaint settlers, lawyers and legal aid officers, the execution of legally effective complaint settlement decisions, and prohibited acts must comply with the Law on Complaints.

Article 70. Denunciations and settlement of denunciations of state audit activities

Denunciations and settlement of denunciations of state audit activities must comply with the law on denunciation.

Article 71. Handling of violations

Agencies, organizations and individuals committing violations of the law on state audit shall, depending on the nature and seriousness of their violations, be handled in accordance with law.

Chapter IX

IMPLEMENTATION PROVISIONS

Article 72. Effect

1. This Law takes effect on January 1, 2016.

Audits in enterprises in which the State holds more than 50% of charter capital already included in the 2015 audit plan shall be conducted until the completion of the audit plan.

2. State Audit Law No. 37/2005/QH11 ceases to be effective on the date this Law takes effect.

Article 73. Detailing provision

The National Assembly Standing Committee and the State Auditor General shall detail the articles and clauses of this Law as assigned.

This Law was passed on June 24, 2015, by the XIIIth National Assembly of the Socialist Republic of Vietnam at its 9th session.-

Chairman of the National Assembly
NGUYEN SINH HUNG

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