



## Operationalization of Financial Autonomy for the Office of the Auditor-General

The Zamfara State audit process is governed by the State and Local Government Audit Law 2021<sup>188</sup> signed on 30th June 2021 by Governor Bello Muhammad and the State and Local Government (Amendment) Audit Law 2021<sup>189</sup> assented to on 5th November 2021 by the same Governor. The principal law repealed the Sokoto State Audit Law CAP 11, 1996 (as applicable in Zamfara State) and the Zamfara State Audit Law 2021 signed<sup>190</sup> by Governor Bello on 26th January 2021.

S.33(1) (b & c) of the law states that “the Auditors-General shall prepare and submit to the State Assembly at least 90 days before the beginning of each year the following documents - the estimates of revenues and expenditure for inclusion in the State budget; and the operational, administrative and capital expenses of the Audit Office including salaries, allowances, gratuities and pensions payable to staff”

Also, S.33(4) of the legal framework provides that “any sum appropriated to the Audit Office by the State Assembly in each financial year shall be charged upon the Consolidated Revenue Fund of the State and paid as a first line charge in equal installments every month of the year”.

There is no evidence to show that the legal provisions stated above and contained in the audit legal framework of Zamfara State has been operational since June 2021 when Governor Bello Muhammad assented to the principal law. Several attempts to validate the operationalization of these legal provisions were unsuccessful as relevant government institutions failed to respond. Although two letters of instructions for relevant government agencies to commence implementation of the laws were issued by the Head of Service, Zamfara State on 16th July 2021<sup>191</sup> and 8th November 2021<sup>192</sup>, the Zamfara State Government has the responsibility to ensure that the legal framework to guarantee financial autonomy and administrative independence for the Office of the Auditor-General in the State is effectively implemented.

Financial autonomy and operational independence for Supreme Audit Institutions especially at subnational level are foundational pillars of achieving public accountability. It is therefore important for the Taraba State Government to begin implementation of this legal provision and ensure costs to the Office of the Auditor-General for Zamfara State are charged on the first line to the Consolidated Revenue Fund of the State.

## Subjective Transparency in the Process Appointing Auditor-General

S.5(2) State and Local Government Audit Law 2021 of Zamfara State provides that “in recommending persons for appointment as Auditors-General, the State Civil Service Commission may advertise the vacancy on the State's website, in two national newspapers, the official gazette and procurement journal for a minimum period of six weeks before the date set for interview”.

Using the word “may advertise” instead of the word “shall advertise” makes transparency in the process of

appointing Auditors-General in Zamfara State subjective and at the discretion of the State Civil Service Commission.

Stating and clarifying procedures to be followed in appointing who becomes Auditor-General is very important to ensure the best candidate for such sensitive and important position is appointed.

<sup>188</sup> [https://accountantgeneral.zm.gov.ng/images/State\\_Audit/auditlaw2021.pdf](https://accountantgeneral.zm.gov.ng/images/State_Audit/auditlaw2021.pdf)

<sup>189</sup> [https://accountantgeneral.zm.gov.ng/images/State\\_Audit/amendmentauditLaw2021.pdf](https://accountantgeneral.zm.gov.ng/images/State_Audit/amendmentauditLaw2021.pdf)

<sup>190</sup> [https://accountantgeneral.zm.gov.ng/images/State\\_Audit/auditlaw.pdf](https://accountantgeneral.zm.gov.ng/images/State_Audit/auditlaw.pdf)

<sup>191</sup> [https://accountantgeneral.zm.gov.ng/images/State\\_Audit/auditcircular.pdf](https://accountantgeneral.zm.gov.ng/images/State_Audit/auditcircular.pdf)

<sup>192</sup> [https://accountantgeneral.zm.gov.ng/images/State\\_Audit/amendedauditcircular.pdf](https://accountantgeneral.zm.gov.ng/images/State_Audit/amendedauditcircular.pdf)



## Exemplary Tenure for the Auditor-General

S.7(1) State and Local Government Audit Law 2021 of Zamfara State indicates that “The Auditors-General shall remain in office until he attains the retirement tenure of office age of 60 years or has spent 35 years in service, whichever comes first”.

Also, S.7(2) of the law states that “subject to subsection (1) of this section, the Auditors General shall be appointed to serve four-year tenure and shall be eligible for re-appointment for another term of four years if he has not reached the age of retirement”.

The legal provisions governing the tenure of the Auditor-General in Zamfara State are well defined and exemplary. The framework specified retirement age for the Auditor-General and clarified the maximum term and number of years an Auditor-General can spend in office. Terms of office for AuGs must be well defined, consistent, and predictable to guarantee their independence. This will further ensure that an Auditor-General is not subjected to the direction or control of any person on the account of tenure instability.

## Audit Mandate Execution

Beyond the annual financial audit, the Auditor-General for Zamfara State should execute other types of audits including compliance and performance audits to ensure adherence to financial and procurement regulations by government agencies and to guarantee efficiency, effectiveness, and economy of public spending on programs and projects implemented by the Zamfara State government.

## Contradictory Provisions and Uncertain Public Access (Electronic) to Audit Reports

S.6(b) of the audit law of Zamfara State indicates that “the annual audit report of the Auditor-General shall be made publicly available in- electronic format on internet or other convenience means”.

However, S.60(4)(a) of the law states that “the Auditor-General may provide copies of his published reports to the State Government press and approved print and electronic media”

The legal provisions mentioned above and contained in the State and Local Government Audit Law 2021 of Zamfara State are non-progressive and do not guarantee unrestricted public access to audit reports in electronic format.

## Effectiveness of Public Accounts Committee

There are no indications the Public Accounts Committee of the House of Assembly in Zamfara State has reviewed the State Auditor-General's report for 2020. It is equally not clear how much backlog of reports the Committee is yet to review. The effectiveness of the Public Accounts Committee in reviewing audit reports on the accounts of Zamfara State and making recommendations to correct public finance management gaps could not be ascertained during this research exercise as relevant

officials did not provide required information despite repeated engagements. The role of the Public Accounts Committee in ensuring timeous review of annual audit reports cannot be overemphasized and very crucial to concluding the audit action cycle for proper accountability. Recommendations of Public Accounts Committee to improve accountability in the utilization of public funds must also be taken seriously and implemented as quickly as possible.



## Citizens' Participation in the Audit Process

The 2020 report of the Auditor-General for Zamfara State has not been published electronically to enable citizens access to the report. However, the audited financial statement of the State for 2020<sup>193</sup> is available on the State Government's website. Lack of access to the complete report of the Auditor-General is responsible for low participation of citizens in the audit process of Zamfara State especially in using audit information to demand accountability or engagement with the office of the Auditor-General and Public Accounts Committee.

There is no evidence relevant government institutions including Office of the Auditor-General and Public Accounts Committee are doing enough to involve

citizens in the audit process and infrequent legislative discussion of audit findings in the State. The State Auditor-General as well as the Public Accounts Committee of the House of Assembly needs to do more in ensuring that citizens are adequately engaged when audit reports are produced and when they are being reviewed by the Public Accounts Committee. It is important that citizens who are mostly affected by audit issues and public finance management gaps are able to engage with the Office of the Auditor-General and Public Accounts Committee to ensure their opinions and experiences reflect in planning and executing audit functions as well as the oversight role of the Parliament.

<sup>193</sup> <https://accountantgeneral.zm.gov.ng/images/documents/reportoftheaccountantgenerali2020.pdf>