

### Legal Framework and Operationalization

#### ***Financial Autonomy not Operational***

The principal audit law for Kano State enacted in 2020<sup>106</sup> and the amendment signed into law by Governor Ganduje in 2021<sup>107</sup> provides for financial autonomy for the Office of the Auditor-General. S.31(1) of the principal law states that “the Auditor-General shall prepare his budget proposal containing revenue and expenditure after receiving call circular and submit the proposal to the Ministry of planning and budget as part of the budget process”.

Also, amendment 8(b) of the Kano State Audit (Amendment No. 2) Law 2021 states that “all funds appropriated by the House of Assembly to defray expenses incurred by the office of the Auditor-General shall be a first line charge on the Consolidated Revenue Fund of the State. Any amount standing in credit of the office of the Auditor-General in the annual budget shall be paid directly to the Auditor-General for management and disbursement as approved by the House of Assembly” .

There is no evidence the legal provisions stated above are being implemented in Kano State. Also, none of the officials from the Office of the Accountant-General, Office of the Auditor-General and House of Assembly responded to the SAE index questionnaire despite repeated engagements. Effectively implementing the audit law to allow for fiscal independence as provided for in the legal framework is necessary to enhance the optimal performance of the foremost accountability institution in Kano State and enable it to implement freely and without interference its audit plans and programs.

#### ***Administrative Autonomy not Activated***

There is no proof to show that the Audit Service Commission of Kano State has been inaugurated since assenting to the audit law in 2020 and

enacting additional amendment in 2021 as relevant officials did not respond to the SAE Index questionnaire.

Nonetheless, S.3 (1) of the State Audit Law established the Audit Service Commission with functions to include the power to promote, transfer and confirm appointment of persons employed by the Commission. The Commission is also empowered to dismiss or exercise disciplinary control over such persons holding or acting in such offices among others.

A fully functional Audit Service Commission would guarantee administrative independence for the Office of the Auditor-General for Kano State and limit reliance on the Civil Service Commission of the State for all human resource matters relating to recruitment, discipline, promotion, and remuneration for staff of the Office of the Auditor-General.

#### ***Appointment Procedure for the State Auditor-General is not Transparent***

The procedure for appointing Auditor-General in Kano State as provided for in the Audit Law is not transparent and competitive. S.24(1) of the Principal Law states that “the Auditor General shall be appointed by the Governor on the recommendation of the Audit Service Commission, subject to the confirmation by the House of Assembly in accordance with the provision of section 126 of the 1999 Constitution of the Federal Republic of Nigeria as amended”. Although Section 24(1) was amended to replace “Audit Service Commission” with “Civil Service Commission”, section 24(2) as stated in the Amendment Law provided for the attributes, professional qualification, and experience of a person to be appointed as Auditor-General for Kano State.

106-[https://plsinitiative.org/audit\\_laws/kano-state/](https://plsinitiative.org/audit_laws/kano-state/)

107-<https://financekanostate.files.wordpress.com/2021/12/kano-state-audit-amendment.pdf>

The provisions stated above, or other sections of the audit law for Kano State did not mention explicitly the procedure to be followed in appointing the Auditor-General. Such procedure would include advertising the vacancy online and in newspaper publication for a minimum number of weeks and setting a date for interview of shortlisted candidates. Stating and clarifying procedures to be followed in appointing who becomes Auditor-General is very important to ensure the best candidate for such a sensitive and important position emerges.

### ***Tenure of Office for the Auditor-General is Secured***

The Kano State principal audit law (2020) and amendment (2021) provides for a secured tenure for the Auditor-General. S.4(2)(d) of the amendment (which amends S.24 of the principal law) states that "a person shall be qualified to be appointed as Auditor-General if the person is of proven professional ability and expertise. Where an applicant is from the public service, he shall have at least four years to serve before he is due for retirement. If the applicant is not from the public service, he shall not be less than 45 years old at the date of appointment".

The term of office for the Auditor-General appointed in Kano State is well defined,

### **Annual Activity Report for 2021 not Submitted to HoA**

There is no evidence the Office of the Auditor-General for Kano State submitted an annual activity report for 2021 financial year to the State House of Assembly. However, S.38(1)(c) of the principal audit law mandates the Auditor-General to submit an "interim report" for the outgoing financial year.

consistent, and predictable and guarantees independence of the Office of the Auditor-General.

### ***Legal Mandate to Publish Audit Reports Online not Available***

The Kano State audit law and amendment did not mandate the State Auditor-General to publish his/her reports online as soon as it is submitted to the State House of Assembly.

S.36(2) indicates that "the Auditor-General's report shall be published and made available to any person(s) on demand and upon payment of prescribed fees".

The legal provisions stated above allows the Auditor-General to decide whether or not to publish audit reports online. This negates the notion that the annual reports of the Auditor-General is considered a public document. Best practice requires the legal framework to mandate the Auditor-General to publish annual audit reports on an electronic portal as soon as it is submitted to the House of Assembly for citizens to access freely and this should not be subject to the discretion of the Auditor-General especially because audit reports are public documents.

An activity report for the Audit Office/Institution should include the specific initiatives and activities undertaken during the previous/outgoing calendar year to strengthen the office and improve its performance as well as any impacts (financial and non-financial) that were achieved through audit.

### **Audited Financial Statement for 2021 not Accessible**

The audited financial statement for 2021<sup>108</sup> published by the Kano State Government on its official website is not accessible to citizens. Also, the Auditor-General did not publish the full audit report on the account of the Kano State

Government on any electronic portal. Making the full audit report freely available to citizens enhances civic advocacy and investigative journalism on public finance management practices using audit information.

### **Implementation Status of Audit Recommendations for 2020 not Available**

The status of implementation of audit recommendations and House resolutions for 2020 financial year was not provided as state officials did not respond to the SAE Index questionnaire. Also, it is not evident if the Office of the Auditor-

General and House of Assembly in Kano State has effective mechanisms for monitoring implementations of audit recommendations and resolutions.

### **No Evidence of Performance Audit for 2021**

There is no evidence to show that a performance audit was conducted in 2021 on Government's projects, programs or policies by the Office of the Auditor-General for Kano State.

the management systems and procedures of a governmental entity to assess whether the entity is achieving economy, efficiency, and effectiveness in the employment of available resources.

Performance audit refers to an independent examination of a program, function, operation or

### **Citizens' Accountability Report for 2021 not Accessible**

The Citizens' Accountability Report for the 2021<sup>109</sup> financial year published on the web platform of the Auditor-General for Kano State is not accessible to citizens.

A Citizens' Accountability Report (CAR) is a series of graphic and tabular illustrations of the contents

of the Audited Financial Statements prepared by a government agency on behalf of the government to the citizens to ensure accountability of public funds. This report details the government's performance in carrying out the duties assigned to it and the utilization of funds in the coffers of the government.

### **CS/Media Actors not Involved in the Audit Process**

There is no indication that civil society and media actors are involved in the audit process of Kano State, especially because civic actors do not have access to the full report of the Auditor-General on the account of the Kano State government. The audited financial statement is also not accessible to citizens.

management gaps can use audit information 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 State's Parliament.

It is important that civic groups who are mostly affected by audit issues and public finance

108-<https://kanostate.gov.ng/wp-content/uploads/2022/06/FS2021-inner-publish-to-web.pdf>  
109-<https://audit.kn.gov.ng/wp-content/uploads/2022/09/Report.pdf>

## **PAC Review of 2021 Audit Report not Started**

There is no proof the Public Accounts Committee of Kano State House of Assembly has reviewed the 2021 report of the Auditor-General. The PAC did not respond to the SAE Index questionnaire despite repeated engagements. There's also no indication the PAC has any mechanism for monitoring implementation of its recommendations.

The PAC is encouraged to improve its effectiveness and ensure reports of the Auditor-

General for 2021 and other pending audit reports are given expeditious consideration. The PAC should also involve civil society and media actors when reviewing audit reports and ensure its resolutions reflect the experiences and feedback from citizen groups particularly those who are victims of audit findings and other public accountability gaps.