

Legal Framework and Operationalization

Financial Autonomy not Operational

The Kwara State Audit Law enacted in November 2021 provides for financial autonomy of the Office of the Auditor-General. S. 20(1) of the law states that “not later than 90 days before the end of the financial year the Auditors-General shall prepare and submit draft estimates of revenue and expenditure of their offices for the subsequent financial year first to the House of Assembly, make necessary amendments after receiving comments from the House of Assembly and then submits to the Ministry responsible for budget and planning”.

S. 20(4) provides further that “the sum appropriated to the Offices of the Auditors-General by the House of Assembly in each financial year shall be charged on the Consolidated Revenue Fund of the State and paid as a first line charge in twelve equal installments for each month of that financial year”.

Responsive¹⁶⁹ received indicated that the financial autonomy clause is not fully operational and the Office of the Auditor-General for Kwara State is only able to draw funds for recurrent expenditure quarterly. The Audit Office is still routinely dependent on its auditee (the Executive arm) for finances relating to capital components of its annual budget. The inability of the Executive arm to effectively implement the audit law to allow for full fiscal independence as provided for in the audit law continues to hinder the optimal performance of the foremost accountability institution in Kwara State as it is unable to implement freely and without interference its audit plans and programs.

Administrative Autonomy not Activated

The Kwara State Audit Service Board has not been activated despite enacting the audit law since

November 2021. S.26(1) and (2) of the audit law established the Audit Service Board while S.34(1-3) provides for its powers and functions including to handle all matters on recruitment, promotion, and discipline of members of staff of the Offices of the Auditors-General among others.

Feedback¹⁷⁰ collected showed that the Board has not been inaugurated by the Executive to begin performing its statutory functions of providing administrative support to the Office of the Auditor-General in Kwara State.

Administrative independence is crucial to effective functioning of Supreme Audit Institutions at subnational level and to ensure administrative autonomy for the Office of the Auditor-General for Kwara State, it is expected that the Audit Service Board would be inaugurated to 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 Transparent

The process for appointing the Auditor-General in Kwara State as provided for in the Audit Law is transparent and competitive. S.2(3) indicates that “in recommending person(s) for appointment as an Auditor-General, the State Civil Service Commission shall advertise the vacancy on the State website, in 2 (two) national Newspapers, for a minimum period of six weeks prior to the date set for the interview”.

Tenure of Office for the Auditor-General is Secured

S.5(2) of the Kwara State Public Audit (Re-Enactment) Law 2021 which addresses the tenure issue of the Auditor-General indicates that “the Auditors-General shall each be appointed for a term of four years, and may be reappointed once for another term of four years; but must compulsorily retire from office on the 8th anniversary of appointment as Auditor-General regardless of age or years of service if appointed from within the Civil Service”.

This legal provision stated above clarifies the maximum term and number of years an Auditor-General can spend in office. The Kwara State Public Audit (Re-Enactment) Law 2021 covers potential appointments from both within and outside the Civil Service of the State. Terms of office for AuGs must be well defined, consistent, and predictable to guarantee their independence. This will further ensure that an Auditor-General, whether appointed from within the Civil Service or private sector, is not subjected to the direction or control of any person or authority on the account of tenure instability.

Legal Mandate to Publish Audit Reports Online is Discretionary

The Kwara State Public Audit (Re-Enactment) Law 2021 did not mandate the State Auditor-General to publish his/her reports online as soon as it is

Annual Activity Report for 2021 not Submitted to HoA

The Office of the Auditor-General for Kwara State did not submit an annual activity report for 2021 fiscal year to the State House of Assembly. However, S.16(8) of the Kwara State Public Audit (Re-Enactment) Law 2021 indicates that “the Auditors-General shall also submit report on the activities of their respective Offices for the year to the State House of Assembly and such shall be made accessible to members of the public. Members of the public may obtain a copy at a

submitted to the State House of Assembly but the Law all gave discretionary powers to allow the Auditor-General to do the same.

S.16(6) and (7) indicates that “the annual reports of the Auditors-General shall be considered a public document and as such shall be made accessible to members of the public. Members of the public may obtain a copy at a nominal cost, which shall be used solely to defray the incidental expense of producing such copy. The Auditors-General shall have discretionary powers to determine whether the communication medium to be employed for making the annual audit report available to the general public shall include access in electronic format on the internet.

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 Auditors-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.

nominal cost, which shall be used solely to defray the incidental expense of producing such copy”.

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.

Consolidated Financial Statement for 2021 Published Online

There is no evidence the Office of the Auditor-General for Kwara State published the full audit report for 2021 fiscal year electronically. What is available to citizens is the report of the Accountant General with financial statements for

the year ended 31st December 2021¹⁷¹. Making the full audit report freely available to citizens enhances civic advocacy and investigative journalism on public finance management practices using audit information.

Implementation of Audit Recommendations for 2020 Ongoing

The implementation of audit recommendations for the 2020 financial year is said to be ongoing but there's no implementation report by the Office of the Auditor-General for Kwara State indicating which government agencies have implemented

the recommendations and to what extent. It is not evident if the Office of the Auditor-General and House of Assembly in Kwara State has effective mechanisms for monitoring implementation of audit recommendations and resolutions.

No Evidence of Performance Audit for 2021

The Office of the Auditor-General for Kwara State did not produce any performance audit report on any government project, program or policy in 2021 that is separate from the annual audit report. Best practice however requires that a performance audit be conducted on projects, programs or policies implemented by the Executive and a report produced, submitted to Parliament and published online for members of the public.

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

Citizens' Accountability Report for 2021 Published Online

The Kwara State Government published online the Citizens' Accountability Report for 2021¹⁷².

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 Less Involved in the Audit Process

Although civil society and media actors are pushing hard to be involved in the audit process of Kwara State, the Office of the Auditor-General and Public Accounts Committee need to intentionally create more opportunities for engaging civil society and media actors. Feedback¹⁷³ received from a civil society organization working in Kwara State narrated how civic actors advocated for the reinstatement of a former Auditor-General who was allegedly removed illegally by the Executive.

It is important for the Office of the Auditor-General and the Public Accounts Committee to ensure civic actors participate actively in the audit process to enable those affected by audit issues and public finance management gaps engage with the Office of the Auditor-General and Public Accounts Committee and provide feedback that will enhance planning and executing audit and oversight functions.

171-<https://kwarastate.gov.ng/wp-content/uploads/KWARA-STATE-YEAR-2021-ACCOUNTANT-GENERAL-REPORT-WITH-AUDITED-FINANCIAL-STATEMENTS-1.pdf>
172-<https://kwarastate.gov.ng/wp-content/uploads/2021-Citizens-Accountability-Report-CAR.pdf>
173-SAE Index 2022 Research Survey

PAC Review of 2021 Audit Report is Ongoing

The Public Accounts Committee of Kwara State House of Assembly has commenced but not completed review of the 2021 report of the Auditor-General on the accounts of the Kwara State Government. 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 the Public Accounts Committee to improve accountability in the utilization of public funds must also be taken seriously and implemented as quickly as possible by Executive agencies. The PAC must also involve civil society and media actors during review of audit reports.