

Legal Framework & Operationalization

Financial Autonomy Not Operational

The Kaduna State Audit Law enacted in June 2021 provides for financial autonomy of the Office of the Auditor-General. S.11(1) of the law states that “the Auditor-General shall prepare an annual audit plan and associated budget for the approval of the State House of Assembly not later than three (3 months before the end of the preceding financial year)”.

Also, S. 25(1)(b) indicates that “the Auditors-General shall prepare and submit to the House of Assembly at least ninety (90) days before the beginning of each year the estimate of revenues and expenditure for inclusion in the State budget” Furthermore, S. 25(4) states that “any sum appropriated to the Offices of the Auditors General in each financial year shall be charged upon the Consolidated Revenue Fund and paid as a first line charge in equal installments monthly”

Response⁶⁸ received indicated that the financial autonomy clause is not operational and the Office of the Auditor-General for Kaduna State is dependent on its auditee (the Executive arm) for its finances. The inability of the Executive arm to ensure effective implementation of the audit law to allow for fiscal independence for the Audit Office continues to hinder the optimal performance of the foremost accountability institution in Kaduna State as it is unable to implement freely and without interference its audit plans and programs.

Administrative Independence Activated

The Kaduna State Audit Service Board has been inaugurated in compliance with the Audit Law signed in June 2021. S.40 of the audit law established the Audit Service Board while S.42(a, b & c) provides for its functions including to “confirm the selection, appointment and promotion of staff of the Auditors-General; subject any staff of the Offices of the Auditors-General to disciplinary proceedings and impose sanction based on the recommendation of the Auditors-General; perform such other duties and functions as are necessary or expedient for the purpose of discharging its functions under this Law”.

Feedback⁶⁹ collected showed that the Board has been inaugurated to begin performing its statutory functions of supporting the Office of the Auditor-

General in Kaduna State administratively and ensuring that human resource issues are addressed through the Audit Service Board rather than the Civil Service Commission.

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 Kaduna State, the Audit Service Board has been 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 Kaduna State as provided for in the audit law is transparent and competitive. S.5(2) of the Audit Law provides that “In recommending person(s) for appointment as Auditor-General, the Commission shall advertise the vacancy on

the State's website, two (2) national dailies, procurement portal and State gazette for a minimum of four weeks before the date set for interview.

Tenure of Office for the Auditor-General Not Secured

The Kaduna State Audit Law 2021 did not provide secured tenure for the Auditor-General. S.7 indicates that “the Auditors-General shall, except where he is removed in line with the provisions of the Constitution, remain in office until his attainment of the retirement age of sixty five (65) years or thirty-five (35) years of service, whichever comes first”.

This legal provision subjects the tenure of the Auditor-General in Kaduna State to varying degrees of inadequacies as successive Auditor-Generals are likely to have an inconsistent number of years in service. Such inconsistencies could negatively affect policy implementation at the office of the Auditor-General in Kaduna State. The Kaduna State Audit Law 2021 needs to provide for a definitive term of office for the Auditor-General and such term of office should be clearly stated, consistent and predictable.

68 SAE Index 2023 Research Survey

69 SAE Index 2023 Research Survey

Legal Mandate to Publish Audit Reports Online is Available

The Kaduna State Audit Law provides the legal basis for reports of the Auditor-General to be published online for citizens to access freely. S.21(3) of the audit law indicates that “All these reports shall be published in hard and soft copies. Soft copies shall be published on the State website after submission to the State House of Assembly while Hard copies shall be available on request to anyone at the cost of printing.

Annual Activity Report For 2022 Not Published Online

The Office of the Auditor-General for Kaduna State did not publish online an annual activity report for the 2022 fiscal year. Although the Kaduna State Audit Law made no provision for such a report to be produced and submitted to the House of Assembly, best practice requires that the Audit Office produces an annual activity report, submit the same to the Parliament and make it available to the public through an electronic portal.

An annual activity report for the Audit Office 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.

Incomplete Audit Report for 2022 Published Online

The report of the Auditor-General on the accounts of Kaduna State Government for the 2022⁷⁰ financial year published online did not contain audit issues, observations and recommendations raised by the Auditor-General thereby making it an incomplete document and not useful for accountability demands.

Furthermore, a compliance audit report of the Auditor-General on the accounts of Kaduna State Government for the 2022 financial year produced and submitted to the House of Assembly is not available to the public through any electronic medium. Making the report of the Auditor-General (including audit issues, observations and recommendations) freely available to citizens enhances civic advocacy and investigative journalism using audit information.

Implementation of Audit Recommendations for 2021 Ongoing

Response⁷¹ received showed that the implementation of audit recommendations and House resolutions for 2021 financial year are ongoing. However, it is not evident if the Office of the Auditor-General and House of Assembly in Kaduna State has effective mechanisms for monitoring implementation of audit recommendations and resolutions.

No Evidence of Performance Audit for 2022

The Office of the Auditor-General for Kaduna State did not conduct performance audit report on any government project, program or policy in 2022. However, S.21(2)(f) provides that “such reports submitted to the State House of Assembly shall include but not limited to the following; annual performance audit report on projects, supplies and Value for Money Audit”.

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 2022 Not Available

The Kaduna State Government did not publish online the Citizens' Accountability Report for 2022.

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.

PAC Review of 2022 Audit Report Not Started

The Public Accounts Committee of Kaduna State House of Assembly has not started the review of

70 https://pbc.kdsg.gov.ng/?page_id=690

71 SAE Index 2023 Research Survey

the 2022 report of the Auditor-General on the accounts of Kaduna State Government. Also, the PAC has a backlog of reports for 2015, 2016, 2017, 2018 yet to be reviewed.

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 be implemented as quickly as possible by Executive agencies. The PAC must also involve civil society and media actors during review of audit reports.

CS/Media Actors Less Involved in the Audit Process

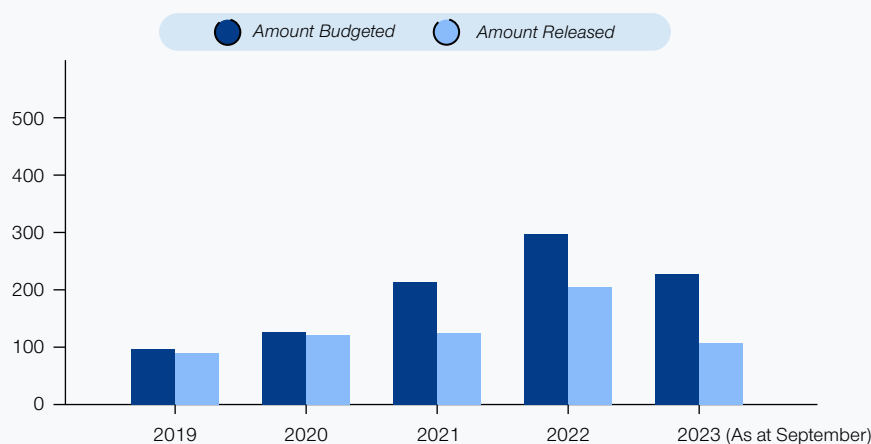
Civil society and media actors are often involved in the audit process of Kaduna State. Although the report of the Auditor-General for 2022 containing audit issues, observations and recommendations is not publicly available, some civic and media actors were able to engage the Office of the Auditor-General on 27th May 2023 through a virtual dialogue which focused on the 2022 audit report on the accounts of Kaduna State

Government with Communique⁷² issued at the end of the dialogue.

Other activities implemented to improve participation of stakeholders in the Kaduna State audit process include the Audit Forum and Accountability Dialogue held on 26th and 27th September 2023. Stakeholders who participated in the two-day meetings were 24 in number and drawn from diverse constituencies including the Office of the Auditor-General for State, Public Accounts Committee of the State House of Assembly, audited agencies of government, civil society, media, persons with disability, community leaders, professional bodies, women associations, trade, and labour unions.

The Office of the Auditor-General and Public Accounts Committee need to intentionally create more opportunities for engaging civil society and media actors. 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.

SAI Budgets and Releases (NGN'm) (2019 - 2023)



SOURCE: OAU/ISS

72 https://m.facebook.com/story.php?story_fbid=pfbid0212LeH3PFDD4EsQaNGMVLwsz8p5mqYmMv629KCzchqppMkA5XfsQUgLryGFFE4xQI&id=100066962512106&mibextid=Nif5oz