

LEGAL FRAMEWORK & OPERATIONALIZATION

FINANCIAL AUTONOMY NOT OPERATIONAL

The financial autonomy provided for in the legal framework to guarantee fiscal independence of the Office of the Auditor-General for Bauchi State has not been implemented despite Governor Bala Mohammed assenting to the audit law since 28th June 2021. S.25(1) provides that “the Auditors-General shall prepare and submit their estimates of revenue and expenditures directly to the House of Assembly for inclusion in the Appropriation Law” Also, S.25(2) states further that “the sum appropriated for each of the Offices of the Auditors General by the House of Assembly of the State 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”.

Evidence received showed that the Office of the Auditor-General for Bauchi State is still routinely dependent on its auditee (the Executive arm) for its finances. This continues to hinder the performance of the foremost accountability institution in Bauchi State as it is unable to implement its audit plans and programs freely and without interference.

ADMINISTRATIVE INDEPENDENCE NOT ACTIVATED

The Audit Service Commission for Bauchi State has not been inaugurated since assenting to the audit law in 2021. However, S.28 (1) and (2) of the audit law for Bauchi State established the Audit Service Board with functions to confirm the selection and appointment of persons already in the service of the office of the Auditors-General and subject any staff of the offices of the Auditors-General to disciplinary processes and impose sanction based on the recommendation of the Auditors-General. Response received showed that the Board has not been activated.

The constitution of the Audit Service Board is meant to be one of the positive impacts of the enacted audit law to strengthen the Office of the Auditor-General in Bauchi State administratively by ensuring that human resource issues are addressed through the

Audit Service Board rather than through the Civil Service Commission as previously done prior to enacting the audit law.

To guarantee administrative independence for the Office of the Auditor-General for Bauchi 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 Bauchi State as provided for in the legal framework is transparent and competitive. S.8(3) and (4) provides that “In recommending person(s) for appointment as Auditors-General, the State Civil Service Commission shall 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.

The State Civil Service Commission shall interview the applicants and recommend the top three candidates to the Governor”.

TENURE OF OFFICE FOR THE STATE AUDITOR-GENERAL IS SECURED

The Bauchi State Audit Law provides for a secured tenure for the Auditor-General. S.9(2) indicates that “the Auditors-General shall not be removed from office before such retiring age as may be prescribed by the Law, save in accordance with the provisions of this Law”. Also, S.9(3) specifies that “for the purpose of S.9(2), persons to be appointed Auditors-General shall not be more than 56 years old at the time of appointment to the office and shall retire on attaining the age of 60”.

The legal provisions stated above clarifies the maximum age limit for an Auditor-General to be appointed as such offered a four year minimum tenure for any Auditor-General appointed. Term of office for an Auditor-General must be well defined,

23. <https://www.bauchistate.gov.ng/wp-content/uploads/2021/07/BAUCHI-STATE-AUDIT-HARMONISED-LOCAL-AND-STATE-LAWS-2021.pdf>
 24. SAE Index 2024 Research Survey
 25. SAE Index 2024 Research Survey

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.

LEGAL MANDATE TO PUBLISH AUDIT REPORTS ONLINE IS AVAILABL

The Bauchi State audit law provides the legal basis to publish reports of the Auditor-General electronically and on a dedicated website. The audit law through S.20(1)(C)(vi) states that “The Annual Report of the Auditors-General shall be made public by publishing on the State website once they are submitted to the State House of Assembly”.

It is important that the legal framework for audit functions at subnational level provide legal basis for audit reports to be published online to enable citizens freely access such information and use it to demand accountability when and where required.

ANNUAL ACTIVITY REPORT FOR 2023 NOT PUBLISHED

The Office of the Auditor-General for Bauchi State did not publish the annual activity report for the 2023 financial year on a dedicated website for public access. Although, feedback collected indicated that the annual activity report for 2023 has been submitted to the House of Assembly in compliance with S.20(6) of the audit law for Bauchi State which provides that “The Auditors-General shall also submit reports on the activities of their respective Offices for the year to the State House of Assembly”. It is necessary that such reports be made available to the public electronically.

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.

AUDIT REPORT FOR 2023 PUBLISHED ONLINE

The Office of the Auditor-General for Bauchi State published the audit report for 2023

financial year on a dedicated website. Making the full audit report freely available to citizens enhances civic advocacy and investigative journalism using audit information.

IMPLEMENTATION REPORT OF AUDIT RECOMMENDATIONS FOR 2022 NOT AVAILABLE

Response received indicated that implementation of audit recommendations and resolutions of the House of Assembly for the 2023 financial year had not started. Also, it is not evident if the Office of the Auditor-General and House of Assembly in Bauchi State has effective mechanisms for monitoring implementation of audit recommendations and resolutions.

NO EVIDENCE OF PERFORMANCE AUDIT FOR 2023

The Office of the Auditor-General for Bauchi State claimed to have conducted performance audit on the operations of the Ministry of Housing and Environment as well as the Ministry of Works and Transport in 2023 but the performance audit is extremely brief and not sufficient to qualify for performance audit in line with international standards. Also, the performance audit findings were published as a separate document from the annual statutory audit report. The Audit Office included findings on performance audit conducted into the annual report of the Auditor-General (pages 68 - 69). Notwithstanding, best practice requires that a separate report on performance audit conducted be produced, submitted to Parliament and made available to 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 2023 PUBLISHED ONLINE

The Bauchi State Government published the Citizens' Accountability Report for 202330 on a dedicated website for public access. A Citizens' Accountability Report (CAR) is a series of graphic and tabular illustrations of the

26. https://www.bauchistate.gov.ng/wp-content/uploads/2024/07/AUDITOR-GEN-REPORT-2024-printing-only_112410.pdf
 27. SAE Index 2024 Research Survey
 28. <https://www.bauchistate.gov.ng/wp-content/uploads/2024/09/Citizens-Accountability-Report-2023.pdf>
 29. SAE Index 2024 Research Survey

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 2023 AUDIT REPORT STATED

Response received indicated that the Public Accounts Committee of Bauchi State House of Assembly has commenced review of the 2023 audit report for Bauchi State. However, there is no evidence showing that the State House of Assembly has published the resolutions sent to the Executive for implementation to improve public finance management practices in the state.

While the PAC has considered previous audit reports and presumed to have issued resolutions, it is not clear what mechanisms the Public Accounts Committee or the House of Assembly have in place to monitor implementation of these resolutions.

The role of the Public Accounts Committee in ensuring timeous review of annual audit reports cannot be over-emphasized 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.

CS/MEDIA ACTORS LESS INVOLVED IN THE AUDIT PROCESS

While the 2023 report of the Auditor-General for Bauchi State is publicly accessible, the involvement of citizen groups in utilizing public audit information to hold state actors accountable is very low as acknowledged by stakeholders.

Feedback from a civil society organization working in Bauchi State showed less involvement of civic and media actors in the audit process particularly in advancing engagement with audit findings or participating in the audit report review process of the Public Accounts Committee. A CSO representative while responding to the level of involvement in the audit process stated that “they neither publicize the review nor issue out invitations”.

It is important that citizens, civic groups and journalists who are mostly affected by audit issues and public finance management gaps can 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 legislature.

