

## LEGAL FRAMEWORK & OPERATIONALIZATION

### FINANCIAL AUTONOMY NOT OPERATIONAL

The Kebbi State Audit Law enacted and amended in July and November 2021 respectively provides for financial autonomy of the Office of the Auditor-General. S.30(1) of the Kebbi State Auditor General Law 2021 provides that “for effective and practical independence of the Auditor-General there shall establish and maintain a fund consisting of such monies as may in each financial year be appropriated by the House of Assembly, such fund shall not be less than 1% of the internally generated revenue of the State”.

Also, S.30(4) states further that “for the effective and practical independence of the Office of the Auditor General, approved Budget for the office is to be paid as a first line charge and released in equal monthly installments”

Response received indicated that the financial autonomy clause is not operational and the Office of the Auditor-General for Kebbi 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 Kebbi State as it is unable to implement its audit plans and programs freely and without interference.

### ADMINISTRATIVE INDEPENDENCE NOT ACTIVATED

The Kebbi State Audit Service Commission has not been inaugurated despite enacting and amending the Audit Law since July and November 2021. S.21(1)(2)and(3) of the Audit Law established the Audit Service Commission while S.23(a-e) provides for its functions including “appointments, promotion, dismissal and exercise of disciplinary control over staff of the Commission and the office of the Auditor-General; determination of remuneration for Auditors; among others”

Feedback collected showed that the Commission has not been inaugurated by the Executive. Ensuring the Commission begins performing its statutory functions will impact

positively to strengthen the Office of the Auditor-General in Kebbi State administratively.

Administrative independence is crucial to effective functioning of Audit Institutions at subnational level and to ensure administrative autonomy for the Office of the Auditor-General for Kebbi State, it is expected that the Audit Service Commission 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 Kebbi State as provided for in the Audit Law is transparent and competitive. S.4(1) stipulate 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 2 (two) National News Papers, Official Gazette and procurement journal for a minimum period of six weeks before the date set for interview”.

Furthermore, S.7 of the amendment provides that “the appointment of the Auditor-General for the State shall be widely advertised and shall require a diligent selection process which includes interview, and from which the three best candidates shall be recommended to the Governor”.

### TENURE OF OFFICE FOR THE AUDITOR-GENERAL IS SECURED

The Kebbi State Auditor General (amendment) Law 2021 provides that “the Auditor-General shall serve for a term of four (4) years and shall be deemed to be automatically reappointed for another term of four (4) years provided he has not reached the age of retirement (65 years). Notwithstanding, the Auditor-General shall retire at the age of 65 years where this falls during a subsequent four year term or retire at the end of a full second term where he/she has not yet reached the age of 65 years.

The term of office for the Auditor-General

appointed in Kebbi State is well defined, consistent, and predictable and guarantees independence of the Office of the Auditor-General.

#### **LEGAL MANDATE TO PUBLISH AUDIT REPORTS ONLINE IS AVAILABLE**

The Kebbi State Audit Law provides the legal basis for reports of the Auditor-General to be published online for citizens to access freely. S.26(6)(a & b) provides that “the annual audit report of the Auditor-General shall be considered public documents and so shall be made available to the public at reasonable cost-recovery fee after submission to the House; and shall be made publicly available in electronic format on the internet”.

#### **ANNUAL ACTIVITY REPORT FOR 2023 NOT PUBLISHED**

The Office of the Auditor-General for Kebbi State did not publish an annual activity report for the 2023 fiscal year. It is not evident if the report was submitted to the State House of Assembly. However, S.26(7) of the Kebbi State Auditor General Law 2021 indicates that “the Auditor-General shall submit an annual activity report to the House of Assembly and that the report is to be made available to the public”.

An annual 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 Kebbi State published the audit report for the 2023 financial year on a dedicated website. The published report contains audit issues, observations and recommendations. Making the audit report freely available to citizens enhances civic advocacy and investigative journalism using audit information.

#### **IMPLEMENTATION REPORT OF AUDIT RECOMMENDATIONS FOR 2022 NOT AVAILABLE**

There is no evidence showing that audit

recommendations and resolutions of the House of Assembly for the 2022 financial year have been implemented. Also, it is not clear what effective mechanisms the Office of the Auditor-General or the House of Assembly Public Accounts Committee in Kebbi State has in place to monitor implementation of audit recommendations and resolutions.

#### **NO EVIDENCE OF PERFORMANCE AUDIT FOR 2023**

The Office of the Auditor-General for Kebbi State claimed to have conducted performance audit in 2023. However, the performance audit report was not published as a separate document from the annual statutory audit report. Best practice requires that a separate report on performance audit conducted be produced, submitted to Parliament and published online.

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 Kebbi State Government did not publish the Citizens' Accountability Report for 2023 online.

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 2023 AUDIT REPORT COMPLETED**

There is no proof the Public Accounts Committee has started the review of the 2023 report of the Auditor-General on the accounts of Kebbi State Government. Relevant officials did not respond to the SAE Index research questionnaire despite repeated engagements.

67. <https://kebbistate.gov.ng/sites/default/files/kebbi%20state%20audit%20report%202023.pdf>

Also, it is not evident if the PAC has completed review of pending audit reports.

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.

The PAC is encouraged to improve its effectiveness and ensure reports of the State Auditor-General for 2023 and other pending audit reports are given expeditious consideration. The PAC should also continue to involve civic 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.

**CS/MEDIA ACTORS MUCH INVOLVED IN THE AUDIT PROCESS**

Participation of Civil Society and media actors in the audit process of Kebbi State is low and it

is crucial for state actors including the Office of the Auditor-General and the Public Accounts Committee to intentionally create more opportunities for engaging civil society and media actors. Although the report of the Auditor-General for 2023 was published on a dedicated website for public access, civic actors in Kebbi State reported limited opportunities for either engaging directly with the Office of the Auditor-General and the Public Accounts Committee.

A representative of a civil society organization working in Kebbi State confirmed that the Public Accounts Committee has not invited them for any engagement. “We have not been invited and have no idea on when the PAC review of audit reports is taking place”.

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.

