

Legal Framework & Operationalization

Financial Autonomy Not Operational

The Delta State Audit Law 2021¹³⁵ signed by Governor Ifeanyi Okowa in June 2021 provides for financial autonomy for the Office of the Auditor-General. S. 4(4) which provides that “the Auditor-General of the State and Auditor-General of Local Governments shall not later than three (3) months before the close of each Financial Year submit a budget comprising proposed income, revenue and expenditure for their Offices for the following financial year to the House through the Committee which funds shall be charged to the Consolidated Revenue Fund of the State and disbursed in equal monthly installments”.

Furthermore, S. 11(1)(b) and (c) states that “The Auditor-General shall prepare and submit to the House at least Ninety (90) days before the beginning of each year the estimates of revenues and expenditure of his office for inclusion in the State Budget; the operational and administrative expenses of the Office including salaries, allowances, gratuities and pensions payable to Staff”.

Response¹³⁶ received indicates that the financial autonomy clauses contained in the Delta State Audit Law to ensure fiscal independence of the Office of the Auditor-General is not being implemented. The Office of the Auditor-General for Delta State which is supposed to be an independent institution is dependent on its auditee (the Executive arm) for its finances. This hinders performance of the foremost accountability institution in Delta State as it is unable to implement freely and without interference its audit plans and programs.

Administrative Independence Not Activated

The Audit Service Committee for Delta State has not been inaugurated since assenting to the audit law in June 2021. S.24(1) established the Committee while S.28 provides for its functions to include that “the Committee shall have power to review all actions taken by the Auditor-General on Human Resource matters including recruitment, remuneration, promotions and discipline or sanctions before final decisions are taken by the Auditor-General. Nothing in this Section shall be construed as contrary to the requirement in the

constitution that the Auditor-General shall not be subject to the direction or control of any other authority or person”.

Response¹³⁷ received showed that the Board has not been constituted. The inauguration of the Audit Committee based on the enacted audit law would impact positively to strengthen the Office of the Auditor-General in Delta State administratively particularly by ensuring that human resource issues are addressed through the Audit Committee rather than through the Civil Service Commission.

To ensure administrative independence for the Office of the Auditor-General for Delta State, it is expected that the Audit Committee would be inaugurated to limit reliance on the Civil Service Commission of the State for 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 procedure for appointing Auditor-General in Delta State is transparent and competitive. S.3 (7) of the Delta State audit law provides that “Where the post of the Auditor-General is vacant, the vacancy shall be filled by the appointment of the most qualified person with cognate experience in the Office of the Auditor General or in the Public Service of the State or in the private sector.”.

Also, S.3(8) states that “The post of the Auditor General where vacant shall be advertised and all qualified candidates shall be invited to go through a competitive interview conducted by the Civil Service Commission after which the names of three (3) most qualified candidates shall be shortlisted and sent to the Governor for appointment”.

Tenure of Office for the Auditor-General is Secured

The tenure of office for the Auditor-General in Delta State is secured. S.5(1) of the audit law provides that “the Auditor-General shall be appointed to serve for four (4) years and may be re-appointed to serve for another four (4) years where he has not reached the retirement age of sixty (60) years or served for thirty-five (35) years”.

135 https://plsinitiative.org/audit_laws/delta-state/

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Also, S.(2) (a) states that “the Auditor-General shall remain in Office until he has attained the retirement age of sixty (60) years or has spent thirty-five (35) years in service; whichever comes first, except where he is removed under the provisions of this Law while (b) indicates that “any Auditor-General who attains the age of 60 years or 35 years of service during the tenure of his Office shall retire immediately”.

Term of office for Auditor-General 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 Available

Delta State Audit Law through S.24 indicates that “the OSAG in the exercise of its functions shall publish the statutory report of the State Government electronically and manually”.

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 2022 Not Published Online

Response¹³⁸ received showed the Office of the Auditor-General for Delta State did not submit an annual activity report for 2022 to the House of Assembly. However, the Delta State Audit Law in S.11(1)(d) provides that “an activity report for the Audit Office/Institution that includes the specific initiatives and activities undertaken during the previous calendar year to strengthen the office and improve its performance as well as any impacts (financial and non-financial) that were achieved through audit. The report must be made public immediately after its submission to the House”

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 2022 Published Online

The Delta State Office of the Auditor-General published the audit report for 2022¹³⁹ financial year electronically on a dedicated website. Making the audit report (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

Response¹⁴⁰ received indicates that implementation of audit recommendations and House resolutions for the 2021 financial year is ongoing. It is not evident if the Office of the Auditor-General and House of Assembly has effective mechanisms for monitoring implementations of audit recommendations and resolutions.

No Evidence of Performance Audit for 2022

The Office of the Auditor-General for Bauchi State did not conduct performance audit on government programs, projects, or policies in 2022.

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 Published Online

The Delta State Government did not publish the Citizens' Accountability Report for 2022 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

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139 https://www.deltastate.gov.ng/wp-content/uploads/2020/12/STATE-AUDIT-REPORT-2022_UPDATED.pdf

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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.

the utilization of public funds must also be taken seriously and implemented as quickly as possible by Executive agencies.

PAC Review of 2022 Audit Report Not Started

There's no evidence that the Public Accounts Committee of Delta State House of Assembly has started or completed review of the 2022 report of the Auditor-General. It is equally not clear how much backlog of reports the Committee is yet to review. The effectiveness of the Public Accounts Committee in reviewing audit reports on the accounts of Delta State and making recommendations to correct public finance management gaps could not be ascertained during this research exercise as relevant officials did not provide required information despite repeated engagements.

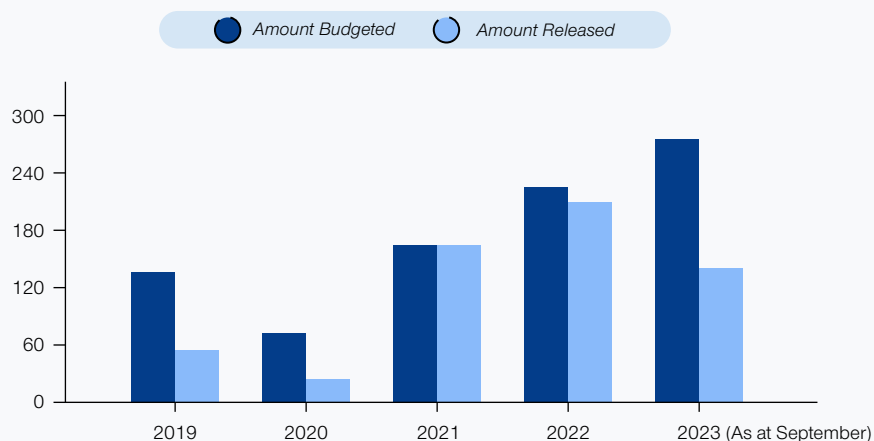
The role of the Public Accounts Committee in ensuring timeous review of annual audit reports cannot be overemphasized and very crucial to concluding the audit action cycle for proper accountability. Recommendations of the Public Accounts Committee to improve accountability in

CS/Media Actors Less Involved in the Audit Process

Response¹⁴¹ received indicated that civil society and media actors rarely participate in the audit process of Delta State. A civil society organization working in Delta State considered the State audit process as less inclusive and engaging. An indication that the Office of the Auditor-General and Public Accounts Committee who are drivers of the audit process of Delta State need to do more in engaging civil society and media actors and encourage them to use audit information to demand accountability.

It is important that civic groups 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 State's Parliament.

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



SOURCE: OAU/IGS