



Operationalization of Financial Autonomy for the Office of the Auditor-General

The legal framework for public sector audit in Delta State is the Delta State Audit Law 2021⁵¹ enacted to ensure audit of public accounts of ministries, departments and agencies and local governments and for related matters. The law was signed by Governor Ifeanyi Okowa on 29th June 2021.

S. 4(4) of the Delta State Audit Law 2021 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”.

There is no proof that the legal provision stated above and contained in the Delta State Audit Law 2021 has been operational since June 2021 when the law was signed by Governor Okezie Ikpeazu. This is despite the issuance of letter of instructions⁵² by the Secretary to the State Government - Patrick Ukah on 30th June 2021 directing agencies of government to commence implementation of the law. Financial autonomy and operational independence for Supreme Audit Institutions especially at subnational level are foundational pillars of achieving public accountability. It is crucial that the Executive arm in Delta State fully comply with the provisions of the law to ensure that the Auditor-General remains independent, able to perform his/her statutory functions and not subjected to the direction or control of any individual or authority due to financial constraints.

Exemplary Tenure for the Auditor-General

S. 3(6) of the Delta State Audit Law 2021 provides that (a) “Where the applicant is from the Public Service he shall have at least Four years to serve before he/she is due for retirement” and (b) “Where the applicant is not from the Public Service, he shall not be less than 52 years old or more than 56years old at the date of appointment”.

Also, S. 5(1) states 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”.

The legal provisions governing the tenure of the Auditor-General in Delta State are very well defined and exemplary. The Law sets the retirement age for the Auditor-General and clarifies the maximum term and number of years an Auditor-General can spend in office whether from the Public Service or Private Sector. Terms of office for Auditor-Generals 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.

Audit Mandate Execution

Beyond the annual financial audit, the Auditor-General for Delta State should conduct other types of audits including compliance audit and performance audit. This would ensure adherence to fiscal and procurement regulations by government agencies and guarantee efficiency, effectiveness, and economy of public spending on programs and projects implemented by the government of Delta.

⁵¹ <https://www.deltastate.gov.ng/wp-content/uploads/2021/06/Delta-State-Audit-Bill-Engrossed.pdf>

⁵² <https://www.deltastate.gov.ng/wp-content/uploads/2021/06/Audit-Law-Circular.pdf>



Effectiveness of Public Accounts Committee

There are no indications the Public Accounts Committee of the House of Assembly in Delta State has reviewed the 2020 report of the Auditor-General for Delta State. 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 Public Accounts Committee to improve accountability in the utilization of public funds must also be taken seriously and implemented as quickly as possible

Citizens' Participation in the Audit Process

Although the 2020 report⁵³ of the Auditor-General for Delta State is accessible to the public, there's no evidence that citizens or Civil Society Organizations in Delta State are engaging with the State audit process whether in using audit information to demand accountability or post audit interaction with the Office of the Auditor-General and Public Accounts Committee. The Delta State Auditor-General as well as the Public Accounts Committee of the House of Assembly needs to

do more in ensuring that citizens are adequately involved when audit reports are produced and when they are being reviewed by the Public Accounts Committee. It is important that citizens who are mostly affected by audit issues and public finance management gaps are able to 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 Parliament.

⁵³ <https://www.deltastate.gov.ng/wp-content/uploads/2021/07/AUDIT-REPORT-2020.pdf>