



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

The Ebonyi State Public Sector Audit Law 2021⁵⁵ established an independent Office of the Auditor-General as the regulatory authority responsible for the monitoring and oversight of the public audit law of Ebonyi State and other matters connected thereto. The law came into force on 24th June 2021 upon Governor David Umahi's assent.

S. 25(1) of the law states that “the Auditors-General shall prepare and submit their estimates of revenue and expenditure directly to the House of Assembly for inclusion in the Appropriation Law”.

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 the financial year”.

Evidence received⁵⁶ indicates that the legal provision stated above and contained in the Ebonyi State Public Sector Audit Law 2021 is yet to be operational even after nine months since the amendment was signed into law by Governor David Umahi. It is not clear why this legal provision that guarantees the financial independence of the Auditor-General in Ebonyi State is not being implemented as contained in the law. Financial autonomy and operational independence for Supreme Audit Institutions especially at subnational level are foundational pillars of achieving public accountability. It is therefore important for the Ebonyi State Government to begin implementation of this legal provision and ensure costs to the office of the Auditor-General for Ebonyi State are charged on the first line to the Consolidated Revenue Fund of the State.

No Clarity of Tenure for the Auditors-General

S. 9(2) of the Ebonyi State Public Sector Audit Law 2021 states that “the Auditor-General shall not be removed before such retiring age as may be prescribed by the Law, save in accordance with the provisions of this Law”.

Furthermore, S. 9(3) of the law states that “for the purpose of S. 9(2), persons to be appointed as Auditors-General shall not be more than 60 years old at the time of appointment to the office and shall retire on attaining the age of 60years”. This legal provision subjects the tenure of the Auditor-General in Ebonyi State to varying degrees

of inadequacies including the possibility of appointing an Auditor-General whose tenure in office is simply dependent on his/her age. The Ebonyi State Public Sector Audit Law 2021 did not provide a definitive term of office for the Auditor-General which could impact negatively on the stability and policy implementation for the office as tenure of successive Auditor-General will be inconsistent and unpredictable. While there could be an age bracket on appointing the Auditor-General, how long such Auditor-General can stay in office must also be clearly stated.

Audit Mandate Execution

The office of the Auditor-General for Ebonyi State claimed⁵⁷ to have conducted financial, compliance and performance audits for the year ended 2020. However, the report of the Auditor-General for 2020 is not accessible publicly as such, the claim is not verifiable. The only record available in public domain is the State's audited financial statement for 2020⁵⁸. This notwithstanding, the Auditor-General should improve on ensuring that more comprehensive compliance and performance audits are conducted on government programs and projects in Ebonyi State and the Auditor-General should be provided with all required support by the State government.

⁵⁵ https://www.ebonyistate.gov.ng/Laws_and_Financials/resources/202106251352296166EBONYI_STATE_PUBLIC_SECTOR_AUDIT_LAW_008_OF_2021.pdf

⁵⁶ SAE Index 2021 Research Survey

⁵⁷ SAE Index 2021 Research Survey

⁵⁸ [https://openstates.ng/ebonyi/dataset/726/ebonyi-state%20audited%20statement%20report%20\(financial%20statement\)%20document%20for%20the%20year%202020](https://openstates.ng/ebonyi/dataset/726/ebonyi-state%20audited%20statement%20report%20(financial%20statement)%20document%20for%20the%20year%202020)



Effectiveness of Public Accounts Committee

There is no proof the Public Accounts Committee of Ebonyi State House of Assembly is effective in discharging its statutory mandate. It is not clear if the Committee has reviewed the Auditor-General's report for 2020 and made any recommendation to the Executive

arm to correct audit anomalies or to improve public finance management practices in the state. The role of the Public Accounts Committee in reviewing annual audit reports is very crucial to concluding the audit action cycle for proper accountability in the utilization of public funds.

Citizens' Participation in the Audit Process

There is no evidence of citizens participation in the audit process of Ebonyi State nor is there an element of engagement with findings of the Auditor-General by citizens. The inability of citizens to freely access reports of the Auditor-General on the accounts of the State may have contributed to the lack of interest of citizens in either using audit findings to demand accountability on the utilization of public funds in Ebonyi State or fostering engagement with Office of the Auditor-General and Public Accounts Committee in the State. It must be noted that section 20(5) of the Ebonyi State Public Sector Audit

Law 2021 provides that "the Auditors-General shall place the annual audit reports on the State Government's website after submission to the State House of Assembly to allow electronic access to interested members of the public at no cost". 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 state's Parliament.