

COMPARISON OF OMBUDSMAN IN NIGERIA, THE UNITED KINGDOM AND AUSTRALIA TO DETERMINE OPERATIONAL NEXUS FOR GLOBAL BEST PRACTICES

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Abstract

The specific objective of this paper was to compare the structure and roles of the Ombudsman in Nigeria, the United Kingdom and Australia respectively; while the specific objective was to analyze their operational similarities and differences in consonance with the global best practices. Content analysis was adopted in sourcing the data of the study. Thus content analysis of the provision of Ombudsman in Australia showed that Ombudsman was a provision of the country's constitution, United Kingdom and Nigeria Ombudsman owed their existence to the Acts of Parliament or the Statutes. The Ombudsman in the United Kingdom is called "Parliamentary Commissioner for Administration". He is appointed by the Crown and is an arm of parliament. The Nigerian Ombudsman is called "Public Complaints Commission" and was established by Decree No. 31 of 1975, which (Decree) was amended by the Public Complaints Commission Decree No. 21 of 1979. It has offices in the thirty-six states of the Federation and the Federal Capital. The Commission was empowered to investigate illegal and wrongful administrative acts and other objectionable issues. The entire system of Ombudsman in Australia is designed to handle different issues. Thus the country's Ombudsman is

not unitary as it is in Nigeria and the United Kingdom. The study recommended that for the Nigerian and the United Kingdom model of Ombudsman to be independent in carrying out their functions, the structural configuration of the Australian Ombudsman, which serves as a model, should be adopted by the governments of both countries.

Keywords: Ombudsman, Nigeria, the United Kingdom, Australia, Acts of Parliament

INTRODUCTION

The idea of an Ombudsman is conceived with the aim of checking the excesses of administrators. Ujo (1999) the word Ombudsman is etymologically derived from Scandinavian word which means an officer or commissioner that investigates complaints against administrators.

Its origin is traceable to Sweden where the institution was established in 1809. Since then, the institution has spread to numerous countries including Nigeria, where it is called the Public Complaints Commission (P.C.C.), Ujo (1999).

Administrators do use discretion in carrying out their responsibilities. This gives them powers to exercise their will powers, knowledge, expertise and wisdom. However, in doing these, some administrators loose sight of their limited discretionary powers. Discretions are not limitless. It can be checked, probed and ascertained. Again, the concept of administrative discretion is related to the due process clause in Nigeria. (Oluycde, 2008). In his words:

"Administrative due process is that procedure which will normally be accepted by the court as reasonable under the circumstances, whether or not the judge thinks the substantive decision is correct. The test of the one process clause is usually based on reasonableness of fundamental fairness".

Therefore, in order to checkmate the delegated powers and authority granted to the administrators by the political office holders, the third party comes into play by the nomenclature, Ombudsman. And this is a welcome development particularly, now that a lot of delegated legislative powers are apportioned to the administrators. This assertion was captured by Sharma et al (2011).

"Although administrators today find themselves blessed with powers which their predecessors little dreamed of possessing, they also find themselves subjected to new restraints as well. The other two branches of government have not been content to stand aside and let administrators run the country subject only to broad policy prescriptions and rather value standards regarding the public interest. And one way the other two branches have acted to limit administrative discretion is by imposing increasingly strict standards on how administrators may use their new prerogatives... This makes the establishment of

Ombudsman very necessary so that the public can challenge, review and check the excesses of the administrators".

Sweden was the first country to introduce Ombudsman. After the introduction in 1809, it was later modified in 1915, which they referred to as military Ombudsman. Thereafter, the concept was re-modified to accommodate new problems (Diccy, 1965).

Furthermore, it is constitutionally and administratively established that before an administrator or his agency can take any action that would directly affect one or more persons or institutions, they generally give such affected parties adequate notice. Anigbata et al (2016). Such notices come in the form of Disclosure of reasons, right of hearing and right of appeal. These are the basic or fundamental issues that Ombudsman checks in any matter that arises from administrative functions. It is against this back drop that the need to explore more on the Ombudsman in some countries and make comparison of them so that each country will learn from the other in the concept becomes imperative (Okoli, 2013).

CONCEPTUAL DEFINITIONS

Many definitions of the word 'Ombudsman' abound. According to Oluyede (2002), is a person who works for the government and who investigates citizen's complaints made about the government.

A person who works for a company and investigates customer complaints in the words of (Simon 1974) is a public official appointed to investigate citizens' complaints against government agencies or officials that may be infringing on the rights of individuals.

Duru (2009) sees it as any person(s) or institution(s) that are (is) empowered by law to investigate, attempt to mediate and resolve complaints against any government agencies or officials or as well private as institutions or companies.

Steward (2003) defines it as a government office or official especially in Scandinavian countries, who investigates citizens' complaints against the government or its functionaries. (Gelhorn, 1967).

Ndukwe et al describes it as an appointed official whose duty is to investigate complainants, generally on behalf of individuals such as consumers, or taxpayers, against institution such companies and government departments. Hurnitz (2011) sees it as a designated internal mediator in an organization whose duty is to assist members with conflict resolution and other problem and to serve as independent consultant to recommend changes to policies or procedures to improve organization effectiveness, efficiency and harmony.

OMBUDSMAN IN NIGERIA

In Nigeria, the office of Ombudsman is called Public Complaint Commission. The history of the Ombudsman (Public Complaint Commission) can be traced to the Udoji Commission which was set up by the Gowon Government in the year 1972. (Ujo, 1999). The Gowon Government accepted in principle, the Udoji recommendation on the establishment of the Ombudsman institution in Nigeria. This necessitated the regime to set up the Nigerian Ombudsman Committee headed by Mr. D.J. Ogundere.

The committee recommended among other things the establishment of the institution in

Nigeria. The Nigerian Public Complaint Commission was established by Decree No. 31 of 16th October, 1975 as amended by the Public Complaint Commission Decree No. 21 May 1979.

THE STRUCTURE OF THE PUBLIC COMPLAINT COMMISSION IN NIGERIA

The Commission is a federal government institution with branches in all the States on the federation. It has its headquarters in the capital city of Abuja. The Commission is under the executive office of the President and it is under the supervision of the Vice President (the Chief of General Staff). Although the State branches function independently of the Headquarter organization, the Chief Complaints Commissioner coordinates the activities of the branches through the following activities".

1. Conducts annual meetings
2. Visitation to all State offices
3. Receives quarterly/biannual reports from branches.

FUNCTIONS OF THE PUBLIC COMPLAINTS COMMISSION IN NIGERIA

The Decree establishing the Nigerian Public Complaints Commission empowered it to investigate administrative acts which appear to be:

- (i) Contrary to any law or regulation
- (ii) Mistaken in law or arbitrary in the ascertainment of fact.
- (iii) Unreasonable, unfair, oppressive or inconsistent with the general functions of administrative organs.
- (iv) Improper in motivation or based on irrelevant consideration.

- (v) Unclear or inadequately explained facts
- (vi) And other objectionable issues. (Onwe, et al, 2016).

APPOINTMENT OF THE COMMISSIONERS

The head of the Commission is called Chief Complaints Commissioner. Each State is headed by an officer called Public Complaints Commissioner. Section 2(1) of the Decree provides that the Chief Commissioner and other Commissioners shall be appointed by the President and by confirmation of the Senate of the Federal Republic of Nigeria. The persons nominated for the position should be persons of proven integrity and they shall possess other qualifications that shall be demanded by the Federal Executive Council. Knowledge of law is important but legal training is not a prerequisite. The Commissioners hold office for a period of three year in the first instance and up to a maximum of six years. (Adamolekun and Kunle, 1982).

REMUNERATION OF THE COMMISSIONERS

The salaries and allowances are fixed by the President. This implies or shows that the Commissioners are under the executive arm of government and are responsible to the presidency.

JURISDICTION OF THE NIGERIAN PUBLIC COMPLAINTS COMMISSION

Any of the commissioners is empowered to investigate either on his own initiative or following complaints lodged before him by any other person, any administrative action taken by the following government agencies/parastatals:

- 1) Any department or ministry of the federal or any state government
- 2) Any department of any Local Government Authority set up in the federation.
- 3) Any statutory co-operation of public institution set up by any government in Nigeria.
- 4) Any company incorporated under or in pursuant to the Companies Decree 1968 whether owned by any government or private individual in Nigeria.
- 5) Any officer or servant of any of the above mentioned bodies. Finally, the commission is given powers to investigate administrative procedures of any court of law in Nigeria among other things that are related to the above mentioned.

RESTRICTIONS ON THE POWERS OF THE PUBLIC COMPLAINT COMMISSION IN NIGERIA

The powers of the Nigerian Public Complaint Commission are restricted by some provisions of the decree establishing it. Below are some of the restrictions that the Ombudsman cannot investigate:

- i) Any matter that is outside its terms of reference.
- ii) Any matter that is pending before the Armed Forces Ruling Council or the Federal Executive Council.
- iii) Any matter that is pending before any court of law.
- iv) Any matter that is relating to anything done or purported to be done in

respect of any member of the armed forces and the police force under the Army Act of 1960, the Navy Act of 1964, the Air force Act of 1964 and the Police Act of 1960 or subsequent amendments.

- v) Any matter in which the complainant has not in the opinion of the commissioner exhausted all available legal or administrative procedures.
- vi) Any matter relating to any act or thing done before the establishment of the commission or in respect of which the complaint is lodged later than twelve months after the date of the act or thing done for which the complaint arose (Iluyamode and Eka, 2013).

PROCEDURE OF COMPLAINT TO THE COMMISSION IN NIGERIA

The Chief Commissioner has the power to decide the manner by which complaints are to be lodged. (Ama, and Duru, 2010).

Any commissioner shall have access to all information necessary for the efficient performance of his duties and for the purpose may right and inspect any premises belonging to any persons or body mentioned in the process of investigation. (Okoli, 2013).

At the end of any investigation, recommendations are made by the commission. The commissioner may recommend to the appropriate person(s) or responsible authority(ies) that any of the following things be done:

- (1) That a further consideration of the matter be made.
- (2) That a modification or cancellation of the offending or other acts be affected.

- (3) That an alteration of or regulation or ruling be affected.
- (4) That full reason(s) behind a particular administrative act be given.

The commissioner may refer a case to the (Armed Forces Ruling Council) Federal Executive Council or to the appropriate government if the existing laws or administrative regulations are inadequate (Ujo, 1999).

FEATURES OF THE NIGERIAN PUBLIC COMPLAINTS COMMISSION IN NIGERIA

- 1. **UNITARY IN NATURE:** The Nigerian public complaints commission is organized on a unitary basis within a federal political structure.
- 2. **NOT A SPECIALIZED COMMISSION:** The Nigerian Public Complaint Commission is an all purpose organization. There are no specialized commission like what is obtainable in other countries like Sweden and Norway.
- 3. **No SPECIFIC QUALIFICATIONS FOR THE COMMISSIONERS:** In Nigeria, there are no specific qualifications laid down for appointment as public complaint commissioners.
- 4. **OPERATES AS A BRANCH OF THE EXECUTIVE ARM OF GOVERNMENT:** The Public Complaints Commissioners belong to the presidency. Their appointments and conditions of services are determined by the executive arm.

5. **LOCUS STANDI:** Only person(s) with personal interest can complain to a commissioner. This is unlike what is obtainable in the Scandinavian countries where any body can complain to the Ombudsman.

OMBUDSMAN IN THE UNITED KINGDOM

The Ombudsman in the United Kingdom is called Parliamentary Commissioner for Administration. He is appointed by the Crown and holds office if he has good behaviour. In the British government, the Parliamentary Commissioner is an arm of parliament. The Commissioner receives complaints only through members of the House of Commons. There is a selected committee on the parliamentary department which he may criticize (Hurnitz, 2011).

REMUNERATION

The Salary of the parliamentary commissioner in Britain is fixed by the State and is charged on the consolidated fund.

QUALIFICATIONS

The Ombudsman in the U.K is not a qualified lawyer. This means that the persons to be appointed in the position are not likely to be lawyers or Barristers. The first three commissioners were drawn from the civil service.

JURISDICTION

The government departments which are subject to the commissioner's jurisdiction are listed in the second schedule of the Act. (1967) They include all the government department and other authorities, the Public Records office, Royal Mint and Public Trustee.

RESTRICTIONS ON THE POWERS OF PARLIAMENTARY COMMISSIONER

There are some restrictions that are placed upon the occupants of this position in the Great Britain. Some of them are enumerated here under:

- (a) Foreign relations: Dealings between governments or international organizations.
- (b) Action of Ambassadors outside the U.K.
- (c) Actions of fugitive offenders.
- (d) Personal matters relating to the Armed forces, civil servants, and other public employees.
- (e) The grant of honours, awards or privileges.
- (f) The conduct for commencement of civil or criminal proceedings before any court of law in the United Kingdom.
- (g) Any exercise of prerogative of mercy.
- (h) Any action taken by the national health services bodies.
- (i) Actions taken in matter relating to contractual or commercial transactions.

WHO MAY COMPLAIN TO THE PARLIAMENTARY COMMISSIONERS

The general rule is that individuals including corporations such as companies may complain through the proper channels to the commissioners.

WHO MAY NOT COMPLAIN TO THE PARLIAMENTARY COMMISSIONERS

Local Authorities, nationalized corporations, any other authority or body, whose members are appointed by Her Majesty or any minister of the government or parliamentarians.

TIME LIMIT FOR COMPLAINTS

The rule is that a complaint must be sent to the Prime Minister within one year of the time when the grievance was committed. A complaint shall not be entertained unless the aggrieved person is resident in the United Kingdom.

LIMITATIONS OF THE PARLIAMENTARY COMMISSIONER

There are certain important fields of public service which are immune from investigation. The most important of these are:

(a) The police and public corporations. In regards to the local Authorities, local government commissioners are appointed to take care of complaint against workers. Most importantly, complaints are routed through councilors. (Anighata, et al 2016).

THE HEALTH SERVICES COMMISSIONERS

The National Health Service Act of 1973 makes provisions for the appointment of health service commissioner for England, Wales and Scotland. The three offices are held by one person. The health service commissioner will be responsible for investigating complaints against the National Health services authorities.

❖ The Ombudsman will not investigate complaints that in his opinion relate to the exercise of clinical judgment by doctors and other staff.

❖ He will not study complaints for which statutory procedures already exist.

❖ He will not entertain complaints which he thinks could reasonably be pursued through the courts or before any tribunal.

OMBUDSMAN IN AUSTRALIA

The Ombudsman in Australia is patterned closely on the new Zealand system. Between 1970-1975, five out of six Australian States had established the institution of Ombudsman. These are Western Australia in 1971, South Australia 1972, Victoria in 1973, Queensland in 1974 and New South Wales in 1975. The sixth State Tasmania is yet to establish its own Ombudsman.

In the Federal level, there is only one Ombudsman that is concerned with the investigation of administrative abuses, except where the issue touches on the States Security.

STRUCTURE OF AUSTRALIAN OMBUDSMAN

The entire system of Ombudsman in Australia is spatially designed to capture different issues. Their Ombudsman is not unitary as it is obtainable in Nigeria and U.K in nature, but each sector or segment of economy has its own Ombudsman that is backed by law to investigate it in line with the Act that establishes it. They are described here under:

(A) AGED CARE COMPLAINTS COMMISSION (ACCC)

This is a free service for anyone who wishes to raise concern about the quality of care or services being delivered to people receiving aged care services subsidized by the Australian Government. This is headed by a complaint commissioner appointed by the government.

(B) AIRCRAFT NOISE OMBUDSMAN (ANO)

This is an Ombudsman established in Australia to conduct independent reviews of Air services Australia's and Defense's management of aircraft noise-related activities, including:

- The handling of complaints or enquiries made to air services.
- Community consultation processes related to aircraft noise.
- The presentation and distribution of aircraft noise-related information.

(C) AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY (ACLEI)

This Ombudsman is responsible for preventing, detecting and investigating serious and systemic corruption issues in Australian Government Law Enforcement Agencies.

(D) COMMON WEALTH OMBUDSMAN (CWO)

This is an Ombudsman in Australia that investigate complaints from people who believe that they have been treated unfairly or unreasonably by an Australian Government Agencies. The jurisdiction of this Ombudsman extends to:

- Australian Government
- Public interest disclosure scheme
- Private Education Providers with overseas students
- Private Industry
- Private Health Insurance
- Defence Force
- Immigration and Law Enforcement etc.

(E) CREDIT AND INVESTMENT OMBUDSMAN (CIO)

This is designed to offer consumers an accessible, independent and fair External Dispute Resolution (EDR) services, approved by the Australian securities and investments commissions (ASIC).

It provides consumers with a free and impartial dispute resolution services as an alternative to legal proceedings for resolving complaints with their financial services and product providers.

The credit and investments Ombudsman services limited (COSL) has been approved by the officer of the Australian information commissioner (OAIC) to handle privacy and credit reporting complaints under the privacy Act 1988.

(F) FAIR WORK OMBUDSMAN (FWO)

It provides information and advice about jobs, work places, rights, obligations, pay, Leave entitlements, agreement, Termination of employment and other complaints thereof.

(G) FINANCIAL OMBUDSMAN SERVICES (FOS)

This Ombudsman is created to provide accessible, fair and independent dispute resolution for consumers and financial services providers.

The (FOS) offers fair and accessible dispute resolutions for consumers who are unable to resolve complaints with member financial services providers. A not-for-profit, non government organization, resolves disputes quickly and efficiently, providing a cheaper alternative than going to court. The services is free of charge for applicants, with the cost of running the service being met by members which include: Banks, insurers,

credit providers, financial providers and planners, debt cancellation agencies and other businesses that provide financial product and services.

(H) INSPECTOR GENERAL OF TAXATION OMBUDSMAN (IGTO)

It is established to investigate complaints about the Australian Taxation Officers (ATO) and Tax Practitioners Board (TPB) and reviews the administration of the tax system for the benefit of all taxpayers.

(I) TELECOMMUNICATIONS INDUSTRY OMBUDSMAN (TIO)

Deals with complaints that consumers have not been able to resolve with their telephone or internet companies. It is a fast, free and fair dispute resolution services for small business and residential consumers who have a complaint about their telephone or internet service in Australia. The services is free of charge. It was established in the year 1993 and governed by a Board of Directors, and managed by an Independent Ombudsman and a Deputy Ombudsman in accordance with the company's constitution and Terms of Reference.

(J) SUPERANNUATION COMPLAINTS TRIBUNAL (SCT)

This Ombudsman in Australia deals with complaints about superannuation in the areas of regulated superannuation funds, annuities and deferred annuities and retirement savings accounts.

It deals with complaints relating to decisions and conduct of trustees, insurers and other decision-makers in relation to regulated superannuation funds, approved deposit funds, approved deposit funds, annuities, life policy funds and retirement savings accounts.

The tribunal does not, however, have an unlimited jurisdiction to deal with all superannuation-related matters.

(K) PRIVATE HEALTH INSURANCE OMBUDSMAN (PHIO)

This was established in Australia to protect the interests of people covered by private health insurance. Includes an independent complaints handling service. The focus of PHIO's complaints handling service is to ensure independent, objective, accessible effective and timely dispute resolution.

(L) KNOW YOUR RIGHTS AT WORK OMBUDSMAN (KYRWO)

The commission is set up to investigate and try to resolve complaints of discrimination and breaches of human rights in work places, educational institutions, services and other areas based on a person's sex, disability, race, age, and other attributes. This is known as Australian Human Right Commission.

(M) NATIONAL HEALTH PRACTITIONERS OMBUDSMAN AND PRIVACY COMMISSION (NHPOPC)

This Ombudsman oversees the freedom of information, oversight of the national health practitioner's regulation scheme, particularly the 14 National Health Practitioner Boards.

(N) OVERSEAS STUDENTS OMBUDSMAN (OSO)

Investigates complaints about problems that overseas students or intending overseas students may have with private education and training in Australia.

(O) POSTAL INDUSTRY OMBUDSMAN (PIO)

This was set up to investigate complaints about Australian post, and other postal or

courier operators that are registered as Private Postal Operators (PPO) under the Ombudsman ACT 1976. In fact, virtually all aspects of life endeavours have their Ombudsman in Australia.

GENERAL POWERS, FUNCTIONS AND DUTIES OF THE OMBUDSMAN IN AUSTRALIA

The office of the Ombudsman shall have the following powers, functions and duties:

- 1) Investigate and prosecute on its own or complaint by any person, any act or omission of any public officer or employee, office or agency when such act or omission appears to be illegal, unjust, improper or inefficient. It has primary jurisdiction over cases cognizable by the Act in the exercise of its primary jurisdiction. It may take over, at any stage from any investigating agency or government, the investigation of such cases. (Sec. IS (1) R.A. No. 6770.
- 2) Direct upon complaint or at its own instance any officer or employee of the government, or of any subdivision agency or instrumentality thereof, as well as any government-owned or controlled corporations with original charter, to perform and expedite any act or duty required by law, or to stop, prevent and correct any abuse or impropriety in the performance of duties. (Sec. IS(2) R.A. No. 6670.
- 3) Direct the officer concerned to take appropriate action against a public officer or employee at fault or who neglect to perform an act or discharge a duty required by law, and recommend his removal, suspension, demotion, fine, censure, or prosecution, and ensure compliance therewith; or enforce its disciplinary authority as provided in section 21 of this Act: provided, that the refusal by any officer, without just cause, to comply with an order of the Ombudsman: would lead to removal, suspension, demotion, fine, censor or prosecution of an officer or employee who is at fault or who neglects to perform an act or discharge a duty required by law, shall be ground for disciplinary action against said officer Sec. 15(3) R.A. No. 6770.
- 4) Direct the officer concerned in any appropriate case and subject to such limitations as it may provide in its rules of procedure, to furnish it with copies of documents relating to contracts or transactions entered into by his office involving the disbursement or use of public funds or properties, and report any irregularity to the Commission or Audit for appropriate Action. Sec. 15 (4). R.A. No. 6770.
- 5) Request any government Agency for assistance and information necessary in the discharge of its responsibilities, and to examine, if necessary, pertinent records and documents. Sec. 15(5) R.A. No 6770.
- 6) Publicize matters covered by its investigation of the matters mentioned in paragraphs (1) (2) (3) and (4) thereof, when circumstances so warrant and determine what cases may not be made public, provided further, that any publicity issued by the Ombudsman shall be balanced, fair and true. Sec. 15 (6) R.A. No. 6770.

- (7) Determine the causes of any efficiency, red tape, mismanagement, fraud, and corruption in the government and make recommendations for their elimination and the observance of standards of ethics and efficiency. Sec. 15(7) R.A. NO 6770
- (8) Administer oaths, issues subpoena and subpoena 'duces tecum', and take testimony in any investigation or inquiry, including the power to examine and have access to bank accounts and records. Sec. 15(8) R. A No 6770.
- (9) Punish for contempt in accordance with the rules of court and under the same procedure and with the same penalties provided therein, sec. 15 (9) R.A NO. 6770
- (10) Delegate to the deputies or its investigators or representatives such authorities or duties as shall ensure the effective exercise of performance of the powers, functions, and duties herein or herein after provided. Sec. 15 (10) R.A NO. 6770
- (11) Investigates and initiates the proper action for the recovery of ill gotten and/or unexplained wealth amassed after February 25, 1996, and the prosecution of the parties involved therein, sec. 15 (11) R. A NO. 6770
- (12) Promulgate its rules of procedure and exercise such other powers or perform such functions or duties as may be provided by law. Sec. 18 R. A NO .6770.
- (12) Promulgate its rules of procedure and exercise such other powers or perform

such functions or duties as be provided by law. Sec. 18 R. A NO. 6770.

CONSTITUTIONAL GUARANTEES INSULATING THE OFFICE FROM POLITICAL INFLUENCES AND INTERFERENCE IN AUSTRALIA

The organic provisions finally approved insulating the office from political influence or interference, taking cognizance of the fact that enormous powers were given to it (Ombudsman) in order that it might perform its functions without fear or favour.

In line with these, the Ombudsman was empowered by the following:

- Giving the ombudsman and his deputies whose appointments need no congressional confirmation, the rank of chairman and members, respectively, of a constitutional commission.
- Prescribing for them fixed term of office during which their salaries cannot be diminished.
- Removable from office only by impeachment and;
- Making it an independent office enjoying fiscal autonomy.

COMPARISON OF THE OMBUDSMEN IN: NIGERIA, THE UNITED KINGDOM AND AUSTRALIA.

In order to understand the similarities and differences in the structures and compositions of the ombudsmen in the above three countries, the need for us to make comparison of the ombudsmen becomes imperative especially as it concerns global best practices as well as to determine their nexus in operation. Below are the comparative features of the three countries under study.

LEGAL BACKUPS

There are laws that establish ombudsmen in the three countries. All are backed up by law and Act. The Nigerian Public Complaints Commission was established by Decree No. 31 of 16th October, 1975. The Australian Ombudsmen was established in 1970 by sec. 15-18. R. A. No 6770. While that of United Kingdom was established in the year 1867 by the Act of parliament known as Parliamentary Ombudsman Act.

NOMENCLATURE

The name given to Ombudsman in the three countries varies. For instance, in Nigeria, the name is Public Complaints Commissioner. In the United Kingdom, it is known as parliamentary commissioner. While it has no single known name in Australia. Each Ombudsman in every sector of the economy assumes the name it deems fit. For example, the Credit and Investments Ombudsman is called Credit and Investment Commissioner, et cetera.

STRUCTURAL CONFIGURATIONS

There are varieties of structural and organizational configurations in the Ombudsmen in the United Kingdom, Australia and Nigeria.

In Nigeria, it has its Head Quarters in Abuja with branches in each State of the Federation. Also the Commission is under the supervision of the Presidency. That of the United Kingdom is the responsibility of the Crown that appoints it and is under the supervision of the parliament. In Australia, there is a federal Ombudsman but each six states has their own Ombudsmen that oversees the various sectors of the economy. There is also a spatially decentralized aspect of Ombudsman unlike that of Nigeria and the United Kingdom that are unitary in their nature of composition.

Again, that of Nigeria serves as all purpose organization which can entertain cases from all departments, ministries and agencies. That of United Kingdom can operate with specific provisions and strict rules while their Australian counterpart operates in the form of specialized commission and each commission specializes in one aspect of problem.

JURISDICTION

In Nigeria, the Ombudsman has jurisdiction over any department, ministry of Federal or State government, any statutory corporation, any officer or servant of any of the above organizations.

In the United Kingdom, the jurisdiction of the Ombudsman is restricted to government departments, public records, Royal Mint and public trustees.

In Australia, all aspects of life in both governmental and non-governmental institutions in the country are apportioned to be captured by the Australian Ombudsman.

RESTRICTIONS

The Australian Ombudsman is not given powers to investigate any issues that have to do with States security or any related document.

In great Britain, there are certain areas of endeavours that the Parliamentary Commissioner cannot have powers to investigate. They include: (a) The police and incorporations (b) He will not study complaints for which statutory procedures already exist. (c) He will not entertain complaints which he thinks could reasonably be pursued through the courts or before any tribunals.

But in Nigeria, the Ombudsman cannot investigate: (a) any matter that is outside its

terms of reference. (b) Any matter that is pending before the federal executive council. (c) Any matter that is pending before any court of law (d) Any matters that has to do with the military organizations, etc.

REMUNERATION

In Nigeria and United Kingdom, the salaries and allowances of the Commissioners are FIXED by the President and the Parliament respectively. But in Australia, the salaries are not fixed, but are spatially distributed according to what is obtainable in each sector of the economy, that the Commissioners find themselves. Though, theirs enjoys fiscal Autonomy.

REMOVAL FROM OFFICE

In Nigeria, the President can remove the commissioners if they are found wanting of any financial or moral rectitude. In the United Kingdom also, the parliamentary commissioner can be removed from office through the powers invested in the parliament or the crown that appoints him/her but with subject to ratification by the parliamentarians.

However, in Australia, the removal from office is difficult. Such can be obtained only through a lawful impeachment which the commissioner must have been indicted with.

8. INSULATION OF THE OFFICE THE OMBUDSMAN FROM UNDUE POLITICAL INFLUENCES

Of all the Ombudsman in the three countries under study, only the Australian Ombudsman has succeeded in fully insulating their Ombudsman from undue political influences by:

(1) Giving enough powers to the Ombudsman in order that it might perform its functions without fear or favour.

(2) Appointment of the commissioners needs no congressional confirmation.

(3) Prescribing for them fixed term of office during which their salaries cannot be diminished.

(4) Making their removal from office by the politicians to be very difficult.

(5) Making it an independent office enjoying fiscal autonomy.

In the United Kingdom and Nigeria, their officers are not fully insulated as such. What is obtainable in the UK is that of removal either by the parliamentarians or the crown thus making it very easy for politicians to wield much influences over them.

Also in Nigeria, theirs is the most fragile of all the countries under study. The President can remove the Chief Complaints Commissioner or any of the Commissioners of the Ombudsman. This development makes the office of the Ombudsman in Nigeria to be exposed to more political threats and whims (Padfied 1972).

FINDINGS

Having made comparisons of the three Ombudsman in Nigeria, the United kingdom and Australia, the following findings were made.

1. The Australian style of Ombudsman remains the best of all. Having Decentralized the functions, powers and duties of their Commissioners.

2. The British and Nigerian Ombudsman are not insulated from political influences by the nature of their operation and termination of their appointment unlike their Australian counterpart.

3. The powers of the Australian Ombudsman are codified in the constitution of the country while that of U.K and Nigeria only operate through the Acts that established them.
4. While the Ombudsman in the U.K and in Nigeria will be removed from their offices, their Australian counterpart enjoys peaceful and harmonious tenure in offices without fear of victimization.
5. To be accepted as a global best practices in the contemporary society the need for reorganization and reformation of the entire UK and Nigerian Ombudsman to reflect what is obtainable in the Australian model and other advanced democracies are desirable.

CONCLUSION

The study has really dug deep into the roots of the structural configurations of the three countries' Ombudsman; namely: The United Kingdom, Nigeria and Australia.

Although, there are good features in these countries' Ombudsmen. The need for reforms and structural re-invigoration especially in the two countries; the United Kingdom and Nigeria desirable.

Even though the Australian Ombudsman is ranked best in this comparison, that does not mean that it is immune from corruption and political influences. The need for more reforms and effective checkmating of the powers given to the Commissioners in Australia is very vital, lest they become 'empire' of their own. In doing these, the global best practices of Ombudsman will be realized in these countries for efficient and effective performance in their service delivery.

RECOMMENDATIONS

The study has the following recommendations to submit:

1. The model of Australian Ombudsman is the best form of Ombudsman that is acceptable to transform the public service where there are multifaceted socio-economic problems.
2. There is need for the powers of removal from office that are granted to the Nigerian President and British parliament to be reviewed to reflect what is obtainable in the modern world.
3. The need for constitutional backups and codification of the powers, duties, and functions of the Ombudsman in the U.K. and in Nigeria is imperative. Such will guarantee stability of tenure, reduce tensions and political influences that often bedevil the system in both countries.
4. The study also suggests that the global best practices of Ombudsman in the universe are that which guarantee discretionary powers, avoid interferences in operation and which insulate the Ombudsman from all whims and caprices of external influences.

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