

AUSTRALIAN CAPITAL TERRITORY

ENFORCEMENT OF PUBLIC INTERESTS ORDINANCE 1973

EXPLANATORY MEMORANDUM

No. 24 of 1973

The purpose of this Ordinance is to enable the name of a person who wishes to take action against the Government for the enforcement of public interests by means of a relator action in a Court, to appear as plaintiff in the proceedings.

A relator action is one in which the Attorney-General formally institutes court proceedings at the instance of a private citizen to protect a public right or interest, in circumstances where no private citizen has a sufficient personal interest to institute the proceedings in his own name.

The Ordinance will avoid the appearance, where such proceedings are instituted against the Government, of the Attorney-General suing his own Government or colleagues. It accords with realities in that the action is in truth being brought not by the Attorney-General but by a private citizen.