



Local Government Standards Panel

Complaint Number	SP 2020-019
Legislation	<i>Local Government Act 1995</i>
Complainant	Councillor Ian Johnson
Respondent	Councillor Cate McCullough
Local Government	City of Swan
Regulation	Regulation 11 of the <i>Local Government (Rules of Conduct)</i> <i>Regulations 2007</i>
Panel Members	Mr Michael Connolly (Presiding Member) Cr Peter Rogers (Member) Mrs Emma Power (Member)
Heard	10 June 2020 Determined on the documents
Finding	1 x Breach of Regulation 11

FINDING AND REASONS FOR FINDING

Delivered 12 August 2020

DEFAMATION CAUTION

The general law of defamation, as modified by the *Defamation Act 2005*, applies to the further release or publication of all or part of this document or its contents. Accordingly, appropriate caution should be exercised when considering the further dissemination and the method of retention of this document and its contents.



Summary of the Panel's decision

1. On 10 June 2020, the Panel found that Cr McCullough a councillor of the City of South Perth (**"the City"**) did commit a minor breach pursuant to the Local Government Act 1995 (WA) (**"the Act"**) and regulation 11 of the Local Government (Rules of Conduct) Regulations 2007 (**"the Regulations"**) when she failed to declare an interest as to impartiality prior to voting for the Mayor at the Special Council Meeting of 21 October 2019 as specified in paragraph 15 below.

The Panel's Role

2. Under section 5.110(2) of the Act the Panel is required to consider a minor breach complaint and make a finding as to whether the alleged minor breach occurred.
3. The Act provides for the circumstances in which a council member commits a minor breach.¹
4. The Panel may make a finding that a councillor has committed a minor breach of the Act and Regulations based on evidence from which it may be concluded that it is more likely that the alleged breach occurred than it did not occur.²
5. In order to find a breach, it must be established that each element of the relevant Regulation is more likely than not to have been breached or met.
6. In considering whether a minor breach is established the Panel must consider:
 - a. all evidence provided and, where there are conflicting circumstances, inferences or evidence, must come to a reasonable conclusion that any circumstance, inference or evidence relied upon is more likely than not to have occurred or be accurate³; and
 - b. the seriousness of any allegation made, as well as the gravity of the consequences flowing from a particular finding⁴.
7. The Panel does not possess investigative or supervisory powers.⁵ The Panel makes decisions about complaints regarding minor breaches solely upon the evidence presented to it and, where appropriate, materials published by the relevant local authority's website.
8. It is the responsibility of both complainants and respondents to provide the Panel with all information they wish the Panel to consider when making its determination.
9. The Panel also must have regard to the general interests of local government in Western Australia⁶.
10. The Panel is obliged to give notice of the reasons for any finding it makes under section 5.110(2) of the Act.

¹ Section 5.105 of the Act

² Section 5.106 of the Act

³ Bradshaw v McEwans Pty Ltd (1951) 217 ALR 1

⁴ Briginshaw v Briginshaw (1938) 60 CLR 336

⁵ Re and Local Government Standards Panel [2015] WASC 51 (at paragraph 24)

⁶ Section 8(6) of Schedule 5.1 of the Act



Jurisdiction and Procedural Fairness

11. On 9 March 2020 the Panel received an email from Mr Michael Foley acting as complaints officer of the City ("**the Complaints Officer**"). The same enclosed a Complaint of Minor Breach Form dated 4 March 2020.
12. In the complaint the Complainant alleges that Cr McCullough has allegedly breached regulation 11 of the Regulations when she failed to declare an impartiality interest prior to the Council voting for the position of Mayor during the Special Council Meeting of the City on 23 July 2019 ("**the SCM**") as set out in paragraph 15 below ("**the Complaint**").
13. The Panel convened 10 June 2020 to consider the Complaint.
14. The Panel:
 - a. accepted the advice of the Department of Local Government, Sport and Cultural Industries ("**the Department**") that, based on information published on the Western Australian Electoral Commission's website, Cr McCullough was:
 - i. was elected to the Council of the City in in October 2019 for a term expiring in October 2023;
 - ii. a Councillor at the time of the alleged breach; and
 - iii. a Councillor when the Panel met on 10 June 2020;
 - b. was satisfied the Complaint was made within six months after the alleged breach occurred⁷;
 - c. was satisfied that the City's Complaints Officer had dealt with the Complaint in accordance with the administrative requirements in the Act for dealing with complaints of a minor breach⁸;
 - d. was satisfied the Department had provided procedural fairness to Cr McCullough; and
 - e. found it had jurisdiction to consider the Complaint.

The Specifics of the Complaint

15. The Complainant makes the following particular arguments and allegations in respect to the Complaint:
 - a. Cr Cate McCullough failed to declare an impartiality interest when voting in the Mayoral election at the City of Swan Special Council Meeting held on 21 October 2019 ("**the SCM**")
 - b. Cr McCullough's husband, Cr Kevin Bailey, who lives at the same address, was a candidate in the Mayoral election.
 - c. Cr McCullough should have declared the interest in the Mayoral election and not voted.
 - d. Prior to the election of the Mayor the elected councillors gave the Declaration of Office. When making this Declaration, Cr McCullough noted her residential address, which was the same address as Cr Kevin Bailey. Cr Bailey was Cr McCullough's de-facto partner at that time and is now her husband.

⁷ Section 5.107(4) and 5.109(2) of the Act

⁸ Section 5.107 and 5.109 of the Act



- e. The Act at Schedule 2.3 Division one Section (5) states that when electing the Mayor:
 - “ *The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.*”
- f. Section 5.65 of the Act requires that interests in matters to be discussed are to be disclosed.
- g. The election of Mayor is clearly a matter in which an interest needs to be declared if a Councillor has an interest.
- h. Cr McCullough has been a Councillor for 4 years and is well aware of the procedure for declaring interests, and the nature of interests. There was a form available to her at the SCM.
- i. Although the agenda did not contain an item of “declaration of interests” this does not mean that section 5.65 does not apply. The Act overrides the agenda document as the agenda does not carry any legal weight.
- j. Cr McCullough had an interest in her husband, Cr Bailey, being elected as Mayor as there are financial and other benefits.
- k. Cr McCullough shares in the benefit of Cr Bailey's Mayoral allowance and attends various events as the Mayor's partner. This is clearly an interest.
- l. Any reasonable person would expect Cr McCullough to declare at a minimum an impartiality interest, which would have allowed her to remain in the chamber and vote.
- m. This is a clear breach of regulation 11.
- n. In the Complainant's opinion the Panel should also issue a statement about whether this is also a serious breach, and if it is not, why not, as the Act is ambiguous on this point.

Respondent's Response

- 16. By an email dated 4 May 2020 Cr McCullough provided a response to the Complaint.
- 17. Cr McCullough denies that she has committed any minor breach.
- 18. Cr McCullough made various comments and arguments in respect of the allegation of Minor Breach, summarised as follows:
 - a. Cr McCullough does not accept the information detailed in the Complaint.
 - b. At the time that this complaint was lodged, the City of Swan provided a copy of the legal advice that it had received on this matter to the Department, as the Chief Executive Officer (“**the CEO**”) considered that it was relevant to the complaint and to the deliberations of the LG Standards Panel.
 - c. Cr McCullough believes that this Complaint is an attack as to her character and conduct.
 - d. Consistent acts of bullying, intimidation and discrimination by certain Councillors is causing Cr McCullough distress, anxiety and damaging her reputation within the Community.
- 19. The Complainant also provided a copy of the email dated from the CEO of the City to all Councillors which summarised legal advice received by the City which contained the following advice summary:



“1. Councillor McCullough did not need to declare a financial interest prior to the election of the Mayor.

The election of the Mayor is dealt with under Schedule 2.3 of the Local Government Act. Under this schedule “Councillors are to vote on the matter by secret ballot as if they were electors voting in an election”. Electors are not required to disclose interests prior to voting. The provisions of 5.65 (Members’ interests in matters to be discussed at meetings to be disclosed) do not apply.

2. *Even if the disclosure interests provisions had been applicable, the exemption in section 5.63 would be applicable as the interest relates to ‘a fee, reimbursement of an expense, or an allowance’. This exemption applies not only to the ‘relevant person’ (in this case Councillor Bailey), but also to any person who has an interest only because they are a closely associated person to the ‘relevant person’ (in this case Councillor McCullough).”*

Regulation 11

20. Regulation 11 requires a councillor to disclose what is commonly referred to as an “impartiality interest”. The relevant parts of regulation 11 provide:

“11. Disclosure of interest

- (1) *In this regulation —*

interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

- (2) *A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest —*

- (a) *in a written notice given to the CEO before the meeting; or*
(b) *at the meeting immediately before the matter is discussed.*

- (3) *Subregulation (2) does not apply to an interest referred to in section 5.60 of the Act.*

- (4) *Subregulation (2) does not apply if —*

- (a) *a person who is a council member fails to disclose an interest because the person did not know he or she had an interest in the matter; or*
(b) *a person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.*

- (5) *If, under subregulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then —*

- (a) *before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and*



- (b) *at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.*
- (6) *If —*
- (a) *under subregulation (2)(b) or (4)(b) a person’s interest in a matter is disclosed at a meeting; or*
 - (b) *under subregulation (5)(b) notice of a person’s interest in a matter is brought to the attention of the persons present at a meeting,*
the nature of the interest is to be recorded in the minutes of the meeting.”

Panel’s Consideration

21. To make a finding of a minor breach of regulation 11 of the Regulations the Panel must be satisfied that it is more likely than not that:
- a. Cr McCullough was an elected member at the time of the alleged breach and the time of the determination;
 - b. Cr McCullough attended the council or committee meeting and was present when the relevant matter came before the meeting and was discussed;
 - c. subject to regulation 11(3), Cr McCullough had a private or personal interest in a matter in which an apparent or real conflict of interest or a bias arises that does, or might, adversely affect the member’s impartiality in considering such matter;
 - d. Cr McCullough did not disclose the nature of the relevant interest in the matter in either of the ways required by regulation 11(2)(a) or regulation 11(2)(b); and
 - e. regulation 11(4) does not apply.

Cr McCullough was an elected member at the time of the alleged breach and the time of the determination

22. Cr McCullough was a councillor at the time of the alleged breach and at the time the Panel considered the Complaint.
23. This element is met.

Cr McCullough attended at the council or committee meeting and was present during discussion of the matter

24. The relevant matter the subject of the Complaint was discussed at the Special Council Meeting of 21 October 2019.
25. The Minutes indicate that Cr McCullough was present at the OCM and for the vote relating to the appointment of the Mayor.
26. This element is met.

Subject to Regulation 11(3), Cr McCullough has an interest in the matter

27. In regulation 11(1) an “interest” is defined as:

*“**interest** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”*



28. This is commonly referred to as an “impartiality interest”
29. Other interests that may be held by councillors contemplated by the Act (although not Regulation 11) are:
 - a. a direct or indirect financial interest as described in section 5.61 or section 5.60A of the Act; and
 - b. a proximity interest under section 5.60B of the Act.
30. The issue of councillors declaring a financial interest does not fall under Regulation 11, being excluded by virtue of regulation 11(3). Neither does section 5.65 relate to, or impact on, Regulation 11 obligations.
31. Therefore, although, the Complainant makes reference to Cr McCullough gaining financial advantage due to her relationship with the Mayor, this is not the type of interest contemplated by Regulation 11.
32. Regulation 11 is solely concerned with impartiality interests.
33. The Panel only has the jurisdiction to consider impartiality interests and possible minor breaches of Regulation 11, and is not empowered to make decisions relating to alleged serious breaches pursuant to the Act.
34. The Panel notes the advice provided to the City was provided only in respect to whether an obligation to make a financial disclosure was applicable and is not substantially applicable to Regulation 11.
35. In respect to the assertion that the provisions of Schedule 2.3 (being that the councillors may only vote on the matter by secret ballot) excludes the obligation for a councillor to make disclosure is flawed. There is no provision in the Act which supports such argument.
36. This position would also not be generally considered to be in the interests of the local government system as, even when voting by secret ballot or behind closed doors, it is a fundamental feature of the operation of local Councils that councillors properly declare interests to ensure transparency and accountability in decision making.
37. Further, the Act and Regulations clearly distinguish between the different types of interests that may be declared and recognise that failure to disclose a financial or proximity interest is considered a more serious type of breach than a failure to disclose an impartiality interest.
38. In order for there to be a declarable impartiality interest either:
 - a. it must be more likely than not that, when viewed objectively, the relevant interest is one that a fair-minded informed observer might reasonably apprehend or perceive might be a conflict of interest or a bias; or
 - b. the relevant association to or with a councillor might adversely affect the councillor’s impartiality in considering the matter on the basis that the councillor’s mind might not be open to persuasion in regard to the matter, or the member might not be willing to give genuine and appropriate consideration to the matter, the matters required by law to be taken into account, and any recommendation of council officers or a committee, as the case requires.
39. In this case the Panel finds that it is more likely than not that the first instance applies as it would be generally assumed, by a reasonable person, that a wife would have a bias towards voting for her husband, rather than any other party.
40. This is beyond a simple preference for a particular candidate (as may be held by any elector) and arises due to the particular personal relationship between the parties.

There need not be an *actual* conflict, the *apprehension* of bias is enough to trigger the requirements of this Regulation.

41. In this case, the Panel finds that it is more likely than not that the relationship between Cr McCullough and Cr Bailey was enough to give rise to a perceived interest arising from kinship between the parties.
42. It is important to note that, once an impartiality interest is declared, this does not mean that a party may not vote in respect to the relevant decision. Once an impartiality interest is declared, the member's involvement in the meeting continues. However, making a disclosure of this type makes it clear to all other council members and the public that a bias could possibly arise.
43. This element is met.

Cr McCullough did not disclose the nature of the relevant interest in the matter

44. It is clear on perusal of the Minutes of the SCM that Cr McCullough did not make any disclosure as to an impartiality interest.
45. Cr McCullough makes no assertion to the contrary.
46. This element is met.

Regulation 11(4) does not apply.

47. A party is not required to disclose where:
 - a. the person did not know they had an interest in the matter; or
 - b. the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
48. This exception applies where the councillor in question does not have a reasonable apprehension that an interest may exist. It does not apply where the party is aware of the relevant relationship or association but *did not consider they were required* to make a disclosure.
49. As such, in this case the Panel finds to the required standard that these exceptions do not apply as Cr McCullough was aware of her existing relationship with her husband and no disclosure was made.
50. This element is met.

Conclusion

51. The elements required to find a breach of regulation 11 of the Regulations have been met.

Panel's Findings

52. Cr McCullough did breach Regulation 11 of the Regulations and therefore did commit a minor breach.



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Mick Connolly (Presiding Member)

A handwritten signature in black ink, appearing to read 'Emma Power', written above a horizontal line.

Emma Power (Member)

A handwritten signature in black ink, appearing to read 'Peter Rogers', written above a horizontal line.

Peter Rogers (Member)



Local Government Standards Panel

Complaint Number	SP 2020-019
Legislation	<i>Local Government Act 1995 (WA)</i>
Complainant	Cr Ian Johnson
Respondent	Cr Cate McCullough
Local Government	City of Swan
Regulation	Regulation 11 of the <i>Local Government (Rules of Conduct) Regulations 2007 (WA)</i>
Panel Members for Penalty Consideration	Mr Michael Connolly (Presiding Member) Cr Peter Rogers (Member) Mrs Emma Power (Member)
Heard	10 June 2020 Determined on the documents
Penalty Considered	2 September 2020
Outcome	Training

DECISION AND REASONS FOR DECISION

Delivered 21 September 2020

DEFAMATION CAUTION

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Introduction

1. At its meeting on 10 June 2020, the Panel found that Councillor Cate McCullough, councillor for the City of Swan (“**the City**”), committed one minor breach under the Local Government Act 1995 (WA) (“**the Act**”) and regulation 11 of the *Local Government (Rules of Conduct) Regulations 2007* (WA) (“**the Regulations**”) when she failed to declare an interest as to impartiality prior to voting for the Mayor at the Special Council Meeting of 21 October 2019 (“**the Minor Breach**”).

Jurisdiction and Law

2. The Panel convened on 2 September 2020 to consider how it should deal with the Minor Breach.
3. The Panel accepted the advice of the Department of Local Government, Sport and Cultural Industries (“**the Department**”) that on this date there was no available information to indicate that Cr McCullough had ceased to be, or was disqualified from being, a councillor.
4. If the Panel finds that a councillor has committed a minor breach, it must give the councillor an opportunity to make submissions to the Panel about how it should deal with the breach under section 5.110(6).¹
5. By a letter dated 13 August 2020, Cr McCullough was:
 - a. notified of the Panel’s finding of the Minor Breaches;
 - b. provided with a copy of the Panel’s Finding and Reasons for Finding; and
 - c. offered an opportunity to make submissions as to how the Minor Breach should be dealt with under section 5.110(6) of the *Act*.

Possible Sanctions

6. Section 5.110(6) of the *Local Government Act 1995* (WA) (“**the Act**”) provides that the Panel is to deal with a minor breach by:
 - (a) *ordering that no sanction be imposed; or*
 - (b) *ordering that —*
 - (i) *the person against whom the complaint was made be publicly censured as specified in the order;*
or
 - (ii) *the person against whom the complaint was made apologise publicly as specified in the order;*
or
 - (iii) *the person against whom the complaint was made undertake training as specified in the order;*
or
 - (iv) *the person against whom the complaint was made pay to the local government specified in the order an amount equal to the amount*

¹ *Local Government Act 1995* (WA), s 5.110(5).



of remuneration and allowances payable by the local government in relation to the complaint under Schedule 5.1 clause 9;

or

(c) ordering 2 or more of the sanctions described in paragraph (b).

Councillor McCullough's Submissions

7. By an email dated 21 August 2020, the Department received a response from Cr McCullough. In her response Cr McCullough states that:
 - a. When Cr McCullough voted in the election of the Mayor she was voting as if she was an elector on behalf of her constituents.
 - b. The City had legal advice that confirms that Cr McCullough did not have a financial interest.
 - c. The City of Swan is seeking legal advice regarding the impartiality interest, however, when Cr McCullough was voting in the election of the Mayor she was voting as if she was an elector and she did not realise that she needed to declare an impartiality interest.
 - d. Cr McCullough doesn't believe that this matter would be covered by any training offered by WALGA and if this is the finding then she would think it would have wider implications for a number of elected members across WA.
 - e. Cr McCullough therefore respectfully does not consider that any sanction should be applied in this unique instance.

Panel's Consideration

8. Section 5.110(6) is about penalty. The Panel does not have the power to review any finding of a breach.
9. The Panel may order under section 5.110(6)(a), that no sanction be imposed, not to reverse the Panel's finding of a breach, but to indicate that in all the circumstances the relevant councillor should not be penalised further.
10. Guidance as to the factors which the Panel may consider in determining the appropriate penalty to impose include, but are not limited to, the following:
 - a. the nature and seriousness of the breaches;
 - b. the councillor's motivation for the contravention;
 - c. whether or not the councillor has shown any insight and remorse into his/her conduct;
 - d. whether the councillor has breached the Act knowingly or carelessly;
 - e. the councillor's disciplinary history;
 - f. likelihood or not of the councillor committing further breaches of the Act;
 - g. personal circumstances at the time of conduct, and of imposing the sanction;
 - h. need to protect the public through general deterrence and maintain public confidence in local government; and



- i. any other matters which may be regarded as aggravating conduct or mitigating its seriousness².
11. The Panel does not consider it appropriate to impose no sanction in relation to the Minor Breach as this would condone Cr McCullough's conduct.
12. The Panel acknowledges that, subsequent to the relevant conduct, the City received legal advice that Cr McCullough's conduct did not require a declaration of a financial interest.
13. However, the impartiality interests contemplated by Regulation 11 require a much lower threshold to reach in order to require declaration of an interest by a Councillor.
14. Irrespective of whether Cr McCullough was acting as if she was an elector or representing her constituents (which she both asserts) the requirement to declare arises where a fair-minded informed observer might reasonably apprehend or perceive there could be a conflict of interest or a bias due to the particular relationship between the parties.
15. It is a fundamental feature of the operation of local Councils that councillors properly declare interests to ensure transparency and accountability in decision making. Therefore councillors should always err on the side of caution.
16. A declaration of an impartiality interest is not an acknowledgment that such a bias exists. It is only an acknowledgment that a reasonable third party may perceive a conflict could arise.
17. Where a married or de-facto couple are serving on the same council a unique situation arises where each must be careful that they acknowledge a possible perception of bias by making a declaration they recognise such perception may exist, especially where a vote relates particularly to their partner.
18. Cr McCullough does not acknowledge that she may have acted in breach of the Regulations, but seeks to excuse her behaviour due to her "unique circumstances".
19. In this instance, the appropriate penalty is that Cr McCullough undertake training so that she may properly identify the different types of conflicts that may arise under the Act and circumstances where she should declare an interest under Regulation 11 in the future.
20. The sanction of an order to undertake training also aligns with the intent of the Act and the purpose of the civil penalties under the Act to ensure future compliance with the statutory obligations imposed on councillors for the better protection of the public.

² Chief Executive Officer, Department of Local Government and Communities and Scaffidi [2017] WASAT 67 (S)



Panel's decision

21. The Panel orders pursuant to section 5.110(6)(b)(iii) of the Act that, in relation to the Minor Breach of regulation 11 of the Regulations, Cr McCullough undertake training as set out in the attached Order.

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Mick Connolly (Presiding Member)

A handwritten signature in blue ink, appearing to read 'Emma Power'.

Emma Power (Member)

A handwritten signature in blue ink, appearing to read 'Peter Rogers'.

Peter Rogers (Member)



ORDER

Delivered 21 September 2020

DEFAMATION CAUTION

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THE LOCAL GOVERNMENT STANDARDS PANEL ORDERS THAT:

Within 4 months of the date of this Order, Councillor Cate McCullough, a Councillor for the City of Swan, shall undertake:

1. the training course for Elected Members "*Conflicts of Interest*" provided by WA Local Government Association (WALGA) for a period of no less than 3.5 hours, attending either in person or via e-learning; or
2. a training course with substantially similar learning outcomes provided by an alternative registered training organisation for a period of not less than 3.5 hours.

Mick Connolly (Presiding Member)

Emma Power (Member)

Peter Rogers (Member)



NOTICE TO THE PARTIES TO THE COMPLAINT

RIGHT TO HAVE PANEL DECISION REVIEWED BY THE STATE ADMINISTRATIVE TRIBUNAL

The Local Government Standards Panel (the Panel) advises:

- (1) Under section 5.125 of the *Local Government Act 1995* the person making a **complaint** and the person complained about each have the right to apply to the **State Administrative Tribunal (the SAT)** for a review of the Panel's decision in this matter. In this context, the term "decision" means a decision to dismiss the complaint or to make an order.
- (2) By rule 9(a) of the *State Administrative Tribunal Rules 2004*, subject to those rules an application to the SAT under its review jurisdiction must be made within 28 days of the day on which the Panel (as the decision-maker) gives a notice [see the Note below] under the *State Administrative Tribunal Act 2004 (SAT Act)*, section 20(1).
- (3) **The Panel's Breach Findings and these Findings and Reasons for Finding – Sanctions**, constitute the Panel's notice (i.e. the decision-maker's notice) given under the *SAT Act*, section 20(1).

Note:

- (1) This document may be given to a person in any of the ways provided for by sections 75 and 76 of the *Interpretation Act 1984*. [see s. 9.50 of the *Local Government Act 1995*]
- (2) Subsections 75(1) and (2) of the *Interpretation Act 1984* read:
 - "(1) Where a written law authorises or requires a document to be served by post, whether the word "serve" or any of the words "give", "deliver", or "send" or any other similar word or expression is used, **service shall be deemed** to be effected by properly addressing and posting (by pre-paid post) the document as a letter to the last known address of the person to be served, and, **unless the contrary is proved, to have been effected at the time when the letter would have been delivered in the ordinary course of post.** [Bold emphases added]
 - (2) Where a written law authorises or requires a document to be served by registered post, whether the word "serve" or any of the words "give", "deliver", or "send" or any other similar word or expression is used, then, if the document is eligible and acceptable for transmission as certified mail, the service of the document may be effected either by registered post or by certified mail."
- (3) Section 76 of the *Interpretation Act 1984* reads:

"Where a written law authorises or requires a document to be served, whether the word "serve" or any of the words "give", "deliver", or "send" or any other similar word or expression is used, without directing it to be served in a particular manner, service of that document may be effected on the person to be served —

 - (a) by delivering the document to him personally; or
 - (b) by post in accordance with section 75(1); or
 - (c) by leaving it for him at his usual or last known place of abode, or if he is a principal of a business, at his usual or last known place of business; or
 - (d) in the case of a corporation or of an association of persons (whether incorporated or not), by delivering or leaving the document or posting it as a letter, addressed in each case to the corporation or association, at its principal place of business or principal office in the State."