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## Local Government Standards Panel

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Complaint Number	20230185
Legislation	<i>Local Government Act 1995</i>
<b>Complainant</b>	<b>Councillor Catherine Lezer</b>
<b>Respondent</b>	<b>Councillor Brent Fleeton</b>
Local Government	<b>City of Perth</b>
Regulation	Regulation 20 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i> Regulation 34D of the <i>Local Government (Administration) Regulations 1996</i>
Panel Members	Mr Tim Fraser (Presiding Member) Mrs Emma Power (Member) Cr Peter Rogers (Member)
Heard	2 February 2023 Determined on the documents
Finding	Breach x 1 Regulation 20(4)(a) Breach x 1 Regulation 34D

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### FINDING AND REASONS FOR FINDING

Delivered 22 February 2023

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#### 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 2 February 2023, the Panel found that Councillor Brent Fleeton, a councillor of the City of Perth ("**the City**"):
  - a. did commit a minor breach pursuant to the *Local Government Act 1995 (WA)* ("**the Act**") and regulation 20 of Division 4 of the *Local Government (Model Code of Conduct) Regulations 2021* ("**the Regulations**"); and
  - b. did commit a minor breach pursuant to the Act and Regulation 34D of the *Local Government (Administration) Regulations 1996* ("**the Administration Regulations**"),

when at the Ordinary Council Meeting of 22 November 2022 he made various comments referring to the actions of past City councillors and staff as "criminal" as further set out in paragraph 17 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 and the *Local Government (Administration) Regulations 1996* provide for the circumstances in which a council member commits a minor breach.
4. Section 5.105(1) of the Act provides that a council or committee member commits a minor breach if the council or committee member contravenes a rule of conduct. Division 4 of the Regulations sets out the rules of conduct for council members and candidates.
5. Regulation 34D of the *Local Government (Administration) Regulations 1996* also provides that the contravention of a "*local law as to conduct*" is a minor breach pursuant to the Act.
6. 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.<sup>1</sup>
7. 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.
8. 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 accurate<sup>2</sup>; and

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<sup>1</sup> Section 5.106 of the Act

<sup>2</sup> *Bradshaw v McEwans Pty Ltd* (1951) 217 ALR 1



- b. the seriousness of any allegation made, as well as the gravity of the consequences flowing from a particular finding<sup>3</sup>.
9. The Panel does not possess investigative or supervisory powers.<sup>4</sup> The Panel makes decisions about complaints regarding minor breaches solely upon the evidence presented to it and, where appropriate, materials in the public domain or published by the relevant local authority's website.
10. 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.
11. The Panel also must have regard to the general interests of local government in Western Australia<sup>5</sup>.
12. The Panel is obliged to give notice of the reasons for any finding it makes under section 5.110(2) of the Act.

### **Jurisdiction and Procedural Fairness**

13. On 5 December 2022 the Panel received a complaint from Mr Charlie Clarke acting as complaints officer of the City ("**the Complaints Officer**"). The same enclosed a Complaint of Minor Breach Form dated 22 November 2022.
14. In the Complaint of Minor Breach Form the Complainant has alleged that Cr Fleeton has breached Regulation 20 of the Act and Regulation 34D of the Administration Regulations when at the Ordinary Council Meeting of 22 November 2022 he made various comments referring to the actions of past City councillors and staff as "criminal" as set out in paragraph 17 ("**the Complaint**").
15. The Panel convened on 2 February 2023 to consider the Complaint.
16. 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 Fleeton was:
    - i. elected to the Council of the City in October 2021 for a term expiring in October 2025;
    - ii. a Councillor at the time of the alleged breach; and
    - iii. a Councillor when the Panel met on 2 February 2023;
  - b. was satisfied the Complaint was made within six months after the alleged breach occurred<sup>6</sup>;

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<sup>3</sup> Briginshaw v Briginshaw (1938) 60 CLR 336

<sup>4</sup> Re and Local Government Standards Panel [2015] WASC 51 (at paragraph 24)

<sup>5</sup> Section 8(6) of Schedule 5.1 of the Act

<sup>6</sup> Section 5.107(4) and 5.109(2) of the Act



- 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 breach<sup>7</sup>;
- d. was satisfied the Department had provided procedural fairness to Cr Fleeton; and
- e. found it had jurisdiction to consider the Complaint.

### **The Specifics of the Complaint**

17. The Complainant provided the following comments and arguments in respect to the Complaint as summarised by the Panel:
  - a. When Cr Fleeton was discussing Item 13.1 Parking Fee Review at the Ordinary Council Meeting of 22 November 2022 ("**the OCM**") he referred to the City as "criminal" in the way it conducted business.
  - b. This statement of false and misleading and contravenes:
    - i. Regulations 20(4);
    - ii. Regulation 34D;
    - iii. Sections 1.1, 2.3 and 2.4 of the City's Code of Conduct.
18. The Complainant also provided a link to the OCM recording.

### **The Respondent's Response**

19. By an email dated 11 January 2023, Cr Fleeton provided a response to the Complaint.
20. Cr Fleeton denies that he has committed any minor breach.
21. Cr Fleeton provided the following comments and arguments regarding the Complaint:
  - a. The comments Cr Fleeton made in the chamber during debate were not as the Complainant has reported them to be.
  - b. The comments outlined how the poor management of the parking business unit by previous administration officers and councillors as a collective have led to the dire situation we are now in charge of fixing. It was a rhetorical point to emphasise the gravity of the situation.
  - c. No individual was named, and no current/existing City officer or Councillor was the target of this debate.

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<sup>7</sup> Section 5.107 and 5.109 of the Act



- d. If any Elected Member had issue with the actual comments made, a Point of Order should have been raised in the meeting and the Lord Mayor would have made a decision.
- e. That would have been the appropriate mechanism to deal with the Complainant's concerns. The Complainant also could have spoken during the debate to counter any claims made which she viewed as problematic. She did not do this.

## **PANEL'S CONSIDERATION**

### **Regulation 34D**

22. Regulation 34D of the Administration Regulations reads:

*"(1) In this regulation —*

***"local law as to conduct"** means a local law relating to conduct of people at council or committee meetings.*

*(2) The contravention of a local law as to conduct is a minor breach for the purposes of section 5.105(1)(b) of the Act."*

23. Section 5.105(1)(b) of the Act states as follows:

*"A council member commits a minor breach if he or she contravenes*

*...*

*(b) a local law under this Act, contravention of which the regulations specify to be a minor breach."*

24. To make a finding of a minor breach of regulation 34D of the Administration Regulations the Panel must be satisfied, to the required standard, that:

- a. Cr Fleeton was a councillor at the time of the alleged breach and the time of the determination;
- b. the conduct occurred during a council or committee meeting; and
- c. Cr Fleeton breached a valid provision of a local law as to conduct being the *City of Perth Standing Orders Local Law 2009* ("**the Standing Orders**").

### **Cr Fleeton was a Councillor at the relevant times**

25. Cr Fleeton was a councillor at the time of the alleged breach and at the date the Panel considered the Complaint.

26. This element is met.

### **The conduct occurred at a council or committee meeting**

27. The relevant conduct occurred during the Ordinary Council Meeting of 22 November 2022.



28. This element is met.

Cr Fleeton breached a valid provision of the *City of Perth Standing Orders Local Law 2009*

29. It is an essential element to find a minor breach of Regulation 4 that the breach is of a “*local law relating to conduct of people at council or committee meetings*”.

30. This has two requirements being that:

- a. the same is a “local law”, being the formal gazetted meeting procedures or standing orders local law<sup>8</sup> (the Standing Orders is such a law); and
- b. the relevant Meeting Procedure clause breached must relate to “conduct” rather than being concerned as to procedure.

31. In this case the relevant clause of the Standing Orders to be section 4.11 which provides as follows:

“ **7.4 Adverse reflection**

(1) *A member must not reflect adversely on a decision of the Council or a committee except on a motion that the decision be revoked or changed.*

(2) *A member must not —*

(a) *reflect adversely on the character or actions of another member or employee; or*

(b) *impute any motive to a member or employee,*

*unless the Council or Committee resolves, without debate, that the motion then before Council or Committee before the meeting cannot otherwise be adequately considered.”*

32. The State Administrative Tribunal has previously established that a local government’s standing orders/meeting procedures that refer to the prohibition on a elected member’s conduct in terms substantially similar to provision 7.4 relates to “conduct” for the purposes of Regulation 34D (then regulation 4 of the *Local Government (Rules of Conduct) Regulations 2007*)<sup>9</sup>.

33. To make a finding that this provision has been breached, the comments by Cr Fleeton must reflect adversely on the character or actions of another member or employee.

34. There is no definition of “*adverse reflection*” in the Standing Orders, Act or Regulations.

35. “*Adverse*” is defined as “*acting against or in a contrary direction or Hostile*”<sup>10</sup>.

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<sup>8</sup> See *Ryan and Local Government Standards Panel* [2009] WASAT 154 and *Steck and Local Government Standards Panel* [2011] WASAT 117.

<sup>9</sup> *Treby and Local Government Standards Panel* [2009] WASAT 224

<sup>10</sup> “Adverse.” Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/adverse>. Accessed 5 Aug. 2020.



36. The Panel considers that the use of the word “*adverse*” requires a higher level of negativity than mere disapproval or disagreement.
37. In respect to the word “reflection”, the Panel has taken this word in its common usage, and in the context of the Act, to mean “*consideration of some subject matter, idea, or purpose*”<sup>11</sup>.
38. Therefore, a council member will reflect adversely upon the actions of another member if the council member makes a remark or observation that relates to anything done by the other elected member or staff member, and the remark or observation would be perceived by a reasonable person as tending to lower a person in the estimation of his or her fellow persons by making them think less of him or her<sup>12</sup>.
39. A council member will “*impute a motive*” to another member if the council member attributes something to the other member as the other member’s goal or object for acting or not acting in the manner that the other member acted or did not act<sup>13</sup>.
40. In this case the Panel does not consider that the relevant fall under the category of imputing a motive.
41. The Panel has reviewed the recording of the OCM and notes the relevant phrase spoken by Cr Fleeton was as follows:

*“ It’s criminal how badly this business has been treated by former councillors and former administration officers ...”*
42. This comment and the relevant speech was made in the context of parking fees and the related business unit within the City.
43. In respect to the actual comment made, although it was clearly intended to be somewhat hyperbolic in nature, the Panel considers that this manner of comments feeds into the well-worn trope that councillors and local governments are all “*crooks on the take*”.
44. This is particularly relevant in the context that the City of Perth has, fairly recently, undergone a significant Inquiry into alleged misconduct by councillors and administrative staff.
45. In that environment, the Panel considers that the reference to prior councillors and staff being “criminal” would be taken more seriously than a simple exaggeration by a reasonable observer.
46. As such, the Panel considers that the comment goes further than disapproval or disagreement, but implied that there had been criminal, or at least serious, wrongdoing.

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<sup>11</sup> “Reflection.” Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/reflection>. Accessed 5 Aug. 2020.

<sup>12</sup> Local Government Standards Panel SP 30 of 2008

<sup>13</sup> Local Government Standards Panel SP 30 of 2008



47. To clarify, it is not a breach for Cr Fleeton to assert or imply that the fees and services discussed needed to be improved or that those matters had not been managed ideally in the past. However, it is not proper to infer that there has been some serious wrongdoing by prior councillors or administrative staff in making that argument.
48. In addition to the above, Regulation 20(4) does not specify whether it relates to comments regarding current or prior elected members or employees. However, as the intent of the Regulation is to prevent disruptive or offensive conduct occurring in the chamber or unsubstantiated allegations being made, the Panel considers that the Regulation equally applies to current or former elected members and employees of the City.
49. Further, the fact that there were no particular individuals named does not support the argument that there has been no breach. Clearly this manner of comment generally reflects poorly on the employees and councillors of the City generally and brings the local government into disrepute.
50. The Panel notes the assertion by Cr Fleeton in his response that making a point of order would have been an appropriate manner for the Complaint to raise this issue.
51. The Panel generally agrees with this position, however, the fact that a point of order was not raised at the time does not preclude a complaint being made to the Panel.
52. The Panel does not consider the remaining comments to rise to the level of being considered a “adverse reflection” or “imputing a motive” to City employees.
53. The Panel finds to the required standard that Cr Fleeton did breach clause 7.4(2)(a) of the Standing Orders.
54. This element is met.

#### Conclusion

55. The elements required to find a breach of regulation 34D of the Regulations have been met.

### **REGULATION 20**

56. Regulation 20 regulates councillors’ interactions with local government employees:  
    **“ 20. Relationship with local government employees**  
        (1) *In this clause —*  
            ***local government employee*** means a person —  
            (a) *employed by a local government under section 5.36(1) of the Act;*  
            or  
            (b) *engaged by a local government under a contract for services.*  
        (2) *A council member or candidate must not —*  
            (a) *direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or*







62. This element is met.

Regulation 20(4)(a) - The comments made state or imply that the government employee was incompetent or dishonest

63. The relevant comment as set out in paragraph 41 above.

64. Cr Fleeton asserts that the Complainant has misrepresented what he said and that his comment was rhetorical in nature.

65. The Panel refers to its commentary in paragraphs 43 to 47 inclusive above.

66. In this case, the referral to the conduct of prior councillors and staff members as “criminal” goes further than a call for a better level of service.

67. The Panel considers the same to amount to an implication that City staff have been:

- a. incompetent in the manner that that partial business unit had been operated; and
- b. dishonest to the degree that can be considered “criminal”.

68. The Panel concedes that there is an element of hyperbole in using the word “criminal” to describe expensive fees or acts which do not reach the level of service that is preferred.

69. Despite this, due the specific circumstances relating to the City of Perth, there was a real danger that the reference to “criminal” actions would be taken as more than an exaggeration to highlight a point.

70. It is within the remit of Cr Fleeton, as an elected member, to urge the City to improve services and adopt best practice. However, in this case, he should have chosen his rhetoric more wisely.

71. Given the above, the Panel finds it is more likely than not that the above the comment by Cr Fleeton implied that City employees were incompetent and/or dishonest in breach of regulation 20(4)(a).

72. This element is met.

Conclusion

73. The elements required to find a breach of regulation 20(4)(a) of the Regulations have been met.



### **PANEL'S FINDINGS**

74. Cr Fleeton did commit a breach of Regulation 34D of the Administration Regulations and therefore did commit a minor breach.
75. Cr Fleeton did commit a breach of Regulation 20(4)(a) of the Regulations and therefore did commit a minor breach.

### **Signing**

A handwritten signature in black ink, appearing to be 'T Fraser'.

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Tim Fraser (Presiding Member)

A handwritten signature in black ink, appearing to be 'E Power'.

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Emma Power (Member)

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Peter Rogers (Member)



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## Local Government Standards Panel

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Complaint Number	20230185
Legislation	<i>Local Government Act 1995 (WA)</i>
<b>Complainant</b>	<b>Councillor Catherine Lezer</b>
<b>Respondent</b>	<b>Councillor Brent Fleeton</b>
Local Government	<b>City of Perth</b>
Regulations	Regulation 20 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i> Regulation 34D of the <i>Local Government (Administration) Regulations 1996</i>
Panel Members for Penalty Consideration	Ms Emma Power (Presiding Member) Ms Suleila Felton (Deputy Member) Cr Peter Rogers (Member)
Heard	2 February 2023 Determined on the documents
Penalty Considered	7 March 2023
Outcome	No Sanction

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### DECISION AND REASONS FOR DECISION

Delivered 31 March 2023

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#### DEFAMATION CAUTION

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## Introduction

1. At its meeting on 2 February 2023, the Panel found that Councillor Brent Fleeton a councillor for the City of Perth ("**the City**"), committed:
  - a. one minor breach pursuant to the Local Government Act 1995 (WA) ("**the Act**") and regulation 20 of Division 4 of the *Local Government (Model Code of Conduct) Regulations 2021* ("**the Regulations**"); and
  - b. one minor breach pursuant to the Act and Regulation 34D of the *Local Government (Administration) Regulations 1996* ("**the Administration Regulations**"),when at the Ordinary Council Meeting of 22 November 2022 referenced actions of past City councillors and staff as "criminal" ("**the Minor Breach**").

## Jurisdiction and Law

2. The Panel convened on 7 March 2023 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 Fleeton 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).<sup>1</sup>
5. By a letter dated 22 January 2023, Cr Fleeton 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*.

## Councillor Fleeton's Submissions

6. By an email dated 1 March 2023, the Department received a response from Cr Fleeton.
7. Cr Fleeton provided the following comments and arguments as to penalty, as summarised by the Panel:
  - a. Cr Fleeton respectfully submits that no sanction should be imposed on him in respect of the findings.
  - b. Cr Fleeton certainly now regrets using the rhetoric employed on the day. He did not target any particular City official and agrees with the Panel's acknowledgement that there was an element of hyperbole in the use of

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<sup>1</sup> *Local Government Act 1995* (WA), s 5.110(5).



the word 'criminal'. As the Panel has noted, Cr Fleeton should have chosen his rhetoric more carefully.

- c. There is no public benefit in imposing a penalty in regard to a matter which could have been dealt with at the time as a point of order and it is unfortunate that the Complainant did not choose to raise the matter in this way.
- d. Further, there is no public benefit to impose a sanction in relation to a matter which, if he was an elected member of a different local government, may not have resulted in a finding of breach due to the particular sensitivity of the matter.
- e. There is no example to be made or public censure to be effected, which may serve to deter other elected members from different local governments. These unique circumstances, giving rise to the Panel's findings, turn on their own facts, and will not arise elsewhere.

### **Possible Sanctions**

8. 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 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).*

### **Panel’s Consideration**

9. Section 5.110(6) is about penalty. The Panel does not have the power to review any finding of a breach.



10. The Panel may order under section 5.110(6)(a), that no sanction be imposed with respect to the Complaint, 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.
11. 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 seriousness<sup>2</sup>.
12. In this case the Panel notes that Cr Fleeton accepts responsibility for the conduct and shows insight to the situation.
13. The Panel does not, however, agree with Cr Fleeton's assertion that he has less responsibility for the breaches due the particular sensitivities of the City of Perth. It is part of a local councillor's role to be aware of the particular idiosyncrasies of the local government they are a part of, whether that is due to a type of particular community present in the locality, or the recent history of the local government itself.
14. Irrespective of the above, the Panel considers that:
  - a. Cr Fleeton is aware of his obligations under the Act and Regulations;
  - b. the breach was substantially due to the inappropriate use of hyperbole without due consideration and is at the lower end of seriousness; and
  - c. Cr Fleeton will consider his use of phrasing more carefully in the future and is unlikely to re-offend in the same or a similar manner.
15. As such, the Panel considers it appropriate that no further sanction is imposed.
16. The Panel further considers that it is not necessary to make an order in accordance with Schedule 5.1 clause 9 of the Act that Cr Fleeton recoup to the City the costs of the Department incurred with respect to the Complaint.

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



### Panel's decision

17. The Panel orders pursuant to section 5.110(6)(a) of the Act that, in relation to the Minor Breach of regulation 20 and regulation 34D of the Regulations that no sanction be imposed upon Cr Fleeton as set out in the attached Order.

### Signing

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Emma Power (Presiding Member)

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Suleila Felton (Deputy Member)

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

Peter Rogers (Deputy Member)





**ORDER**

**Delivered 31 March 2023**

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**DEFAMATION CAUTION**

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**THE LOCAL GOVERNMENT STANDARDS PANEL ORDERS THAT:**

No further sanction be imposed on Councillor Brent Fleeton.



## 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."*