



Local Government Standards Panel

Complaint Number	SP 2021-049
Legislation	<i>Local Government Act 1995</i>
Complainant	Mr Phillip Harrington
Respondent	Councillor Kevin King
Local Government	Shire of West Arthur
Regulation	Regulation 20 Regulation 34D of the <i>Local Government (Model Code of Conduct) Regulations 2021</i>
Panel Members	Mrs Emma Power (Presiding Member) Cr Peter Rogers (Member) Mr Gordon MacMile (Member)
Heard	10 June 2021 Determined on the documents
Finding	1 x Breach Regulation 20(4) No Breach of Regulation 34D

FINDING AND REASONS FOR FINDING

Delivered 26 July 2021

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 8 April 2021, the Panel found that Councillor Kevin King, a councillor of the Shire of West Arthur ("**the Shire**"):
 - a. did commit a minor breach pursuant to the *Local Government Act 1995 (WA)* ("**the Act**") and Division 4 of the *Local Government (Model Code of Conduct) Regulations 2021* ("**the Regulations**") and regulation 20 of the Regulations;
 - b. did not commit a minor breach pursuant to the Act and Division 4 and regulation 34D of the Regulations,
when he stated that he had found evidence of corruption occurring at the Shire at an Electors Meeting held 9 February 2021; and
 - c. did not commit a minor breach pursuant to the Act and Division 4 and regulation 34D of the Regulations when he would not allow members of the public to ask questions regarding his prior statement at the Ordinary Council Meeting of the 16 February 2021,
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.¹
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,

¹ Section 5.106 of the Act



inference or evidence relied upon is more likely than not to have occurred or be accurate²; and

- b. the seriousness of any allegation made, as well as the gravity of the consequences flowing from a particular finding³.
9. The Panel does not possess investigative or supervisory powers.⁴ 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 Australia⁵.
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 6 May 2021 the Panel received a complaint from Ms Nicole Wasmann acting as complaints officer of the Shire (**"the Complaints Officer"**). The same enclosed a Complaint of Minor Breach Form dated 23 April 2021.
14. In the complaint form, the Complainant alleges that that Cr King has breached:
 - a. regulation 20 of the Regulations when he stated that he had found evidence of corruption occurring at the Shire at an Electors Meeting held 9 February 2021 (**"Allegation 1"**); and
 - b. regulation 34D of the Regulations when he stated that he had found evidence of corruption occurring at the Shire at an Electors Meeting held 9 February 2021 (**"Allegation 2"**); and
 - c. regulation 34D of the Regulations when he would not allow members of the public to ask questions regarding his prior statement at the Ordinary Council Meeting of the 16 February 2021 (**"Allegation 3"**),as set out in paragraph 17 (together **"the Complaint"**).
15. The Panel convened on 10 June 2021 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 King was:

² Bradshaw v McEwans Pty Ltd (1951) 217 ALR 1

³ Briginshaw v Briginshaw (1938) 60 CLR 336

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

⁵ Section 8(6) of Schedule 5.1 of the Act



- i. elected to the Council of the Shire in October 2017 for a term expiring in October 2021;
 - ii. a Councillor at the time of the alleged breach; and
 - iii. a Councillor when the Panel met on 10 June 2021;
- b. was satisfied the Complaint was made within six months after the alleged breach occurred⁶;
- c. was satisfied that the Shire's Complaints Officer had dealt with the Complaint in accordance with the administrative requirements in the Act for dealing with complaints of a minor breach⁷;
- d. was satisfied the Department had provided procedural fairness to Cr King; 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:
- a. During the February annual electors meeting of 9 February 2021 (**"the Electors Meeting"**) Shire President Cr King made the following statement in front of approximately 90 rate payers:
 - "We have found evidence of corruption occurring at the Shire over the past 10 years and there is more to come and we have the paperwork to prove it."*
 - b. This put a past president, councillors, the CEO and staff members under suspicion.
 - c. Cr King did not explain who the "we" included.
 - d. Cr King then went on to say:
 - "As an example, the Council approved payment of money to the Darkan Sheepfest committee but someone in the office decided to stop it"*
 - e. Cr King did not name the staff member that he was accusing of withholding the payment so this put all the staff under suspicion (although many of the people at the meeting knew of who he was referring to).
 - f. Cr King has been a councillor for more than ten years and should be aware of the formal process that must be adhered to by council staff when spending public funds including processing grants to community groups.
 - g. Any perceived delays in the payment were due to the normal administrative practises of which Cr King was made aware prior to the Electors Meeting.

⁶ Section 5.107(4) and 5.109(2) of the Act

⁷ Section 5.107 and 5.109 of the Act



- h. At the next Ordinary Council Meeting of 16 February 2021 Cr King stated that based on advice from WALGA, he needed to apologise for using the word “corruption” during a “remark” he had made at the meeting claiming that he was under fire and inadvertently used the word “corruption”.

1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

Cr Kevin King, Chairperson, declared the meeting open at 6.03 pm and made the following announcement.

Before the business of the meeting starts, I want to comment on the words I used in a closing statement of the electors meeting. In the heat of the moment, and having been under fire for almost 2 hours, I inadvertently used the word “corruption” in a remark. I need to withdraw that statement, and I unreservedly apologise for the use of the word and the comment, and for any misconception it may have caused among councillors, shire staff and electors.

- i. However, he did not retract his statement about the council staff member or apologise to the staff member he accused of withholding payment.
- j. Cr King then banned all discussion on the accusations so when members of the public tried to ask questions about this and the further corruption referred to - they were told non-one was allowed to discuss it.
- k. A “remark” is a casual comment that can be easily forgiven but he did not make a remark, he made a statement and backed it up with another statement.
- l. Being under duress can hardly be used as an excuse as he has been known to make similar accusations including the Sheepfest allegation over the last couple of years in social settings.

The Respondent’s Response

18. By an email dated 20 May 2021, Cr King provided a response to the Complaint.
19. Cr King provided the following comments and arguments regarding the Complaint:
- a. Cr King accepts that at the Electors Meeting he used the word Corruption in a comment regarding investigating the financial support for the Darkan Sheepfest which was passed in the budget.
 - b. The Sheepfest President had been told by persons unnamed that “*we have had a meeting and decided that the money wasn’t going to be paid to the Sheepfest committee*”.
 - c. The decision had not been made at a Council Meeting.
 - d. There was never any mention of a name, or of an accusation of an office staff member as reported by Mr Harrington.
 - e. The opening sentence – re “*finding evidence of corruption in the past 10 years*” was never made and the person recording the minutes has vouched that this is so.



- f. Mr Harrington had been ejected from the meeting because of his loud, aggressive behaviour prior to the alleged comment and so his accusations can only be based on hearsay.
- g. The minutes of the Ordinary Council meeting 16th February record the apology that Cr King made. The apology was also published in the local community paper, The Bleat, edition 680 on 22 February 2021.
- h. In regard to Regulation 10 – Relationship with local government employees –
- i. Cr King only goes into the office to speak to the CEO when she requests.
- j. Cr King has had no other contact with staff other than when called upon by the acting CEO Maxine MacKenzie, regarding the Arthur River Fire Brigade fire truck.

Regulation 20

20. 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*
- (b) *attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or*
- (c) *act in an abusive or threatening manner towards a local government employee.*

(3) *Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.*

(4) *If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —*

- (a) *make a statement that a local government employee is incompetent or dishonest; or*

(b) use an offensive or objectionable expression when referring to a local government employee.

(5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV."

21. In this case the Panel considers that it is alleged Cr King breached Regulation 20(4)(a).
22. To make a finding of a minor breach of regulation 20(4)(a) of the Regulations the Panel must be satisfied that it is more likely than not that:
 - a. Cr King was a councillor at the time of the alleged breach and was acting in his capacity as a councillor at the time of the alleged conduct;
 - b. Cr King was attending a council meeting, committee meeting or other organised event at the time of the alleged conduct;
 - c. members of the public were present when the alleged conduct occurred; and
 - d. Cr King made a comment that state or imply that the government employee was incompetent or dishonest.

Regulation 34D

23. Regulation 34D 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."

24. 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."

25. To make a finding of a minor breach of regulation 34D of the Regulations the Panel must be satisfied, to the required standard, that:
 - a. Cr King 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 King breached a valid provision of a local law as to conduct, being the *Shire of West Arthur Local Law (Standing Orders) 2002 ("the Standing Orders")*.



Panel's Consideration

Allegation 1 - Regulation 20(3)

Cr King was a councillor and was acting in his capacity as a councillor at the time of the alleged conduct

26. Cr King was a councillor at the time of the alleged breach and at the time the Panel considered the Complaint.

27. This element is met.

Cr King was attending a council meeting, committee meeting or other organised event at the time of the alleged conduct and member of the Public were present

28. The relevant conduct occurred at the Electors Meeting of 9 February 2021 being a meeting organised by the Shire in accordance with the Act.

29. There were members of the public present at the Electors Meeting

30. This element is met.

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

31. The Complainant alleges that Cr King stated the following at the Elector's meeting:

"We have found evidence of corruption occurring at the Shire over the past 10 years and there is more to come and we have the paperwork to prove it."

32. Cr King acknowledges that he referred to corruption, but denies that the alleged reference to the "past 10 years" occurred.

33. Despite the slight difference in the recollection of the parties, the Panel finds it more likely than not that Cr King referred to Shire employees as being involved in corruption of some kind.

34. The Panel considers that reasonable person would believe that the statement made by Cr King gave an impression that the persons being referred were dishonest.

35. Therefore, the Panel finds it is more likely than not that Cr King's comment implied that unnamed City employees were dishonest in breach of regulation 20(4)(a).

36. This element is met.

Conclusion

37. The elements required to find a breach of regulation 10(3)(a) of the Regulations have been met.

Allegation 2 – Regulation 34D

Cr King was a Councillor at the relevant times



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

39. This element is met.

The conduct occurred at a council or committee meeting

40. The relevant conduct occurred during the Electors Meeting of 9 February 2021.

41. Pursuant to the Act each of a council meeting, a committee meeting and an electors' meeting are treated as a distinct type of meeting and are subject to separate provisions.

42. This element is not met as the conduct occurred during the General Meeting of Electors and not a council or committee meeting as defined in the Act.

43. As such, any conduct that took place during the Electors' Meeting cannot be considered to be in breach of Regulation 34D.

44. This element is not met.

Cr King breached a valid provision of the *Shire of West Arthur Local Law (Standing Orders) 2002*

45. As the above element is incapable of being met, it is not necessary to further consider this element.

Conclusion

46. The elements required to find a breach of regulation 4 of the Regulations have not been met.

Allegation 3 – Regulation 34D

Cr King was a Councillor at the relevant times

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

48. This element is met.

The conduct occurred at a council or committee meeting

49. The relevant conduct occurred during the Ordinary Council Meeting of the Shire of 16 February 2021.

50. This element is met.

Cr King breached a valid provision of the *Shire of West Arthur Local Law (Standing Orders) 2002*

51. The Complainant has not made any assertion as to which provision of the Standing Orders Cr King is alleged to have breached in denying the public to ask questions about his prior statement during public question time.



52. 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”.
53. This has two requirements being that:
- a. the same is a “local law”, being the formal gazetted meeting procedures or standing orders local law⁸; and
 - b. the relevant Standing Order breached must relate to “conduct”.
54. As such, to establish a breach under Regulation 4, a breach of a provision of the *Shire of West Arthur Local Law (Standing Orders) 2002* that relates to conduct of must be established.
55. Public question time is a part of an Ordinary Council meeting which must be held in accordance with section 5.24 of the Act and the regulation 7 of the *Local Government (Administration) Regulations*.
56. The Standing Orders reflect the Act and *Local Government (Administration) Regulations 1996* and relevantly provides as follows:
- “(1) *Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —*
- (a) by the person presiding at the meeting; or*
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members, having regard to the requirements of subregulations (2), (3) and (5).*
- (2) *The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.*
- (3) *Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.*
- (4) *Nothing in subregulation (3) requires —*
- (a) a council to answer a question that does not relate to a matter affecting the local government; or*
 - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or*
 - (c) a committee to answer a question that does not relate to a function of the committee.”*

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



57. As such the Standing Orders that relate to public question time are part of a “local law”. However, Standing Order 3.3 is solely related to the procedures to be followed for public question time, not the conduct of elected members and therefore does not fall under Regulation 34D.

58. As such, this element cannot be met.

Conclusion

59. The elements required to find a breach of regulation 34D of the Regulations have not been met.

Panel’s Findings

60. In respect to Allegation 1 - Cr King did commit a breach of Regulation 20(4) of the Regulations and therefore did commit a minor breach.

61. In respect to Allegation 2 - Cr King did not commit a breach of Regulation 34D of the Regulations and therefore did not commit a minor breach.

62. In respect to Allegation 3 - Cr King did not commit a breach of Regulation 34D of the Regulations and therefore did not commit a minor breach.

Emma Power (Member)

Peter Rogers (Member)

Gordon MacMile (Deputy Member)



Local Government Standards Panel

Complaint Number	SP 2021-049
Legislation	<i>Local Government Act 1995 (WA)</i>
Complainant	Mr Phillip Harrington
Respondent	Councillor Kevin King
Local Government	Shire of West Arthur
Regulation	Regulation 20(4) of the <i>Local Government (Model Code of Conduct) Regulations 2021</i> .
Panel Members for Penalty Consideration	Mr Tim Fraser (Presiding Member) Mrs Emma Power (Member) Cr Peter Rogers (Member)
Heard	10 June 2021 Determined on the documents
Penalty Considered	9 September 2021
Outcome	No Sanction

DECISION AND REASONS FOR DECISION

Delivered 8 November 2021

DEFAMATION CAUTION

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Introduction

1. At its meeting on 10 June 2021, the Panel found that Councillor Kevin King, councillor for the Shire of West Arthur (**“the Shire”**), committed one minor breach under the *Local Government Act 1995 (WA)* (**“the Act”**) and Division 4 and regulation 20(4) of the *Local Government (Model Code of Conduct) Regulations 2021*. (**“the Regulations”**) when he when he stated that he had found evidence of corruption occurring at the Shire at an Electors Meeting held 9 February 2021 (**“the Minor Breach”**).

Jurisdiction and Law

2. The Panel convened on 9 September 2021 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 King 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 4 August 2021, Cr King 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 King’s Submissions

6. By an email dated 15 August 2021, the Department received a response from Cr King.
7. Cr King provided the following comments and arguments as to penalty, as summarised by the Panel:
 - a. Cr King admits using the word “corruption” and immediately realised that it was an inappropriate word to use and subsequently printed a public apology in the next edition of the local community newspaper.
 - b. The apology was also read out at the subsequent Council Meeting (16th February 2021) and recorded in the minutes at the request of Mr Ray Harrington, an observer at the meeting.
 - c. For these reasons Cr King believes that there was no breach of the regulations and should incur no further sanction or penalty since he has already made a public apology in the local paper and in the council meeting in which it is recorded in the minutes.

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



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 seriousness².
12. The Panel notes that in this case Cr King recognised that his conduct was inappropriate and undertook all correct actions following this conduct including apologising publicly.
13. Due to his actions and acknowledgment of wrongdoing, the Panel considers that Cr King is fully aware of his obligations under the Act and Regulations and that there is a negligible risk of him reoffending.
14. As such, the Panel considers it appropriate that no further sanction is imposed.

Panel's decision

15. The Panel orders pursuant to section 5.110(6)(a) of the Act that, in relation to the Minor Breach of regulation 20(4) of the Regulations that no sanction be imposed upon Cr King as set out in the attached Order.

Signing

Tim Fraser (Presiding Member)

Emma Power (Member)

Peter Rogers (Member)

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



ORDER

Delivered 8 November 2021

DEFAMATION CAUTION

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THE LOCAL GOVERNMENT STANDARDS PANEL ORDERS THAT:

No further sanction be imposed on Councillor Kevin King.



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."