



Local Government Standards Panel

Complaint Number	20230228
Legislation	<i>Local Government Act 1995</i>
Complainant	Ms Nicole Ceric
Respondent	Councillor Andrew Mangano
Local Government	City of Nedlands
Regulation	Regulation 20(4)(a) 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) Ms Elanor Rowe (Deputy Member) Councillor Peter Rogers (Member)
Heard	25 May 2023 Determined on the documents
Outcome	One breach of Regulation 20(4)(a) One breach of Regulation 34D

FINDING AND REASONS FOR FINDING

Published 18 August 2023

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. The Local Government Standards Panel ("the Panel") found that Councillor Andrew Mangano ("Cr Mangano"), a councillor for the City of Nedlands ("the City") committed one breach under the *Local Government Act 1995 (WA)* ("the Act") and Regulation 20(4)(a) of the *Local Government (Model Code of Conduct) Regulations 2021* when he made a disparaging comment regarding the City's Executive Officer at a Council Meeting held on 22 November 2022.
2. The Panel also found that Cr Mangano committed one breach under the Act and Regulation 34D of the *Local Government (Administration) Regulations 1996* in relation to the same conduct.

Jurisdiction and procedural fairness

3. The Act makes provision for the circumstances in which a council member commits a minor breach.¹
4. On 31 March 2023, the Department of Local Government, Sport and Cultural Industries ("the Department") received a Complaint of Minor Breach Form ("Complaint"). The Complaint was signed by the City's Executive Officer, Ms Nicole Ceric, ("the Complainant") and contained one allegation of a breach of Regulation 20(4)(a) and one breach of Regulation 34D by Cr Mangano in relation to the same conduct. It was alleged that Cr Mangano had made a disparaging comment regarding the Complainant at a Council Meeting held on 22 November 2022.
5. On 11 April 2023, the Department advised Cr Mangano of the Complaint and invited him to respond. The Department sent Cr Mangano copies of the original Complaint and all the supporting documents provided by the Complainant.
6. Under the Act the Panel is required to consider a complaint of a minor breach and make a finding as to whether the alleged breach occurred.² On 25 May 2023, the Panel convened to consider the Complaint.
7. The Panel:
 - (a) accepted the Department's advice, based on information from the Western Australian Electoral Commission, that Cr Mangano was a councillor at the time of the alleged breaches, and was still a Councillor when the Panel met on 25 May 2023;
 - (b) was satisfied the Complaint had been made within six months after the alleged breaches are said to have occurred.
 - (c) was satisfied the Complaint had been dealt with in accordance with the administrative requirements in the Act for dealing with complaints of minor breaches³; and

¹ Section 5.105 of the Act.

² Section 5.110(2)(a) of the Act.

³ Sections 5.107, 5.108, 5.109 of the Act.



- (d) was satisfied that the Department had provided procedural fairness to Cr Mangano.
8. If a councillor has previously committed two or more minor breaches, the Panel may send the complaint to the Chief Executive Officer of the department assisting the relevant Minister at the time instead of considering the Complaint itself.⁴ Cr Mangano had not previously been found to have committed any breaches of the Regulations. Therefore, the Panel decided to not send the Complaint to the Chief Executive Officer of the Department.
9. Based on the information referred to in paragraphs 2 to 8 above, the Panel found it had jurisdiction to determine whether Cr Mangano had breached the Regulations in connection with the Complaint.

Panel's role

10. The Panel is not an investigative body. It determines complaints of minor breaches solely upon the evidence presented to it.
11. Any finding, that a councillor has committed a minor breach, must be based on evidence from which it may be concluded that it is more likely than not that the breach occurred than that it did not occur (the required standard of proof).⁵
12. In order to find the allegation, proposition or conduct has been established, and where direct proof is not available, the Panel must be satisfied from the evidence that it is more probable than not that it has occurred. The Panel cannot make a finding that the alleged fact, proposition or conduct occurred if the evidence merely supports two or more conflicting but equally possible inferences.⁶
13. For a finding that a councillor has breached a particular regulation, the Panel must be satisfied that every element of the particular regulation has been established to the required standard of proof.

Regulation 20(4)

14. Regulation 20(4) provides:

“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.

.....

⁴ Sections 5.110(2)(b), 5.111(1) of the Act.

⁵ Section 5.106 of the Act.

⁶ *Bradshaw v McEwens Pty Ltd* (1951) 217 ALR 1, paragraph 5.



(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.”*

Regulation 34D

15. Regulation 34D provides:

“(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.”*

16. 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.”*

Elements of Regulation 34D

17. In order to find a breach of Regulation 34, the Panel must be satisfied to the required standard of proof that:

- i. The conduct occurred at a council or committee meeting;
- ii. A standing orders local law or meeting procedures local law applied at the meeting; and
- iii. The relevant local law prohibited the specific conduct displayed by the council member.

Substance of the Complaint

15. At the Council Meeting held on Tuesday, 22 November 2022 (“Council Meeting”) the Council went behind closed doors at 9.31pm to consider *Confidential Item 22.1 CPRC05.11.22 – CEO Performance Appraisal* (“Matter”).



16. During the discussion on the Matter, each Council Member gave reasons as to why they did or did not agree that the Chief Executive Officer (“CEO”), had successfully completed his probation period.
17. When it was Cr Mangano’s turn to speak, he listed certain matters that he had referred to the CEO and stated that he was dissatisfied with the responses he had received. He referred to one specific response that the CEO had sent to him via email, and made the following comment (“Comment”):

“...for example he sent me a response that was absolute rubbish and I asked him did Nicole write this.”
18. The Complainant, an employee of the City, submitted that by making the offensive Comment, Cr Mangano had attacked her professional reputation, honesty and integrity.
19. During the Council Meeting, she explained to the Mayor and Cr Mangano himself, that Cr Mangano’s Comment was “*totally disrespectful*” and requested an apology from him. Other Councillors also called a point of order and demanded that he apologise. However, he flatly refused to do so and in fact, restated what he had already said.
20. The Complainant continued to demand an apology from Cr Mangano, and also made a request that he leave the Council Chamber. However, he continued to refuse to apologise.
21. This was not the first occasion on which Cr Mangano had made offensive comments about staff and members of the public and had refused to apologise. His behaviour was not becoming of an elected member who was supposed to be a professional representative of the City and it’s community.
22. The Complainant had worked for the City for eleven years, and in all that time, had never been as offended as she was on that occasion.
23. Following the Council Meeting, the Complainant was asked by several Councillors if she was okay. Some had apologised to her, stating that she should not have been subjected to Cr Mangano’s behaviour. She had also received several phone calls from Councillors and the following email had been sent by Councillor Ben Hodsdon:

From: [Ben Hodsdon](#)
To: [COUNCILLORS](#); [COUNCILLORS](#)
Subject: CEO motion
Date: Thursday, 24 November 2022 7:02:29 AM

Hi all.

I thought the comments mention or implied about Nicole were ill thought out and/or advised.

I have found her hard working and professional at all times. We must be careful not denigrate her efforts. She has been a point of stability in CON

I assume an apology was forthcoming soon after the meeting?

Take care

Ben

Sent from my iPhone



24. In making the Comment, Cr Mangano had breached both Regulation 20(4)(a) (First Allegation) and Regulation 34D (Second Allegation).

Cr Mangano's Response

25. Cr Mangano did not accept the information detailed in the Complaint, or that he had committed the alleged misconduct. Cr Mangano denied that he had made any disparaging remarks about the Executive Officer or any other staff member. He queried why the Complainant had waited over four months to lodge a Complaint and submitted that his Comment had been completely misinterpreted.

26. At the Council Meeting, the CEO's performance during his probation period was discussed. Cr Mangano had been critical of the CEO's performance in relation to several issues. One example that he raised was that he had emailed a complaint to the CEO regarding "*staff inaction*" in relation to the "*substantial overfilling of land*" at a property located in the City.

27. However, the CEO's response ("Response") had been full of factual errors. Cr Mangano challenged the CEO; he suggested the CEO had not drafted the Response, and had instead just signed off on it, without confirming that what was written was correct. In fact, the CEO never refuted the allegation he had not written the Response himself.

28. The Comment he made at the Council Meeting was that any staff member could have written the Response, including the Executive Officer (the Complainant). At the end of the day, the CEO was responsible for whatever he signed, and he should be fully aware of that.

Panel's Consideration

First Allegation – alleged breach of Regulation 20(4)(a)

29. Regulation 20 governs elected members relationships with employees. The Panel finds that the essential elements of Regulation 20(4)(a) have been satisfied and that Cr Mangano, in his capacity as a Council member, attended the Council Meeting and made a statement that a local government employee (the Complainant) was incompetent and dishonest:

- a. One of the fundamental roles of the Council is the employment of the local government's CEO, who is responsible for implementing the Council's strategic vision and leading the local government administration.
- b. At the Council Meeting, the Matter (an appraisal of the CEO's performance during his probation period) was considered. The standards regarding a CEO performance review are based on the principles of fairness, integrity and impartiality. The Council has a duty to gather as much evidence as possible upon which to base their assessments. It is essential that CEO performance is measured in an objective manner.
- c. During the discussion on the Matter, Cr Mangano directly referred to both the CEO and the Executive Officer (the Complainant) when he made the Comment. He clearly stated that it may well have been the Complainant who had drafted the Response, and not the CEO. He thereby questioned



the Complainant's professionalism and implied that she may have improperly undertaken a task that it was not her duty to perform.

- d. Cr Mangano also stated that the Response was "*rubbish*", which also clearly suggested that the Executive Officer was incompetent.
- e. In his Response. Cr Mangano submitted that he believed that the CEO had been underperforming and his work required attention. However, if that was the case, then the proper course of action would have been for him to have clearly outlined the areas in need of improvement in a constructive manner and then for the Council to have discussed any issues with the CEO.
- f. However, in this case, when Cr Mangano made the highly insulting Comment, he needlessly and explicitly named and disparaged the Complainant, an employee of the City, in front of the entire Council.

Findings

30. Accordingly, for the above reasons, the Panel finds that Cr Mangano did breach Regulation 20(4)(a).

Second Allegation – alleged breach of Regulation 34D

31. Based on the evidence before it, the Panel is satisfied that Cr Mangano breached Regulation 34D when he spoke to the Matter at the Council Meeting:

The conduct occurred at a council or committee meeting

- a. The alleged conduct occurred at the Council Meeting. This element is satisfied.

A standing order local law or meeting procedure local law applied at the meeting

- b. Under the Act a local government can make "*local laws*", including laws that are necessary or convenient to enable the local government to perform its functions. Under the Act and Regulation 34D, a council member who contravenes a "*local law as to conduct*" commits a minor breach. A "*local law as to conduct*" includes a local law about the conduct of councillors at meetings.
- c. It was alleged that Cr Mangano had breached Standing Order 8.4(2) ("SO 8.4(2)") of the City's *Standing Orders Local Law 2016* ("Standing Orders") which states as follows:

"Adverse reflection at a meeting

....

- (2) *It is an offence for a member of the Council or a committee to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person."*



- a. The Standing Orders is a local law as to conduct that applied at the Council Meeting. The Panel finds that a contravention of the Standing Orders would be a minor breach under the Act and Regulation 34D. This element is satisfied.

The relevant local law prohibited the specific conduct displayed by the Council member

- d. The Complainant alleged that Cr Mangano had breached SO 8.4(2) as set out at paragraph 31(c) above.
- e. “*Offensive*” means to be “*rude in a way that causes a person to feel upset, insulted or annoyed*”. “*Objectionable*” means to be “*unpleasant or offensive*”.
- f. When he made the Comment, Cr Mangano questioned the Complainant’s professionalism and implied that she may have improperly undertaken a task that it was not her duty to perform.
- g. He also stated that the Response, which he suggested she had drafted, was “*rubbish*”, which also clearly suggested that the Complainant was incompetent.
- h. In this case, it is clear that the Comment, which explicitly named and disparaged the Complainant in her capacity as an employee of the City, was highly insulting towards her. This is evidenced by the reaction of other elected members including the email that was sent following the Council Meeting by Cr Hodsdon.



Findings

18. Accordingly, for the above reasons, the Panel finds that Cr Mangano breached Regulation 34D in relation to Complaint

Signing

A handwritten signature in black ink, appearing to be 'Tim Fraser'.

Tim Fraser (Presiding Member)

A handwritten signature in black ink, appearing to be 'Peter Rogers'.

Peter Rogers (Member)

A handwritten signature in black ink, appearing to be 'Elanor Rowe'.

Elanor Rowe (Deputy Member)



Local Government Standards Panel

Complaint Number	20230228
Legislation	<i>Local Government Act 1995 (WA)</i>
Complainant	Ms. Nicole Cleric
Respondent	Councillor Andrew Mangano
Local Government	City of Nedlands
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 for Penalty Consideration	Tim Fraser (Presiding Member) Ms Emma Power (Member) Mr Peter Rogers (Member)
Heard	25 May 2023 Determined on the documents
Penalty Considered	7 September 2023
Outcome	Public Apology

DECISION AND REASONS FOR DECISION

29 September 2023

DEFAMATION CAUTION

The general law of defamation, as modified by the *Defamation Act 2005 (WA)*, 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



Introduction

1. At its meeting on 25 May 2023, the Panel found that Councillor Andrew Mangano, a councillor for the City of Nedlands (“**the City**”), committed a minor breach under the *Local Government Act 1995 (WA)* (“**the Act**”) and:
 - a. regulation 20 of Division 4 of the *Local Government (Model Code of Conduct) Regulations 2021* (“**the Regulations**”); and
 - b. regulation 34D of the *Local Government (Administration) Regulations 1996* (“**the Administration Regulations**”),when he made a disparaging remark regarding the Executive Officer of the City at a Council Meeting held 22 November 2022 (“**the Minor Breaches**”).

Jurisdiction and Law

2. The Panel convened on 7 September 2023 to consider how it should deal with the Minor Breaches.
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 Mangano 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 18 August 2023, Cr Mangano 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 Breaches 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

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



- (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).*

Councillor Mangano's Submissions

7. Despite being given an opportunity to respond, Cr Mangano did not provide a response to the Department.

Panel's Consideration

8. Section 5.110(6) is solely 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. In this case as Cr Mangano did not provide any response the Findings of the Panel, the Panel has no evidence that Cr Mangano has shown any insight or remorse as to his conduct.

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



12. In this case, the Panel considers as the conduct was public in nature and specifically named the Executive Officer of the City in her capacity as an employee, a public apology is the appropriate sanction.
13. Making a public apology is a significant sanction, being a personal admission by the individual of wrongdoing³. It is a suitable and appropriate penalty when a councillor's conduct:
 - a. adversely affects particular individuals⁴; and/or
 - b. does not meet the standards other councillors seek to uphold.
14. In the relevant circumstances, the Panel considers that making a public apology is an adequate sanction and that it is not necessary to make an order in accordance with Schedule 5.1 clause 9 of the Act that Cr Mangano recoup to the City the costs of the Department incurred with respect to the Complaint.

Panel's decision

15. The Panel orders pursuant to section 5.110(6)(b)(ii) of the Act that, in relation to the two Minor Breaches of regulation 20 of the Regulations and regulation 34D of the Administration Regulations, Cr Mangano make a public apology in terms of the attached Order.

Signing

Tim Fraser (Presiding Member)

Emma Power (Member)

Peter Rogers (Deputy Member)

³ *Treby and Local Government Standards Panel [2010] WASAT 81 (Pritchard J).*

⁴ *Treby and Local Government Standards Panel [2010] WASAT 81 [127] (Pritchard J).*



ORDER

29 September 2023

DEFAMATION CAUTION

The general law of defamation, as modified by the *Defamation Act 2005 (WA)*, 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

THE LOCAL GOVERNMENT STANDARDS PANEL ORDERS THAT:

1. Councillor Andrew Mangano, a councillor for the City of Nedlands **publicly apologise** as specified in paragraph 3; OR
2. Failing compliance with paragraph 3 within the specified timeframe, then paragraph 4 shall apply.

Public Apology

3. On the ordinary council meeting of the City of Nedlands first occurring after the expiration of **28 days** from the date of service of this Order on him, Cr Mangano shall:
 - i. attend the relevant ordinary council meeting;
 - ii. ask the presiding person, or acting presiding person, for his or her permission to address the meeting to make a public apology to the public;
 - iii. make the apology immediately after Public Question Time or during the Announcements part of the meeting, or at any other time when the meeting is open to the public, as the presiding person thinks fit; and
 - iv. address the Council and public as follows, without saying any introductory words before the address, and without making any comments or statement after the address:

"I advise this meeting that:

- i. A complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened:
 - a. Regulation 20 of Division 4 of the *Local Government (Model Code of Conduct) Regulations 2021*;
 - b. Regulation 34D of the *Local Government (Administration) Regulations 1996*, when, during the Council Meeting of 22 November 2022 I made a made a disrespectful comment regarding the performance of Ms Nicole Ceric as the Executive Officer of the City.
- ii. The Panel found that I breached Regulation 20 and Regulation 34D by my conduct.
- iii. I acknowledge that I should have not made the comment and I now apologise to Ms Nicole Ceric and my fellow councillors."



4. If Cr Mangano fails to, or is unable to, comply with the requirements of paragraph 3 above in the required time frame THEN, within the next **28 days** following the ordinary council meeting referred to in paragraph 3 above the Chief Executive Officer of the City of Nedlands shall arrange for the notice of public apology to be published:
- on the Facebook Page of the City of Nedlands shall in no less than 10 point font size; and
 - in an appropriate place on the website of the City of Nedlands shall in no less than 10 point font size; and
 - in the next occurring issue of any City of Nedlands shall public newsletter (if any) whether in electronic or print copy) in no less than 10 point font size.

PUBLIC APOLOGY BY COUNCILLOR ANDREW MANGANO

A complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened:

- Regulation 20 of Division 4 of the *Local Government (Model Code of Conduct) Regulations 2021*;
- Regulation 34D of the *Local Government (Administration) Regulations 1996*, when, during the Council Meeting of 22 November 2022 I made a made a disrespectful comment regarding the performance of Ms Nicole Ceric as the Executive Officer of the City.

The Panel found that I breached Regulation 20 and Regulation 34D by my conduct.

I acknowledge that I should have not made the comment and I now apologise to Ms Nicole Ceric and my fellow councillors.”.

Appeal

5. In the event that, prior to the date for compliance with the above Orders, Cr Mangano:
- commences an appeal the decision of the Standards Panel to the State Administrative Tribunal in accordance with section 5.125 of the Local Government Act 1995; and
 - notifies the Complaints Officer of the Cr Mangano of such appeal in writing,
- THEN:
- compliance with the above Orders may be delayed until the State Administrative Tribunal has made a finding in respect to the decision; and
 - such Orders may be amended by an order of the State Administrative Tribunal.

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."