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Decision upheld

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THE State Administrative Tribunal has upheld a decision that Melville mayor Russell Aubrey made improper use of his office when he denigrated a local resident by widely emailing details of a personal legal matter.

Despite upholding the Local Government Standards Panel decision that the email constituted a minor breach of local government regulations, the SAT did downgrade the mayor's punishment.

It shelved a public apology from the mayor to former Melville Residents and Ratepayers Association president Gary Crawford, and instead ordered the council to publish a notice of public censure in local newspapers.

"... SAT found relevant mitigating circumstances, including that the mayor has been a councillor for many years with a previously unblemished record, and although he committed a minor breach, his motivation was influenced by his desire to protect the city and a constituent of the city," the SAT found.

During the hearing Mr Aubrey had argued he was trying to protect a 70-year-old neighbour who was in a dispute with Mr Crawford over a strata complex where she lives and he has an interest.

Mr Aubrey had described Mr Crawford's behaviour towards the woman as "aggressive" and "threatening" in an email that was copied to other councillors, media organisations and state government ministers and employees.

Mr Aubrey also said he was considering giving evidence in an upcoming hearing for a restraining order the neighbour had applied for against Mr Crawford. The SAT determined that was intended to cause Mr Crawford detriment.

by STEVE GRANT

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