

Noosa Council - Councillor Conduct

In accordance with section 150DX of the QLD *Local Government Act 2009* (the Act), Noosa Shire Council maintains an up-to-date register on councillor conduct.

Date of Complaint	Council Ref #	Summary of Complaint	Reasons for Allegation (for Councillor Conduct Tribunal Matters only)	Decision	Reason for Decision
11 Oct 23	C/23/00602	It was alleged that a councillor failed to properly declare their conflict of interest in relation to a decision of council at the Ordinary Meeting of Council and may in the future benefit personally from the decision.		The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 [the Act] as an unjustifiable use of resources.	The Councillor's declaration was sufficient to meet the requirements of the Act. There was insufficient evidence to prove to a sufficient degree of probability that the councillor would directly benefit from the decision. It is possible if a matter were to come before council in the future that does raise sufficient probability the councillor should declare at that time.
3 April 23	C/23/00204	<p><u>Allegation One</u> On 12/13 March 2023, Cr Stockwell made inappropriate comments regarding a recommendation made by a Council Officer within emails to Councillors and selected Council staff.</p> <p><u>Allegation Two</u> On 13 March 2023 during a Council General Committee Meeting, Cr Stockwell inappropriately commented on a Council officer recommendation by describing aspects of the recommendation as incompetent.</p> <p>It was alleged the allegations breached the Code of Conduct for Councillors in Queensland to:</p> <ul style="list-style-type: none"> Treat Council employees with courtesy and fairness, Have proper regard for other people's rights, health and welfare, Not use abusive or threatening language towards Council employees, Strive to maintain the public's trust and confidence in the integrity of the Council and avoid any action which may diminish its standing, authority or dignity. 	N/A	<p>On 26 October 2023, Council resolved: That Council note the confidential report of the Acting Chief Executive Officer (CEO) to the Ordinary Meeting dated 26 October 2023 and:</p> <p>A. Pursuant to section 150AG(1) of the <i>Local Government Act 2009</i> Council finds that:</p> <ol style="list-style-type: none"> 12 March 2023 and 13 March 2023, Cr Stockwell engaged in inappropriate conduct by breaching the <i>Code of Conduct for Councillors in Queensland</i> requirement for councillors to treat Council employees with courtesy and fairness by sending emails to persons with allegations that recommendations provided within a Council officer's report had been in breach or in potential breach of the Council's Employee Code of Conduct. <p>B. Pursuant to section 150AH(1)(b)(ii) and (iii) of the <i>Local Government Act 2009</i>, Council formally expresses its disapproval of the inappropriate conduct engaged in by Cr Stockwell and orders as follows:</p> <ol style="list-style-type: none"> Cr Stockwell is reprimanded for his inappropriate conduct; and Cr Stockwell is to attend training or counselling at the Councillor's expense within a period of 3 months from the date of this order to address the Councillor's conduct. <p>Council did not resolve that Allegation Two amounted to inappropriate conduct.</p>	<p>Council resolved that the behaviour of Cr Stockwell by sending emails containing inappropriate comments to Councillors and selected Council staff did not treat a Council employee with courtesy and fairness, contrary to the Code of Conduct for Councillors in Queensland.</p> <p>Allegation Two occurred within a Council meeting and so did not amount to inappropriate conduct under the <i>Local Government Act 2009</i>.</p>
21 Sep 23	C/23/00581	It was alleged a councillor engaged in bullying and intimidatory conduct towards other councillors in an informal meeting that was organised to discuss an agenda item that was before council at its next meeting.		The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 [the Act] on the basis that taking further action would be an unjustifiable use of resources.	The OIA noted that the informal meeting was not minuted or recorded and that all councillors had firm views as to how the agenda item should proceed.

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					Council officers present in the meeting did advise the OIA that councillors had robust discussions on the matter and had differing views on the agenda item. The OIA did not consider that the conduct of both councillors in the informal meeting reached the threshold of inappropriate conduct.
21 Sep 23	C/23/00579	It was alleged a councillor engaged in bullying and intimidatory conduct towards other councillors in an informal meeting that was organised to discuss an agenda item that was before council at its next meeting.		The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 [the Act] on the basis that taking further action would be an unjustifiable use of resources.	The OIA noted that the informal meeting was not minuted or recorded and that all councillors had firm views as to how the agenda item should proceed. Council officers present in the meeting did advise the OIA that councillors had robust discussions on the matter and had differing views on the agenda item. The OIA did not consider that the conduct of both councillors in the informal meeting reached the threshold of inappropriate conduct.
21 Sep 23	C/23/0050	It was alleged a councillor engaged in bullying and intimidatory conduct towards other councillors in an informal meeting that was organised to discuss an agenda item that was before council at its next meeting.		The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 [the Act] on the basis that taking further action would be an unjustifiable use of resources.	The OIA noted that the informal meeting was not minuted or recorded and that all councillors had firm views as to how the agenda item should proceed. Council officers present in the meeting did advise the OIA that councillors had robust discussions on the matter and had differing views on the agenda item. The OIA did not consider that the conduct of both councillors in the informal meeting reached the threshold of inappropriate conduct.
21 Sep 23	C/23/0051	It was alleged a councillor engaged in bullying and intimidatory conduct towards other councillors in an informal meeting that was organised to discuss an agenda item that was before council at its next meeting.		The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 [the Act] on the basis that taking further action would be an unjustifiable use of resources.	The OIA noted that the informal meeting was not minuted or recorded and that all councillors had firm views as to how the agenda item should proceed. Council officers present in the meeting did advise the OIA that councillors had robust discussions on the matter and had differing views on the agenda item. The OIA did not consider that the conduct of both councillors in the informal meeting reached the threshold of inappropriate conduct.
8 Sep 23	C/23/00519	It was alleged a councillor made humiliating comments towards a staff member in a council meeting that breached the Code of Conduct for Councillors in Queensland		The OIA dismissed this matter pursuant to section 150X(a)(i) of the Local Government Act 2009 (the Act) as the matter is being dealt with by another entity, the local government, after a	The matter is being dealt with by another entity, the local government, after a previous referral of the matter by the OIA under the Act

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				previous referral of the matter by the OIA under the Act	
31 Mar 23	C/23/00203	It is alleged a councillor made a false and misleading statement to a resident at a street event.		The OIA dismissed the complaint pursuant to Section 150X(a)(ii) of the Act as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.	The alleged comment was made in an informal context, to one person.
12 Mar 23	C/23/00153 C/23/00154	It was alleged a councillor breached the code of conduct for councillors in Queensland when the councillor published an article in the press in response to a member of the public's letter to the editor.		The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act).	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act) as I am satisfied that further dealing with the complaint or information would be an unjustifiable use of resources. The OIA noted the councillor's conduct was not in breach of council's media policy and the councillor was exercising their right of reply to public comments made in the media by a resident that related to council.
10 Dec 22	C/22/00881, C/22/00882, C/22/00883	It was alleged that three councillors breached the Code of Conduct for Councillors in Queensland when they failed to support a motion regarding a matter considered in a meeting.		The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the alleged conduct was not inappropriate conduct or misconduct.	Whether a councillor votes for or against a motion is not inappropriate conduct or misconduct within the meaning of the Act.
28 Nov 22	C/22/00846	It was alleged that a councillor failed to declare a declarable conflict of interest in a matter as required by section 150EQ of the Local Government Act 2009.		The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 as, following a full OIA investigation, it was considered that it would be an unjustifiable use of resources to take any further action.	In making that decision, the OIA considered that the wording of section 150EQ(1)(b) of the Local Government Act 2009 creates significant evidentiary difficulties, such that prosecution of this matter before the Councillor Conduct Tribunal would not have reasonable prospects of success.
28 Nov 22	C/22/00847	It is alleged a councillor engaged in misconduct when the councillor failed to declare a declarable conflict of interest in a matter at a council meeting.		Dismissed the complaint pursuant to Section 150X(c)(ii) of the Act.	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act) as I am satisfied that further dealing with the complaint would be an unjustifiable use of resources. In making this decision, the OIA considered that the councillor did have a declarable conflict of interest in relation to the matter however The wording of section 150EQ(1)(b) requires a councillor to have "become aware" that they have a declarable conflict of interest in a matter, in order for the obligations contained in the other parts of section 150EQ to be enlivened. Where section 150EQ(1)(b) creates significant evidentiary difficulties taking further action would be an unjustifiable use of resources. When the Councillor was expressly made aware that the councillor may have a declarable conflict of interest before a subsequent meeting which considered the same matter, the councillor made the required declaration.

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21 Nov 22	C/22/00837	<p>It is alleged a councillor engaged in misconduct at a meeting of council in relation to a statement the councillor made in response to a Councillor Conduct Tribunal order.</p> <p>It is further alleged a councillor engaged in inappropriate conduct when responding to media enquiries about the councillor's conduct</p>		<p>The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act)</p>	<p>In reviewing the Councillor comments at the Council Meeting the OIA considered that the Councillor had technically complied with the first of the Tribunal's orders.</p> <p>In relation to the second allegation the OIA considered that the councillor's comments were edited and or the councillor's position was paraphrased by the interviewer and did not reach the threshold of inappropriate conduct or misconduct.</p>
7 July 2019	22-23/01	<p><u>Allegation One:</u> That on 12 June 2018, Cr Frank Wilkie engaged in misconduct as defined in section 176(3)(b)(ii) of the <i>Local Government Act 2009</i> (the Act), in that his conduct involved a breach of trust placed in him as a councillor, in that it was inconsistent with local government principles in section 4(2)(a) of the Act "Transparent and effective processes, and decision-making in the public interest" and/or section 4(2)(e) of the Act "ethical and legal behaviour of councillors and local government employees", in that Cr Frank Wilkie did not inform the meeting about his personal interest in the matter as required by section 175E(2) of the Act.</p> <p><u>Allegation Two:</u> It is alleged that on 21 June 2018, Cr Frank Wilkie, engaged in misconduct as defined in section 176(3)(b)(ii) of the <i>Local Government Act 2009</i> (the Act), in that his conduct involved a breach of trust placed in him as a councillor, in that it was inconsistent with local government principles in section 4(2)(a) of the Act "transparent and effective processes, and decision-making in the public interest" and or section 4(2)(e) of the Act "ethical and legal behaviour of councillors and local government employees", in that Cr Frank Wilkie did not inform the meeting about his personal interest in the matter as required by section 175E(2) of the Act.</p>	<p><u>Allegation One:</u> The particulars of the alleged conduct which could amount to misconduct are as follows:</p> <ol style="list-style-type: none"> i. On 12 June 2018, a Service and Organisational Committee meeting was held. Item 2 of the agenda was 2018-19 Community Grants Program Funding – Community Project Grants (Round One) – Programs. ii. The agenda item related to the consideration of community project grants, including a Peregrin Beach Community Association Inc. ('PBCAI') grant application for \$2000. iii. The PBCAI was listed on the agenda report as the applicant for the Pocket Park Project grant. iv. Cr Frank Wilkie attended the Services and Organisation Committee meeting. v. The matter was not an ordinary business matter. vi. Item 2 of the agenda recorded that the Committee recommended the Council note the report by the Community Development Manager to the Services and Organisation Committee Meeting dated 12 June 2018 and approve the 2018/2019 Round One Community Project Grants – Programs, as provided in Attachment 1 to the report. vii. Attachment 1 2018/2019 Round One Community Project Grants – PROGAM/PROJECT to the report included the PBCAI as an applicant for the community grant of \$2000. viii. Cr Frank Wilkie failed to inform the meeting of his personal interest, namely that: <ol style="list-style-type: none"> i. Cr Frank Wilkie's father, Frank Wilkie Snr, was President of PBCAI from 8 June 2003 until his passing in May 2017; 	<p>On 16 September 2022, the Councillor Conduct Tribunal determined:</p> <p>Pursuant to Section 150AR(1)(b) of the Act, the Tribunal orders that Cr Frank Wilkie within 60 days of the day that he is issued with this decision and reasons:</p> <ol style="list-style-type: none"> 1. With respect to <u>Allegation One:</u> <ol style="list-style-type: none"> i. pursuant to section 150AR(1)(b)(i) of the Act, Cr Frank Wilkie must make an admission that he engaged in misconduct during a General Meeting of Council at a time when the meeting is open to members of the public; ii. pursuant to section 150AR(b)(iii) of the Act, Cr Frank Wilkie is to arrange training, to be completed by Cr Frank Wilkie within 12 months of this decision at Cr Frank Wilkie's expense, where such training is to consist of identifying real or perceived conflicts of interest. 2. With respect to <u>Allegation Two:</u> <ol style="list-style-type: none"> i. pursuant to section 150AR(1)(b)(i) of the Act, Cr Frank Wilkie must make an admission that he engaged in misconduct during a General Meeting of Council at a time when the meeting is open to members of the public. 	<p>The Councillor Conduct Tribunal has determined, on the balance of probabilities, that the allegation that on 12 June 2018, Cr Frank Wilkie, engaged in misconduct as defined in section 176(3)(b)(ii) of the Act, in that his conduct involved a breach of trust placed in him as a councillor, in that it was inconsistent with local government principles in section 4(2)(a) of the Act "Transparent and effective processes, and decision-making in the public interest" and or section 4(2)(e) of the Act "ethical and legal behaviour of councillors and local government employees", in that Cr Frank Wilkie did not inform the meeting about his personal interest in the matter as required by section 175E(2) of the Act, has been sustained.</p> <p>The Councillor Conduct Tribunal has determined, on the balance of probabilities, that the allegation that on 21 June 2018, Cr Frank Wilkie, engaged in misconduct as defined in section 176(3)(b)(ii) of the Act, in that his conduct involved a breach of trust placed in him as a councillor, in that it was inconsistent with local government principles in section 4(2)(a) of the Act "Transparent and effective processes, and decision-making in the public interest" and or section 4(2)(e) of the Act "ethical and legal behaviour of councillors and local government employees", in that Cr Frank Wilkie did not inform the meeting about his personal interest in the matter as required by section 175E(2) of the Act, has been sustained.</p>

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			<ul style="list-style-type: none"> ii. Cr Frank Wilkie was a general member of the PBCAI from 2014 to July 2017; iii. Cr Frank Wilkie had a long-term personal association with Mr Cotterell; and iv. On 12 February 2016, Cr Frank Wilkie received \$200 electoral donation from Mr Cotterell who at the time of the donation was Vice President of the PBCAI. <p>ix. Cr Frank Wilkie's personal interest in the matter did not arise merely because of the circumstance specified in section 175(2)(a)(iii) of the Act.</p> <p><u>Allegation Two:</u> The particulars of the alleged conduct which could amount to misconduct are as follows:</p> <ul style="list-style-type: none"> a. On 21 June 2018, an Ordinary Council meeting was held. Item 6 on the agenda was consideration of reports and recommendations contained in minutes of the Services and Organisation Committee recommendations. b. The Services and Organisation Committee Report recommended that Council note the report by the Community Development Manager to the Services & Organisation Committee Meeting dated 12 June 2018 and approve the 2018/2019 Round One Community Project Grants – Programs, as provided in Attachment 1 to the report. c. Attachment 1 2018/2019 Round One Community Project Grants – PROGRAM/PROJECT included a community grant of \$2000 to PBCAI. d. Cr Frank Wilkie attended the Ordinary Council meeting and was present during the consideration of adoption of the Services and Organisation Committee recommendation. e. The matter was not an ordinary business matter. f. Cr Frank Wilkie failed to inform the meeting of his personal interest, namely that: <ul style="list-style-type: none"> i. Cr Frank Wilkie's father, Frank Wilkie Snr, was 		

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			<p>President of PBCAI from 8 June 2003 until his passing in May 2017;</p> <p>ii. Cr Frank Wilkie was a general member of the PBCAI from 2014 to July 2017;</p> <p>iii. Cr Frank Wilkie had a long-term personal association with Mr Cotterell; and</p> <p>iv. On 12 February 2016, Cr Frank Wilkie received \$200 electoral donation from Mr Cotterell who at the time of the donation was Vice President of the PBCAI.</p> <p>g. Cr Frank Wilkie's personal interest in the matter did not arise merely because of the circumstance specified in section 175(2)(a)(iii) of the Act.</p>		
27 May 2022	21-22/02 C/22/00346, C/22/00347 & C/22/00348	It was alleged a councillor failed to support a motion regarding a regulatory process during a meeting of the Council.	-	On 8 June 2022 the Office of the Independent Assessor dismissed the complaint as the alleged conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act.	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the alleged conduct was not inappropriate conduct or misconduct. Whether a councillor votes for or against a motion is not inappropriate conduct or misconduct within the meaning of the Act.
27 April 2022	21-22/01	During a committee meeting of Council, two councillors were alleged to have treated fellow councillors without courtesy, honesty and fairness and that the councillors actions were vile, denigrating and bullying.	-	On 13 May 2022 the Office of the Independent Assessor dismissed the complaint pursuant to Section 150X(a)(ii) of the Local Government Act 2009 (<i>the conduct does not constitute inappropriate conduct or misconduct</i>).	The OIA dismissed this matter pursuant to section 150X(a)(ii) as the conduct complained about did not reach the threshold of inappropriate conduct or misconduct. Chairs of meetings have reasonable latitude to control meetings, ensure that standing orders are observed and to progress the meeting. It is the responsibility of Chairs to deal with unsuitable meeting conduct by another councillor. The OIA viewed the relevant meeting footage and did not consider that either councillor had engaged in conduct that is within the OIA's jurisdiction, namely inappropriate conduct or misconduct.
128 complaints received between 10 – 24 October 2019	20-21/03	<i>Allegation 1:</i> That on an unknown date between 17 and 27 June 2019, Cr Glasgow engaged in misconduct as defined in section 150L(1)(b)(i) of the Local Government Act 2009, in that his conduct involved a breach of the trust placed in him as a councillor, either knowingly or recklessly, in that his performance on the television series, The Bachelorette, was inconsistent with the local government principle of 'democratic representation, social inclusion and meaningful community	Reasons for Allegation 1: 1. On 9 and 10 October 2019, the Councillor appeared on two episodes of the reality television show "The Bachelorette", where a group of men vie for the attention and affection of a single female bachelorette (on this season of the show, Ms Angie Kent). The show features a variety of "challenges" and social outings where they	On 22 February 2021 the Councillor Conduct Tribunal determined: In respect of Allegation One: a. Pursuant to s 150AR(1)(b)(ii) of the Act, former Councillor Glasgow is reprimanded for his conduct; and b. Pursuant to s 150AR(1)(b)(iv) of the Act, that former Councillor Glasgow pay to the local government, namely the Noosa Shire	1. The Tribunal considers the following events to be relevant aggravating factors: a. The Councillor knew his obligations under the Act, yet disregarded these obligations in a manner that brought the Council and office of Councillor into disrepute; b. The Councillor could, at any time from the end of filming of The

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		<p>engagement' [section 4(2)(c) of the Act], the councillor's responsibility to provide 'high quality leadership to the local government and the community' [section 12(3)(b) of the Act], and the Councillor Code of Conduct, as adopted by Noosa Shire Council on 20 December 2018.</p> <p>Particulars of the alleged conduct which could amount to misconduct are that:</p> <ol style="list-style-type: none"> a. Between 17 and 27 June 2019, episodes 1 and 2 of the television series, The Bachelorette, were filmed. b. The Bachelorette is a reality television series which involves a number of male bachelors vying for the affections of a single female bachelorette. Councillor Glasgow was one of the male bachelors on the program. c. On 9 October 2019, episode one of The Bachelorette was broadcast on Network 10. During episode one, Councillor Glasgow introduced himself to the Bachelorette, Angie Kent, as "Jess", wearing red robes and a chain around his neck with a large key attached and carrying a regal throne. He stated, "I work in local politics in Noosa. I'm a local Councillor, so, the one below the Mayor". d. On 10 October 2019, episode two of the Bachelorette was broadcast on Network 10. During episode two: <ol style="list-style-type: none"> i. Councillor Glasgow participated in a photoshoot for the Daily Telegraph. During the photoshoot, Councillor Glasgow was dressed up as a horse's rear end. Ms Kent was asked by a photographer to get on the horse. Councillor Glasgow then said, "Don't mind me if I get some wandering fingers alright". Councillor Glasgow also stated, "Damn, I'm gonna be the first person she gets to ride". Councillor Glasgow made lewd gestures including attempting to bite and lick parts of Ms Kent's body. ii. Whilst observing a photoshoot involving Ms Kent and another male contestant, Councillor Glasgow made the following comments, "If that was me, I would've laid one on her"; "just slip the tongue in."; and "Shit, I bet she's turned on, she's up for it." iii. Later, another male contestant asked Councillor Glasgow about his photoshoot with Ms Kent. In response, Councillor Glasgow made the following comments, "I would've just grabbed that sweetie and laid one on her"; and "I don't mind if a girl turns, I've kissed plenty of girls who've turned their 	<p>attempt to win the affections of the bachelorette.</p> <ol style="list-style-type: none"> 2. During his appearance on The Bachelorette, the Councillor: <ol style="list-style-type: none"> a. Dressed in a long robe with a crown, telling Ms Kent he was "in local politics in Noosa" and "the one below the Mayor"; b. Made several comments about Ms Kent, namely "Don't mind me if I get some wandering fingers alright", "Damn I'm gonna be the first person she's gonna get to ride" and where the Councillor was facing the bottom half of Ms Kent's body: "Hey, have a look at my view" and "damn, this beats my last girlfriend"; c. Where the Councillor spoke of a desire to kiss Ms Kent, stating he "would've just grabbed that sweetie and laid one on her, like". Further, he then said "Know what, I don't mind if a girl turns, I've kissed plenty of girls and they've turned their heads before. I'm used to it." and "the bottom line is I try [to kiss them]"; d. Where the Councillor approaches a group of other contestants, one of them informs the Councillor words to the effect of "Angie [Kent] said she was going to have a chat with you later". The Councillor replied "Cool, bring it on bitch"; and e. On leaving the show, "I'm going back to Noosa to find the love of my life in a dirty, dingy nightclub". 3. The Councillor's behaviour provoked a strong public outcry, including numerous complaints made to the CEO, the Mayor and the Council. 4. The Councillor provided no written submissions in response to the allegation, citing "medical issues". 5. The Tribunal finds that the Councillor engaged in the conduct as alleged. The Brief of Evidence contained and referred to the specific episodes of The Bachelorette which constituted the alleged conduct, during which time the Councillor was clearly identifiable both by name and appearance. 6. The arguments of the Councillor that The Bachelorette had been "edited" in some way detrimental to him, and therefore is not a "real world" issue, are rejected. The 	<p>Council, an amount of 15 penalty units (or \$2,001.75).</p> <p>In respect of Allegation Two:</p> <ol style="list-style-type: none"> a. Pursuant to s 150AR(1)(b)(ii) of the Act, former Councillor Glasgow is reprimanded for his conduct; and b. Pursuant to s 150AR(1)(b)(iv) of the Act, that former Councillor Glasgow pay to the local government, namely the Noosa Shire Council, an amount of 15 penalty units (or \$2,001.75); and c. Pursuant to s 150AR(1)(b)(v) of the Act, that former Councillor Glasgow reimburse the local government, namely the Noosa Shire Council, \$1,000.00 for the costs arising from the councillor's misconduct. 	<p>Bachelorette to its eventual airing, have raised the potential impacts with the Mayor and CEO, and sought to minimise the damage to the Council;</p> <ol style="list-style-type: none"> c. The Councillor could, at any time from the airing of The Bachelorette in October 2019 to his failure to be re-elected in March 2020, have resigned; d. The Councillor could have, at any other time, made a formal public apology to Ms Kent, the Council and/or the constituents of Noosa Shire Council. <ol style="list-style-type: none"> 2. The Councillor's words, gestures and actions are unacceptable. That they were made by an elected Councillor, who identified himself as such, on a television show with national and international exposure is to be condemned. The Councillor's failures to adequately stand up to the consequences of his actions also reflect poorly on him and strike at the heart of the integrity of the office of Councillor. 3. Had the Councillor remained elected to the Council, it is likely that this Tribunal would have exercised its discretion to recommend to the Minister that they suspend or dismiss the Councillor from office under section 150AR(1)(b)(xi) or (xii) of the Act. 4. As the Councillor is no longer a Councillor, the Tribunal cannot take such a step. It must therefore consider only the penalties able to be imposed on former Councillors. 5. The Tribunal had no evidence as to the nature, duration and impact of his medical condition/s, and so the Tribunal is not able to form a view on the veracity of these medical condition/s, nor how they might have either influenced his conduct or been relevant to this Tribunal's penalty decision. 6. Accordingly, the Councillor will be reprimanded for his conduct. The Tribunal condemns the Councillor's behaviour and considers his comments (especially about women) are offensive, and that his misleading statements to the media reflect poorly on the office of Councillor.

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		<p>heads before, I'm used to it. The bottom line is I try."</p> <p>iv. After being informed by one of the male contestants that Ms Kent wanted to talk to him about his behaviour towards women on the show, Councillor Glasgow responded, "Cool, bring it on bitch".</p> <p>Ms Kent confronted Councillor Glasgow about his behaviour and told him he needed to leave. At being ousted, Councillor Glasgow commented he was "going back to Noosa to find the love of my life in a dirty, dingy nightclub".</p> <p><i>Allegation 2:</i> That on an unknown date between 8 October 2019 and 11 October 2019, Councillor Glasgow engaged in misconduct as defined in section 150L(1)(b)(i) of the Local Government Act 2009, in that his conduct involved a breach of the trust placed in him as a councillor, either knowingly or recklessly, in that he made false or misleading statements to the media that Mayor Wellington had been informed of, and had approved, his involvement in The Bachelorette television series, which was inconsistent with the local government principle of 'ethical and legal behaviour' [section 4(2)(e) of the Act] and the Councillor Code of Conduct, as adopted by Noosa Shire Council on 20 December 2018.</p> <p>Particulars of the alleged conduct which could amount to misconduct are that:</p> <p>a. Between 17 and 27 June 2019, Councillor Glasgow participated in the filming of the television series, The Bachelorette. Councillor Glasgow appeared in episodes one and two of the program, which were aired on 9 and 10 October 2019, respectively.</p> <p>b. On 9 and 10 October 2019, Councillor Glasgow made public statements which were false or misleading in that they implied Mayor Wellington had given his prior approval to Councillor Glasgow's involvement on the Bachelorette:</p> <p>i. On 9 October 2019, Councillor Glasgow provided responses to Matty Holdsworth, a journalist from the Sunshine Coast Daily. In his responses, Councillor Glasgow implied that he had the approval and support of Mayor Tony Wellington before appearing on the Bachelorette. On the same day, the Sunshine Coast Daily published an online article entitled, 'Who pays for Noosa councillor's time on Bachelorette?' in which it was reported that Councillor Glasgow had said he had the approval and support of Mayor Tony Wellington.</p>	<p>evidence is clear in showing the Councillor as clearly identifiable and that he made the statements and gestures in his personal capacity and of his own volition. The Applicant admitted this in the radio interview with Robert Blackmore on 10 October 2019: "it was my personal, my personal self on there".</p> <p>7. What makes this conduct an order of magnitude worse is the fact that the Councillor was identifiable as a Councillor for Noosa Shire Council. In fact, the Councillor makes the connection himself.</p> <p>8. The Tribunal finds that the Councillor engaged in the conduct, and (from the tone of his emails to this Tribunal) appears to have done so recklessly; entirely indifferent to the indisputable possibility that it would reflect poorly on him or the Council and thereby breach the trust reposed in him as a Councillor.</p> <p>9. The suggestion that the Councillor was on leave and that this enabled him to do as he pleased without repercussions is rejected. A doctor who has a sexual relationship with a patient outside of their practice cannot escape sanction, nor can a police officer who assaults someone whilst off-duty. The mere fact that a Councillor is similarly "off duty" does not disconnect them from the possibility that improper conduct could reflect poorly on their character or the character of local government office in general.</p> <p>10. This is not to say that a Councillor cannot appear on The Bachelorette, or any other reality or entertainment program. Councillors are, by the nature of their elected capacities, required to be "in the public eye" and this may make them more relatable to their electors. However, in every instance Councillors should be aware that it is their conduct in such circumstances that may fall foul of the Act, and here it is the conduct that the Councillor engaged in which this Tribunal considers relevant.</p> <p>Reasons for Allegation 2</p> <p>1. Following his departure from The Bachelorette, the Councillor gave several media interviews. During these interviews, his position was that the Council, and the Mayor in particular, has approved and supported his appearance on the show.</p>		<p>7. A financial penalty is warranted – as outlined earlier, breaches of trust have a corrosive effect on the local government. Where a Councillor engages in a breach of trust, they diminish the standing of their fellow Councillors and the Council as a whole.</p> <p>8. In this case, the Councillor was not only clearly and readily identifiable as a Councillor of Noosa Shire Council by his constituents. His misleading statements in media statements were also made in his capacity as a Councillor. By his own conduct, the Councillor has banished any potential distance between his personal conduct and his elected capacity.</p> <p>9. For that reason, the Tribunal will issue a penalty of fifteen (15) penalty units (or \$2,001.75) under that section for each contravention.</p> <p>10. The remaining sanction is to issue an order that the Councillor reimburse the local government for all or some of the costs arising from the Councillor's misconduct.</p> <p>11. This is an onerous order. Proceedings in this Tribunal (for which the local government bears fiscal responsibility) may run to many thousands of dollars. However, the Councillor bears some responsibility for these costs.</p> <p>12. The Tribunal considers that the overarching protective jurisdiction permits the imposition of such an order, in the sense that the focus of the order here is the protection of the integrity of the office of Councillor, and the maintenance of high standards in the ranks of local Councillors. In effect, such orders issued by this Tribunal should "make plain that conduct of the kind engaged in is unacceptable".</p> <p>13. Had the Councillor shown some insight and not engaged in his conduct on the Bachelorette, these proceedings would have been unnecessary. Had the Councillor taken action to ameliorate the damage to the Council's reputation, or admitted to the conduct, perhaps the proceedings could have been shortened or dispensed with altogether. Had the Councillor more fulsomely engaged with the Tribunal, these proceedings could have proceeded with</p>

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		<p>ii. During an ABC Radio interview with Robert Blackmore on 10 October 2019, Councillor Glasgow implied that he had informed the Mayor about his appearance on the television series before it was filmed. Councillor Glasgow stated the Mayor told him "...you can choose to do whatever you like to do in your four weeks' leave Jess, so yeah, up to you..."</p> <p>c. The councillor's comments to the media were false or misleading in that the Mayor has stated Councillor Glasgow told him about being a contestant on The Bachelorette approximately three weeks before the show aired.</p> <p>d. By implying in his media statements that the Mayor had been informed of, and approved, his participation in the television series, Councillor Glasgow's conduct was not ethical and reflected adversely on the reputation of Council more broadly and the Mayor in particular.</p>	<p>2. The Mayor of the Council, Mr Tony Wellington, released a media statement and himself appeared on several media interviews, denying that the Councillor had been approved to appear on the show.</p> <p>3. After this media statement, the Councillor subsequently amended his position, "backtracking" from his earlier comments and claiming the Mayor had told him "what you do on annual leave is up to you, just don't bring council into disrepute";</p> <p>4. The Councillor again filed no submissions.</p> <p>5. The Tribunal finds that the Councillor engaged in misleading the media. It is demonstrably clear that the Mayor did not give "authority" or "support" for him to appear on The Bachelorette.</p> <p>6. Deliberate mistruths inevitably dissolve the trust reposed in a person. Mistruths raise the very real potential that the veracity of future statements by that person should be questioned. In the context of local government decision-making, members of the public ought to have supreme confidence that the persons charged with making decisions on their behalf do so honestly and with the highest degree of personal integrity.</p> <p>7. The Tribunal has no difficulty in finding that the impugned statements were a breach of the trust reposed in the Councillor. Again, the Councillor appeared reckless – a recklessness he maintained up to and including the Tribunal's hearing – as to the possibility that his conduct in making misleading statements to the media would be a breach of the trust reposed in him as a Councillor.</p>		<p>the filing of consent orders. Thus, the Councillor bears some of the burden of the local government for the costs of his error of judgment.</p> <p>14. For the reasons outlined above, the Tribunal will also order that the Councillor reimburse the Council for \$1,000 of the costs of the local government under section 150AR(1)(b)(v).</p>
26/10/2020	20-21/02	It was alleged that a Councillor displayed unsuitable meeting conduct during Council's Ordinary meeting on 15 October 2020.	-	On 26 November 2020 the Office of the Independent Assessor dismissed the complaint pursuant to Section 150X(a)(ii) of the Local Government Act 2009 (<i>the conduct does not constitute inappropriate conduct or misconduct</i>).	The Office of the Independent Assessor dismissed this matter pursuant to Section 150X(a)(ii) of the Local Government Act 2009 on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct, within the meaning of the Act. Alleged unsuitable meeting conduct is not within the Office of the Independent Assessor's jurisdiction and is a matter for the Chair of the meeting pursuant to section 150I of the Act.
15/07/2020	20-21/01	It was alleged that a Councillor approached a Council contractor who was working on a Council project and requested an additional variation to the project that was not in the contractor's scope of works for the project.	-	On 23 July 2020 the Office of the Independent Assessor decided to take no further action in relation to the complaint pursuant to Section 150Y(b)(iii) of the Local Government Act 2009	The Office of the Independent Assessor decided to take no further action in relation to the complaint pursuant to Section 150Y(b)(iii) of the Local Government Act 2009 on the basis that taking any further

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				<i>(the assessor is satisfied taking further action would be an unjustifiable use of resources).</i>	action would be an unjustifiable use of resources. The OIA has made the decision to provide a three-month amnesty to all first time Councillors and Mayors in relation to allegations of inappropriate conduct and misconduct, except where the matter is serious. The Councillor involved has been advised that had the amnesty not been in place this matter would have been assessed as potential misconduct based on a breach of the Acceptable Request Guidelines. The Councillor has also been advised that repeat complaints of a similar nature during the amnesty period that is due to end on 31 July 2020 will be progressed as possible misconduct.
25/06/2020	19-20/11	It was alleged that between November 2019 and the end of March 2020, a Councillor worked actively to diminish the reputation of the Noosa Shire Council.	-	The Office of the Independent Assessor dismissed the complaint on 30 June 2020 pursuant to Section 150X(c)(ii) of the Local Government Act 2009 <i>(dealing with the complaint would be an unjustifiable use of resources).</i>	The Office of the Independent Assessor dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 on the basis that further dealing with the matter would be an unjustifiable use of resources. No additional material supporting the complaint was provided and the material is no longer available. The Councillor in question is no longer a Councillor of the Noosa Shire Council.
25/02/2020	19-20/10	It was alleged that a Councillor failed to update his Register of Interests and failed to declare a conflict of interest.	-	The Office of the Independent Assessor dismissed the complaint on 12 June 2020 pursuant to Section 150X(c)(ii) of the Local Government Act 2009 <i>(dealing with the complaint would be an unjustifiable use of resources).</i>	The Office of the Independent Assessor dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 on the basis that taking further action would be an unjustifiable use of resources. The Councillor was not re-elected and other matters relating to the Councillor are currently before the Councillor Conduct Tribunal.
10/03/2020	19-20/09	It was alleged that a Councillor influenced the Noosa Council to publish and distribute election related material that supported his candidacy in the Noosa Shire Council election during the caretaker period. It was alleged this would breach section 90D of the Local Government Act 2009.	-	On 12 June 2020 the Office of the Independent Assessor decided to take no further action in relation to the complaint pursuant to Section 150Y(b)(i) of the Local Government Act 2009 <i>(the assessor is satisfied the conduct does not constitute inappropriate conduct or misconduct).</i>	After an investigation, the Office of the Independent Assessor decided to take no further action pursuant to Section 150Y(b)(i) of the Local Government Act 2009 on the basis that the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct. The OIA's jurisdiction in this matter was limited to whether the councillor had engaged in misconduct or inappropriate conduct. Following consideration of the evidence, the OIA was not reasonably satisfied that either the media release came within the definition of "election material" in Section 90D of the Act, or that the councillor influenced the making of the media statement.

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28/05/2020 & 01/06/2020	19-20/08	It was alleged that a newly elected Councillor acted inappropriately when making comments in the media.	-	The Office of the Independent Assessor dismissed the complaint on 16 June 2020 pursuant to Section 150X(c)(ii) of the Local Government Act 2009 (<i>dealing with the complaint would be an unjustifiable use of resources</i>).	The Office of the Independent Assessor dismissed the matter pursuant to Section 150X(c)(ii) of the Local Government Act 2009 on the basis that taking further action would be an unjustifiable use of resources. The OIA has made the decision to provide a three-month amnesty to all first time Councillors and Mayors in relation to allegations of inappropriate conduct and misconduct, except where the matter is serious. The Councillor involved has been advised that had the amnesty not been in place this matter would have been assessed as potential inappropriate conduct based on a breach of Council's Media Relations Policy and/or the Code of Conduct for Councillors in Queensland, part 3.2
06/05/2020	19-20/07	It was alleged that a Councillor failed to update <i>Form 2 - Register of interests of a councillor and their related persons</i> following the conclusion of the election.	-	The Office of the Independent Assessor dismissed the complaint on 20 May 2020 pursuant to Section 150X(a)(ii) of the Local Government Act 2009 (<i>the conduct does not constitute inappropriate conduct or misconduct</i>).	The Office of the Independent Assessor dismissed the matter pursuant to Section 150X(a)(ii) of the Local Government Act 2009 on the basis that the conduct did not raise a reasonable suspicion of inappropriate conduct or misconduct. The Noosa Shire Council election was formally declared by the Queensland Electoral Commission on 12 April 2020. The Councillor's signed <i>Form 2 - Register of interests of a councillor and their related persons</i> dated 6 May 2020 was published on the Council website on 6 May 2020, which was within the timeframe pursuant to Section 171B of the Act.

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07/07/2019	19-20/06	It was alleged that a Councillor failed to declare and deal appropriately with multiple conflicts of interest at Council meetings arising out of a donation received.	-	On 20 May 2020 the Office of the Independent Assessor decided to take no further action in relation to the complaints pursuant to Section 150Y(b)(i) of the Local Government Act 2009 (<i>the assessor is satisfied the conduct does not constitute inappropriate conduct or misconduct</i>) and 150Y(b)(iii) of the Local Government Act 2009 (<i>the assessor is satisfied taking further action would be an unjustifiable use of resources</i>).	The Office of the Independent Assessor decided to take no further action in relation to the complaints pursuant to Section 150Y(b)(iii) of the Local Government Act 2009 on the basis that taking any further action would be an unjustifiable use of resources, and Section 150Y(b)(i) of the Local Government Act 2009 on the basis that the conduct did not constitute inappropriate conduct or misconduct. It was determined that the Councillor is no longer a Councillor and the donations relevant to the items under consideration were made some time before the relevant Council decisions. An examination of the relevant circumstances did not identify any matters where it was considered that there was an ongoing public interest in commencing disciplinary proceedings against a former Councillor.
06/05/2019	19-20/05	It was alleged that a Councillor failed to declare and deal appropriately with a conflict of interest at an Ordinary meeting of Council	-	The Office of the Independent Assessor dismissed the complaint on 12 February 2020 pursuant to Section 150X(a)(ii) of the Local Government Act 2009 (<i>the conduct does not constitute inappropriate conduct or misconduct</i>).	The complaint was dismissed by the Office of the Independent Assessor pursuant to Section 150X(a)(ii) of the Local Government Act 2009 on the basis that the conduct did not constitute inappropriate conduct or misconduct. It was determined that based on the matter under consideration by the Council during the relevant meeting, there was no requirement for a conflict of interest to be declared.
18/01/2020 (two complaints received)	19-20/04	<ol style="list-style-type: none"> 1. It was alleged that a Councillor published an ICEO finding against a candidate for election to Noosa Shire Council. That the Councillors' efforts to "name and shame" the candidate went above and beyond what the ICEO chose to do and could have been perceived as an intent to politicise the matter 2. It was alleged that a Councillor's conduct lacked transparency over a report placed on the council agenda in January 2020 by failing to record that they were the author of it 	-	On 10 February 2020 the Office of the Independent Assessor decided to take no further action in relation to either complaint pursuant to Section 150Y(b)(i) of the Local Government Act 2009 (<i>the assessor is satisfied the conduct does not constitute inappropriate conduct or misconduct</i>).	<ol style="list-style-type: none"> 1. The Office of the Independent Assessor decided to take no further action in relation to the complaint pursuant to Section 150Y(b)(i) of the Local Government Act 2009, on the basis that the conduct as described did not raise a reasonable suspicion of inappropriate conduct or misconduct. It appeared the councillor merely published the ICEO finding. 2. The Office of the Independent Assessor decided to take no further action in relation to the complaint pursuant to Section 150Y(b)(i) of the Local Government Act 2009, on the basis that the conduct as described did not raise a reasonable suspicion of inappropriate conduct or misconduct. Enquiries did not identify a lack of transparency by the councillor.
28/12/2019 (two complaints received)	19-20/03	It was alleged that a Councillor breached the Code of Conduct for Queensland Councillors when providing a presentation to a community association as the Councillor's presentation failed	-	The Office of the Independent Assessor dismissed the complaint on 24 January 2020 pursuant to Section 150X(a)(ii) of the Local Government Act 2009, on the grounds that	The complaint was dismissed by the Office of the Independent Assessor pursuant to Section 150X(a)(ii) of the Local Government Act 2009, on the grounds that

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		to clearly and accurately explain a decision of Council.		Government Act 2009 (<i>the conduct does not constitute inappropriate conduct or misconduct</i>).	the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct. While critical review of a presentation can often identify ways in which a presentation could be more precise, evidenced, or clear - the OIA was not satisfied that the Councillor's comments reached the threshold of being a breach of the Code of Conduct
22/11/2019	19-20/02	It was alleged that a Councillor, after having declared a conflict of interest and having to leave a meeting of Council made comments to the Acting Chief Executive Officer that were offensive	-	The Office of the Independent Assessor dismissed the complaint on 26 November 2019 pursuant to Section 150X(a)(ii) of the Local Government Act 2009 (<i>the conduct does not constitute inappropriate conduct or misconduct</i>).	The complaint was dismissed by the Office of the Independent Assessor pursuant to Section 150X(a)(ii) of the Local Government Act 2009 after consideration of the complaint and viewing the publicly available video recording of the incident. It was found that the comment did not meet the threshold of breaching the code of conduct.
20/09/2019	19-20/01	It was alleged that a Councillor breached the Code of Conduct for Councillors or committed misconduct when they posted correspondence from a community organisation and comments on Facebook and or failed to moderate community comments.	-	The Office of the Independent Assessor dismissed the complaint on 12 November 2019 pursuant to Section 150X(c)(ii) of the Local Government Act 2009 (<i>dealing with the complaint would be an unjustifiable use of resources</i>).	The complaint was dismissed by the Office of the Independent Assessor pursuant to section 150X(c)(ii) of the Act as the material posted was not confidential to the local government and was the subject of Council discussion and public debate. It has been recommended however that the Councillor include an impressum on the Councillor's facebook page and the Councillor has been reminded of their responsibility to moderate posts if they offend what is acceptable.
15/06/2019	18-19/03	It was alleged that an unnamed Councillor released a confidential Council email to a community organisation. It was further alleged that the community organisation posted a copy of the email on their group's Facebook page.	-	The Office of the Independent Assessor dismissed the complaint on 24 June 2019 pursuant to Section 150X(b)(iii) of the Local Government Act 2009 (<i>the complaint lacks substance or credibility</i>).	The complaint was dismissed by the Office of the Independent Assessor on the basis that it is lacking in substance. There was no evidence to suggest that the email contained information that was confidential to Council at the time that it was disclosed. Furthermore, the email in question had been received by a large group of persons. The complaint was made anonymously and therefore the Office of the Independent Assessor could not seek further information.
13/02/2019	18-19/02	It was alleged that the Councillor failed to declare a conflict of interest at Council's General Committee Meeting on 14 January 2019 and Ordinary Meeting on 17 January 2019.	-	The Office of the Independent Assessor dismissed the complaint on 13 June 2019 pursuant to Section 150X(c)(ii) of the Local Government Act 2009 (<i>dealing with the complaint would be an unjustifiable use of resources</i>).	The complaint was dismissed by the Office of the Independent Assessor after investigation on the basis that progressing this matter further was an unjustifiable use of resources. The Councillor was previously an honorary office holder of a community group. That group had been involved in stage 1 of the project but had not been involved in the development of the proposal and was no longer involved in the on-going project under Council consideration during the relevant meeting.

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16/01/2019	18-19/01	It was alleged that the Councillor failed to declare a conflict of interest at Council's Ordinary Meeting held on 18 October 2018 when discussing a planning matter	-	The Office of the Independent Assessor dismissed the complaint on 25 January 2019 pursuant to Section 150X(c)(i) of the Local Government Act 2009 (<i>dealing with the complaint would not be in the public interest</i>).	The Office of the Independent Assessor decided to take no further action and close the investigation on the basis that dealing with the complaint would not be in the public interest as per section 150X(c)(i) of the Local Government Act 2009. Application of the relevant test indicated that any conflict of interest in this case was borderline.