

# Councillor Conduct Tribunal: Councillor misconduct complaint – Summary of decision and reasons for department’s website

*Local Government Act 2009: Sections 150AS(2)(c)*

Note that the Tribunal is prohibited from giving another entity information that is part of a Public Interest Disclosure unless required or permitted under another Act; or including in this summary the name of the person who made the complaint or information that could reasonably be expected to result in identification of the person: S150AS(5)(a) and (b).

## 1. Complaint:

<b>CCT Reference</b>	F20/3427
<b>Subject Councillor</b>	Councillor Jess Glasgow (the Councillor)
<b>Council</b>	Noosa Shire Council

## 2. Decision (s150AQ):

<b>Date:</b>	22 February 2021
<b>Decision:</b> <b>Allegation 1:</b>	<p><b>Allegation 1:</b> That on an unknown date between 17 and 27 June 2019, Councillor Glasgow, a Councillor of Noosa Shire Council, engaged in misconduct as defined in section 150L(1)(b)(i) of the <i>Local Government Act 2009</i>, 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, <i>The Bachelorette</i>, was inconsistent with the local government principle of ‘democratic representation, social inclusion and meaningful community 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> <p>a. Between 17 and 27 June 2019, episodes 1 and 2 of the television series, <i>The Bachelorette</i>, were filmed.</p>

**Councillor Conduct Tribunal**

GPO Box 15009, City East, Q 4002

	<p>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.</p> <p>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”.</p> <p>d. On 10 October 2019, episode two of the Bachelorette was broadcast on Network 10. During episode two:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.”</li> <li>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 heads before, I’m used to it. The bottom line is I try.”</li> <li>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”.</li> </ul> <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><b>Reasons for Decision - Allegation 1:</b></p>	<ol style="list-style-type: none"> <li>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 attempt to win the affections of the bachelorette.</li> <li>2. During his appearance on The Bachelorette, the Councillor:</li> </ol>

**Councillor Conduct Tribunal**

GPO Box 15009, City East, Q 4002

	<ol style="list-style-type: none"> <li>a. Dressed in a long robe with a crown, telling Ms Kent he was <i>“in local politics in Noosa”</i> and <i>“the one below the Mayor”</i>;</li> <li>b. Made several comments about Ms Kent, namely <i>“Don’t mind me if I get some wandering fingers alright”</i>, <i>“Damn I’m gonna be the first person she’s gonna get to ride”</i> and where the Councillor was facing the bottom half of Ms Kent’s body: <i>“Hey, have a look at my view”</i> and <i>“damn, this beats my last girlfriend”</i>;</li> <li>c. Where the Councillor spoke of a desire to kiss Ms Kent, stating he <i>“would’ve just grabbed that sweetie and laid one on her, like”</i>. Further, he then said <i>“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.”</i> and <i>“the bottom line is I try [to kiss them]”</i>;</li> <li>d. Where the Councillor approaches a group of other contestants, one of them informs the Councillor words to the effect of <i>“Angie [Kent] said she was going to have a chat with you later”</i>. The Councillor replied <i>“Cool, bring it on bitch”</i>; and</li> <li>e. On leaving the show, <i>“I’m going back to Noosa to find the love of my life in a dirty, dingy nightclub”</i>.</li> </ol> <ol style="list-style-type: none"> <li>3. The Councillor’s behaviour provoked a strong public outcry, including numerous complaints made to the CEO, the Mayor and the Council.</li> <li>4. The Councillor provided no written submissions in response to the allegation, citing <i>“medical issues”</i>.</li> <li>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.</li> <li>6. The arguments of the Councillor that The Bachelorette had been <i>“edited”</i> in some way detrimental to him, and therefore is not a <i>“real world”</i> issue, are rejected. The 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: <i>“it was my personal, my personal self on there”</i>.</li> <li>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.</li> <li>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</li> </ol>
--	--

**Councillor Conduct Tribunal**

GPO Box 15009, City East, Q 4002

	<p>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 <u>conduct</u> in such circumstances that may fall foul of the Act, and here it is the <u>conduct</u> that the Councillor engaged in which this Tribunal considers relevant.</p>
<p><b>Allegation 2:</b></p>	<p><b>Allegation 2</b>, being an allegation that on an unknown date between 8 October 2019 and 11 October 2019, Councillor Glasgow, a Councillor of Noosa Shire Council, engaged in misconduct as defined in section 150L(1)(b)(i) of the <i>Local Government Act 2009</i>, 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], has been <b>sustained</b>.</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</p>

	<p>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, <i>'Who pays for Noosa councillor's time on Bachelorette?'</i> in which it was reported that Councillor Glasgow had said he had the approval and support of Mayor Tony Wellington.</p> <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 <i>"...you can choose to do whatever you like to do in your four weeks' leave Jess, so yeah, up to you..."</i></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><b>Reasons for Decision - Allegation 2:</b></p>	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. After this media statement, the Councillor subsequently amended his position, <i>"backtracking"</i> from his earlier comments and claiming the Mayor had told him <i>"what you do on annual leave is up to you, just don't bring council into disrepute"</i>;</li> <li>4. The Councillor again filed no submissions.</li> <li>5. The Tribunal finds that the Councillor engaged in misleading the media. It is demonstrably clear that the Mayor did not give <i>"authority"</i> or <i>"support"</i> for him to appear on The Bachelorette.</li> <li>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</li> </ol>

**Councillor Conduct Tribunal**

GPO Box 15009, City East, Q 4002

	<p>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>
--	---

### 3. Orders and/or recommendations (s150AR - disciplinary action):

<b>Date of orders:</b>	22 February 2021
<b>Orders and/or recommendations:</b>	<p>The Tribunal orders that within 60 days of the date that a copy of this decision and orders are given to him by the Registrar:</p> <p>In respect of Allegation One:</p> <ol style="list-style-type: none"> <li>a. Pursuant to s 150AR(1)(b)(ii) of the Act, Councillor Glasgow is reprimanded for his conduct; and</li> <li>b. Pursuant to s 150AR(1)(b)(iv) of the Act, that Councillor Glasgow pay to the local government, namely the Noosa Shire Council, an amount of 15 penalty units (or \$2,001.75).</li> </ol> <p>In respect of Allegation Two:</p> <ol style="list-style-type: none"> <li>a. Pursuant to s 150AR(1)(b)(ii) of the Act, Councillor Glasgow is reprimanded for his conduct; and</li> <li>b. Pursuant to s 150AR(1)(b)(iv) of the Act, that Councillor Glasgow pay to the local government, namely the Noosa Shire Council, an amount of 15 penalty units (or \$2,001.75); and</li> <li>c. Pursuant to s 150AR(1)(b)(v) of the Act, that Councillor Glasgow reimburse the local government, namely the Noosa Shire Council, \$1,000.00 for the costs arising from the councillor’s misconduct.</li> </ol>
<b>Reasons:</b>	<ol style="list-style-type: none"> <li>1. The Tribunal considers the following events to be relevant aggravating factors: <ol style="list-style-type: none"> <li>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;</li> <li>b. The Councillor could, at any time from the end of filming of The Bachelorette to its eventual airing, have raised the potential impacts with the Mayor and CEO, and sought to minimise the damage to the Council;</li> </ol> </li> </ol>

**Councillor Conduct Tribunal**

GPO Box 15009, City East, Q 4002

	<p>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;</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</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</p>
--	--

**Councillor Conduct Tribunal**

GPO Box 15009, City East, Q 4002

	<p>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 <i>“make plain that conduct of the kind engaged in is unacceptable”</i>.</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 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>
--	---