



Gladstone Regional Council  
101 Goonoon Street  
Gladstone QLD 4680

**Council Reference No: DA/8/2019**

Wednesday, 1<sup>st</sup> April 2020

Dear Sir or Madam,

on Monday, 30<sup>th</sup> March 2020 we received Invoice No.: 67667 in regards to the:  
Infrastructure Agreement  
Council Reference No: DA/8/2019  
Reduction under Infrastructure Charges Rebate Scheme (P-2019-28) &  
Payment by Instalments

“The Ole Gumtree”, as one party of the contract, whom hereby gives notice of **Force Majeure** to  
“Gladstone Regional Council” being the other party in the contract.

- (I) **The Force Majeure is in existence**
- (II) **The full particulars of the Force Majeure are:**

World Health Organization (WHO) therefore have made the assessment that COVID-19 can be characterized as a pandemic (Source: [https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200311-sitrep-51-covid-19.pdf?sfvrsn=1ba62e57\\_10](https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200311-sitrep-51-covid-19.pdf?sfvrsn=1ba62e57_10))  
11<sup>th</sup> March 2020

The Federal Government declared a Pandemic with lock downs and isolations in regards to COVID-19, on the 18<sup>th</sup> March 2020 (Source: ABC News)

The State Government of Queensland declared a COVID-19 pandemic and lock down on the 25<sup>th</sup> March 2020. (Source: Brisbane Times)

Gladstone Regional Council:  
to follow legislation and restrictions as advised by the State and Federal Governments.

Contractual clause 11.0 states that the Force Majeure triggers:

**Suspension of an Obligation**

The obligation by “The Ole Gumtree” has been affected by Force Majeure and results in the suspension of our obligation during the following:

- (I) The continuance of the Force Majeure, and
- (II) A further period that is reasonable in the circumstances

This consists of the extension of the substantial commencement date and the completion date.



The circumstances caused by the COVID-19 pandemic were unforeseen and unprecedented. We all find ourselves with an uncertain future for our lives and our livelihoods.

No government information or professional health advice from experts can offer a date when this pandemic will stop. It is understood that the Federal Government, State Government and the World Health Organization are preparing measures and legislation for six months and beyond.

The Tourism Industry has been severely decimated because of COVID-19 and will take many, many years to recover. With the suspension of international flights, we no longer have international tourists patronizing our campground. With States and Territories closing their borders, we no longer have domestic travellers. With hundreds of thousands of workers already laid off, and hundreds of thousands of workers expected to be laid off, and tens of thousands of businesses that already have ceased trading and may never trade again, has severely affected our business, our income and the economy.

These circumstances have now changed the priorities of people all over the world. No longer are they looking for their ideal holiday destination, they are looking at ways to survive, so as to put food on their table, pay bills and look for jobs. This reverberates to our tourism business, as we have suffered cancellations of all pre-bookings and we have no future bookings.

Due to the circumstances stated above we no longer have an income!

The stress and the strain of trying to come up with the funds to pay this invoice, on top of trying to maintain our own livelihood in amongst the uncertain future of living with COVID-19 has severely affect us and may result in closing our business.

This is why we request from Gladstone Regional Council to permanently cancel the fees of \$13,505.98 stated on Invoice No: 67667. This will allow us, as a small family business, to preserve and secure our livelihood for today and into the uncertain future.

As the repercussions of COVID-19 could go on for many, many years and we are unable to foresee when the tourism industry will bounce back and once again provide an income, let alone provide us with a sufficient income to maintain household bills, rates and other expenses, we believe this is a valid request and ask Gladstone Regional Council for careful consideration in this matter.

We believe that Gladstone Regional Council sees the value of our business to the local economy, once we will be trading again and we hope for a positive outcome in these uncertain times!

We are all in this together!

Kind regards,

Michael Oliver and Michaela Prutscher  
"The Ole Gumtree – Traveller's Rest 1770"