

Dear Delegate,

ADDENDUM 2

4231529

Complaint against Mayor Brad Carter, CEO Evan Pardon, and the Rockhampton Regional Council.

ROCKHAMPTON REGIONAL COUNCIL WERE PROVIDING GOODS AND SERVICES

THE COUNCIL

1. In its response of 18 August 2011, at paras 36 to 39 Rockhampton Regional Council disputes that the Talisman Sabre Gala Dinner was a service within the meaning of the Act.
2. I don't fully understand what Council is trying to say. *IW v City of Perth and Ors* (1997) 146 ALR 696 at 702 focuses on a fairly arcane question of precisely what kind of service local government offers in its planning approvals process. It finds the service so offered is one of consideration, as distinct from the approval or denial that is an outcome of consideration.
3. The service in this matter is much more robust and easy to identify.

THE SERVICE

4. Tickets for the Talisman Sabre Gala Ball went on sale on 20 June 2011.
5. The Rockhampton Morning Bulletin of that day featured some promotion of the dinner. In the promotional article, Mayor Carter was reported as having said the dinner

"would allow business people and members of the community to have 'a great night out' with entertainment from the US 7th Fleet Band as well as the Band of the First Battalion from the Royal Australian Regiment". (attached)

6. The event was advertised on the Council owned Pilbeam Theatre web-site with the words

"Be entertained by the US 7th Fleet Band and the Band of the First Battalion Royal Australian Regiment. Tickets \$120 which includes three course meal, beer, wine and softdrinks".

<http://pilbeamtheatre.com.au/common/Pages/Display/multiloader.aspx?id=318>

7. The Council was thus engaging in the commercial provision of entertainment and hospitality services, including the provision of goods such as food and beverages.
8. In its general discussion of services subject to that anti-discrimination act, *IW v City of Perth and Ors* (1997) 146 ALR 696 clearly identifies *"services relating to entertainment, recreation or refreshment"*

DEFINITIONS FROM THE WWW

9. Goods

"(n) Goods are the articles, creations, properties that are made purchased or otherwise possessed for the purpose of transferring them for a price or consideration in the course of business".

<http://www.legal-explanations.com/definitions/goods.htm>

10. Services

"(n) Services is the work done by a person on behalf of another person as per an agreement to do such work specified for a consideration payable or paid".

<http://www.legal-explanations.com/definitions/services.htm>

11. It is an obvious fact that Rockhampton City Council was providing entertainment and hospitality services to the general public of Rockhampton.

THE DISCRIMINATION

12. It is a straightforward matter of fact that I was denied a service which I was entitled to receive, and which I had purchased From the Council-owned commercial box-office of the Pilbeam Theatre in good faith.
13. I was denied that service because Mayor Brad Carter, CEO Evan Pardon, and the Rockhampton Regional Council were unthinkingly hostile and prejudicial towards me because of my political practice of nonviolent direct action.



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Gala dinner to welcome troops

Alistair Thomson | 20th June 2011 A+ A- 🖨

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ROCKHAMPTON Region Mayor Brad Carter has announced a gala dinner will precede the upcoming Australian and American military exercise Talisman Sabre.

Cr Carter said the dinner, scheduled for July 9, was the first of its kind for the region and would allow business people and members of the community to have a "great night out" with entertainment from the US 7th Fleet Band as well as the Band of the First Battalion from the Royal Australian Regiment.

As well as the dinner, Cr Carter announced a Talisman Sabre Open Day at the Rockhampton Showgrounds on the same day.

The bands playing at the dinner are also due to perform at the open day and there will be displays from defence forces as well as "various activities for the young and old," Cr Carter said.

"We trust the Australian Defence Force personnel and US servicemen and women visiting our region during the exercise will enjoy the warm hospitality of the Rockhampton region and will take away some wonderful memories of their time with us."

Entry at the open day, to be held between 1pm and 4pm, is by a gold coin donation.

To book a seat at the dinner, which will be held at the Rockhampton Grammar School from 7pm, call the Pilbeam Theatre on 4927 4111.



Mayoress Gail Carter, Australian Army Captain Brad Roos and Mayor Brad Carter at the Rockhampton Military base.

Sharyn O'Neill

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