



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2021-282

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	N/A
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	18 days
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

**From:** [no-reply@act.gov.au](mailto:no-reply@act.gov.au)  
**To:** [CMTEDD FOI](#)  
**Subject:** Freedom of Information request  
**Date:** Wednesday, 27 October 2021 7:50:14 AM

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**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

### **Your details**

**All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.**

Title:

First Name:

Last Name:

Business/Organisation

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

### **Request for information**

**(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)**

Under the Freedom of Information Act 2016 I want to access the following document/s (\*required field):

In relation to investigation of 86 Candles Pty Limited, Pink Frosting and Louise Curtis, all email correspondence between 1 January 2018 to 27 October 2021 between the following parties - noting that some or all parties may be on email correspondence (ie. some emails may only be between two parties, some may be between all parties) - we require the entire suite of emails with any of the following senders or recipients on the email in relation to the above matters:- Rohan Connor David Snowden Derise Cubin Julia Burns Chantel Potter Alexandra Collins Tanja Warre Aiden Prescott Wendy-Maree Harrison David Pryce Stephen O'Rourke Shane Rattenbury (and/or Shane Rattenbury's office on his behalf)

I do not want to access the following documents in relation to my request::

Thank you.  
Freedom of Information Coordinator



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2021-282



## **FREEDOM OF INFORMATION REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 27 October 2021, in which you sought access to:

- *“...investigation of 86 Candles Pty Limited, Pink Frosting and Louise Curtis, all email correspondence between 1 January 2018 to 27 October 2021 between the following parties - noting that some or all parties may be on email correspondence (ie. some emails may only be between two parties, some may be between all parties) - we require the entire suite of emails with any of the following senders or recipients on the email in relation to the above matters:- Rohan Connor David Snowden Derise Cubin Julia Burns Chantel Potter Alexandra Collins Tanja Warre Aiden Prescott Wendy-Maree Harrison David Pryce Stephen O'Rourke Shane Rattenbury (and/or Shane Rattenbury's office on his behalf).*

### **Authority**

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

### **Timeframes**

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 24 November 2021.

On 5 November 2021 I wrote to you proposing to refuse to deal with your request as it would require an unreasonable and substantial diversion of resources pursuant to section 44(1) of the Act. In that letter you were provided with the opportunity to amend your application. The time allowed for your response to my proposal, as stated under section 46(4)(a) was 10 working days meaning a response was due to this office by 19 November 2021. I did not receive a response by that date.

### **Proposed Decision on Access**

Based on the estimated time and resourcing it would take to process your request I am proposing to refuse to deal with this access application under section 43(1)(a) of the Act. Dealing with this request in its current form would require an unreasonable and

substantial diversion of resources pursuant to section 44(1) of the Act. I have considered the public interest that would be advanced by processing this request in its current form and have concluded that it does not justify the use of the required resources.

#### **Decision on access**

I have decided to refuse to deal with your application under section 43(1)(a) as an unreasonable and substantial diversion of resources.

#### **Charges**

Processing charges are not applicable for this request because no pages are being released to you.

#### **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application and my decision in response to your access application will be published in the CMTEDD disclosure log 3 days after the date of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

#### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601  
Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

#### **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or by email at [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K Stuart'.

Katharine Stuart  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate

22 November 2021