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 2023-161

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	Waived
6. Processing time (in working days)	37
7. Decision made by Ombudsman	Varied
8. Additional information identified by Ombudsman	Yes
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: CMTEDD FOI
To: JACS FOI; CMTEDD FOI
Subject: RE: FOI Request
Date: Monday, 8 May 2023 3:18:31 PM

OFFICIAL

Good afternoon Angelique,

CMTEDD FOI accepts full transfer of this request

Kind Regards

Freedom of Information Coordinator | Information Access Team
Ph: 6207 7754 | Email: CMTEDDFOI@act.gov.au
Corporate | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 5, 220 London Circuit, Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | act.gov.au

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From: JACS FOI <JACSFOI@act.gov.au>
Sent: Friday, 5 May 2023 2:42 PM
To: CMTEDD FOI <CMTEDDFOI@act.gov.au>
Subject: FW: FOI Request

OFFICIAL

Good afternoon team

I refer to the below application and seek to confirm if you accept full transfer, noting a full transfer was accepted last year on the same subject.

Thank you. Please feel free to contact me should you wish to discuss.

Kind regards

Angelique Delahaye I Assistant Director – Freedom of Information
Governance, Coordination and Reporting I Justice and Community Safety Directorate
☎ 6205 9975 I angelique.delahaye@act.gov.au | GPO Box 158, Canberra ACT 2601

From: [redacted]>
Sent: Thursday, 4 May 2023 5:35 PM
To: JACS FOI <JACSFOI@act.gov.au>
Subject: FOI Request

Good afternoon,

On behalf of [redacted] I write to request, under the *Freedom of Information Act 2016*, copies

of the following documents:

1. Any correspondence (from the Minister, or his office) between the ACT Attorney-General and the ACT Commissioner for Fair Trading in regards to Annual Reports Hearings and any conflicts of interest that were declared (2020-21-Present).

2. Any briefings, documentation and correspondence relating to the conflict of interest declared by the ACT Commissioner for Fair Trading on November 26, 2021.

Kind regards,



ACT Government
Chief Minister, Treasury and Economic Development

Our ref: CMTEDDFOI2023-161

[redacted]

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Justice and Community Safety Directorate (JACS) on 5 May 2023. I note that the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) accepted transfer of this request in full on 8 May 2023. In your request you sought access to the following information:

1. Any correspondence (from the Minister, or his office) between the ACT Attorney-General and the ACT Commissioner for Fair Trading in regards to Annual Reports Hearings and any conflicts of interest that were declared (2020-21-Present).
2. Any briefings, documentation and correspondence relating to the conflict of interest declared by the ACT Commissioner for Fair Trading on November 26, 2021

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 within 20 working days of the access application being received. An extension of time was applied to this application, due to third party consultation and by agreement with your office. Therefore, a decision and response are due on 30 June 2023.

Decision on access

Searches were completed for relevant documents and 92 documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant access in full to 42 documents plus attachments relevant to your request. I have decided to grant partial access to 42 documents and refuse to release

eight documents as I consider them to contain information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act. My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

Statement of Reasons

In reaching my access decisions, I have taken the following into account:

- the Act
- the content of the documents that fall within the scope of your request
- the views of consulted third parties
- the ACT Ombudsman Guidelines
- the *Human Rights Act 2004.*

Exemption claimed

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per Schedule 1 of the Act
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in Schedule 2

I have included below the factors relevant to my decision on access.

Contrary to the public interest information **under schedule 1 of the Act**

I have determined that some of the material within the scope of your request contains information that is taken to be contrary to the public interest to disclose under Schedule 1 of the Act.

1.2 Information subject to legal professional privilege

Information that would be privileged from production or admission into evidence in a legal proceeding on the ground of legal professional privilege.

Documents 45, 46, 75, 76, 77, and 86 contain information that would be privileged from production or admission into evidence in a legal proceeding on the ground of legal professional privilege. The information relates to legal advice received and sought by the ACT Government in relation to this matter and it is not considered to be in the public interest to release. This information can only be released if the parties involved agree to waive that privilege. The parties have not waived privilege.

1.1B Information in possession of integrity commission or inspector of the integrity commission

Information in the possession of the integrity commission, or the integrity commission inspector, unless the information is administrative in nature.

Section 1.1B provides that disclosure of information is taken to be contrary to the public interest if the information is in the possession of the Commission or the Inspector unless it is of an administrative nature (e.g., management and administration of the Integrity

Commission). I note that some of the material within document 92, contains direct correspondence with the ACT Integrity Commission. This information where it is not purely administrative has been redacted.

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and nondisclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when 'used in a statute, the term [public interest] derives its content from "the subject matter and the scope and purpose" of the enactment in which it appears'. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Factors favouring disclosure in the public interest (Schedule 2 section 2.1):

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

(a) disclosure of the information could reasonably be expected to do any of the following:

(i) promote open discussion of public affairs and enhance the government's accountability.

(ii) contribute to positive and informed debate on important issues or matters of public interest.

(viii) reveal the reason for a government decision and any background or contextual information that informed the decision.

Having considered the factors identified as relevant in this matter, I consider that release of the information within the scope of the request may promote open discussion of public affairs and enhance the government's accountability. The release of the documents identified will provide contextual information relating to the conflict of interest declared by the ACT Commissioner for Fair Trading on November 26, 2021.

I am satisfied there is public interest in the release of this information and have placed considerable weight on the above factors. However, this factor is to be balanced against the factors favouring nondisclosure.

Factors favouring nondisclosure in the public interest (Schedule 2 section 2.2):

(a) disclosure of the information could reasonably be expected to do any of the following:

(i) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.

I consider that the protection of an individual's right to privacy, is a significant factor in the release of this information. Some contact details of individuals named in the documentation have been removed, as I consider that the release of this information could impact their right to privacy. However, I note that there is a considerable amount of

information already within the public domain, as such I have balanced this factor strongly in favour of disclosure.

I note that the release of information concerning individuals working within the ACT Public Service is generally not considered to prejudice the protection of an individual's right to privacy. However, where mobile phone numbers may be used for home and work purposes, this information is redacted, as it could or would reasonably be expected to prejudice an individual's right to privacy under the *Human Rights Act 2004*.

In line with ACT Ombudsman Guidelines, where out of scope information is the only reason for redaction, it is taken to be a full release.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2).

Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act has been met.

Charges

I have waived fees associated with your access application because under section [redacted] is not to be charged a fee for an access application.

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, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log. Your personal contact details will not be published. You may view CMTEDD disclosure log at https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2023i.

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 provided to you, 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

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
15 Constitution Avenue
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 email CMTEDDFOI@act.gov.au.

Yours sincerely,



Emma Hotham
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate
30 June 2023

ACT Ombudsman

GPO Box 442 Canberra ACT
Phone 02 5117 3650 ▪ ombudsman.act.gov.au

Decision and reasons of ACT Ombudsman

Application number:	AFOI-RR/23/10030
Applicant:	
Respondent:	Chief Minister, Treasury and Economic Development Directorate
Third Party:	
Agency reference:	CMTEDDFOI 2023-161
Date:	13 May 2024
Decision reference:	[2024] ACTOFOI 5
Catchwords:	*Freedom of Information Act 2016* – deciding access – whether disclosure of information is contrary to the public interest – information subject to legal professional privilege – information in possession of integrity commission or inspector of the integrity commission - promote open discussion of public affairs and enhance the government's accountability – contribute to positive and informed debate on important issues or matters of public interest – reveal the reason for a government decision and any background or contextual information that informed the decision – prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*

ACT Ombudsman

GPO Box 442 Canberra ACT
Phone 02 5117 3650 ▪ ombudsman.act.gov.au

Decision

1. For the reasons set out below, the decision of the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) dated 30 June 2023 is varied under s 82(2)(b) of the FOI Act.

Background of Ombudsman review

2. On 5 May 2023, the applicant applied to the Justice and Community Safety Directorate (JACS) for access to:

    1. Any correspondence (from the Minister, or his office) between the ACT Attorney-General and the ACT Commissioner for Fair Trading in regard to Annual Reports Hearings and any conflicts of interest that were declared (2020–21 to Present).
    2. Any briefings, documentation and correspondence relating to the conflict of interest declared by the ACT Commissioner for Fair Trading on November 26, 2021

3. On 8 May 2023, the request was transferred under s 57 of the FOI Act to CMTEDD in full for processing.

4. On 30 June 2023, CMTEDD identified 92 documents within the scope of the application; granting full access to 42 documents, partial access to 42 documents and refusing access to the remaining 8 documents.

5. On 19 July 2023, the applicant applied for Ombudsman review under s 73 of the FOI Act.

6. On 27 October 2023, the ACT Commissioner for Fair Trading, [redacted], accepted an invitation to join this review as a third party under s 77 of the FOI Act.

7. On 22 February 2024, I provided my draft consideration to the parties.

8. On 23 February 2024, the applicant indicated they accepted my draft consideration, providing no additional submissions.

9. On 5 March 2024, the respondent and [redacted] both provided additional submissions for my consideration in making my final decision.

Information at issue

10. The information at issue in this matter is the 50 documents either released partially or refused in full, plus material contained within the documents initially redacted as being outside scope.

11. In making my decision, I have had regard to:

- the applicant's review application
- the respondent's decision
- further submissions by the respondent on my proposed decision
- submissions by [redacted] on my proposed decision
- the FOI Act
- the *Human Rights Act 2004* (Human Rights Act)
- an unedited copy of the information at issue
- the ACT FOI Guidelines
- relevant case law, including:
    - *'BY' and Chief Minister, Treasury and Economic Development Directorate* [2023] ACTOFOI 4

- *Elizabeth Lee MLA, Ben Ponton and Chief Minister, Treasury and Economic Development Directorate* [2023] ACTOFOI 1
- *'CG' and Major Projects Canberra* [2023] ACTOFOI 15
- *'BK' and Environment, Planning and Sustainable Development Directorate* [2021] ACTOFOI 12

Relevant law

12. Section 7 of the FOI Act provides every person with an enforceable right of access to government information.[1] This right is subject to other provisions of the FOI Act, including grounds on which access may be refused.[2]

13. Contrary to the public interest information is defined in s 16 of the FOI Act as:

> Information –
>
> (a) that is taken to be contrary to the public interest to disclose under schedule 1; or
>
> (b) the disclosure of which would, on balance, be contrary to the public interest under the test set out in section 17

14. The public interest test in s 17 sets out the process for balancing public interest factors favouring disclosure and nondisclosure respectively. This balancing test must be used to determine whether disclosure would be contrary to the public interest.

15. The FOI Act permits refusal of access to information where the information sought is "contrary to the public interest information".

[1] Section 7 of the FOI Act.
[2] Section 35(1)(c) of the FOI Act.

16. Schedule 1 of the FOI Act sets out categories of information that is taken to be contrary to the public interest to disclose.

17. Schedule 2 of the FOI Act sets out public interest factors to be balanced when conducting the s 17 test to determine the public interest.[3]

The contentions of the parties

18. In its decision notice, the respondent said:

> *I am satisfied there is public interest in the release of this information and have placed considerable weight on the above factors. However, this factor is to be balanced against the factors favouring nondisclosure.*
>
> *…*
>
> *Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2).*
>
> *Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act has been met.*

19. In the application for Ombudsman review, the applicant stated that the information at issue should be disclosed because 'the issue in question involves possible misconduct…'.

Consideration

Scoping

20. Portions of the information at issue were not disclosed in the original decision as they had been deemed out of scope.

[3] Section 35(1)(c) of the FOI Act.

21. Having reviewed the material in line with the original request, I consider sections of this material is within the scope of the application as it was set out by the applicant.

22. I consider the remainder of the information redacted because it was deemed out of scope of the application was correctly assessed and remains outside scope.

23. I am satisfied that none of the material now within scope is subject to a Schedule 1 factor.

24. Noting this material is considered within scope and no Schedule 1 factors apply, the additional information will now be subject to the public interest test to determine whether it is within the public interest to release any of this material.

Schedule 1 factors

25. In the original decision, CMTEDD relied upon two factors from Schedule 1 to refuse access to portions of the information.

Information subject to legal professional privilege (Schedule 1, s 1.2)

26. In order for this factor to be relevant for sections of the information at issue, the redacted information would need to be privileged from production or admission into evidence in a legal proceeding on the ground of legal professional privilege.

27. Having reviewed the material, I am satisfied these sections of information were brought into existence for the dominant purpose of providing legal advice or services.

28. I therefore agree this factor applies to the relevant sections of information in line with the original decision.

Information in possession of integrity commission or inspector of the integrity commission (Schedule 1, s 1.1B)

29. In order for this factor to be relevant, sections of the information would be information in the possession of the ACT Integrity Commission (ACTIC) or the Inspector of the ACTIC unless the information is administrative in nature.

30. Having reviewed the material being correspondence between or sent to or from ACTIC staff, the information meets the possession requirement set out in the FOI Act.

31. I am satisfied this information is not administrative in nature and therefore the Schedule 1 factor applies to these sections of the information at issue.

Public interest test

32. I agree the remainder of the information at issue does not contain information that is taken to be contrary to the public interest to disclose under Schedule 1 of the FOI Act. Therefore, for the remainder of the information at issue to be contrary to the public interest information, disclosure must, on balance, be contrary to the public interest test set out in s 17 of the FOI Act.

33. To determine whether disclosure is contrary to the public interest, the FOI Act prescribes the following five steps:

    - identify any factor favouring disclosure that applies in relation to the information (a relevant factor favouring disclosure), including any factor mentioned in schedule 2, section 2.1;

- identify any factor favouring nondisclosure that applies in relation to the information (a relevant factor favouring nondisclosure), including any factor mentioned in schedule 2, section 2.2;
- balance any relevant factor or factors favouring disclosure against any relevant factor or factors favouring nondisclosure;
- decide whether, on balance, disclosure of the information would be contrary to the public interest;
- unless, on balance, disclosure of the information would be contrary to the public interest, allow access to the information.

Factors favouring disclosure

34. In the original decision, CMTEDD relied upon three factors favouring disclosure.

Promote open discussion of public affairs and enhance the government's accountability (Schedule 2, s 2.1(a)(i))

35. A reasonable expectation that disclosure would promote open discussion of public affairs and enhance the government's accountability weighs in favour of disclosure.[4]

36. This factor was identified as being relevant in the original decision, noting the value in providing context around the conflict of interest disclosure made by the ACT Commissioner for Fair Trading.

37. I agree this factor is relevant and afford it a strong weight in my decision.

38. I consider that disclosure could reasonably be expected to provide greater accountability concerning the initial disclosure of the conflict of interest and

[4] Schedule 2, s 2.1(a)(i) of the FOI Act.

handling of the relevant conflict of interest once the disclosure had been made.

Contribute to positive and informed debate on important issues or matters of public interest (Schedule 2, s 2.1(a)(ii))

39. CMTEDD identified this factor as being relevant in the original decision, noting there is a reasonable expectation that disclosure would contribute to positive and informed debate on important issues or matters of public interest.[5]

40. I agree this factor is relevant for this review. The handling of conflict of interest matters within government is a matter of public interest at all stages of the process from the initial identification and disclosure of an actual or potential conflict through to the design and implementation of mitigating strategies.

41. I therefore afford this factor a strong weight in my decision.

Reveal the reason for a government decision and any background or contextual information that informed the decision (Schedule 2, s 2.1(a)(viii))

42. A reasonable expectation that disclosure could reveal the reason for a government decision and any background or contextual information that informed the decision favours disclosure.[6]

43. I agree this factor is relevant, noting the potential for disclosure of the information at issue to give insight into the process of handling questions taken on notice by the ACT Government and how closely the process for

[5] Schedule 2, s 2.1(a)(ii) of the FOI Act.
[6] Schedule 2, s 2.1(a)(viii) of the FOI Act.

managing conflicts of interest once they have been disclosed in practice follows the publicly available policies on this area.[7]

44. Accordingly, I have afforded this factor a moderate weight in my decision.

Factors favouring nondisclosure

45. In their original decision, CMTEDD relied upon one factor favouring nondisclosure.

Prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004 (Schedule 2, s 2.2(a)(ii))

46. A reasonable expectation that disclosure could prejudice an individual's right to privacy or any other right under the Human Rights Act favours nondisclosure under the FOI Act.[8]

47. Section 12 of the Human Rights Act provides that:

> Everyone has the right—
>
> (a) Not to have his or her privacy, family, home or correspondence interfered with unlawfully or arbitrarily; and
>
> (b) Not to have his or her reputation unlawfully attacked.

48. CMTEDD considered this factor relevant with regards to the redaction of direct mobile telephone numbers for members of the ACT public service where those numbers could be used for home purposes, noting that providing those numbers publicly would represent a prejudice to these individuals' right to privacy.

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[7] Main conflict interest of policy here, public information of examples of conflicts of interest here and an information sheet on conflicts of interest here.
[8] Schedule 2, s 2.2(a)(ii) of the FOI Act.

49. I agree this is a reasonable distinction to make, noting that any email addresses or work specific telephone numbers are disclosed in the original decision. Even if those work telephone numbers are not used in a personal capacity, I consider the potential for interference with these individuals' personal lives if they were to be contacted outside work hours weighs against disclosure of these mobile numbers.

50. This factor also applies to the information at issue concerning the specific reasoning behind the conflict of interest disclosure made by the ACT Commissioner of Fair Trading.

51. The majority of the content of the conflict of interest disclosure is already a matter of public record, having been partially disclosed by CMTEDD in previous FOI decisions on 22 January 2023.[9] Additional disclosures by CMTEDD on 29 January 2024 publicly disclosed the issue at the heart of the conflict of interest disclosure.

52. In the decision of 22 January 2023 a balance was drawn where the ACT Commissioner of Fair Trading's disclosure was provided partially with the specific reason behind the disclosure being redacted, citing this factor as weighing against disclosure.

53. The Human Rights Act (extracted above) protects the privacy of individuals where there would be an unlawful or arbitrary interference with their privacy and if their reputation would be unlawfully attacked.

[9] The decisions referred to are here and here.

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54. There is no evidence to suggest that disclosure of this information would be unlawful. Therefore, in order for disclosure to breach the ACT Commissioner of Fair Trading's privacy, it would need to be established that disclosure would represent an arbitrary interference with their privacy.

55. Where an individual holds a significant position within the ACT public service, this brings with it an understanding they will have a reduced expectation of privacy where this intersects with the performance of their role.

56. There is a public interest generally in allowing for confidentiality in disclosing conflicts of interest, to enable people in these positions to proactively disclose actual or potential conflicts so that appropriate management strategies can be considered, without needing to be concerned about the reasons being disclosed more widely without appropriate reason.

57. Some conflicts of interest may be particularly sensitive: for example, it may be necessary in some roles to disclose past matters from an office holder or a close family member's personal history. Disclosing a conflict that involves a close family member may subject the family member to close scrutiny and significantly interfere with their privacy when they themselves have not chosen to take on a significant public role or office.

58. The critical issue with actual or potential conflicts of interest is that all actual or potential conflicts are actively disclosed and that appropriate strategies are put in place to manage them. It may then be necessary to publicly acknowledge a conflict of interest and the strategy put in place to manage it, for example if a conflict has actually materialised or has become a publicly contentious subject, in order to maintain public confidence in the integrity of

an official, institution or process. Disclosing the strategy put in place to manage the conflict may in most cases be sufficient to demonstrate that, whatever the nature of the conflict, appropriate steps have been taken to ensure that the conflict will have no impact upon the issue at hand.

59. In some contexts, it may be desirable to go further and to publicly disclose the nature of the conflict: the public interest in demonstrating that the strategy is sufficient by disclosing the conflict being managed may in some circumstances outweigh the public interest in maintaining confidentiality of the conflict.

60. At the same time, an actual or potential conflict of interest should not be disclosed simply because a campaign has been instigated for its disclosure and because those campaigners assert that they cannot satisfied that the strategy is sufficient unless they know the nature of the conflict being managed. The conflict of interest would have to be material in all the circumstances, and the sensitivity of the information would need to be weighed against the materiality of the conflict. It may also be dependent on the nature of the role and functions of the person who has the conflict.

61. In this matter, the public interest in confidentiality of conflict of interest disclosures is balanced against the public interest in disclosure of the reasons behind the conflict of interest disclosure made by the ACT Commissioner of Fair Trading. On the one hand, the strategy to manage the conflict has been disclosed already through FOI. That strategy would appear sufficient to remove any conflict the Commissioner may have, regardless of its nature: the Commissioner will not make any decisions or give legal instructions in the

legal case that prompted the conflict disclosure and will not be briefed or consulted upon the matter, and all decisions will be made by a person acting as Commissioner who is independent from the Commissioner. On the other hand, given the conflict of interest has materialised, its disclosure would provide additional context and background and put beyond any doubt the appropriateness of the strategy.

62. This is balanced against the additional public interest in disclosure of the reasons behind the conflict of interest disclosure made by the ACT Commissioner of Fair Trading in that it would provide additional context and background to the actions taken by the ACT Commissioner of Fair Trading and other officials.

63. Both CMTEDD and [redacted] made submissions raising the issue of whether releasing the conflict of interest disclosure would be an arbitrary interference with the privacy of members of [redacted] family. [redacted] submission notes that in the course of this ongoing issue about the conflict of interest disclosure she has had significant concerns for the safety of her family and has taken multiple steps to address these concerns. [redacted] husband does not currently hold a significant position with the ACT Public Service, hence there is no reason why he should currently have a reduced expectation of privacy - however the ACAT case which led to the conflict of interest declaration relates to a decision he made when he was the holder of a significant position with the ACT Public Service.

64. Having set out the issues concerned in the paragraphs above, I note that in my view it should and would be very rare for it to be appropriate to release an actual conflict of interest declaration under FOI, as opposed to simply the release of details of the strategy used to manage the declared conflict.

65. Ultimately, in the particular facts of this matter and noting that the substance of the conflict of interest disclosure has been publicly disclosed, including in documents released by CMETDD on 29 January 2024, I am of the view that disclosure of the reasons behind the conflict of interest disclosure would not represent an arbitrary interference with the ACT Commissioner of Fair Trading's privacy nor with that of her husband, and I intend to amend the redactions in the information at issue accordingly.

66. Nevertheless, I afford this factor a strong weight in my decision in line with the above distinctions for material to be redacted and released.

Balancing the factors

67. In making this decision, I considered three factors favouring disclosure and one factor favouring nondisclosure.

68. Balancing public interest factors is not merely a tallying exercise, where the public interest is established solely by the number of applicable factors on either side. I considered the relative importance and weight each factor should be given. The weight given to the factors depends on the effect that disclosing the information would have on the public interest.

69. The FOI Act also has a pro-disclosure bias. The public interest test and weighing of factors is approached as scales 'laden in favour of disclosure'.[10]

70. In this instance, I have afforded two factors favouring disclosure a strong weight and one a moderate weight while affording one factor favouring nondisclosure a strong weight.

Conclusion

71. For these reasons, my decision is to **vary** CMTEDD's decision under s 82(2)(b) of the FOI Act.

Iain Anderson

ACT Ombudsman

13 May 2024

[10] Explanatory Memorandum, Freedom of Information Bill 2016

ACT Government
Chief Minister, Treasury and Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
• *Any correspondence (from the Minister, or his office) between the ACT Attorney-General and the ACT Commissioner for Fair Trading in regards to Annual Reports Hearings and any conflicts of interest that were declared (2020-21-Present).* • *Any briefings, documentation and correspondence relating to the conflict of interest declared by the ACT Commissioner for Fair Trading on November 26, 2021.*	2023-161

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-4	20221208 - FOR ACTION: Letter from Peter Cain MLA regarding a conflict of interest	8 December 2022	Partial	Sch 2 s2.2 (a)(ii)	Yes
2	5-7	20221213 - FW: FOR ACTION: Letter from Peter Cain MLA regarding a conflict of interest	13 December 2022	Full		Yes
3	8-11	20221223 - RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration	23 December 2022	Partial	Sch 2 s2.2 (a)(ii)	Yes
4	12-15	20230103 - Records to ACMin - File locked down	3 January 2023	Partial	Sch 2 s2.2 (a)(ii)	Yes
5	16-19	20230113 - ACMin to Josh Rynehart - Follow up on overdue response	13 January 2023	Full		Yes
6	20-24	20230117 - ACMin to Josh Rynehart - Further follow up on overdue response	17 January 2023	Partial	Sch 2 s2.2 (a)(ii)	Yes
7	25-29	20230117 - Josh Rynehart to ACMin - Still being actioned	17 January 2023	Partial	Sch 2 s2.2 (a)(ii)	Yes
8	30-34	20230120 - ACMin to Records - Request to amend access to file	20 January 2023	Partial	Sch 2 s2.2 (a)(ii)	Yes
9	35-40	20230120 - Records to ACMin - Actioned	20 January 2023	Partial	Sch 2 s2.2 (a)(ii)	Yes
10	41-46	20230120 - ACMin to Records – Noted	20 January 2023	Partial	Sch 2 s2.2 (a)(ii)	Yes
11	47-51	20230120 - Josh Rynehart to ACMin – Cleared	20 January 2023	Partial	Sch 2 s2.2 (a)(ii)	Yes
12	52-57	20230120 - ACMin to Margaret McKinnon - For clearance	20 January 2023	Partial	Sch 2 s2.2 (a)(ii)	Yes

13	58-63	20230120 - Margaret McKinnon to Josh Rynehart - Confirm clearance	20 January 2023	Partial	Sch 2 s2.2 (a)(ii)	Yes
14	64-68	20230120 - Josh Rynehart to Margaret McKinnon – Cleared	20 January 2023	Partial	Sch 1 1.2; Sch 2 s2.2 (a)(ii)	Yes
15	69-74	20230120 - Margaret McKinnon to ACMin – Cleared	20 January 2023	Partial	Sch 2 s2.2 (a)(ii)	Yes
16	75-80	20230120 - Josh Rynehart to Margaret McKinnon – Actioned	20 January 2023	Partial	Sch 2 s2.2 (a)(ii)	Yes
17	81-86	20230120 - ACMin to Records - Amend access	20 January 2023	Partial	Sch 2 s2.2 (a)(ii)	Yes
18	87-93	20230120 - Records to ACMin – Actioned	20 January 2023	Partial	Sch 2 s2.2 (a)(ii)	Yes
19	94	20230120 - ACMin to ACDLO - Cleared response	20 January 2023	Full		Yes
20	95-98	20230210 - FW: Correspondence from Shane Rattenbury MLA	10 February 2023	Full		Yes
21	99-100	20230214 - RE: Correspondence from Shane Rattenbury MLA	14 February 2023	Full		Yes
22	101-102	20230214 - RE: Correspondence from Shane Rattenbury MLA	14 February 2023	Full		Yes
23	103-105	20230215 - RE: Correspondence from Shane Rattenbury MLA	15 February 2023	Partial	Sch 2 s2.2 (a)(ii)	Yes
24	106-111	FW_ Correspondence from Shane Rattenbury MLA	15 February 2023	Full		Yes
25	112-113	Derise Cubin - Conflict of Interest Disclosure	24 November 2021	Partial	Sch 2 s2.2 (a)(ii); Out of scope	Yes
26	114-115	Derise Cubin - Disclosure of perceived conflict of interest	24 November 2021	Partial	Sch 2 s2.2 (a)(ii); Out of scope	Yes
27	116-117	FW_ Correspondence from Shane Rattenbury MLA(vA52547273)	8 November 2022	Full		Yes
28	118-119	FW_ Current assurance controls in place - conflict of interest(vA52547286)	24 November 2022	Partial	Sch 2 s2.2 (a)(ii)	Yes
29	120-121	FW_ TO NOTE_ Standard Operating Procedure - acting Cmr for Fair Trading appointment(vA52547277)	24 November 2022	Full		Yes
30	122-125	FW_ TO NOTE_ Standard Operating Procedure - acting Cmr for Fair Trading appointment(vA52547281)	10 February 2023	Full		Yes
31	126-130	Fwd_ assurance controls in place(vA52547276)	28 March 2023	Full		Yes

32	131-135	RE_ timeline and declaration documents(vA52547283)	28 March 2023	Full		Yes
33	136-137	20221110 - RE: FYI - QTONs - Gaming & Consumer Affairs on 8 Nov	11 November 2022	Full	Out of scope	Yes
34	138-144	20221111 - GBC to COO - word docs provided alias	11 November 2022	Full	Out of scope	Yes
35	145-151	20221114 - Record of clearance from Margaret McKinnon - QTON XX - CAIN - Conflict of interest - Commissioner for Fair Trading	14 November 2022	Partial	Sch 1 1.2; Sch 2 s2.2 (a)(ii); Out of scope	Yes
36	152-154	20221115 - GBC to ACDLO - RATTENBURY - QTONS from Consumer Affairs hearing alias	15 November 2022	Partial	Sch 1 1.2; Out of scope	Yes
37	155-157	20221116- ACDLO to LA JCS Secretary - 46 QTON ANSWER - CMTEDD-AC - Conflict of Interest - Commissioner for Fair Trading alias	16 November 2022	Partial	Sch 2 s2.2 (a)(ii); Out scope	Yes
38	158	20221118 - GBC to FTC and A/g COO - RE: URGENT Pink Frosting QTB Updates - November/December 22 alias	18 November 2022	Partial	Sch 2 s2.2 (a)(ii)	Yes
39	159	20221122 - GBC to ACDLO - Pink Frosting QTB alias	22 November 2022	Full		Yes
40	160	20221122 - GBC to ACDLO - RE: Pink Frosting QTB alias	22 November 2022	Full		Yes
41	N/A	20221122 - FTC EBM to A/g COO - FW: for urgent review - QTB alias	N/A	Exempt	Sch 1 1.2	Yes
42	N/A	20221122 - GBC to FTC EBM and A/g COO - RE: FOR URGENT CLEARANCE COO - Pink Frosting alias	N/A	Exempt	Sch 1 1.2	Yes
43	161-162	20221122 - A/g COO to DDG - cleared FW: URGENT Pink Frosting QTB Updates - November/December 22 alias	22 November 2022	Partial	Sch 1 1.2; Sch 2 s2.2 (a)(ii)	Yes
44	163-164	20221122 - DDG to A/g COO - cleared for GSO RE: URGENT Pink Frosting QTB Updates - November/December 22 alias	22 November 2022	Partial	Sch 1 1.2; Sch 2 s2.2 (a)(ii)	Yes
45	N/A	20221122 - A/g COO to GBC - cleared COO - Pink Frosting (A39730133) alias	N/A	Exempt	Sch 1 1.2	No
46	N/A	20221122 - DDG to FTC EBM - cleared with update FOR URGENT CLEARANCE COO - Pink Frosting alias	N/A	Exempt	Sch 1 1.2	No
47	165-166	Pink Frosting-24 November 2022 alias	24 November 2022	Full		Yes
48	167	20230117 - ACDLO to GBC QTB Update - Rattenbury - 7-9 February 2023 alias	17 January 2022	Partial	Sch 2 s2.2 (a)(ii); Out of scope	Yes

49	168-169	20230118- ACDLO to GBC - BBR QTB index for February sitting alias	18 January 2022	Partial	Sch 2 s2.2 (a)(ii); Out of scope	Yes
50	170-171	20230119 - GBC to Relevant Contacts - For Action (Due 12pm 26 January): QTBs for 7-9 February Assembly Sittings alias	19 January 2022	Full		Yes
51	172	20230124 - Josh Rynehart to GBC - Cleared - Pink Frosting QTB alias	24 January 2022	Full		Yes
52	173	20230124 - Alex McPherson to EBM - For clearance: WQTB - Pink Frosting - 7-9 February 2023 alias	23 January 2022	Full		Yes
53	174	20230125 - ACDLO to GBC - Updated index and new QTB alias	25 January 2022	Partial	Sch 2 s2.2 (a)(ii); Out of scope	Yes
54	175	20230130- COO to GBC - Cleared - comments in review pane - 1 QTB for DDG and 2 for resubmission - 16 QTBs alias	30 January 2022	Partial	Sch 2 s2.2 (a)(ii)	Yes
55	176	20230131 - GBC to ACDLO - 3 cleared QTBs - Minister Rattenbury alias	31 January 2022	Full	Out of scope	Yes
56	177	20230131 - GBC to ACDLO - 2 cleared QTBs - Minister Cheyne alias	31 January 2023	Full	Out of scope	Yes
57	178-179	20230131 - GBC to COO - comments not available - 16 QTBs alias	31 January 2023	Partial	Sch 2 s2.2 (a)(ii); Out scope	Yes
58	180-181	20230131 - GBC to COO - comments not visible - for review - 16 QTBs alias	31 January 2023	Partial	Sch 2 s2.2 (a)(ii); Out of scope	Yes
59	182	20230131 - COO to GBC - comments and clearance - 12 QTBs alias	31 January 2023	Partial	Sch 2 s2.2 (a)(ii); Out of scope	Yes
60	183-184	20230131 - DDG to GBC - Three Cleared - One Further Action alias	31 January 2023	Full	Out of scope	Yes
61	185-187	20230203 - ACDLO to GBC - MInister Cheyne - Cleared QTBS alias	3 February 2023	Full	Out of scope	Yes
62	188	20230203 - ACDLO to GBC - QTBs - Min Rattenbury - Consumer Affairs - Cleared alias	3 February 2023	Full	Out of scope	Yes
63	189-190	Pink Frosting - 7-9 February2023 alias	7-9 February 2023	Full		Yes
64	191-192	20230306 - GBC to AC Relevant Contacts - For Action (Due COB 10 March): QTBs for 21-23 March Assembly Sittings alias	6 March 2023	Partial	Sch 2 s2.2 (a)(ii)	Yes
65	193-196	20230310 - ACDLO - MO Cleared Index alias	10 March 2023	Partial	Sch 2 s2.2 (a)(ii); Out of scope	Yes

66	197-198	20230310 - Josh Rynehart Clearance - Pink Frosting	10 March 2023	Partial	Out of scope	Yes
67	199	20230314 - David Pryce, DDG Clearance -, Pink Frosting alias	14 March 2023	Full	Out of scope	Yes
68	200	20230315 - DDG to ACDLO - Note: Pink Frosting further updates to follow alias	15 March 2023	Full		Yes
69	201-202	20230315 - GBC to Josh Rynehart - Pink frosting brief for updating as per DDG advice to ACDLO alias	15 March 2023	Full		Yes
70	203	20230316 - Josh Rynehart to GBC - Clearance - Pink Frosting - 21-23 March 2023 alias	16 March 2023	Full		Yes
71	204	20230316 - GBC to Josh Rynehart - Pink Frosting - 21-23 March 2023 (A41215520) alias	16 March 2023	Full		Yes
72	205-207	20230317 - GBC to ACDLO - Cleared updates to QTBs - Pink Frosting	17 March 2023	Full	Out of scope	Yes
73	208	20230317 - GBC to DDG - FOR DDG CLEARANCE - Pink Frosting - 21-23 March 2023 alias	N/A	Partial	Sch 1 1.2	Yes
74	209-210	20230317 - Sent to DDG - REVISED FOR DDG CLEARANCE - Pink Frosting - 21-23 March 2023 alias	17 March 2023	Full		Yes
75	N/A	20230317 - Josh Rynehart to GBC - Request to update: Pink Frosting alias	17 March 2023	Exempt	Sch 1 1.2	Yes
76	N/A	20230317 - Sent to DDG For Clearance: Pink Frosting - 21-23 March 2023 (A41215520) alias	17 March 2023	Exempt	Sch 1 1.2	Yes
77	N/A	20230317 - DDG Clearance: Pink Frosting - 21-23 March 2023 (A41215520) alias	23 March 2023	Exempt	Sch 1 1.2	Yes
78	211-212	Pink Frosting - 21-23 March 2023 alias	23 March 2023	Full		Yes
79	213-214	Pink Frosting - 28-30 March 2023 alias	30 March 2023	Full		Yes
80	215-217	20230428 - Josh Rynehart - Record of Clearance - Pink Frosting (nil updates)	28 April 2023	Full	Out of scope	Yes
81	218	20230501 - GBC to Marg McKinnon - FOR COO CLEARANCE (Due COB Tuesday 2/5) - QTBs for May sitting alias	1 May 2023	Full	Out of scope	Yes
82	219	20230501 - Marg McKinnon - Pink Frosting for DDG clearance	1 May 2023	Partial	Sch 2 s2.2 (a)(ii); Out scope	Yes
83	220	20230502 - DDG unable to edit Pink Frosting QTB alias	2 May 2023	Full	Out of scope	Yes

84	221-222	20230502 - GBC advising DDG track changes locked alias	2 May 2023	Full	Out of scope	Yes
85	223-224	20230502 - GBC - For Advice: Pink Frosting QTB alias	2 May 2023	Partial	Sch 1 1.2; Out of scope	Yes
86	N/A	20230502 - GBC to GSO - For Advice: Pink Frosting QTB	N/A	Exempt	Sch 1 1.2	No
87	225	20230503 - GBC to ACDLO - For MO: Minister Rattenbury QTBs 9-11 May Assembly Sitting alias	3 May 2023	Full		Yes
88	226	20230503 - GBC to ACDLO - For MO: Minister Cheyne QTBs 9-11 May Assembly Sitting alias	3 May 2023	Full	Out of scope	Yes
89	227-230	20230503 - DDG Clearance: Pink Frosting QTB alias	3 May 2023	Partial	Sch 1 1.4; Out of scope	Yes
90	231-232	20230503 - GSO to - Pink Frosting alias	3 May 2023	Partial	Sch 1 1.4; Out of scope	Yes
91	233-234	Pink Frosting - 9-11 May 2023 alias	9 May 2023	Full		Yes
92	235-396	Various Email correspondence between Ms Curtis, her legal representative and Minister Rattenbury	09 October 2023 – 29 November 2023	Partial	Sch 2 s2.2 (a)(ii); Sch 1 1.2; Sch 1 1.1B; Out of scope	Yes
92						

From: Pryce, David
To: Matthews, Catherine; Mangeruca, Giuseppe
Cc: AC - Office of the DDG; Wright, Robert
Subject: FOR ACTION: Letter from Peter Cain MLA regarding a conflict of interest
Date: Thursday, 8 December 2022 12:50:10 PM
Attachments: image001.png
Letter from Peter Cain MLA regarding a conflict of interest - 7 December 2022.pdf
image001.png

OFFICIAL: Sensitive

Hi Cath and Giuseppe,

We need to action this and provide a draft response for the Attorney-General.

Noting the sensitivities, I would like to restrict exposure to only those persons who need to know within GBC.

Appreciate if Giuseppe can help develop a response in consultation with Robert Wright – happy to discuss approach.

Robert – to note as SERBIR given on-going interests in this matter.

Thanks,

David Pryce | Deputy Director-General
Head of Access Canberra
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR



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From: Potter, Morgan <Morgan.Potter@act.gov.au> **On Behalf Of** ACDLO
Sent: Thursday, 8 December 2022 12:45 PM
To: Pryce, David <David.Pryce@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>
Subject: Letter from Peter Cain MLA regarding a conflict of interest

OFFICIAL

Good afternoon David,

Please find attached Ministerial from Peter Cain MLA – for your advice and awareness.

Morgan Potter | Directorate Liaison Officer | Access Canberra
Phone: Sch 2 2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: Georgeson, Matthew <Matthew.Georgeson@act.gov.au>
Sent: Thursday, 8 December 2022 11:19 AM
To: ACDLO <ACDLO@act.gov.au>
Cc: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Fwd: Letter from Peter Cain MLA regarding a conflict of interest

Let's pass this onto our access Canberra friends to draft a reply for the minister please.
Matt

Begin forwarded message:

> **From:** RATTENBURY <RATTENBURY@act.gov.au>
> **Date:** 8 December 2022 at 11:06:23 am AEDT
> **To:** "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
> **Subject: FW: Letter from Peter Cain MLA regarding a conflict of interest**
>
> Thoughts?
>
> ---
>
> **From:** CAIN <CAIN@parliament.act.gov.au>
> **Sent:** Wednesday, 7 December 2022 5:03 PM
> **To:** RATTENBURY <RATTENBURY@act.gov.au>
> **Subject:** Letter from Peter Cain MLA regarding a conflict of interest
>
> Good afternoon Attorney General,
>
> Please see attached a letter from Peter Cain MLA regarding a conflict of interest.
>
> Unity
>
> **Unity Paterson** (she/her)
> **Senior Adviser | Office of Peter Cain MLA**
>
> **Liberal Member for Ginninderra**

Shadow Attorney-General
Shadow Minister for Multicultural Affairs
Shadow Minister for Planning and Land Management
Assistant Shadow Treasurer
Assistant Speaker

Ph: 02 6205 1927
Website Facebook Instagram Twitter
ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601

7 December 2022

Shane Rattenbury MLA
Leader of the ACT Greens
Attorney-General
Minister for Consumer Affairs
Minister for Water, Energy and Emissions Reduction
Minister for Gaming
ACT Legislative Assembly
London Circuit, Canberra ACT 2601

Dear Attorney General

Re: Conflict of interest disclosure

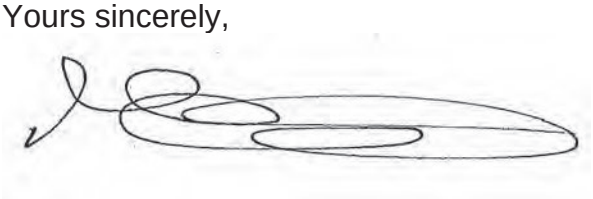
I write regarding the declaration I questioned you on during the JACS Inquiry in to Annual and Financial Reports 2021-22, on the 8 November 2022.

In this session, I questioned you and Derise Cubin, the ACT Commissioner for Fair Trading, in regards to the declaration made regarding a potential conflict of interest between Ms Cubin as the current ACT Commissioner for Fair Trading, and the previous Commissioner for Fair Trading David Snowden. In this line of questioning you told me that you don't have details on hand regarding this disclosure, and Ms Cubin said she was 'not at liberty' to say anything in regards to the disclosure or the conflict of interest.

In your question taken on notice, signed by you on 15 November 2022, you highlighted that 'the nature of the declaration was a conflict of interest consistent with the CMTEDD Conflict of Interest Policy and Guidelines dated 28 July 2021'.

You did not define what the declaration was, or according to what definition it was considered a conflict. Please outline further detail, including the nature of the disclosure and the conflict.

Yours sincerely,



Peter Cain MLA

From: Matthews, Catherine
To: Mangeruca, Giuseppe
Subject: FW: FOR ACTION: Letter from Peter Cain MLA regarding a conflict of interest
Date: Tuesday, 13 December 2022 12:27:00 PM
Attachments: image001.png
Letter from Peter Cain MLA regarding a conflict of interest - 7 December 2022.pdf
image001.png

OFFICIAL: Sensitive

I just realised we never discussed this one!

Let me know when you are free and we can go from there.

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Pryce, David <David.Pryce@act.gov.au>
Sent: Thursday, 8 December 2022 12:50 PM
To: Matthews, Catherine <Catherine.Matthews@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Wright, Robert <Robert.Wright@act.gov.au>
Subject: FOR ACTION: Letter from Peter Cain MLA regarding a conflict of interest

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Hi Cath and Giuseppe,

We need to action this and provide a draft response for the Attorney-General.

Noting the sensitivities, I would like to restrict exposure to only those persons who need to know within GBC.

Appreciate if Giuseppe can help develop a response in consultation with Robert Wright – happy to discuss approach.

Robert – to note as SERBIR given on-going interests in this matter.

Thanks,

David Pryce | Deputy Director-General

Head of Access Canberra
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
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GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR



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To: Pryce, David <David.Pryce@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>
Subject: Letter from Peter Cain MLA regarding a conflict of interest

OFFICIAL

Good afternoon David,

Please find attached Ministerial from Peter Cain MLA – for your advice and awareness.

Morgan Potter | Directorate Liaison Officer | Access Canberra
Phone: 0424 755 155 | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

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Sent: Thursday, 8 December 2022 11:19 AM
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Subject: Fwd: Letter from Peter Cain MLA regarding a conflict of interest

Let's pass this onto our access Canberra friends to draft a reply for the minister please.
Matt

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Thoughts?

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Sent: Wednesday, 7 December 2022 5:03 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Letter from Peter Cain MLA regarding a conflict of interest

Good afternoon Attorney General,

Please see attached a letter from Peter Cain MLA regarding a conflict of interest.

Unity

Unity Paterson (she/her)
Senior Adviser | Office of Peter Cain MLA

Liberal Member for Ginninderra
Shadow Attorney-General
Shadow Minister for Multicultural Affairs
Shadow Minister for Planning and Land Management
Assistant Shadow Treasurer
Assistant Speaker

Ph: 02 6205 1927
Website Facebook Instagram Twitter
ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601

From: Matthews, Catherine
To: Access Canberra Records; Mangeruca, Giuseppe; Rynehart, Josh; Potter, Morgan; Adams, Courtney; Smith, Lana
Cc: Matthews, Catherine
Subject: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration
Date: Friday, 23 December 2022 6:17:00 PM
Attachments: image001.png
22_167715 - Ministerial - Rattenbury - Conflict of Interest Declaration.obr

OFFICIAL: Sensitive – Personal Privacy

Hi Mon and Thaylar

Could you please restrict all access to the attached file to only be accessible to the following people:

David Pryce
Giuseppe Mangeruca
Josh Rynehart
Morgan Potter
Courtney Adams
Lana Smith

When done, could you please advise Giuseppe, Josh, Morgan, Courtney and Lana. Please do not send anything to our shared inboxes for this one.

@Potter, Morgan/@Adams, Courtney/@Smith, Lana – I've spoken to Giuseppe about this one, and noting the sensitivities associated with this one, Giuseppe has requested that you don't go into the response unless specifically asked to by Giuseppe/Josh/David for the purposes of progressing for clearance or to the DLO. Morgan – when this one is ready to go to the MO, we will need to give access to either Jenna, Louise or Draz (dependent on who is in the role at the time). Alternatively, you may be able to progress this one. I also haven't put a due to MO date on this one in the objective catalogue so that it doesn't appear on the Overdue report. If it does appear for any reason, please remove it before circulating.

@Mangeruca,/@Rynehart, Josh – Can you please aim to have something back to Morgan/Courtney/Lana for this one by **Friday, 13 January 2023**?

Cheers
Cath

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR

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To: Matthews, Catherine <Catherine.Matthews@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>
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Robert – to note as SERBIR given on-going interests in this matter.

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David Pryce | Deputy Director-General
Head of Access Canberra
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OFFICIAL

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Morgan Potter | Directorate Liaison Officer | Access Canberra
Phone: Sch 2 2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

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Sent: Thursday, 8 December 2022 11:19 AM
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Cc: RATTENBURY <RATTENBURY@act.gov.au>
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Let's pass this onto our access Canberra friends to draft a reply for the minister please.
Matt

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> **Subject: FW: Letter from Peter Cain MLA regarding a conflict of interest**
>
> Thoughts?
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> ---
>
> **From:** CAIN <CAIN@parliament.act.gov.au>
> **Sent:** Wednesday, 7 December 2022 5:03 PM
> **To:** RATTENBURY <RATTENBURY@act.gov.au>
> **Subject:** Letter from Peter Cain MLA regarding a conflict of interest
>
> Good afternoon Attorney General,
>
> Please see attached a letter from Peter Cain MLA regarding a conflict of interest.
>
> Unity
>
> **Unity Paterson** (she/her)
> **Senior Adviser | Office of Peter Cain MLA**

Liberal Member for Ginninderra
Shadow Attorney-General
Shadow Minister for Multicultural Affairs
Shadow Minister for Planning and Land Management
Assistant Shadow Treasurer
Assistant Speaker

Ph: 02 6205 1927
Website Facebook Instagram Twitter
ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601

From: McNally, Thaylar on behalf of Access Canberra Records
To: Matthews, Catherine
Cc: Mangeruca, Giuseppe; Rynehart, Josh; Potter, Morgan; Adams, Courtney; Smith, Lana
Subject: RE: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration
Date: Tuesday, 3 January 2023 8:40:21 AM
Attachments: image001.png
22_167715 - Ministerial - Rattenbury - Conflict of Interest Declaration.obr

OFFICIAL: Sensitive - Personal Privacy

Hey Cath,

All of the below users as requested have been granted access to the attached Objective file and has been restricted down from all other users.

Any issues please let me know.

Kind Regards

Thaylar McNally | System and Records Officer
Phone: 02 6205 0846 | Email: thaylar.anastasi@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City ACT 2601 | www.act.gov.au/accessCBR



From: Matthews, Catherine <Catherine.Matthews@act.gov.au>
Sent: Friday, 23 December 2022 6:18 PM
To: Access Canberra Records <AccessCanberraRecords@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>; Rynehart, Josh <Josh.Rynehart@act.gov.au>; Potter, Morgan <Morgan.Potter@act.gov.au>; Adams, Courtney <Courtney.Adams@act.gov.au>; Smith, Lana <Lana.Smith@act.gov.au>
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Subject: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration

OFFICIAL: Sensitive – Personal Privacy

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Cheers
Cath

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR

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Minister for Business and Better Regulation
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Cc: RATTENBURY <RATTENBURY@act.gov.au>

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Cc: Potter, Morgan
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Date: Friday, 13 January 2023 3:08:00 PM
Attachments: image001.png
22_167715 - Ministerial - Rattenbury - Conflict of Interest Declaration.obr
Importance: High

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Lana Smith | Government Business and Coordination Officer
Phone: 02 6205 8603 | Email: Lana.Smith@act.gov.au
Access Canberra | ACT Government | Chief Minister, Treasury and Economic Development Directorate
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Chief Minister Treasury and Economic Development Directorate | ACT Government
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Minister for Business and Better Regulation
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> Ph: 02 6205 1927
> Website Facebook Instagram Twitter
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To: Rynehart, Josh
Cc: Potter, Morgan
Subject: RE: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration
Date: Tuesday, 17 January 2023 3:09:00 PM
Attachments: 22_167715 - Ministerial - Rattenbury - Conflict of Interest Declaration.obr
image001.png

OFFICIAL: Sensitive - Personal Privacy

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Lana Smith | Government Business and Coordination Officer
Phone: 02 6205 8603 | Email: Lana.Smith@act.gov.au
Access Canberra | ACT Government | Chief Minister, Treasury and Economic Development Directorate
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To: Pryce, David <David.Pryce@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>
Subject: Letter from Peter Cain MLA regarding a conflict of interest

OFFICIAL

Good afternoon David,

Please find attached Ministerial from Peter Cain MLA – for your advice and awareness.

Morgan Potter | Directorate Liaison Officer | Access Canberra
Phone: Sch 2 2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: Georgeson, Matthew <Matthew.Georgeson@act.gov.au>
Sent: Thursday, 8 December 2022 11:19 AM
To: ACDLO <ACDLO@act.gov.au>
Cc: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Fwd: Letter from Peter Cain MLA regarding a conflict of interest

Let's pass this onto our access Canberra friends to draft a reply for the minister please.
Matt

Begin forwarded message:

> **From:** RATTENBURY <RATTENBURY@act.gov.au>
> **Date:** 8 December 2022 at 11:06:23 am AEDT

To: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: FW: Letter from Peter Cain MLA regarding a conflict of interest

Thoughts?

From: CAIN <CAIN@parliament.act.gov.au>
Sent: Wednesday, 7 December 2022 5:03 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Letter from Peter Cain MLA regarding a conflict of interest

Good afternoon Attorney General,

Please see attached a letter from Peter Cain MLA regarding a conflict of interest.

Unity

Unity Paterson (she/her)
Senior Adviser | Office of Peter Cain MLA

Liberal Member for Ginninderra
Shadow Attorney-General
Shadow Minister for Multicultural Affairs
Shadow Minister for Planning and Land Management
Assistant Shadow Treasurer
Assistant Speaker

Ph: 02 6205 1927
Website Facebook Instagram Twitter
ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601

From: Smith, Lana
To: Access Canberra Records
Cc: Mangeruca, Giuseppe; Rynehart, Josh; Potter, Morgan; Adams, Courtney; Matthews, Catherine
Subject: RE: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration
Date: Friday, 20 January 2023 9:14:00 AM
Attachments: image001.png

OFFICIAL: Sensitive - Personal Privacy

Good morning Thaylar,

Josh has requested that Lisa Tomlins be granted access to this file. Could you please action?

Thank you,

Lana Smith | Government Business and Coordination Officer
Phone: 02 6205 8603 | Email: Lana.Smith@act.gov.au
Access Canberra | ACT Government | Chief Minister, Treasury and Economic Development Directorate
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158 Canberra ACT 2601| www.act.gov.au/accessCBR



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From: McNally, Thaylar <Thaylar.McNally@act.gov.au> **On Behalf Of** Access Canberra Records
Sent: Tuesday, 3 January 2023 8:40 AM
To: Matthews, Catherine <Catherine.Matthews@act.gov.au>
Cc: Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>; Rynehart, Josh <Josh.Rynehart@act.gov.au>; Potter, Morgan <Morgan.Potter@act.gov.au>; Adams, Courtney <Courtney.Adams@act.gov.au>; Smith, Lana <Lana.Smith@act.gov.au>
Subject: RE: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration

OFFICIAL: Sensitive - Personal Privacy

Hey Cath,

All of the below users as requested have been granted access to the attached Objective file and has been restricted down from all other users.

Any issues please let me know.

Kind Regards

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Phone: 02 6205 0846 | Email: thaylar.anastasi@act.gov.au
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When done, could you please advise Giuseppe, Josh, Morgan, Courtney and Lana. Please do not send anything to our shared inboxes for this one.

@Potter, Morgan/@Adams, Courtney/@Smith, Lana – I've spoken to Giuseppe about this one, and noting the sensitivities associated with this one, Giuseppe has requested that you don't go into the response unless specifically asked to by Giuseppe/Josh/David for the purposes of progressing for clearance or to the DLO. Morgan – when this one is ready to go to the MO, we will need to give access to either Jenna, Louise or Draz (dependent on who is in the role at the time). Alternatively, you may be able to progress this one. I also haven't put a due to MO date on this one in the objective catalogue so that it doesn't appear on the Overdue report. If it does appear for any reason, please remove it before circulating.

@Mangeruca,/@Rynehart, Josh – Can you please aim to have something back to Morgan/Courtney/Lana for this one by **Friday, 13 January 2023**?

Cheers
Cath

Cath Matthews | Director, Government Business & Coordination

Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



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Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Wright, Robert <Robert.Wright@act.gov.au>
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Appreciate if Giuseppe can help develop a response in consultation with Robert Wright – happy to discuss approach.

Robert – to note as SERBIR given on-going interests in this matter.

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Head of Access Canberra
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
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Minister for Business and Better Regulation
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Shadow Minister for Planning and Land Management
Assistant Shadow Treasurer
Assistant Speaker

Ph: 02 6205 1927
Website Facebook Instagram Twitter
ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601

From: McNally, Thaylar on behalf of Access Canberra Records
To: Smith, Lana
Subject: RE: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration
Date: Friday, 20 January 2023 9:16:38 AM
Attachments: 22_167715 - Ministerial - Rattenbury - Conflict of Interest Declaration.obr
image001.png

OFFICIAL: Sensitive - Personal Privacy

Hey Lana,

Lisa has now been granted access to the attached Objective reference.

Any issues please let me know.

Kind Regards

Thaylar McNally | System and Records Officer
Phone: 02 6205 0846 | Email: thaylar.mcnally@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City ACT 2601 | www.act.gov.au/accessCBR



From: Smith, Lana <Lana.Smith@act.gov.au>
Sent: Friday, 20 January 2023 9:15 AM
To: Access Canberra Records <AccessCanberraRecords@act.gov.au>
Cc: Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>; Rynehart, Josh <Josh.Rynehart@act.gov.au>; Potter, Morgan <Morgan.Potter@act.gov.au>; Adams, Courtney <Courtney.Adams@act.gov.au>; Matthews, Catherine <Catherine.Matthews@act.gov.au>
Subject: RE: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration

OFFICIAL: Sensitive - Personal Privacy

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Thank you,

Lana Smith | Government Business and Coordination Officer
Phone: 02 6205 8603 | Email: Lana.Smith@act.gov.au
Access Canberra | ACT Government | Chief Minister, Treasury and Economic Development Directorate
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158 Canberra ACT 2601| www.act.gov.au/accessCBR

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Cheers
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Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



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> Ph: 02 6205 1927

Website Facebook Instagram Twitter
ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601

From: Smith, Lana
To: Access Canberra Records
Subject: RE: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration
Date: Friday, 20 January 2023 9:26:00 AM
Attachments: image001.png

OFFICIAL: Sensitive - Personal Privacy

Thank you so much!

Lana

From: McNally, Thaylar <Thaylar.McNally@act.gov.au> **On Behalf Of** Access Canberra Records
Sent: Friday, 20 January 2023 9:17 AM
To: Smith, Lana <Lana.Smith@act.gov.au>
Subject: RE: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration

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> **Unity Paterson** (she/her)
> **Senior Adviser | Office of Peter Cain MLA**

Liberal Member for Ginninderra
Shadow Attorney-General
Shadow Minister for Multicultural Affairs
Shadow Minister for Planning and Land Management
Assistant Shadow Treasurer
Assistant Speaker

Ph: 02 6205 1927
Website Facebook Instagram Twitter
ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601

From: Rynehart, Josh
To: Smith, Lana; Potter, Morgan
Subject: FW: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration
Date: Friday, 20 January 2023 10:58:23 AM
Attachments: image001.png
22_167715 - Ministerial - Rattenbury - Conflict of Interest Declaration.obr
Importance: High

OFFICIAL: Sensitive - Personal Privacy

This is cleared to MM for review.

Josh Rynehart (He/Him)
Executive Branch Manager, Fair Trading and Compliance
Access Canberra
Ph: 6205 3740
Email: josh.rynehart@act.gov.au



From: Smith, Lana <Lana.Smith@act.gov.au>
Sent: Friday, 13 January 2023 3:08 PM
To: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Cc: Potter, Morgan <Morgan.Potter@act.gov.au>
Subject: FW: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration
Importance: High

OFFICIAL: Sensitive - Personal Privacy

Hi Josh,

I am following up on the attached ministerial response. Can you please advise if the draft has been completed?

Thank you,

Lana Smith | Government Business and Coordination Officer
Phone: 02 6205 8603 | Email: Lana.Smith@act.gov.au
Access Canberra | ACT Government | Chief Minister, Treasury and Economic Development Directorate
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158 Canberra ACT 2601| www.act.gov.au/accessCBR



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OFFICIAL: Sensitive – Personal Privacy

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Giuseppe Mangeruca
Josh Rynehart
Morgan Potter
Courtney Adams
Lana Smith

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@Mangeruca,/@Rynehart, Josh – Can you please aim to have something back to Morgan/Courtney/Lana for this one by **Friday, 13 January 2023**?

Cheers
Cath

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



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Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Wright, Robert <Robert.Wright@act.gov.au>
Subject: FOR ACTION: Letter from Peter Cain MLA regarding a conflict of interest

OFFICIAL: Sensitive

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Robert – to note as SERBIR given on-going interests in this matter.

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Head of Access Canberra
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
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Sent: Thursday, 8 December 2022 12:45 PM
To: Pryce, David <David.Pryce@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>
Subject: Letter from Peter Cain MLA regarding a conflict of interest

OFFICIAL

Good afternoon David,

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Morgan Potter | Directorate Liaison Officer | Access Canberra
Phone: Sch 2 2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

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Sent: Thursday, 8 December 2022 11:19 AM
To: ACDLO <ACDLO@act.gov.au>
Cc: RATTENBURY <RATTENBURY@act.gov.au>
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> **Subject: FW: Letter from Peter Cain MLA regarding a conflict of interest**
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> Thoughts?
>
> **From:** CAIN <CAIN@parliament.act.gov.au>
> **Sent:** Wednesday, 7 December 2022 5:03 PM
> **To:** RATTENBURY <RATTENBURY@act.gov.au>

Subject: Letter from Peter Cain MLA regarding a conflict of interest

Good afternoon Attorney General,

Please see attached a letter from Peter Cain MLA regarding a conflict of interest.

Unity

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Senior Adviser | Office of Peter Cain MLA

Liberal Member for Ginninderra
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Shadow Minister for Multicultural Affairs
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Assistant Shadow Treasurer
Assistant Speaker

Ph: 02 6205 1927
Website Facebook Instagram Twitter
ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601

From: Smith, Lana
To: McKinnon, Margaret
Cc: Potter, Morgan
Subject: FW: For COO review/clearance - RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration
Date: Friday, 20 January 2023 11:33:00 AM
Attachments: image001.png
22_167715 - Ministerial - Rattenbury - Conflict of Interest Declaration.obr
Importance: High

OFFICIAL: Sensitive - Personal Privacy

Good morning Marg,

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Lana Smith | Government Business and Coordination Officer
Phone: 02 6205 8603 | Email: Lana.Smith@act.gov.au
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Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158 Canberra ACT 2601| www.act.gov.au/accessCBR



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Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Wright, Robert <Robert.Wright@act.gov.au>

Subject: FOR ACTION: Letter from Peter Cain MLA regarding a conflict of interest

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Robert – to note as SERBIR given on-going interests in this matter.

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Head of Access Canberra
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Subject: Letter from Peter Cain MLA regarding a conflict of interest

OFFICIAL

Good afternoon David,

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Morgan Potter | Directorate Liaison Officer | Access Canberra

Phone: Sch 2 2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

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Sent: Thursday, 8 December 2022 11:19 AM
To: ACDLO <ACDLO@act.gov.au>
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Ph: 02 6205 1927
Website Facebook Instagram Twitter
ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601

From: McKinnon, Margaret
To: Smith, Lana; Rynehart, Josh
Cc: Potter, Morgan
Subject: RE: For COO review/clearance - RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration
Date: Friday, 20 January 2023 11:35:03 AM
Attachments: image001.png

OFFICIAL: Sensitive - Personal Privacy

Josh – can I have confirmation that this has been cleared by GSO.

Marg

Margaret McKinnon | Chief Operating Officer
Phone: Sch 2 2(a)(ii) | Email: Margaret.Mckinnon@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR

From: Smith, Lana <Lana.Smith@act.gov.au>
Sent: Friday, 20 January 2023 11:34 AM
To: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>
Cc: Potter, Morgan <Morgan.Potter@act.gov.au>
Subject: FW: For COO review/clearance - RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration
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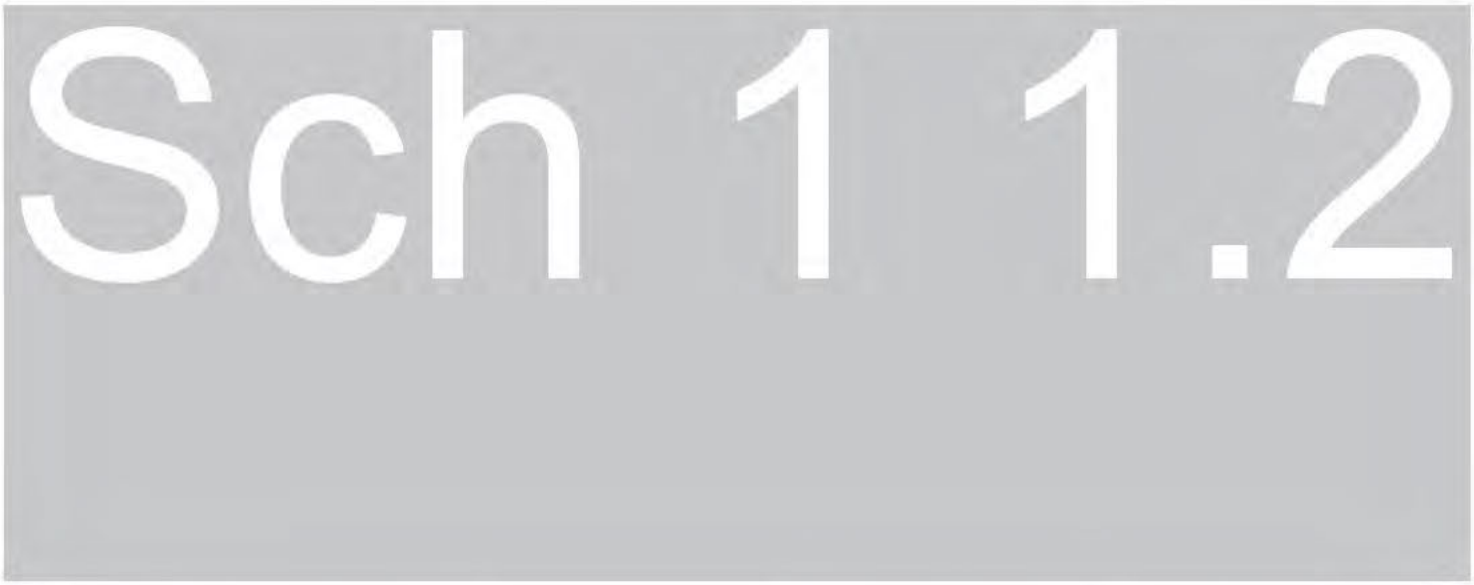
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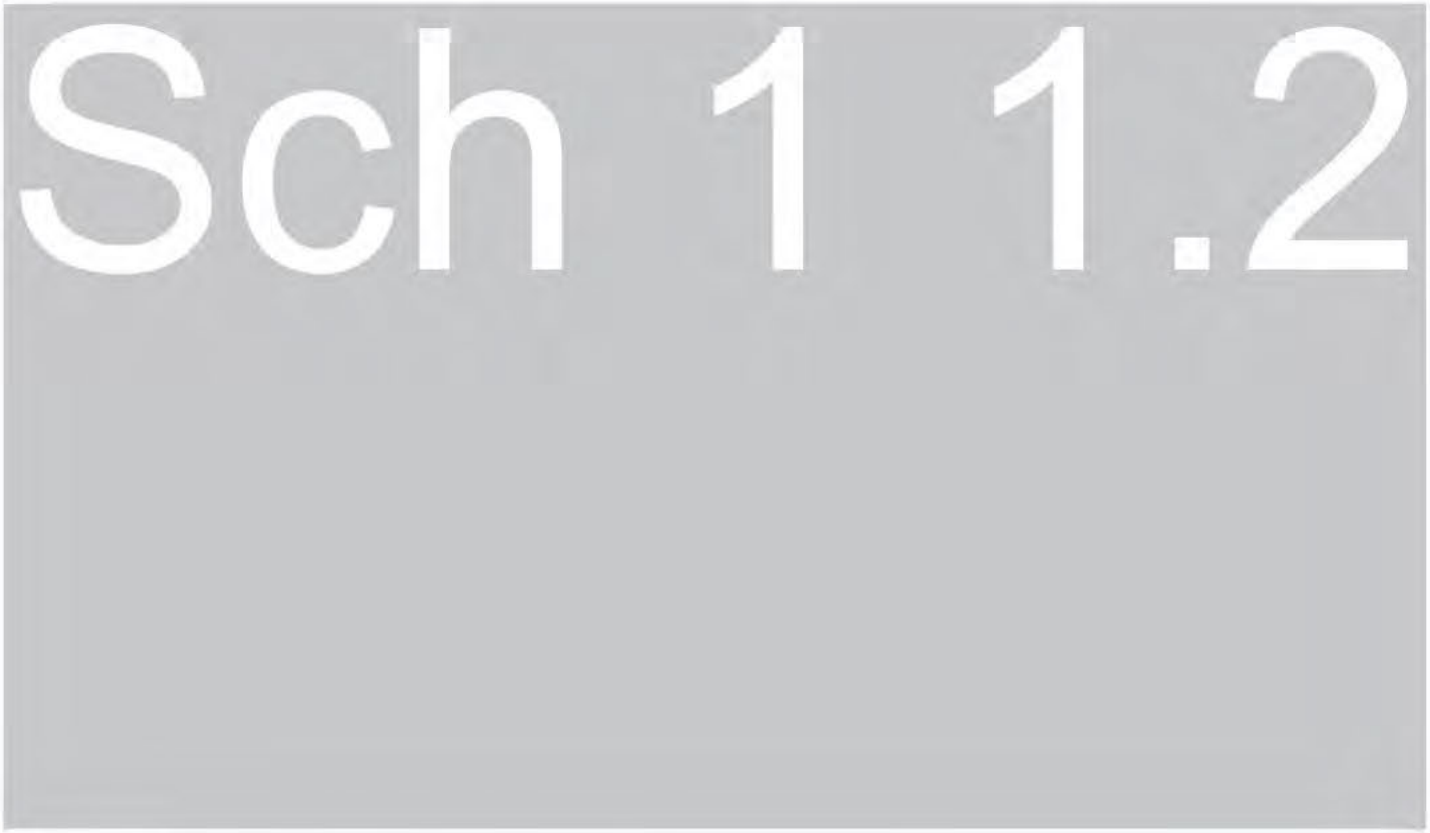
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To: Smith, Lana <Lana.Smith@act.gov.au>; Potter, Morgan <Morgan.Potter@act.gov.au>
Subject: FW: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration
Importance: High

OFFICIAL: Sensitive - Personal Privacy

This is cleared to MM for review.

Josh Rynehart (He/Him)
Executive Branch Manager, Fair Trading and Compliance
Access Canberra
Ph: 6205 3740
Email: josh.rynehart@act.gov.au



From: Smith, Lana <Lana.Smith@act.gov.au>
Sent: Friday, 13 January 2023 3:08 PM
To: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Cc: Potter, Morgan <Morgan.Potter@act.gov.au>
Subject: FW: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration
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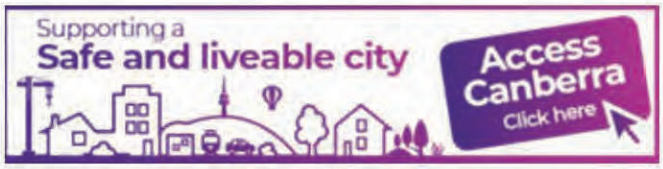
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Thank you,

Lana Smith | Government Business and Coordination Officer
Phone: 02 6205 8603 | Email: Lana.Smith@act.gov.au
Access Canberra | ACT Government | Chief Minister, Treasury and Economic Development Directorate
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158 Canberra ACT 2601| www.act.gov.au/accessCBR



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Morgan Potter
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Lana Smith

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Cheers
Cath

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
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Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Wright, Robert <Robert.Wright@act.gov.au>
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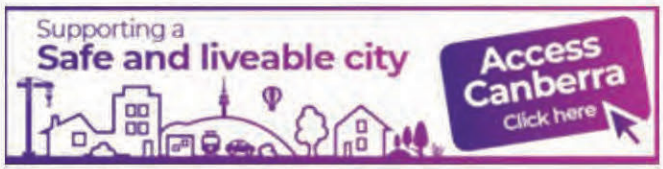
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Robert – to note as SERBIR given on-going interests in this matter.

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Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>
Subject: Letter from Peter Cain MLA regarding a conflict of interest

OFFICIAL

Good afternoon David,

Please find attached Ministerial from Peter Cain MLA – for your advice and awareness.

Morgan Potter | **Directorate Liaison Officer | Access Canberra**
Phone: Sch 2.2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

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To: ACDLO <ACDLO@act.gov.au>
Cc: RATTENBURY <RATTENBURY@act.gov.au>
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>
> **Liberal Member for Ginninderra**
> Shadow Attorney-General
> Shadow Minister for Multicultural Affairs
> Shadow Minister for Planning and Land Management
> Assistant Shadow Treasurer
> Assistant Speaker
>
> Ph: 02 6205 1927
> Website Facebook Instagram Twitter
> ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601

From: McKinnon, Margaret
To: Smith, Lana; Rynehart, Josh
Cc: Potter, Morgan
Subject: RE: For COO review/clearance - RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration
Date: Friday, 20 January 2023 11:42:05 AM
Attachments: image001.png

OFFICIAL: Sensitive - Personal Privacy

Cleared to go to Minister's office. Josh – can you ring Office and discuss our thinking with them please.

margaret

Margaret McKinnon | Chief Operating Officer
Phone: Sch 2 2(a)(ii) | Email: Margaret.Mckinnon@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



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Good morning Marg,

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I have made a couple of small changes to formatting but left in track changes.

If you are happy with the response, please let me know if you want this to go direct to the DLO or if you would like me to send to David for clearance.

Thank you,

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Access Canberra
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Robert – to note as SERBIR given on-going interests in this matter.

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GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
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Thoughts?

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Unity

Unity Paterson (she/her)
Senior Adviser | Office of Peter Cain MLA

Liberal Member for Ginninderra
Shadow Attorney-General
Shadow Minister for Multicultural Affairs
Shadow Minister for Planning and Land Management
Assistant Shadow Treasurer
Assistant Speaker

Ph: 02 6205 1927
Website Facebook Instagram Twitter
ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601

From: Rynehart, Josh
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Cc: Potter, Morgan
Subject: RE: For COO review/clearance - RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration
Date: Friday, 20 January 2023 12:30:57 PM
Attachments: image001.png

OFFICIAL: Sensitive - Personal Privacy

done

From: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>
Sent: Friday, 20 January 2023 11:42 AM
To: Smith, Lana <Lana.Smith@act.gov.au>; Rynehart, Josh <Josh.Rynehart@act.gov.au>
Cc: Potter, Morgan <Morgan.Potter@act.gov.au>
Subject: RE: For COO review/clearance - RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration

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margaret

Margaret McKinnon | Chief Operating Officer
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Cc: Potter, Morgan
Subject: RE: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration
Date: Friday, 20 January 2023 1:35:00 PM
Attachments: image001.png

OFFICIAL: Sensitive - Personal Privacy

Hi Thaylar,

Apologies but could you please now grant access to Louise Hilder? She is acting ACDLO and will need access to be able to send over to the Minister's Office.

Thank you,

Lana Smith | Government Business and Coordination Officer
Phone: 02 6205 8603 | Email: Lana.Smith@act.gov.au
Access Canberra | ACT Government | Chief Minister, Treasury and Economic Development Directorate
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158 Canberra ACT 2601| www.act.gov.au/accessCBR



This email and any of its attachments may be confidential. If you are not the intended recipient please notify the sender and delete immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: McNally, Thaylar <Thaylar.McNally@act.gov.au> **On Behalf Of** Access Canberra Records
Sent: Friday, 20 January 2023 9:17 AM
To: Smith, Lana <Lana.Smith@act.gov.au>
Subject: RE: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration

OFFICIAL: Sensitive - Personal Privacy

Hey Lana,

Lisa has now been granted access to the attached Objective reference.

Any issues please let me know.

Kind Regards

Thaylar McNally | System and Records Officer
Phone: 02 6205 0846 | Email: thaylar.mcnally@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City ACT 2601 | www.act.gov.au/accessCBR



From: Smith, Lana <Lana.Smith@act.gov.au>
Sent: Friday, 20 January 2023 9:15 AM
To: Access Canberra Records <AccessCanberraRecords@act.gov.au>
Cc: Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>; Rynehart, Josh <Josh.Rynehart@act.gov.au>; Potter, Morgan <Morgan.Potter@act.gov.au>; Adams, Courtney <Courtney.Adams@act.gov.au>; Matthews, Catherine <Catherine.Matthews@act.gov.au>
Subject: RE: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration

OFFICIAL: Sensitive - Personal Privacy

Good morning Thaylar,

Josh has requested that Lisa Tomlins be granted access to this file. Could you please action?

Thank you,

Lana Smith | Government Business and Coordination Officer
Phone: 02 6205 8603 | Email: Lana.Smith@act.gov.au
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From: McNally, Thaylar <Thaylar.McNally@act.gov.au> **On Behalf Of** Access Canberra Records
Sent: Tuesday, 3 January 2023 8:40 AM
To: Matthews, Catherine <Catherine.Matthews@act.gov.au>
Cc: Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>; Rynehart, Josh <Josh.Rynehart@act.gov.au>; Potter, Morgan <Morgan.Potter@act.gov.au>; Adams, Courtney <Courtney.Adams@act.gov.au>; Smith, Lana <Lana.Smith@act.gov.au>
Subject: RE: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration

OFFICIAL: Sensitive - Personal Privacy

Hey Cath,

All of the below users as requested have been granted access to the attached Objective file and

has been restricted down from all other users.

Any issues please let me know.

Kind Regards

Thaylar McNally | System and Records Officer
Phone: 02 6205 0846 | Email: thaylar.anastasi@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City ACT 2601 | www.act.gov.au/accessCBR



From: Matthews, Catherine <Catherine.Matthews@act.gov.au>
Sent: Friday, 23 December 2022 6:18 PM
To: Access Canberra Records <AccessCanberraRecords@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>; Rynehart, Josh <Josh.Rynehart@act.gov.au>; Potter, Morgan <Morgan.Potter@act.gov.au>; Adams, Courtney <Courtney.Adams@act.gov.au>; Smith, Lana <Lana.Smith@act.gov.au>
Cc: Matthews, Catherine <Catherine.Matthews@act.gov.au>
Subject: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration

OFFICIAL: Sensitive – Personal Privacy

Hi Mon and Thaylar

Could you please restrict all access to the attached file to only be accessible to the following people:

David Pryce
Giuseppe Mangeruca
Josh Rynehart
Morgan Potter
Courtney Adams
Lana Smith

When done, could you please advise Giuseppe, Josh, Morgan, Courtney and Lana. Please do not send anything to our shared inboxes for this one.

@Potter, Morgan/@Adams, Courtney/@Smith, Lana – I've spoken to Giuseppe about this one, and noting the sensitivities associated with this one, Giuseppe has requested that you don't go into the response unless specifically asked to by Giuseppe/Josh/David for the purposes of progressing for clearance or to the DLO. Morgan – when this one is ready to go to the MO, we will need to give access to either Jenna, Louise or Draz (dependent on who is in the role at the time). Alternatively, you may be able to progress this one. I also haven't put a due to MO date on this one in the objective catalogue so that it doesn't appear on the Overdue report. If it does

appear for any reason, please remove it before circulating.

@Mangeruca,/@Rynehart, Josh – Can you please aim to have something back to Morgan/Courtney/Lana for this one by **Friday, 13 January 2023**?

Cheers
Cath

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Pryce, David <David.Pryce@act.gov.au>
Sent: Thursday, 8 December 2022 12:50 PM
To: Matthews, Catherine <Catherine.Matthews@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Wright, Robert <Robert.Wright@act.gov.au>
Subject: FOR ACTION: Letter from Peter Cain MLA regarding a conflict of interest

OFFICIAL: Sensitive

Hi Cath and Giuseppe,

We need to action this and provide a draft response for the Attorney-General.

Noting the sensitivities, I would like to restrict exposure to only those persons who need to know within GBC.

Appreciate if Giuseppe can help develop a response in consultation with Robert Wright – happy to discuss approach.

Robert – to note as SERBIR given on-going interests in this matter.

Thanks,

David Pryce | Deputy Director-General
Head of Access Canberra
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR



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From: Potter, Morgan <Morgan.Potter@act.gov.au> **On Behalf Of** ACDLO
Sent: Thursday, 8 December 2022 12:45 PM
To: Pryce, David <David.Pryce@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>
Subject: Letter from Peter Cain MLA regarding a conflict of interest

OFFICIAL

Good afternoon David,

Please find attached Ministerial from Peter Cain MLA – for your advice and awareness.

Morgan Potter | Directorate Liaison Officer | Access Canberra
Phone: Sch 2 2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: Georgeson, Matthew <Matthew.Georgeson@act.gov.au>
Sent: Thursday, 8 December 2022 11:19 AM
To: ACDLO <ACDLO@act.gov.au>
Cc: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Fwd: Letter from Peter Cain MLA regarding a conflict of interest

Let's pass this onto our access Canberra friends to draft a reply for the minister please.
Matt

Begin forwarded message:

> **From:** RATTENBURY <RATTENBURY@act.gov.au>
> **Date:** 8 December 2022 at 11:06:23 am AEDT
> **To:** "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
> **Subject: FW: Letter from Peter Cain MLA regarding a conflict of interest**

Thoughts?

From: CAIN <CAIN@parliament.act.gov.au>
Sent: Wednesday, 7 December 2022 5:03 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Letter from Peter Cain MLA regarding a conflict of interest

Good afternoon Attorney General,

Please see attached a letter from Peter Cain MLA regarding a conflict of interest.

Unity

Unity Paterson (she/her)
Senior Adviser | Office of Peter Cain MLA

Liberal Member for Ginninderra
Shadow Attorney-General
Shadow Minister for Multicultural Affairs
Shadow Minister for Planning and Land Management
Assistant Shadow Treasurer
Assistant Speaker

Ph: 02 6205 1927
Website Facebook Instagram Twitter
ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601

From: McNally, Thaylar on behalf of Access Canberra Records
To: Smith, Lana
Cc: Potter, Morgan
Subject: RE: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration
Date: Friday, 20 January 2023 1:54:14 PM
Attachments: 22_167715 - Ministerial - Rattenbury - Conflict of Interest Declaration.obr
image001.png

OFFICIAL: Sensitive - Personal Privacy

Hey Lana,

Louise should now also have access to the attached Objective reference.

Any issues please let me know.

Kind Regards

Thaylar McNally | System and Records Officer
Phone: 02 6205 0846 | Email: thaylar.mcnally@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City ACT 2601 | www.act.gov.au/accessCBR



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OFFICIAL: Sensitive - Personal Privacy

Hi Thaylar,

Apologies but could you please now grant access to Louise Hilder? She is acting ACDLO and will need access to be able to send over to the Minister's Office.

Thank you,

Lana Smith | Government Business and Coordination Officer
Phone: 02 6205 8603 | Email: Lana.Smith@act.gov.au
Access Canberra | ACT Government | Chief Minister, Treasury and Economic Development Directorate
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158 Canberra ACT 2601| www.act.gov.au/accessCBR

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Hey Lana,

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Any issues please let me know.

Kind Regards
Thaylar McNally | System and Records Officer
Phone: 02 6205 0846 | Email: thaylar.mcnally@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
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Subject: RE: RESTRICT ACCESS - 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration

OFFICIAL: Sensitive - Personal Privacy

Good morning Thaylar,

Josh has requested that Lisa Tomlins be granted access to this file. Could you please action?

Thank you,

Lana Smith | Government Business and Coordination Officer
Phone: 02 6205 8603 | Email: Lana.Smith@act.gov.au
Access Canberra | ACT Government | Chief Minister, Treasury and Economic Development Directorate
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Cheers
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Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR

From: Pryce, David <David.Pryce@act.gov.au>
Sent: Thursday, 8 December 2022 12:50 PM
To: Matthews, Catherine <Catherine.Matthews@act.gov.au>; Mangeruca, Giuseppe

<Giuseppe.Mangeruca@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Wright, Robert <Robert.Wright@act.gov.au>
Subject: FOR ACTION: Letter from Peter Cain MLA regarding a conflict of interest

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Appreciate if Giuseppe can help develop a response in consultation with Robert Wright – happy to discuss approach.

Robert – to note as SERBIR given on-going interests in this matter.

Thanks,

David Pryce | Deputy Director-General
Head of Access Canberra
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
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OFFICIAL

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Morgan Potter | **Directorate Liaison Officer | Access Canberra**
Phone: Sch 2 2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
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Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

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Sent: Thursday, 8 December 2022 11:19 AM
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> **Subject: FW: Letter from Peter Cain MLA regarding a conflict of interest**
>
> Thoughts?
>
> ---
>
> **From:** CAIN <CAIN@parliament.act.gov.au>
> **Sent:** Wednesday, 7 December 2022 5:03 PM
> **To:** RATTENBURY <RATTENBURY@act.gov.au>
> **Subject:** Letter from Peter Cain MLA regarding a conflict of interest
>
> Good afternoon Attorney General,
>
> Please see attached a letter from Peter Cain MLA regarding a conflict of interest.
>
> Unity
>
> **Unity Paterson** (she/her)
> **Senior Adviser | Office of Peter Cain MLA**
>
> **Liberal Member for Ginninderra**
> Shadow Attorney-General
> Shadow Minister for Multicultural Affairs

Shadow Minister for Planning and Land Management
Assistant Shadow Treasurer
Assistant Speaker

Ph: 02 6205 1927
Website Facebook Instagram Twitter
ACT Legislative Assembly | GPO Box 1020 Canberra City ACT 2601

From: Smith, Lana
To: ACDLO
Cc: Potter, Morgan
Subject: 22/167715 - Ministerial - Rattenbury - Conflict of Interest Declaration
Date: Friday, 20 January 2023 2:01:00 PM
Attachments: image001.png
22_167715 - Ministerial - Rattenbury - Conflict of Interest Declaration.obr
Importance: High

OFFICIAL: Sensitive

Good afternoon Louise,

Please see attached cleared ministerial response for Minister Rattenbury.

This is a restricted folder so we have had to ask Records to grant you access. Please let me know if you have any issues with it.

Thank you,

Lana

Lana Smith | Government Business and Coordination Officer
Phone: 02 6205 8603 | Email: Lana.Smith@act.gov.au
Access Canberra | ACT Government | Chief Minister, Treasury and Economic Development Directorate
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158 Canberra ACT 2601| www.act.gov.au/accessCBR



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From:	Persic, Drazen on behalf of ACDLO
To:	Rynehart, Josh; Pryce, David
Cc:	Matthews, Catherine
Subject:	FW: Correspondence from Shane Rattenbury MLA
Date:	Friday, 10 February 2023 4:40:31 PM
Attachments:	22_167715 - Ministerial - Rattenbury - Conflict of Interest Declaration.pdf HoS response to Minister Rattenbury - Request for advice - Access Canberra matter.pdf

OFFICIAL: Sensitive - Personal Privacy

Hi Josh and David

Please find attached signed correspondence by Minister Rattenbury.

Cath can you please file.

Regards
Draz

From: RATTENBURY <RATTENBURY@act.gov.au>
Sent: Friday, 10 February 2023 4:04 PM
To: CAIN <CAIN@parliament.act.gov.au>
Subject: Correspondence from Shane Rattenbury MLA

Good afternoon,

Please find attached correspondence from Shane Rattenbury, MLA.

Kind regards,

Office of Shane Rattenbury MLA
ACT Greens Member for Kurrajong
Attorney-General; Minister for Consumer Affairs; Minister for Gaming;
Minister for Water, Energy and Emissions Reduction
t: (02) 620 50005 | e: Rattenbury@act.gov.au
Follow Shane on Facebook and Twitter

We acknowledge the Traditional Custodians of the Australian Capital Territory and across Australia, and pay respects to their Elders, past, present and future.

Shane Rattenbury MLA
Attorney-General
Minister for Consumer Affairs
Minister for Water, Energy and Emissions Reduction
Minister for Gaming

Member for Kurrajong

Ref: 22/167715

Mr Peter Cain MLA
Chair of the Standing Committee on Justice and Community Safety
GPO Box 1020
CANBERRA ACT 2601

cain@parliament.act.gov.au

Dear ~~Mr~~ Cain Peter

Thank you for your correspondence of 7 December 2022, regarding a response to a Question on Notice I provided in the JACS Inquiry into Annual and Financial Reports 2021-22 regarding a conflict of interest declaration.

The function of the Commissioner for Fair Trading is a statutory position established under the *Fair Trading (Australian Consumer Law) 1992*. Decisions made by the holder of that position are made as the statutory officer, not as an individual. On 18 January 2021, Ms Derise Cubin was appointed as the ACT Commissioner for Fair Trading pursuant to *Fair Trading (Australian Consumer Law) Commissioner Appointment 2021 (No 1), Notifiable Instrument NI2021-31*.

On 4 February 2021, the *Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2021 (No 1) Notifiable Instrument NI2021-60* was signed and appointed the occupant of the public servant position number E827 to act as the Commissioner in the event that Ms Cubin is absent, unavailable or is otherwise for any reason unable to exercise the functions of the Commissioner.

On 22 November 2021 the Territory received notice that 86 Candles Pty Limited had filed proceedings in the ACAT against the Commissioner for Fair Trading and others as private individuals. As a direct result of the applicant joining other individuals to the matter Ms Cubin completed a conflict of interest disclosure under the CMTEDD conflict of interest policy on 24 November 2021 and a process was established to prevent any conflicts arising in the matter.

As part of this process an alternative decision maker was established whereby the Head of Access Canberra acts as the Acting Commissioner for Fair Trading for dealing with the parties listed below. The scope of that protocol includes dealings with:

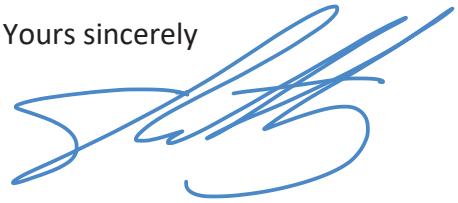
a. Ms Louise Curtis;
b. ACT Civil and Administrative Tribunal: Proceeding reference XD1027 of 2021;
c. Pink Frosting/ Pink Frosting (ACT) Pty Ltd - ABN 92 164 538 783 - ACN 164 538 783;
d. 86 Candles Pty Limited – ACN 607 264 586;
e. Trustee for 86 Candles Unit Trust; and
f. Lollypotz.

As I have previously indicated to you, I am committed to transparency and will assist where possible. However, I am conscious of personal privacy of all parties, including the complainant.

I would also like to inform you that on this matter I sought advice not just from Access Canberra, but also from the Head of Service, Ms Kathy Leigh, in order to receive an external perspective. Ms Leigh has looked into the matter and confirmed that Access Canberra has acted appropriately. I have attached the Head of Service's letter about this matter.

I trust this resolves your concerns.

Yours sincerely



Shane Rattenbury MLA
Minister for Consumer Affairs
9/2/23

ACT Government
Chief Minister, Treasury and Economic Development

Our ref: CMTEDD2023/487

Minister Shane Rattenbury MLA
Minister for Consumer Affairs
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Via email: rattenbury@act.gov.au

Dear Minister

Request for advice – Access Canberra matter

You have asked for my advice on a matter at Access Canberra involving the Commissioner for Fair Trading.

I have looked into this matter and am satisfied that the actions of Access Canberra have been appropriate. In particular, the Commissioner's attendance at the meeting on 6 July 2021 was appropriate. I am also satisfied that Access Canberra has appropriately managed any subsequent potential for conflict of interest in this matter.

On this basis, I believe there is no action that you need to take, as the Minister responsible for relevant areas of Access Canberra, in relation to this matter.

Should you receive any further questions on this matter, it would be appropriate for you to refer them to me.

Yours sincerely

Kathy Leigh
Head of Service
6 February 2023

From: Pryce, David
To: ACDLO; Matthews, Catherine
Cc: Rynehart, Josh
Subject: RE: Correspondence from Shane Rattenbury MLA
Date: Tuesday, 14 February 2023 3:43:00 PM
Attachments: image001.png

OFFICIAL: Sensitive - Personal Privacy

Hi Draz,

Please confirm with Minister Rattenbury's office that it is okay for me to share a copy of this correspondence with Ms Derise Cubin for her awareness.

I recommend that we do provide Ms Cubin with a copy for her information.

Thanks,

David

David Pryce | Deputy Director-General
Head of Access Canberra and Registrar-General
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR



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Sent: Friday, 10 February 2023 4:40 PM
To: Rynehart, Josh <Josh.Rynehart@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>
Cc: Matthews, Catherine <Catherine.Matthews@act.gov.au>
Subject: FW: Correspondence from Shane Rattenbury MLA

OFFICIAL: Sensitive - Personal Privacy

Hi Josh and David

Please find attached signed correspondence by Minister Rattenbury.

Cath can you please file.

Regards
Draz

From: RATTENBURY <RATTENBURY@act.gov.au>
Sent: Friday, 10 February 2023 4:04 PM
To: CAIN <CAIN@parliament.act.gov.au>
Subject: Correspondence from Shane Rattenbury MLA

Good afternoon,

Please find attached correspondence from Shane Rattenbury, MLA.

Kind regards,

Office of Shane Rattenbury MLA
ACT Greens Member for Kurrajong
Attorney-General; Minister for Consumer Affairs; Minister for Gaming;
Minister for Water, Energy and Emissions Reduction
t: (02) 620 50005 | e: Rattenbury@act.gov.au
Follow Shane on Facebook and Twitter

We acknowledge the Traditional Custodians of the Australian Capital Territory and across Australia, and pay respects to their Elders, past, present and future.

From: Persic, Drazen on behalf of ACDLO
To: Pryce, David; Matthews, Catherine
Cc: Rynehart, Josh
Subject: RE: Correspondence from Shane Rattenbury MLA
Date: Tuesday, 14 February 2023 5:41:08 PM
Attachments: image001.png

OFFICIAL: Sensitive - Personal Privacy

Hi David

I am seeking confirmation, Minister Rattenbury office is understaffed today so ill get back to you as soon as possible.

Thanks
Draz

From: Pryce, David <David.Pryce@act.gov.au>
Sent: Tuesday, 14 February 2023 3:43 PM
To: ACDLO <ACDLO@act.gov.au>; Matthews, Catherine <Catherine.Matthews@act.gov.au>
Cc: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Subject: RE: Correspondence from Shane Rattenbury MLA

OFFICIAL: Sensitive - Personal Privacy

Hi Draz,

Please confirm with Minister Rattenbury's office that it is okay for me to share a copy of this correspondence with Ms Derise Cubin for her awareness.

I recommend that we do provide Ms Cubin with a copy for her information.

Thanks,

David

David Pryce | Deputy Director-General
Head of Access Canberra and Registrar-General
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR



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From: Persic, Drazen <Drazen.Persic@act.gov.au> **On Behalf Of** ACDLO
Sent: Friday, 10 February 2023 4:40 PM
To: Rynehart, Josh <Josh.Rynehart@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>
Cc: Matthews, Catherine <Catherine.Matthews@act.gov.au>
Subject: FW: Correspondence from Shane Rattenbury MLA

OFFICIAL: Sensitive - Personal Privacy

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t: (02) 620 50005 | e: Rattenbury@act.gov.au
Follow Shane on Facebook and Twitter

We acknowledge the Traditional Custodians of the Australian Capital Territory and across Australia, and pay respects to their Elders, past, present and future.

From: Potter, Morgan on behalf of ACDLO
To: Pryce, David; Matthews, Catherine
Cc: Rynehart, Josh
Subject: RE: Correspondence from Shane Rattenbury MLA
Date: Wednesday, 15 February 2023 9:32:38 AM
Attachments: image001.png

OFFICIAL: Sensitive – Personal Privacy

Good morning David,

Minister Rattenbury's Office have confirmed they are ok with you sharing a copy of the correspondence with Derise Cubin.

Morgan Potter | Directorate Liaison Officer | Access Canberra
Phone: Sch 2 2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: Pryce, David <David.Pryce@act.gov.au>
Sent: Tuesday, 14 February 2023 3:43 PM
To: ACDLO <ACDLO@act.gov.au>; Matthews, Catherine <Catherine.Matthews@act.gov.au>
Cc: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Subject: RE: Correspondence from Shane Rattenbury MLA

OFFICIAL: Sensitive - Personal Privacy

Hi Draz,

Please confirm with Minister Rattenbury's office that it is okay for me to share a copy of this correspondence with Ms Derise Cubin for her awareness.

I recommend that we do provide Ms Cubin with a copy for her information.

Thanks,

David

David Pryce | Deputy Director-General
Head of Access Canberra and Registrar-General
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR



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From: Persic, Drazen <Drazen.Persic@act.gov.au> **On Behalf Of** ACDLO
Sent: Friday, 10 February 2023 4:40 PM
To: Rynehart, Josh <Josh.Rynehart@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>
Cc: Matthews, Catherine <Catherine.Matthews@act.gov.au>
Subject: FW: Correspondence from Shane Rattenbury MLA

OFFICIAL: Sensitive - Personal Privacy

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Please find attached signed correspondence by Minister Rattenbury.

Cath can you please file.

Regards
Draz

From: RATTENBURY <RATTENBURY@act.gov.au>
Sent: Friday, 10 February 2023 4:04 PM
To: CAIN <CAIN@parliament.act.gov.au>
Subject: Correspondence from Shane Rattenbury MLA

Good afternoon,

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Kind regards,

Office of Shane Rattenbury MLA
ACT Greens Member for Kurrajong
Attorney-General; Minister for Consumer Affairs; Minister for Gaming;
Minister for Water, Energy and Emissions Reduction
t: (02) 620 50005 | e: Rattenbury@act.gov.au
Follow Shane on Facebook and Twitter

We acknowledge the Traditional Custodians of the Australian Capital Territory and across Australia, and pay

respects to their Elders, past, present and future.

From:	RATTENBURY
To:	ACDLO
Cc:	Georgeson, Matthew
Subject:	FW: Correspondence from Shane Rattenbury MLA
Date:	Wednesday, 15 February 2023 10:53:29 AM
Attachments:	Response - Rattenbury to Ms Curtis.pdf HoS response to Minister Rattenbury - Request for advice - Access Canberra matter.pdf FW Correspondence from Shane Rattenbury MLA.msg

Hi Team,

Please see the response sent to Ms Curtis, and attached her reply to this email.

Thanks,

Amy

From: RATTENBURY
Sent: Friday, 10 February 2023 4:02 PM
To: louiselollypotz@gmail.com
Subject: Correspondence from Shane Rattenbury MLA

Good afternoon,

Please find attached correspondence from Shane Rattenbury, MLA.

Kind regards,

Office of Shane Rattenbury MLA
ACT Greens Member for Kurrajong
Attorney-General; Minister for Consumer Affairs; Minister for Gaming;
Minister for Water, Energy and Emissions Reduction
t: (02) 620 50005 | e: Rattenbury@act.gov.au
Follow Shane on Facebook and Twitter

We acknowledge the Traditional Custodians of the Australian Capital Territory and across Australia, and pay respects to their Elders, past, present and future.

From: RATTENBURY
To: Georgeson, Matthew
Subject: FW: Correspondence from Shane Rattenbury MLA
Date: Monday, 13 February 2023 9:24:00 AM

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Monday, 13 February 2023 8:40 AM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Re: Correspondence from Shane Rattenbury MLA

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.
Learn why this is important

Hi Shane,
Thanks for your absolutely pathetic response on Friday - I see you have now resorted to a whole new level of deceit - I'm just wondering who has nude photos of who within the ACT Government, that forces people to continue to put their name to paper, in this massive cover up!
Darren Carden will respond in detail to the legal issues raised in your correspondence relating ot the conflict, It's important he does this, to ensure as we provide the details to the media, there is no ambiguity as to the conduct we are dealing with.
For me, it's a great week - finally, my matter gets underway in the Supreme Court. I'm filled with warm and fuzzies for what lay ahead.
Cheers Shane,
Louise

Louise Curtis

louise.curtis@lollypotz.com.au

louiselollypotz@gmail.com

0475 605 862
On Fri, Feb 10, 2023 at 4:02 PM RATTENBURY <RATTENBURY@act.gov.au> wrote:

> Good afternoon,
> Please find attached correspondence from Shane Rattenbury, MLA.
> Kind regards,
> **Office of Shane Rattenbury MLA**
> ACT Greens Member for Kurrajong
> Attorney-General; Minister for Consumer Affairs; Minister for Gaming;
> Minister for Water, Energy and Emissions Reduction
> t: (02) 620 50005 | e: Rattenbury@act.gov.au
> Follow Shane on Facebook and Twitter
>
> We acknowledge the Traditional Custodians of the Australian Capital Territory and across Australia, and pay respects to their Elders, past, present and future.
>
> ---
> This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose,

> nor disclose its contents to any other person.
> ---

ACT Government
Chief Minister, Treasury and Economic Development

Our ref: CMTEDD2023/487

Minister Shane Rattenbury MLA
Minister for Consumer Affairs
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Via email: rattenbury@act.gov.au

Dear Minister

Request for advice – Access Canberra matter

You have asked for my advice on a matter at Access Canberra involving the Commissioner for Fair Trading.

I have looked into this matter and am satisfied that the actions of Access Canberra have been appropriate. In particular, the Commissioner's attendance at the meeting on 6 July 2021 was appropriate. I am also satisfied that Access Canberra has appropriately managed any subsequent potential for conflict of interest in this matter.

On this basis, I believe there is no action that you need to take, as the Minister responsible for relevant areas of Access Canberra, in relation to this matter.

Should you receive any further questions on this matter, it would be appropriate for you to refer them to me.

Yours sincerely

Kathy Leigh
Head of Service
6 February 2023

ACT Government

Shane Rattenbury MLA
Attorney-General
Minister for Consumer Affairs
Minister for Water, Energy and Emissions Reduction
Minister for Gaming

Member for Kurrajong

Ms Louise Curtis

louiselollypotz@gmail.com

Dear ~~Ms Curtis~~ Louise,

I refer to your allegations of a conflict of interest in Access Canberra concerning the Fair Trading Commissioner.

In my last correspondence with you, I said I had referred the matter for review external to Access Canberra. This was conducted by the Head of Service, Kathy Leigh. The Head of Service is satisfied that the matter was handled appropriately by Access Canberra. I have attached her letter about the matter for your reference.

The function of the Commissioner for Fair Trading is a statutory position established under the *Fair Trading (Australian Consumer Law) 1992*. Decisions made by the holder of that position are made as the statutory officer, not as an individual. On 18 January 2021, Ms Derise Cubin was appointed as the ACT Commissioner for Fair Trading pursuant to *Fair Trading (Australian Consumer Law) Commissioner Appointment 2021 (No 1), Notifiable Instrument NI2021-31*.

On 4 February 2021, the *Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2021 (No 1) Notifiable Instrument NI2021-60* was signed and appointed the occupant of the public servant position number E827 to act as the Commissioner in the event that Ms Cubin is absent, unavailable or is otherwise for any reason unable to exercise the functions of the Commissioner.

On 22 November 2021 the Territory received notice that 86 Candles Pty Limited had filed proceedings in the ACAT against the Commissioner for Fair Trading and others as private individuals. As a direct result of the applicant joining other individuals to the matter Ms Cubin completed a

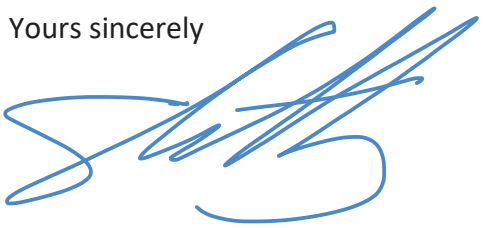
conflict of interest disclosure under the CMTEDD conflict of interest policy on 24 November 2021 and a process was established to prevent any conflicts arising in the matter.

As part of this process an alternative decision maker was established whereby the Head of Access Canberra acts as the Acting Commissioner for Fair Trading for dealing with the parties listed below. The scope of that protocol includes dealings with:

a. Ms Louise Curtis;
b. ACT Civil and Administrative Tribunal: Proceeding reference XD1027 of 2021;
c. Pink Frosting/ Pink Frosting (ACT) Pty Ltd - ABN 92 164 538 783 - ACN 164 538 783;
d. 86 Candles Pty Limited – ACN 607 264 586;
e. Trustee for 86 Candles Unit Trust; and
f. Lollypotz.

On this basis, and following my own consideration, I am satisfied the matter has been handled appropriately.

Yours sincerely



Shane Rattenbury MLA
Minister for Consumer Affairs
9/2/23

Conflict of Interest Disclosure

Instructions

1. Read the *Conflicts of Interest Policy and Guidelines*
2. Once completed by the staff member and their manager, the form should be kept as a record within the business unit

Employee Details	
Name: Derise Cubin	Date: 24 November 2021
Position: EBM/ Commissioner for Fair Trading	Supervisor name: David Pryce
Branch: Licensing & Registrations	Sub Unit:

Conflict of Interest / Circumstances

1. I refer to the recently filed ACAT matter XD/1027/2021 86 Candles Pty Ltd V Commissioner for Fair Trading & Ors.
2. I am the current appointed ACT Commissioner for Fair Trading. Sch 2.2(a)(ii) [redacted]

Duties affected by the Conflict / Circumstances

1. Sch 2.2(a)(ii) [redacted]
2. I hold no bias for or against Ms Curtis / 86 Candles Pty Ltd and will continue to fulfill my statutory role in line with my obligations and responsibilities under relevant legislation PSMA and comply with any other legislative requirements. All information will be managed with sensitivity.

The conflict of interest has been identified as (please tick the appropriate box)

Actual ☐	Perceived ☒	Potential ☒
Pecuniary/financial ☐	Non-pecuniary x	

The risk of the conflict of interest has been identified as (please tick the appropriate box)

High ☐	Medium ☒	Low ☒

Management Strategy (please tick the appropriate box)

Register ☒	Restrict X	Recruit ☐
Remove ☒	Relinquish ☐	Resign ☐

Details of restrictions and strategies implemented

1. .Sch 2.2(a)(ii) [redacted].
2. Sch 2.2(a)(ii) [redacted] Engagement will occur via the EBM Fair Trading and Regulatory Strategy / ACT Government Solicitor.

Employee Acknowledgement		
I, **Derise Cubin ,** hereby declare that the above details are correct to the best of my knowledge and I make the conflict of interest declaration in good faith.	**Signature:** Sch 2.2(a)(ii)	**Date:** 24/11/2021
Manager Acknowledgement		
I, **David Pryce** hereby declare that the above details are correct to the best of my knowledge and acknowledge my role in overseeing the management strategy of the conflict of interest as declared.	**Signature:** Sch 2.2(a)(ii)	**Date:** 26/11/2021

Conflict of Interest Disclosure

Instructions

1. Read the *Conflicts of Interest Policy and Guidelines*
2. Once completed by the staff member and their manager, the form should be kept as a record within the business unit

Employee Details	
Name: Derise Cubin	Date: 24 November 2021
Position: EBM/ Commissioner for Fair Trading	Supervisor name: David Pryce
Branch: Licensing & Registrations	Sub Unit:

Conflict of Interest / Circumstances

1. I refer to the recently filed ACAT matter XD/1027/2021 86 Candles Pty Ltd V Commissioner for Fair Trading & Ors.
2. I am the current appointed ACT Commissioner for Fair Trading. Sch 2.2(a)(ii) [redacted]

Duties affected by the Conflict / Circumstances

1. Sch 2.2(a)(ii) [redacted]
2. I hold no bias for or against Ms Curtis / 86 Candles Pty Ltd and will continue to fulfill my statutory role in line with my obligations and responsibilities under relevant legislation PSMA and comply with any other legislative requirements. All information will be managed with sensitivity.

The conflict of interest has been identified as (please tick the appropriate box)

Actual ☐	Perceived ☒	Potential ☒
Pecuniary/financial ☐	Non-pecuniary x	

The risk of the conflict of interest has been identified as (please tick the appropriate box)

High ☐	Medium ☒	Low ☒

Management Strategy (please tick the appropriate box)

Register ☒	Restrict X	Recruit ☐
Remove ☒	Relinquish ☐	Resign ☐

Details of restrictions and strategies implemented

1. .Sch 2.2(a)(ii) [redacted]
2. Sch 2.2(a)(ii) [redacted] Engagement will occur via the EBM Fair Trading and Regulatory Strategy / ACT Government Solicitor.

Employee Acknowledgement		
I, **Derise Cubin ,** hereby declare that the above details are correct to the best of my knowledge and I make the conflict of interest declaration in good faith.	**Signature:** Sch 2.2(a)(ii)	**Date:** 24/11/2021
Manager Acknowledgement		
I, **David Pryce** hereby declare that the above details are correct to the best of my knowledge and acknowledge my role in overseeing the management strategy of the conflict of interest as declared.	**Signature:** Sch 2.2(a)(ii)	**Date:** 26/11/2021

Note: SOP developed to address any decisions relating to this matter. SOP developed with assistance of AC Legal Team.

Any decisions or legal instructions involving this matter to be avoided by SOP through either Josh Rynehart or my position.

Sch 2.2(a)(ii) 30/11/2021

From: Rynehart, Josh
To: Leece, Kristin; Manzoney, Lisa; McKinnon, Margaret
Subject: Fwd: assurance controls in place
Date: Tuesday, 8 November 2022 6:56:18 PM
Attachments: image001.png

Hi

As discussed this afternoon, below is the timeline of controls in place

Josh

From: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Sent: Friday, October 28, 2022 11:31 am
To: Georgeson, Matthew <Matthew.Georgeson@act.gov.au>
Subject: assurance controls in place

OFFICIAL: Sensitive

Hi Matt

As requested I am providing additional information which outlines Access Canberra's handing of possible conflicts relating to potential claims by 86 Candles Pty Limited arising from the investigation of the Pink Frosting business under the *Fair Trading (Australian Consumer Law) Act 1992* (the FT Act).
On 18 January 2021, Derise Cubin was appointed as the ACT Commissioner for Fair Trading (the Commissioner) pursuant to *Fair Trading (Australian Consumer Law) Commissioner Appointment 2021 (No 1)*, Notifiable Instrument NI2021-31.

On 4 February 2021, the *Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2021 (No 1)* Notifiable Instrument NI2021-60 was signed and appointed the occupant of the public servant position number E827 to act as Commissioner for Fair Trading in the event that Derise Cubin is absent, unavailable or is otherwise for any reason unable to exercise the functions of the Commissioner for Fair Trading.

Following correspondence from Eastwood Legal (as the legal representative of 86 Candles Pty Limited) on 21 January and 27 May 2021 which ACT Government Solicitor's responded to, a without prejudice discussion occurred on 6 July 2021 to clarify particulars of any potential claim against the Territory.

Ms Cubin attended the without prejudice discussions as Commissioner on 6 July 2021. It was made clear to Eastwood Legal prior to the meeting that the Territory is not able to make settlement offers at this stage but does consider that a discussion between the parties should enable the progression of the matter.

86 Candles Pty Limited filed proceedings in the ACT Civil and Administrative Tribunal on 4 November 2021 (received by the Territory on 22 November 2021). It was at this point that it became apparent that 86 Candles Pty Limited intended to commence proceedings naming the former Commissioner, David Snowden as an individual.

On 24 November 2021, Ms Cubin completed a conflict of interest disclosure declaration. This was countersigned by David Pryce on 26 November 2021 and a Standard Operating Procedure (SOP) was implemented on 30 November 2021.
Under this SOP, Mr Pryce (as the then occupant of position number E827) was exercising the functions of Acting Commissioner for the FT Act in relation to matters involving the following individuals and entities:

1. Ms Louise Curtis of 24 Fergusson Crescent Deakin ACT 2600;
2. Pink Frosting (ACT) Pty Ltd - ABN 92 164 538 783 - ACN 164 538 783;
3. 86 Candles Pty Limited – ACN 607 264 586;
4. Trustee for 86 Candles Unit Trust; and
5. Lollypotz.

Mr Pryce is not currently occupying position number E827, however the current occupant of this position is exercising functions of Acting Commissioner in relation to matters involving the entities referred to above pursuant to the *Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2021 (No 1)* and consistently with the SOP.

Additionally, the ACT Insurance Authority (ACTIA) is providing instructions, as the Territory's insurer, in relation to the claims for compensation made by Ms Curtis and 86 Candles Pty Limited arising from the investigation of the Pink Frosting business under the FT Act. ACTIA accepted coverage for the claim on 10 May 2021.

Josh Rynehart (He/Him)
A/g Chief Operating Officer
Access Canberra
Ph: 6205 3740
Email: josh.rynehart@act.gov.au

From: AC - Office of the DDG
To: Rynehart, Josh
Subject: FW: Current assurance controls in place - conflict of interest
Date: Thursday, 24 November 2022 1:42:10 PM
Attachments: image001.png

OFFICIAL: Sensitive

From: McKinnon, Margaret
Sent: Tuesday, 8 November 2022 7:12 PM
To: Leigh, Kathy <Kathy.Leigh@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Wright, Robert <Robert.Wright@act.gov.au>
Subject: Current assurance controls in place - conflict of interest

OFFICIAL: Sensitive

Kathy

I briefly discussed this matter at our catch up last week. For your information I am providing additional information which outlines Access Canberra s handing of possible conflicts relating to potential claims by 86 Candles Pty Limited arising from the investigation of the Pink Frosting business under the Fair Trading (Australian Consumer Law) Act 1992 (the FT Act).

On 18 January 2021, Derise Cubin was appointed as the ACT Commissioner for Fair Trading (the Commissioner) pursuant to Fair Trading (Australian Consumer Law) Commissioner Appointment 2021 (No 1), Notifiable Instrument NI2021-31.

On 4 February 2021, the Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2021 (No 1) Notifiable Instrument NI2021-60 was signed and appointed the occupant of the public servant position number E827 to act as Commissioner for Fair Trading in the event that Derise Cubin is absent, unavailable or is otherwise for any reason unable to exercise the functions of the Commissioner for Fair Trading.

Following correspondence from Eastwood Legal (as the legal representative of 86 Candles Pty Limited) on 21 January and 27 May 2021 which ACT Government Solicitor s responded to, a without prejudice discussion occurred on 6 July 2021 to clarify particulars of any potential claim against the Territory.

Ms Cubin attended the without prejudice discussions as Commissioner on 6 July 2021. It was made clear to Eastwood Legal prior to the meeting that the Territory is not able to make settlement offers at this stage but does consider that a discussion between the parties should enable the progression of the matter.

86 Candles Pty Limited filed proceedings in the ACT Civil and Administrative Tribunal on 4 November 2021 (received by the Territory on 22 November 2021). It was at this point that it became apparent that 86 Candles Pty Limited intended to commence proceedings naming the former Commissioner, David Snowden as an individual.

On 24 November 2021, Ms Cubin completed a conflict of interest disclosure declaration. This was countersigned by David Pryce on 26 November 2021 and a Standard Operating Procedure (SOP) was implemented on 30 November 2021.

In early December, ACAT dismissed the claim against David Snowden and against the Commissioner for want of jurisdiction.

For abundant caution, the SOP remains in place. Under this SOP, Mr Pryce (as the then occupant of position number E827) was exercising the functions of Acting Commissioner for the FT Act in relation to matters involving the following individuals and entities:

1. Ms Louise Curtis of 24 Fergusson Crescent Deakin ACT 2600;
2. Pink Frosting (ACT) Pty Ltd - ABN 92 164 538 783 - ACN 164 538 783;
3. 86 Candles Pty Limited ACN 607 264 586;
4. Trustee for 86 Candles Unit Trust; and
5. Lollypotz.

Mr Pryce is not currently occupying position number E827, however as the current occupant of this position, I am exercising functions of Acting Commissioner in relation to matters involving the entities referred to above pursuant to the Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2021 (No 1) and consistently with the SOP. That said, there is no current legal proceeding in which I would be required to act.

Additionally, the ACT Insurance Authority (ACTIA) is providing instructions, as the Territory s insurer, in relation to the claims for compensation made by Ms Curtis and 86 Candles Pty Limited arising from the investigation of the Pink Frosting business under the FT Act. ACTIA accepted coverage for the claim on 10 May 2021.

Margaret McKinnon | A/g Deputy Director General

Phone: Sch 2.2(a)(ii) | Email: Margaret.Mckinnon@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 |
www.act.gov.au/accessCBR

From: Pryce, David
To: Rynehart, Josh
Subject: RE: timeline and declaration documents
Date: Thursday, 24 November 2022 2:19:39 PM
Attachments: image001.png

OFFICIAL: Sensitive

Hi Josh,

The timeline should show when Derise was appointed as the Commissioner see Fair Trading (Australian Consumer Law) Commissioner Appointment 2021 (No 1), dated 18 January 2021.

It should also make clearer that my position (Head of Access Canberra) was appointed as Acting Commissioner on 4 February 2021 see Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2021 (No 1).

Thanks,

David

David Pryce | Deputy Director-General

Head of Access Canberra
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR

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From: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Sent: Thursday, 24 November 2022 2:10 PM
To: Pryce, David <David.Pryce@act.gov.au>

Subject: FW: timeline and declaration documents

OFFICIAL: Sensitive

Just FYI

From: Rynehart, Josh
Sent: Thursday, 24 November 2022 1:54 PM
To: Power, Leanne <Leanne.Power@act.gov.au>
Subject: timeline and declaration documents

OFFICIAL: Sensitive

Hi Leanne,

Here are the declaration, standard operating procedure and timeline of the matter as they relate.

Happy to discuss

Josh Rynehart (He/Him)

A/g Chief Operating Officer

Access Canberra

Ph: 6205 3740

Email: josh rynehart@act.gov.au

From:	Persic, Drazen on behalf of ACDLO
To:	Rynehart, Josh; Pryce, David
Cc:	Matthews, Catherine
Subject:	FW: Correspondence from Shane Rattenbury MLA
Date:	Friday, 10 February 2023 4:40:31 PM
Attachments:	22_167715 - Ministerial - Rattenbury - Conflict of Interest Declaration.pdf HoS response to Minister Rattenbury - Request for advice - Access Canberra matter.pdf

OFFICIAL: Sensitive - Personal Privacy

Hi Josh and David

Please find attached signed correspondence by Minister Rattenbury.

Cath can you please file.

Regards
Draz

From: RATTENBURY <RATTENBURY@act.gov.au>
Sent: Friday, 10 February 2023 4:04 PM
To: CAIN <CAIN@parliament.act.gov.au>
Subject: Correspondence from Shane Rattenbury MLA

Good afternoon,

Please find attached correspondence from Shane Rattenbury, MLA.

Kind regards,

Office of Shane Rattenbury MLA
ACT Greens Member for Kurrajong
Attorney-General; Minister for Consumer Affairs; Minister for Gaming;
Minister for Water, Energy and Emissions Reduction
t: (02) 620 50005 | e: Rattenbury@act.gov.au
Follow Shane on Facebook and Twitter

We acknowledge the Traditional Custodians of the Australian Capital Territory and across Australia, and pay respects to their Elders, past, present and future.

ACT Government
Chief Minister, Treasury and Economic Development

Our ref: CMTEDD2023/487

Minister Shane Rattenbury MLA
Minister for Consumer Affairs
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Via email: rattenbury@act.gov.au

Dear Minister

Request for advice – Access Canberra matter

You have asked for my advice on a matter at Access Canberra involving the Commissioner for Fair Trading.

I have looked into this matter and am satisfied that the actions of Access Canberra have been appropriate. In particular, the Commissioner's attendance at the meeting on 6 July 2021 was appropriate. I am also satisfied that Access Canberra has appropriately managed any subsequent potential for conflict of interest in this matter.

On this basis, I believe there is no action that you need to take, as the Minister responsible for relevant areas of Access Canberra, in relation to this matter.

Should you receive any further questions on this matter, it would be appropriate for you to refer them to me.

Yours sincerely

Kathy Leigh
Head of Service
6 February 2023

Shane Rattenbury MLA
Attorney-General
Minister for Consumer Affairs
Minister for Water, Energy and Emissions Reduction
Minister for Gaming

Member for Kurrajong

Ref: 22/167715

Mr Peter Cain MLA
Chair of the Standing Committee on Justice and Community Safety
GPO Box 1020
CANBERRA ACT 2601

cain@parliament.act.gov.au

Dear ~~Mr Cain~~ Peter

Thank you for your correspondence of 7 December 2022, regarding a response to a Question on Notice I provided in the JACS Inquiry into Annual and Financial Reports 2021-22 regarding a conflict of interest declaration.

The function of the Commissioner for Fair Trading is a statutory position established under the *Fair Trading (Australian Consumer Law) 1992*. Decisions made by the holder of that position are made as the statutory officer, not as an individual. On 18 January 2021, Ms Derise Cubin was appointed as the ACT Commissioner for Fair Trading pursuant to *Fair Trading (Australian Consumer Law) Commissioner Appointment 2021 (No 1), Notifiable Instrument NI2021-31*.

On 4 February 2021, the *Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2021 (No 1) Notifiable Instrument NI2021-60* was signed and appointed the occupant of the public servant position number E827 to act as the Commissioner in the event that Ms Cubin is absent, unavailable or is otherwise for any reason unable to exercise the functions of the Commissioner.

On 22 November 2021 the Territory received notice that 86 Candles Pty Limited had filed proceedings in the ACAT against the Commissioner for Fair Trading and others as private individuals. As a direct result of the applicant joining other individuals to the matter Ms Cubin completed a conflict of interest disclosure under the CMTEDD conflict of interest policy on 24 November 2021 and a process was established to prevent any conflicts arising in the matter.

As part of this process an alternative decision maker was established whereby the Head of Access Canberra acts as the Acting Commissioner for Fair Trading for dealing with the parties listed below. The scope of that protocol includes dealings with:

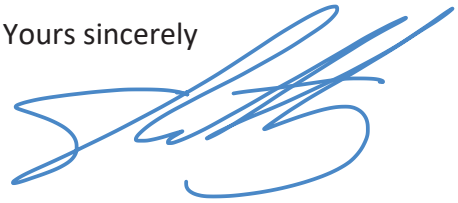
a. Ms Louise Curtis;
b. ACT Civil and Administrative Tribunal: Proceeding reference XD1027 of 2021;
c. Pink Frosting/ Pink Frosting (ACT) Pty Ltd - ABN 92 164 538 783 - ACN 164 538 783;
d. 86 Candles Pty Limited – ACN 607 264 586;
e. Trustee for 86 Candles Unit Trust; and
f. Lollypotz.

As I have previously indicated to you, I am committed to transparency and will assist where possible. However, I am conscious of personal privacy of all parties, including the complainant.

I would also like to inform you that on this matter I sought advice not just from Access Canberra, but also from the Head of Service, Ms Kathy Leigh, in order to receive an external perspective. Ms Leigh has looked into the matter and confirmed that Access Canberra has acted appropriately. I have attached the Head of Service's letter about this matter.

I trust this resolves your concerns.

Yours sincerely



Shane Rattenbury MLA
Minister for Consumer Affairs

9/2/23

From:	Rynehart, Josh
To:	Cubin, Derise
Subject:	FW: TO NOTE: Standard Operating Procedure - acting Cmr for Fair Trading appointment
Date:	Tuesday, 28 March 2023 1:08:00 PM
Attachments:	Commissioner for Fair Trading - Acting SOP March 2023 (final).docx image001.png

OFFICIAL: Sensitive - Legal Privilege

Good afternoon

Just noting David s email below, I am advising you of the updated SOP relating to the use of the Acting Commissioner appointment.

Josh Rynehart (He/Him)

Executive Branch Manager, Fair Trading and Compliance

Access Canberra

Ph: 6205 3740

Email: josh rynehart@act.gov.au

From: Pryce, David <David.Pryce@act.gov.au>
Sent: Thursday, 23 March 2023 2:39 PM
To: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Subject: TO NOTE: Standard Operating Procedure - acting Cmr for Fair Trading appointment and matters where Derise has a conflict

OFFICIAL: Sensitive - Legal Privilege

Hi Josh,

If you could save this for our records (on Objective) and ensure relevant persons are notified of the SOP, including Derise Cubin and Margaret McKinnon (noting she will be Acting DDG Access Canberra while I m on leave).

Thanks,

David

David Pryce | Deputy Director-General

Head of Access Canberra and Registrar-General
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR

This email and any of its attachments may be confidential. If you are not the intended recipient please notify the sender and delete immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Standard operating procedure relating to *Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2021 (No 1),* Notifiable Instrument NI2021-60 ("Policy")

Date: 30 November 2021

Updated 23 March 2023

Part 1: ***Purpose***

1. Ms Derise Cubin has submitted a signed "Conflict of Interest Disclosure" form dated 24 November 2021.

2. Section 9(1)(a) and (b) of the *Public Sector Management Act 1994* requires that a public servant take all reasonable steps to avoid a conflict of interest and declare or manage a conflict of interest that cannot reasonably be avoided.

Part 2: ***Commissioner for Fair Trading***

1. Ms Derise Cubin is appointed as the Commissioner for Fair Trading: see *Fair Trading (Australian Consumer Law) Commissioner Appointment 2021 (No 1),* Notifiable Instrument NI2021-31.

2. Mr David Pryce is appointed as the Acting Commissioner for Fair Trading by the *Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2023 (No 1),* Notifiable Instrument NI2023-59. That legislative instrument provides that David Pryce is appointed to act as Commissioner for Fair Trading in the event that Derise Cubin is absent, unavailable or unable to exercise the functions of the Commissioner for Fair Trading.

Part 3: ***Scope of policy***

1. Having regard to the matters outlined in the "Conflict of Interest Disclosure" form dated 24 November 2021, it is decided that, in respect of the matters referred to in Part 3 of this Policy, Ms Cubin is unable to exercise the functions of the Commissioner for Fair Trading, and Mr David Pryce will act as Acting Commissioner for Fair Trading.

2. This Policy applies to circumstances whereby Ms Derise Cubin has declared a conflict of interest and, in exercising her functions as an employed public servant and the Commissioner for Fair Trading, would ordinarily be involved with, or perform duties in connection with, the following individuals, entities, and/or Tribunal proceedings:

    a. Ms Louise Curtis of 24 Fergusson Crescent Deakin ACT 2600; and
    b. ACT Civil and Administrative Tribunal: Proceeding reference XD1027 of 2021; and
    c. Pink Frosting/ Pink Frosting (ACT) Pty Ltd - ABN 92 164 538 783 - ACN 164 538 783; and,
    d. 86 Candles Pty Limited – ACN 607 264 586; and,
    e. Trustee for 86 Candles Unit Trust; and,
    f. Lollypotz.

Part 4: Process for Access Canberra

1. For the purpose of the matters referenced above at Part 3 of this policy, Mr David Pryce will exercise the functions of the Acting Commissioner for Fair Trading.

2. Subject to paragraph 6 below, Access Canberra employees should ensure that, in relation to any matter to which this Policy applies, Ms Derise Cubin:

    a. is excluded from any decisions, briefings and/or advice
    b. is not provided with any correspondence; and
    c. is not included in, or consulted on, any legal advice, and/or briefings to Ministers or the Head of Service.

3. Any written correspondence, updates, and/or advice should be sent to or from Mr David Pryce by his direct email address and Mr Josh Rynehart, Ms Alex McPherson and Mr Damien Kelly by their respective email addresses only.

4. Decisions on matters listed in Part 3 of this Policy will continue to be made within the Fair Trading and Compliance Branch, in accordance with its processes. In the circumstances where instruction from the Commissioner is required, Mr Josh Rynehart will seek instruction from Mr David Pryce.

5. Access Canberra will take reasonable steps as documented to ensure that Ms Derise Cubin is not able to access electronic or hard-copy records relating to any matter referenced above at Part 3 of this Policy. Ms Cubin's access to any Objective files relating to the matters outlined at Part 3 of this Policy will be removed.

6. The process above does not limit the ability of Access Canberra to discuss with Ms Cubin, or provide documents to Ms Cubin, about the individuals and entities listed in Part 3 of the Policy where required by law, in accordance with the requirements of natural justice, or where considered necessary for the administration of Access Canberra.

7. It is the responsibility of Access Canberra to ensure that, to the extent necessary and only to the extent necessary, its staff are aware of and comply with this Policy.

Part 5: Instructions for ACTGS

1. For the purpose of the matters referenced above at Part 3 of this policy, Mr David Pryce will exercise the functions of the Acting Commissioner for Fair Trading.

2. Where ACTGS is engaged in relation to the matters/entities referenced above at Part 3 of this Policy, Access Canberra will instruct ACTGS as follows:

    a. any written correspondence, updates, and/or advice is provided directly to Mr David Pryce by his direct email address and Mr Josh Rynehart, Ms Alex McPherson and Mr Damien Kelly by their respective email addresses only;

b. that Ms Derise Cubin is not copied into any such correspondence or advice as referred to as paragraph (a);
c. that Ms Derise Cubin is not included in, or present for any discussion about, or in connection to the matters referenced above at Part 3 of this Policy.

From:	Rynehart, Josh
To:	McKinnon, Margaret
Cc:	AC - Office of the DDG
Subject:	FW: TO NOTE: Standard Operating Procedure - acting Cmr for Fair Trading appointment
Date:	Tuesday, 28 March 2023 1:08:00 PM
Attachments:	Commissioner for Fair Trading - Acting SOP March 2023 (final).docx image001.png

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Good afternoon

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Josh Rynehart (He/Him)

Executive Branch Manager, Fair Trading and Compliance

Access Canberra

Ph: 6205 3740

Email: josh rynehart@act.gov.au

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Sent: Thursday, 23 March 2023 2:39 PM
To: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Subject: TO NOTE: Standard Operating Procedure - acting Cmr for Fair Trading appointment and matters where Derise has a conflict

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including Derise Cubin and Margaret McKinnon (noting she will be Acting DDG Access Canberra while I m on leave).

Thanks,

David

David Pryce | Deputy Director-General

Head of Access Canberra and Registrar-General
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR

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c. that Ms Derise Cubin is not included in, or present for any discussion about, or in connection to the matters referenced above at Part 3 of this Policy.

From: Rynehart, Josh
To: Access Canberra Government Business & Coordination
Subject: RE: FYI - QTONs - Gaming & Consumer Affairs on 8 Nov
Date: Friday, 11 November 2022 8:00:20 AM
Attachments: image002.png
image003.png

OFFICIAL

Send the conflict and Outside Scope ones to me only please

From: Matthews, Catherine <Catherine.Matthews@act.gov.au> **On Behalf Of** Access Canberra Government Business & Coordination
Sent: Thursday, 10 November 2022 3:30 PM
To: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>; Rynehart, Josh <Josh.Rynehart@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>; Chan, Yu-Lan <Yu-Lan.Chan@act.gov.au>; Cubin, Derise <Derise.Cubin@act.gov.au>
Subject: FYI - QTONs - Gaming & Consumer Affairs on 8 Nov

OFFICIAL

Hi All
We've received the attached QTONs/Transcript from the Consumer Affairs and Gaming hearing. We will get these out to line areas later today after the hearings.
Just sending on for your early information.
Cath

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Potter, Morgan <Morgan.Potter@act.gov.au> **On Behalf Of** ACDLO
Sent: Thursday, 10 November 2022 3:15 PM
To: EPSDD DLO <EPSDDDLO@act.gov.au>
Cc: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: FW: QTONs - Gaming & Consumer Affairs on 8 Nov

OFFICIAL

From: de Kleuver, Kathleen <Kathleen.deKleuver@parliament.act.gov.au>
Sent: Thursday, 10 November 2022 3:14 PM
To: ACDLO <ACDLO@act.gov.au>; AGDLO <AGDLO@act.gov.au>
Cc: LA Committee - JCS <LACommitteeJCS@parliament.act.gov.au>
Subject: QTONs - Gaming & Consumer Affairs on 8 Nov

OFFICIAL

Dear DLOs
Please find QTONs from the Annual Report hearings on Gaming and Consumer Affairs plus the Uncorrected Proof Transcript. Please let us know if these align with your understanding so we can allocate QTON numbers to these:

Member	Portfolio	respondent	Question	Transcript page

Outside Scope

Cain	Consumer Affairs	Shane Rattenbury	Details of conflict of interest declaration	90

Outside Scope

The due date for response is Thursday 17 November 2022
thanks

Kathleen de Kleuver
Committee Secretary | Standing Committee on Justice and Community Safety
Committee Secretary| Standing Committee on Justice and Community Safety (Legislative Scrutiny role)
Office of the Legislative Assembly for the ACT
P (02) 620 70524
E LACommitteeJCS@parliament.act.gov.au;
E Scrutiny@Parliament.act.gov.au;



www.parliament.act.gov.au

From:	Bharadwaj, Vaishnavi on behalf of Access Canberra Government Business & Coordination
To:	Rynehart, Josh
Cc:	Access Canberra Government Business & Coordination
Subject:	RE: For Action: (Due COB 14 Nov) - QTON XX - CAIN - Conflict of interest - Commissioner for Fair Trading and QTON XX - CAIN - Details of Marital Status
Date:	Friday, 11 November 2022 12:42:00 PM
Attachments:	.QTON XX - CAIN - Conflict of Interest - Commissioner for Fair Trading.docx Outside Scope image001.png image002.png
Importance:	High

OFFICIAL

So sorry Josh just saw your email. Word docs attached as requested
Thanks,
Vaish

From: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Sent: Friday, 11 November 2022 11:44 AM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: RE: For Action: (Due COB 14 Nov) - QTON XX - CAIN - Conflict of interest - Commissioner for Fair Trading and Out of scope

OFFICIAL

Thanks Vaish
Can you send me them as word docs?
ta

From: Bharadwaj, Vaishnavi <Vaishnavi.Bharadwaj@act.gov.au> **On Behalf Of** Access Canberra Government Business & Coordination
Sent: Friday, 11 November 2022 9:41 AM
To: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Cc: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: For Action: (Due COB 14 Nov) - QTON XX - CAIN - Conflict of interest - Commissioner for Fair Trading and Outside Scope
Importance: High

OFFICIAL

Good morning Josh,
Please see the attached template for a response to the QTONs regarding the conflict and marriage status.
Could we please have a draft response prepared and sent to GBC **latest by COB Monday 14 November**.
If you require input please let us know **ASAP**.
If you are unable to easily retrieve the information requested for a particular question, an example of a response you can provide is as follows:

> ***Access Canberra has advised that the information sought is not in an easily retrievable form. The effort to collect and assemble the information sought solely for the purpose of answering the question would require a considerable diversion of resources.***

Thanks,
Vaish

Vaishnavi Bharadwaj | Government Business and Coordination | Access Canberra
Phone: 02 6207 5492 | Email: Vaishnavi.Bharadwaj@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government

Cosmopolitan Building, 21 Bowes Place, Phillip ACT 2606 | GPO Box 158, Canberra City 2601 |
www.act.gov.au/accessCBR



From: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Sent: Friday, 11 November 2022 8:00 AM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: RE: FYI - QTONs - Gaming & Consumer Affairs on 8 Nov

OFFICIAL

Send the conflict and Out of scope ones to me only please

From: Matthews, Catherine <Catherine.Matthews@act.gov.au> **On Behalf Of** Access Canberra Government Business & Coordination
Sent: Thursday, 10 November 2022 3:30 PM
To: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>; Rynehart, Josh <Josh.Rynehart@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>; Chan, Yu-Lan <Yu-Lan.Chan@act.gov.au>; Cubin, Derise <Derise.Cubin@act.gov.au>
Subject: FYI - QTONs - Gaming & Consumer Affairs on 8 Nov

OFFICIAL

Hi All
We've received the attached QTONs/Transcript from the Consumer Affairs and Gaming hearing.
We will get these out to line areas later today after the hearings.
Just sending on for your early information.
Cath

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Potter, Morgan <Morgan.Potter@act.gov.au> **On Behalf Of** ACDLO
Sent: Thursday, 10 November 2022 3:15 PM
To: EPSDD DLO <EPSDDDLO@act.gov.au>
Cc: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: FW: QTONs - Gaming & Consumer Affairs on 8 Nov

OFFICIAL

From: de Kleuver, Kathleen <Kathleen.deKleuver@parliament.act.gov.au>
Sent: Thursday, 10 November 2022 3:14 PM
To: ACDLO <ACDLO@act.gov.au>; AGDLO <AGDLO@act.gov.au>
Cc: LA Committee - JCS <LACommitteeJCS@parliament.act.gov.au>
Subject: QTONs - Gaming & Consumer Affairs on 8 Nov

OFFICIAL

Dear DLOs

Please find QTONs from the Annual Report hearings on Gaming and Consumer Affairs plus the Uncorrected Proof Transcript. Please let us know if these align with your understanding so we can allocate QTON numbers to these:

Member	Portfolio	respondent	Question	Transcript page
Outside Scope				
Cain	Consumer Affairs	Shane Rattenbury	Details of conflict of interest declaration	90
Outside Scope				

The due date for response is Thursday 17 November 2022

thanks

Kathleen de Kleuver

Committee Secretary | Standing Committee on Justice and Community Safety

Committee Secretary| Standing Committee on Justice and Community Safety (Legislative Scrutiny role)

Office of the Legislative Assembly for the ACT

P (02) 620 70524

E LACommitteeJCS@parliament.act.gov.au;

E Scrutiny@Parliament.act.gov.au;

www.parliament.act.gov.au

Outside Scope

Outside Scope

LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

QToN No. XX

COMMITTEE SUPPORT

Standing Committee on Justice and Community Safety

Inquiry into Annual and Financial Reports 2021-2022
ANSWER TO QUESTION TAKEN ON NOTICE

Asked by Mr Peter Cain MLA on 8 November 2022: Minister Rattenbury took on notice the following question(s):

Reference: Hansard [uncorrected] proof transcript 8 November, Page 90

In relation to:

THE CHAIR: What was the nature of that declaration?

Mr Rattenbury: I do not have the details of that declaration to hand, Mr Cain, I will have to take that question on notice.

THE CHAIR: Is Ms Cubin able—

DR PATERSON: Supplementary.

THE CHAIR: —to provide that answer?

DR PATERSON: I have a supplementary.

THE CHAIR: I will go to you after this one. Is Ms Cubin able to provide that answer?
Ms Cubin: Derise Cubin, Executive Branch Manager, Licensing and Registration. I read and acknowledge the privilege statement.

THE CHAIR: Could you speak close to the mic please?

Ms Cubin: Apologies. Derise Cubin, Executive Branch Manager, Licensing and Registration. For the purpose of today ACT Commissioner for Fair Trading. The question that you ask is difficult for me to respond to at the moment on the basis of some other factors. So, I am not at liberty to say anything at this point, I will take it on notice.

Minister Shane Rattenbury MLA: The answer to the Member's question is as follows:–

[Insert answer to question taken on notice]

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature: Date:

By the Minister for Consumer Affairs, Mr Shane Rattenbury

From: McKinnon, Margaret
To: Matthews, Catherine
Cc: Rynehart, Josh; AC - Office of the DDG
Subject: RE: FOR DDG CLEARANCE : (Due COB 14 Nov) - QTON XX - CAIN - Conflict of interest - Commissioner for Fair Trading and Outside Scope
Date: Monday, 14 November 2022 12:02:05 PM
Attachments: image001.png
image002.png

OFFICIAL

Cleared. Noting that somebody should discuss with Office. Josh – happy to do that with you or you go solo.

Also noting that signing off might be dependant of other CMTEDD things afoot. Next email refers

And Jess – do we have any more traffic in the other mailbox.

Margaret

Margaret McKinnon | A/g Deputy Director General
Phone: Sch 2 2(a)(ii) | Email: Margaret.Mckinnon@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Matthews, Catherine <Catherine.Matthews@act.gov.au>
Sent: Monday, 14 November 2022 10:23 AM
To: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>
Cc: Rynehart, Josh <Josh.Rynehart@act.gov.au>; AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Matthews, Catherine <Catherine.Matthews@act.gov.au>
Subject: FOR DDG CLEARANCE : (Due COB 14 Nov) - QTON XX - CAIN - Conflict of interest - Commissioner for Fair Trading and Outside Scope

OFFICIAL

Hi Marg

Two QTONs for your clearance which have been prepared based on the below wording from Lisa Manzoney.

If you could please clear and return to my email address, not the team email address it would be appreciated.

Cheers
Cath

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR

From: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Sent: Monday, 14 November 2022 9:24 AM
To: Matthews, Catherine <Catherine.Matthews@act.gov.au>
Subject: FW: For Action: (Due COB 14 Nov) - QTON XX - CAIN - Conflict of interest - Commissioner for Fair Trading and QTON XX - Outside Scope

OFFICIAL

Hi

Can you update the template with the answers below and submit to MM for approval?

ta

Sch 1 1.2

Sch 1 1.2

From: Bharadwaj, Vaishnavi <Vaishnavi.Bharadwaj@act.gov.au> on behalf of Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Sent: Friday, November 11, 2022 12:41:57 PM
To: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Cc: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: RE: For Action: (Due COB 14 Nov) - QTON XX - CAIN - Conflict of interest - Commissioner for Fair Trading and Outside Scope

OFFICIAL

So sorry Josh just saw your email. Word docs attached as requested

Thanks,
Vaish

From: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Sent: Friday, 11 November 2022 11:44 AM

To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: RE: For Action: (Due COB 14 Nov) - QTON XX - CAIN - Conflict of interest - Commissioner for Fair Trading and Outside Scope

OFFICIAL

Thanks Vaish

Can you send me them as word docs?

ta

From: Bharadwaj, Vaishnavi <Vaishnavi.Bharadwaj@act.gov.au> **On Behalf Of** Access Canberra Government Business & Coordination
Sent: Friday, 11 November 2022 9:41 AM
To: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Cc: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: For Action: (Due COB 14 Nov) - QTON XX - CAIN - Conflict of interest - Commissioner for Fair Trading and Outside Scope
Importance: High

OFFICIAL

Good morning Josh,

Please see the attached template for a response to the QTONs regarding the conflict and Sch 2.2(a)(ii)

Could we please have a draft response prepared and sent to GBC **latest by COB Monday 14 November**.

If you require input please let us know **ASAP**.

If you are unable to easily retrieve the information requested for a particular question, an example of a response you can provide is as follows:

> ***Access Canberra has advised that the information sought is not in an easily retrievable form. The effort to collect and assemble the information sought solely for the purpose of answering the question would require a considerable diversion of resources.***

Thanks,
Vaish

Vaishnavi Bharadwaj | Government Business and Coordination | Access Canberra
Phone: 02 6207 5492 | Email: Vaishnavi.Bharadwaj@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Place, Phillip ACT 2606 | GPO Box 158, Canberra City 2601 |
www.act.gov.au/accessCBR



From: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Sent: Friday, 11 November 2022 8:00 AM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: RE: FYI - QTONs - Gaming & Consumer Affairs on 8 Nov

OFFICIAL

Send the conflict and Out of scope ones to me only please

From: Matthews, Catherine <Catherine.Matthews@act.gov.au> **On Behalf Of** Access Canberra Government Business & Coordination
Sent: Thursday, 10 November 2022 3:30 PM
To: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>; Rynehart, Josh <Josh.Rynehart@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>; Chan, Yu-Lan <Yu-Lan.Chan@act.gov.au>; Cubin, Derise <Derise.Cubin@act.gov.au>
Subject: FYI - QTONs - Gaming & Consumer Affairs on 8 Nov

OFFICIAL

Hi All

We've received the attached QTONs/Transcript from the Consumer Affairs and Gaming hearing.

We will get these out to line areas later today after the hearings.

Just sending on for your early information.

Cath

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Potter, Morgan <Morgan.Potter@act.gov.au> **On Behalf Of** ACDLO
Sent: Thursday, 10 November 2022 3:15 PM
To: EPSDD DLO <EPSDDDLO@act.gov.au>
Cc: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>

Subject: FW: QTONs - Gaming & Consumer Affairs on 8 Nov

OFFICIAL

From: de Kleuver, Kathleen <Kathleen.deKleuver@parliament.act.gov.au>
Sent: Thursday, 10 November 2022 3:14 PM
To: ACDLO <ACDLO@act.gov.au>; AGDLO <AGDLO@act.gov.au>
Cc: LA Committee - JCS <LACommitteeJCS@parliament.act.gov.au>
Subject: QTONs - Gaming & Consumer Affairs on 8 Nov

OFFICIAL

Dear DLOs

Please find QTONs from the Annual Report hearings on Gaming and Consumer Affairs plus the Uncorrected Proof Transcript. Please let us know if these align with your understanding so we can allocate QTON numbers to these:

Member	Portfolio	respondent	Question	Transcript page
Outside Scope				
Cain	Consumer Affairs	Shane Rattenbury	Details of conflict of interest declaration	90
Outside Scope				

The due date for response is Thursday 17 November 2022

thanks

Kathleen de Kleuver
Committee Secretary | Standing Committee on Justice and Community Safety
Committee Secretary| Standing Committee on Justice and Community Safety (Legislative Scrutiny role)

Office of the Legislative Assembly for the ACT
P (02) 620 70524
E LACommitteeJCS@parliament.act.gov.au;
E Scrutiny@Parliament.act.gov.au;



www.parliament.act.gov.au

From: Matthews, Catherine
To: ACDLO
Cc: Rynehart, Josh; AC - Office of the DDG; Matthews, Catherine; McKinnon, Margaret
Subject: RATTENBURY - QTONS from Consumer Affairs hearing
Date: Tuesday, 15 November 2022 9:34:00 AM
Attachments: image001.png
GSO Advice on QTONs from 8 November hearing.docx
XX QTON ANSWER - CMTEDD-AC - Conflict of Interest - Commissioner for Fair Trading - Cain.obr
Outside Scope

OFFICIAL: Sensitive - Legal Privilege

Hi Morgs
Attached are the proposed responses to two of the QTONs taken during the Consumer Affairs/Gaming hearing on 8 November.
Could you please provide these Sch 1 1.12

Cheers
Cath

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



Sch 1 1.2

Sch 1 1.2

From: Potter, Morgan on behalf of ACDLO
To: LA Committee - JCS
Cc: Access Canberra Government Business & Coordination
Subject: 46 QTON ANSWER - CMTEDD-AC - Conflict of Interest - Commissioner for Fair Trading - Cain
Date: Wednesday, 16 November 2022 8:57:22 AM
Attachments: 46 QTON ANSWER - CMTEDD-AC - Conflict of Interest - Commissioner for Fair Trading - Cain.docx
46 QTON ANSWER - CMTEDD-AC - Conflict of Interest - Commissioner for Fair Trading - Cain.pdf

OFFICIAL

Hi,

Please find attached signed QTON 46.

Morgan Potter | Directorate Liaison Officer | Access Canberra
Phone: Sch 2 2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au
Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

COMMITTEE SUPPORT

QToN No. 46

Standing Committee on Justice and Community Safety

Inquiry into Annual and Financial Reports 2021-2022
ANSWER TO QUESTION TAKEN ON NOTICE

Asked by Mr Peter Cain MLA on 8 November 2022: Minister Rattenbury took on notice the following question(s):

Reference: Hansard [uncorrected] proof transcript 8 November, Page 90

In relation to:

THE CHAIR: What was the nature of that declaration?

Mr Rattenbury: I do not have the details of that declaration to hand, Mr Cain, I will have to take that question on notice.

THE CHAIR: Is Ms Cubin able—

DR PATERSON: Supplementary.

THE CHAIR: —to provide that answer?

DR PATERSON: I have a supplementary.

THE CHAIR: I will go to you after this one. Is Ms Cubin able to provide that answer?

Ms Cubin: Derise Cubin, Executive Branch Manager, Licensing and Registration. I read and acknowledge the privilege statement.

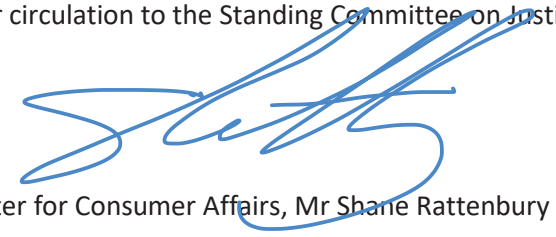
THE CHAIR: Could you speak close to the mic please?

Ms Cubin: Apologies. Derise Cubin, Executive Branch Manager, Licensing and Registration. For the purpose of today ACT Commissioner for Fair Trading. The question that you ask is difficult for me to respond to at the moment on the basis of some other factors. So, I am not at liberty to say anything at this point, I will take it on notice.

Minister Shane Rattenbury MLA: The answer to the Member's question is as follows:–

The nature of the declaration was a conflict of interest disclosure consistent with the CMTEDD Conflict of Interest Policy and Guidelines dated 28 July 2021.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:  Date: 15/11/22

By the Minister for Consumer Affairs, Mr Shane Rattenbury

From: Adams, Aaron on behalf of Access Canberra Government Business & Coordination
To: Rynehart, Josh; Mangeruca, Giuseppe
Cc: Access Canberra Government Business & Coordination; ACDLO
Subject: RE: URGENT Pink Frosting QTB Updates - November/December 22
Date: Friday, 18 November 2022 3:07:57 PM
Attachments: COO - Pink Frosting.obr
image001.png
image002.png

OFFICIAL

Good afternoon
Please find attached the Pink Frosting QTB for updating as per MO request.
Please note I have confirmed with Morgan this is required to be completed prior to Question time next week, therefore if we can have this returned no later than **11:30 am on Tuesday 22 November 2022.** (so next week)
Happy to discuss
Aaron

Aaron Adams | A/g Assistant Director | AccessCanberraGBC@act.gov.au
Government Business Coordination | Government Operations, Data and Strategy Branch
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR

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I acknowledge and pay my respect to the custodians on whose land I walk, work, and live.

From: Potter, Morgan <Morgan.Potter@act.gov.au> **On Behalf Of** ACDLO
Sent: Friday, 18 November 2022 2:21 PM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Cc: Rynehart, Josh <Josh.Rynehart@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>
Subject: URGENT Pink Frosting QTB Updates - November/December 22

OFFICIAL

Good afternoon,
Minister Rattenbury Office has requested updates to the existing Pink Frosting QTB.
Due back by **11:30 am on Tuesday 29 November 22.**
Josh – to confirm on Monday if Minister Cheyne office would like a copy.

Morgan Potter | Directorate Liaison Officer | Access Canberra
Phone: Sch 2 2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au
Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: Matthews, Catherine on behalf of Access Canberra Government Business & Coordination
To: ACDLO
Cc: Pryce, David; Rynehart, Josh; Mangeruca, Giuseppe; Access Canberra Government Business & Coordination
Subject: Pink Frosting QTB
Date: Tuesday, 22 November 2022 11:51:43 AM
Attachments: ACDLO - Pink Frosting.obr
image001.png
Importance: High

OFFICIAL: Sensitive

Hi Morgs
Updated Pink Frosting QTB as requested.
Could you also provide a copy to the Cheyne office just as an FYI?
Cheers
Cath

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Adams, Aaron on behalf of Access Canberra Government Business & Coordination
To: ACDLO
Cc: Pryce, David; Rynehart, Josh; Mangeruca, Giuseppe; Access Canberra Government Business & Coordination
Subject: RE: Pink Frosting QTB
Date: Tuesday, 22 November 2022 12:24:44 PM
Attachments: ACDLO - Pink Frosting.obr
image002.png
image003.png

OFFICIAL: Sensitive

Good afternoon Morgan
As briefly discussed, the QTB has been updated with a minor change – a date (Month and Year) has been added to the first dot point under *"If asked about conflict of interest"*.
Many thanks
Aaron

Aaron Adams | A/g Assistant Director | AccessCanberraGBC@act.gov.au
Government Business Coordination | Government Operations, Data and Strategy Branch
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR

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I acknowledge and pay my respect to the custodians on whose land I walk, work, and live.

From: Matthews, Catherine <Catherine.Matthews@act.gov.au> **On Behalf Of** Access Canberra Government Business & Coordination
Sent: Tuesday, 22 November 2022 11:52 AM
To: ACDLO <ACDLO@act.gov.au>
Cc: Pryce, David <David.Pryce@act.gov.au>; Rynehart, Josh <Josh.Rynehart@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>; Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: Pink Frosting QTB
Importance: High

OFFICIAL: Sensitive

Hi Morgs
Updated Pink Frosting QTB as requested.
Could you also provide a copy to the Cheyne office just as an FYI?
Cheers
Cath

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR

From: Rynehart, Josh
To: Mangeruca, Giuseppe; Pryce, David
Cc: AC - Office of the DDG; Access Canberra Government Business & Coordination
Subject: FW: URGENT Pink Frosting QTB Updates - November/December 22
Date: Tuesday, 22 November 2022 7:29:00 AM
Attachments: COO - Pink Frosting.obr
image001.png
image002.png

OFFICIAL

Ok with me.
David, for early visibility. We need to have this over to the MO this morning, Sch 1 1.2

From: Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>
Sent: Monday, 21 November 2022 5:59 PM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Cc: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Subject: RE: URGENT Pink Frosting QTB Updates - November/December 22

OFFICIAL

Hi Josh
For your review. Once you and David are ok Sch 1 1.2 .
Giuseppe

From: Adams, Aaron <Aaron.Adams@act.gov.au> **On Behalf Of** Access Canberra Government Business & Coordination
Sent: Friday, 18 November 2022 3:08 PM
To: Rynehart, Josh <Josh.Rynehart@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>
Cc: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>; ACDLO <ACDLO@act.gov.au>
Subject: RE: URGENT Pink Frosting QTB Updates - November/December 22

OFFICIAL

Good afternoon
Please find attached the Pink Frosting QTB for updating as per MO request.
Please note I have confirmed with Morgan this is required to be completed prior to Question time next week, therefore if we can have this returned no later than **11:30 am on Tuesday 22 November 2022.** (so next week)
Happy to discuss
Aaron

Aaron Adams | A/g Assistant Director | AccessCanberraGBC@act.gov.au
Government Business Coordination | Government Operations, Data and Strategy Branch
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR

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I acknowledge and pay my respect to the custodians on whose land I walk, work, and live.

From: Potter, Morgan <Morgan.Potter@act.gov.au> **On Behalf Of** ACDLO
Sent: Friday, 18 November 2022 2:21 PM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Cc: Rynehart, Josh <Josh.Rynehart@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>
Subject: URGENT Pink Frosting QTB Updates - November/December 22

OFFICIAL

Good afternoon,
Minister Rattenbury Office has requested updates to the existing Pink Frosting QTB.
Due back by **11:30 am on Tuesday 29 November 22.**
Josh – to confirm on Monday if Minister Cheyne office would like a copy.

Morgan Potter | Directorate Liaison Officer | Access Canberra
Phone: Sch 2 2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au
Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: Pryce, David
To: Rynehart, Josh; Mangeruca, Giuseppe
Cc: Access Canberra Government Business & Coordination
Subject: RE: URGENT Pink Frosting QTB Updates - November/December 22
Date: Tuesday, 22 November 2022 11:11:29 AM
Attachments: image002.png
image003.png

OFFICIAL

Hi Josh,
Just made a few minor tracked changes. Sch 1 1.2

Thanks,
David

David Pryce | Deputy Director-General
Head of Access Canberra
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR

This email and any of its attachments may be confidential. If you are not the intended recipient please notify the sender and delete immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Sent: Tuesday, 22 November 2022 7:29 AM
To: Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: FW: URGENT Pink Frosting QTB Updates - November/December 22

OFFICIAL

Ok with me.
David, for early visibility. We need to have this over to the MO this morning, so if GSO could look at it before 10 it would be ideal

---

From: Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>
Sent: Monday, 21 November 2022 5:59 PM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Cc: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Subject: RE: URGENT Pink Frosting QTB Updates - November/December 22

OFFICIAL

Hi Josh
For your review. Once you and David are ok I would not Sch 1 1.12
Giuseppe

From: Adams, Aaron <Aaron.Adams@act.gov.au> **On Behalf Of** Access Canberra Government Business & Coordination
Sent: Friday, 18 November 2022 3:08 PM

To: Rynehart, Josh <Josh.Rynehart@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>
Cc: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>; ACDLO <ACDLO@act.gov.au>
Subject: RE: URGENT Pink Frosting QTB Updates - November/December 22

OFFICIAL

Good afternoon
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Please note I have confirmed with Morgan this is required to be completed prior to Question time next week, therefore if we can have this returned no later than **11:30 am on Tuesday 22 November 2022.** (so next week)
Happy to discuss
Aaron

Aaron Adams | A/g Assistant Director | AccessCanberraGBC@act.gov.au
Government Business Coordination | Government Operations, Data and Strategy Branch
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR

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I acknowledge and pay my respect to the custodians on whose land I walk, work, and live.

From: Potter, Morgan <Morgan.Potter@act.gov.au> **On Behalf Of** ACDLO
Sent: Friday, 18 November 2022 2:21 PM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Cc: Rynehart, Josh <Josh.Rynehart@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>
Subject: URGENT Pink Frosting QTB Updates - November/December 22

OFFICIAL

Good afternoon,
Minister Rattenbury Office has requested updates to the existing Pink Frosting QTB.
Due back by **11:30 am on Tuesday 29 November 22.**
Josh – to confirm on Monday if Minister Cheyne office would like a copy.

Morgan Potter | Directorate Liaison Officer | Access Canberra
Phone Sch 2.2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au
Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

Portfolio/s: Consumer Affairs

ISSUE: Pink Frosting

If asked about legal proceedings by 86 Candles Pty Limited (ACN 607 264 586) in late 2020

If asked about conflict of interest

If asked about administrative decisions made by the Commissioner for Fair Trading

Talking points:

- The business name "*Pink Frosting*" was deregistered in August 2020.
- As a result of this, Access Canberra closed its investigation of consumer complaints made about Pink Frosting under Australian Consumer Law.

If asked about legal proceedings by 86 Candles Pty Limited (ACN 607 264 586) in late 2020

- Firsly, I need to be cautious about what I say for a range of legal and privacy reasons.
- I can confirm that the ACT Government is presently engaging with 86 Candles Pty Limited and its legal representative in relation to potential legal proceedings. In relation to those potential proceedings, I can confirm that the ACT Insurance Authority also provides instructions to the ACT Government Solicitors.
- I am advised that there was a separate matter filed in the ACAT by 86 Candles Pty Limited in November 2021, however, ACAT dismissed those proceedings on 3 December 2021.
- It would be inappropriate to make further public comment.

If asked about conflict of interest

- I am advised that a potential conflict of interest was declared by the Commissioner for Fair Trading in November 2021, and an appropriate management strategy was implemented by Access Canberra.
- Conflicts of interests are managed in accordance with the CMTEDD Conflict of Interest policy.

- It would be inappropriate to make further public comment at this time.

If asked about administrative decisions made by the Commissioner for Fair Trading

- Decisions made by the Commissioner, or their delegates, are made under the provisions of the relevant law.
- If an applicant is not satisfied with an administrative decisions, they can seek review in the ACAT, or through other mechanisms such as the Ombudsman.

Key Information

- Pink Frosting was an ACT-based retailer selling party supplies through an online store and a shopfront in Canberra.
- The investigation commenced following consumer complaints being lodged with Australian Consumer Law regulators throughout Australia.
- Complaints largely involved allegations of failing to supply goods within a reasonable time.

From: Hilder, Louise on behalf of ACDLO
To: Access Canberra Government Business & Coordination
Subject: QTB Update - Rattenbury - 7-9 February 2023
Date: Tuesday, 17 January 2023 3:01:37 PM

Good afternoon team

The Rattenbury office confirmed no new QTBs are required for the February sitting. Can the three below QTBs please be updated and sent back to me by **Tuesday, 31 January 2023.**

- Pink Frosting

Outside Scope

Thank you

Louise

Louise Hilder | Directorate Liaison Officer | Access Canberra
Phone: Sch 2 2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au
Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: Hilder, Louise on behalf of ACDLO
To: Access Canberra Government Business & Coordination
Cc: McKinnon, Margaret; Pryce, David; AC - Office of the DDG; Potter, Morgan
Subject: BBR QTB index for February sitting
Date: Wednesday, 18 January 2023 4:30:45 PM
Attachments: Proposed Index - February 2023 - tc.docx

Good afternoon all
Please see attached Cheyne QTB index ahead of the usual timeframe to allow work to commence now.
If updated QTBs could come back to me by **Tuesday, 31 January 2023.**
Any questions or clarification let me know.
Thank you
Louise

Louise Hilder | Directorate Liaison Officer | Access Canberra
Phone: Sch 2 2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au
Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

Hot Topics
ACCESS CANBERRA
Outside Scope
Pink Frosting/86 Candles/Commissioner for Fair Trading declared conflict of interest
BUSINESS AND ECONOMIC DEVELOPMENT
Outside Scope

STANDARD

ACCESS CANBERRA, BUSINESS AND ECONOMIC DEVELOPMENT
Outside Scope

From:	Adams, Courtney on behalf of Access Canberra Government Business & Coordination
To:	AC, Strategic Business Coordination; Gallon, Michael; Bramwell, Narelle; Brigden, Robert; Bell, Kevin; Arugay, Fred; Gaze, Reuben; Power, David; Dix, Rodney; Penfold, Tyler; Fleck, Katrina; Wilson, Rebecca; Spasenoski, Tony; Short, Rachael; McHenry, Leah; Seddon, Christopher; Morados, Veronica; Vaile, Jodie; McPherson, Alex; Kelly, Damien; Andric, Radmila; Robbins, Jarrah; Wilden, Cai; Duggan, Brenda; Bandala, Kathy; Wild-River, Su; Vaile, Jodie; Foudoulis, Penelope; Mendones, Ruth; Access Canberra Intel and Data Analysis; Patron, Francois; AC - Office of Service Delivery and Engagement; AC - Office of CUEP; Wilmot, Kerrie
Cc:	Pryce, David; Rynehart, Josh; McKinnon, Margaret; Lhuede, Nick; Mangeruca, Giuseppe; Cubin, Derise; Springett, Emily; Chan, Yu-Lan; Kelly, Joshua; Nip, Kester; AC - Office of the DDG; Access Canberra Government Business & Coordination
Subject:	For Action (Due 12pm 26 January): QTBs for 7-9 February Assembly Sittings [SEC=UNCLASSIFIED]
Date:	Thursday, 19 January 2023 9:41:11 AM
Attachments:	image001.png ObjRef.obr .Proposed Index - February 2023.obr

OFFICIAL

Good morning all

Please see attached objective link containing Question Time Briefs (QTBs) for the upcoming 7-9 February 2023 Assembly Sittings. Please note I have included the QTB Index link as Minister Cheyne's office has made notes to be addressed in the QTBs.

Can you please update QTBs relevant to your area (in track changes) and return to GBC (cleared by your EBM) **by 12pm Thursday 26 January** at the very latest.

Please remember to contact the Data Team for statistics as soon as possible.

If there are any unexpected turn of events/circumstances prior to the week of the Assembly Sitting, please remember to let GBC know ASAP so that we can provide updated versions of the QTBs or new QTBs to the MO ASAP.

IMPORTANT: Information in QTBs **should not** include any information regarding active investigations and any information included **should be suitable for release under FOI**.

If you believe any QTBs are no longer required please let the GBC team know ASAP to allow us time to contact the relevant Minister for discussion.

A reminder that updates to the QTBs are **not** accepted after the Friday before a sitting (e.g. Friday 16 September 2022). If an urgent or critical matter arises during the week of a sitting, please inform GBC immediately, and then provide EBM cleared dot points in an email. This will then be provided to the MO as part of the sitting week pack.

If there are any issues please let us know.

Thank you

Courtney Adams | Government Business and Coordination

Phone: 02 6207 7916 | Email: courtney.adams@act.gov.au

Access Canberra | ACT Government | Chief Minister, Treasury and Economic Development Directorate

Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158 Canberra ACT 2601| www.act.gov.au/accessCBR

We acknowledge the Traditional Custodians of the ACT, the Ngunnawal people. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.



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From: Rynehart, Josh
To: Access Canberra Government Business & Coordination
Cc: McPherson, Alex
Subject: FW: For clearance: WQTB - Pink Frosting - 7-9 February 2023 (A40403855)
Date: Tuesday, 24 January 2023 4:55:30 PM
Attachments: Pink Frosting - 7-9 February 2023.obr

OFFICIAL

Cleared

ta

-----Original Message-----
From: McPherson, Alex <Alex.McPherson@act.gov.au>
Sent: Monday, 23 January 2023 2:26 PM
To: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Cc: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>; Kelly, Joshua <Joshua.Kelly@act.gov.au>
Subject: For clearance: WQTB - Pink Frosting - 7-9 February 2023 (A40403855)

OFFICIAL

Hi Josh

For clearance please - QTB On Pink Frosting. No updates required.

Cheers
Alex

Alex McPherson has sent you a link to "Pink Frosting - 7-9 February 2023" (A40403855) from Objective.

Open in Navigator
Double click on the attachment

Open in ECM for Browser
https://objective.act.gov.au/#/documents/A40403855/details

From: McPherson, Alex
To: Rynehart, Josh
Cc: Access Canberra Government Business & Coordination; Kelly, Joshua
Subject: For clearance: WQTB - Pink Frosting - 7-9 February 2023 (A40403855)
Date: Monday, 23 January 2023 2:25:33 PM
Attachments: Pink Frosting - 7-9 February 2023.obr

OFFICIAL

Hi Josh

For clearance please - QTB On Pink Frosting. No updates required.

Cheers
Alex

Alex McPherson has sent you a link to "Pink Frosting - 7-9 February 2023" (A40403855) from Objective.

Open in Navigator
Double click on the attachment

Open in ECM for Browser
https://objective.act.gov.au/#/documents/A40403855/details

From: Hilder, Louise on behalf of ACDLO
To: Access Canberra Government Business & Coordination
Cc: McKinnon, Margaret; Pryce, David; AC - Office of the DDG; Potter, Morgan
Subject: FW: BBR QTB index for February sitting
Date: Wednesday, 25 January 2023 10:06:48 AM
Attachments: Index - February 2023.docx

Good morning all
The revised and final QTB index is attached with markups showing updates from the Minister. There are quite a few comments against the topics, so please get in touch with me or the advisers for clarification.
One new QTB has been requested on Outside Scope with comments against other QTBs for specific inclusions.
Any questions let me know.
Thanks
Louise

Louise Hilder | Directorate Liaison Officer | Access Canberra
Phone: Sch 2 2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au
Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: Hilder, Louise **On Behalf Of** ACDLO
Sent: Wednesday, 18 January 2023 4:31 PM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Cc: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>; AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Potter, Morgan <Morgan.Potter@act.gov.au>
Subject: BBR QTB index for February sitting
Good afternoon all
Please see attached Cheyne QTB index ahead of the usual timeframe to allow work to commence now.
If updated QTBs could come back to me by **Tuesday, 31 January 2023.**
Any questions or clarification let me know.
Thank you
Louise

Louise Hilder | Directorate Liaison Officer | Access Canberra
Phone Sch 2 2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au
Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: McKinnon, Margaret
To: Access Canberra Government Business & Coordination
Cc: AC - Office of the DDG
Subject: RE: For COO Clearance - Due 9AM 31/01/2023 - 16 QTBs
Date: Monday, 30 January 2023 5:37:54 PM

All done. I put comments in the reviewing pane. I think only one has to go to David and I only have to see two again.

marg

Margaret McKinnon | Chief Operating Officer
Phone: Sch 2.2(a)(ii) | Email: Margaret.Mckinnon@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 |
www.act.gov.au/accessCBR

-----Original Message-----
From: Gath, Isabelle <Isabelle.Gath@act.gov.au> On Behalf Of Access Canberra Government Business & Coordination
Sent: Monday, 30 January 2023 3:18 PM
To: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: For COO Clearance - Due 9AM 31/01/2023 - 16 QTBs

Good afternoon Marg

For your clearance, 16 QTB matters.

Please note, there are still 6 QTB matters awaiting clearance from the areas. This includes one brand new QTB.

Kind Regards

Isabelle Gath | Government Business and Coordination
Phone: 02 6205 4045 | Email: isabelle.gath@act.gov.au Access Canberra | ACT Government GPO Box 158, Canberra City ACT 2601 | www.act.gov.au/accessCBR

Access Canberra | Chief Minister, Treasury and Economic Development Directorate | ACT Government

From: Adams, Courtney on behalf of Access Canberra Government Business & Coordination
To: ACDLO
Cc: Access Canberra Government Business & Coordination
Subject: Cleared QTBS - Minister Rattenbury [SEC=UNCLASSIFIED]
Date: Tuesday, 31 January 2023 2:27:37 PM
Attachments: image001.png
Outside Scope
Pink Frosting - 7-9 February 2023.obr
Outside Scope

OFFICIAL

Hi Louise

Please find attached all cleared QTBs for Minister Rattenbury.
Thanks
Court

Kind Regards,
Courtney Adams | Government Business and Coordination
Phone: 02 6207 7916 | Email: courtney.adams@act.gov.au
Access Canberra | ACT Government | Chief Minister, Treasury and Economic Development Directorate
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158 Canberra ACT 2601| www.act.gov.au/accessCBR
We acknowledge the Traditional Custodians of the ACT, the Ngunnawal people. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

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From: Adams, Courtney on behalf of Access Canberra Government Business & Coordination
To: ACDLO
Cc: Access Canberra Government Business & Coordination
Subject: Two Cleared QTBS - Minister Cheyne [SEC=UNCLASSIFIED]
Date: Tuesday, 31 January 2023 2:31:04 PM
Attachments: image001.png
Pink Frosting - 7-9 February 2023.obr
Outside Scope

OFFICIAL

Hi Louise

Please find attached two cleared QTBs for Minister Cheyne.

This should mean we have a further two outstanding.
Thank you
Court

From: Adams, Courtney <Courtney.Adams@act.gov.au> **On Behalf Of** Access Canberra Government Business & Coordination
Sent: Tuesday, 31 January 2023 2:28 PM
To: ACDLO <ACDLO@act.gov.au>
Cc: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: Cleared QTBS - Minister Rattenbury [SEC=UNCLASSIFIED]

OFFICIAL

Hi Louise

Please find attached all cleared QTBs for Minister Rattenbury.
Thanks
Court

Kind Regards,
Courtney Adams | Government Business and Coordination
Phone: 02 6207 7916 | Email: courtney.adams@act.gov.au
Access Canberra | ACT Government | Chief Minister, Treasury and Economic Development Directorate
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158 Canberra ACT 2601| www.act.gov.au/accessCBR
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From: Adams, Courtney on behalf of Access Canberra Government Business & Coordination
To: McKinnon, Margaret; Access Canberra Government Business & Coordination
Cc: AC - Office of the DDG
Subject: RE: For COO Clearance - Due 9AM 31/01/2023 - 16 QTBs [SEC=UNCLASSIFIED]
Date: Tuesday, 31 January 2023 9:45:00 AM
Attachments: ObjRef.obr
ObjRef.obr

Hi Marg

Thanks for the review.

I am having issues with identifying your comments (I have gone through all versions and can only identify markups). I note there was mark ups in Out of scope and I have amended accordingly, however I cannot identify which ones will need to be returned to yourself for further clearance.

Any assistance/advice would be greatly appreciated.

Thanks
Courtney

Courtney Adams | Government Business and Coordination
Phone: 02 6207 7916 | Email: courtney.adams@act.gov.au
Access Canberra | ACT Government | Chief Minister, Treasury and Economic Development Directorate
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158 Canberra ACT 2601|
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-----Original Message-----
From: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>
Sent: Monday, 30 January 2023 5:38 PM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>
Subject: RE: For COO Clearance - Due 9AM 31/01/2023 - 16 QTBs

All done. I put comments in the reviewing pane. I think only one has to go to David and I only have to see two again.

marg

Margaret McKinnon | Chief Operating Officer
Phone: Sch 2.2(a)(ii) | Email: Margaret.Mckinnon@act.gov.au Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government Cosmopolitan Building, 21 Bowes Street, Woden |
GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR

-----Original Message-----

From: Gath, Isabelle <Isabelle.Gath@act.gov.au> On Behalf Of Access Canberra Government Business & Coordination
Sent: Monday, 30 January 2023 3:18 PM
To: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: For COO Clearance - Due 9AM 31/01/2023 - 16 QTBs

Good afternoon Marg

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Kind Regards

Isabelle Gath | Government Business and Coordination
Phone: 02 6205 4045 | Email: isabelle.gath@act.gov.au Access Canberra | ACT Government GPO Box 158, Canberra City ACT 2601 | www.act.gov.au/accessCBR

From: Adams, Courtney on behalf of Access Canberra Government Business & Coordination
To: McKinnon, Margaret
Cc: AC - Office of the DDG; Access Canberra Government Business & Coordination
Subject: FW: For COO Clearance - Due 9AM 31/01/2023 - 16 QTBs [SEC=UNCLASSIFIED]
Date: Tuesday, 31 January 2023 10:20:03 AM
Attachments: ObjRef.obr
ObjRef.obr

Hi Marg

As discussed, I have had few objective savvy people go through the QTBS (all versions) and they cannot find any comments in the review panel that have saved, only track changes in the document saving.

I have had a quick fiddle and comments are only saving for myself if I use the "Insert Comment" function.

Apologies for the news, I know this is not the outcome we wanted.

Thanks
Courtney

-----Original Message-----
From: Adams, Courtney On Behalf Of Access Canberra Government Business & Coordination
Sent: Tuesday, 31 January 2023 9:45 AM
To: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>; Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>
Subject: RE: For COO Clearance - Due 9AM 31/01/2023 - 16 QTBs [SEC=UNCLASSIFIED]

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Any assistance/advice would be greatly appreciated.

Thanks
Courtney

Courtney Adams | Government Business and Coordination
Phone: 02 6207 7916 | Email: courtney.adams@act.gov.au
Access Canberra | ACT Government | Chief Minister, Treasury and Economic Development Directorate
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158 Canberra ACT 2601|
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Sent: Monday, 30 January 2023 5:38 PM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>
Subject: RE: For COO Clearance - Due 9AM 31/01/2023 - 16 QTBs

All done. I put comments in the reviewing pane. I think only one has to go to David and I only have to see two again.

marg

Margaret McKinnon | Chief Operating Officer
Phone: Sch 2.2(a)(ii) | Email: Margaret.Mckinnon@act.gov.au Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR

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Sent: Monday, 30 January 2023 3:18 PM
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Kind Regards

Isabelle Gath | Government Business and Coordination
Phone: 02 6205 4045 | Email: isabelle.gath@act.gov.au Access Canberra | ACT Government GPO Box 158, Canberra City ACT 2601 | www.act.gov.au/accessCBR

From: McKinnon, Margaret
To: Access Canberra Government Business & Coordination
Cc: AC - Office of the DDG
Subject: qtbs
Date: Tuesday, 31 January 2023 11:56:32 AM

OFFICIAL

Instruction on first tranche below....

Margaret McKinnon | Chief Operating Officer
Phone: Sch 2.2(a)(ii) | Email: Margaret.Mckinnon@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 |
www.act.gov.au/accessCBR

-----Original Message-----
From: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>
Sent: Tuesday, 31 January 2023 11:37 AM
To: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>
Subject:

Outside Scope

Pink frosting - david to see

Outside Scope

Margaret McKinnon
Chief Operating Officer
Access Canberra

From: Pryce, David
To: Access Canberra Government Business & Coordination; Rynehart, Josh
Cc: AC - Office of the DDG; McKinnon, Margaret
Subject: Clearance - Due 1:30pm Today - Four QTBS [SEC=UNCLASSIFIED]
Date: Tuesday, 31 January 2023 1:30:16 PM
Attachments: image001.png
Outside Scope
Pink Frosting - 7-9 February 2023.obr
Outside Scope

OFFICIAL

Hi Courtney,
I ask that the Out of scope is updated – see my tracked change and comments. I don't need to see this again once updated.
The other QTBs are cleared with minor tracked changes.
Thanks,
David

David Pryce | Deputy Director-General
Head of Access Canberra and Registrar-General
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR

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From: Adams, Courtney <Courtney.Adams@act.gov.au> **On Behalf Of** Access Canberra Government Business & Coordination
Sent: Tuesday, 31 January 2023 12:24 PM
To: Pryce, David <David.Pryce@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: FOR DDG Clearance - Due 1:30pm Today - Four QTBS [SEC=UNCLASSIFIED]

OFFICIAL

Good afternoon David

Please find attached four QTBs for your clearance.

Please note the Outside Scope is newly requested by the Minister.
Thank you
Courtney

Courtney Adams | Government Business and Coordination
Phone: 02 6207 7916 | Email: courtney.adams@act.gov.au
Access Canberra | ACT Government | Chief Minister, Treasury and Economic Development Directorate
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158 Canberra ACT 2601| www.act.gov.au/accessCBR
We acknowledge the Traditional Custodians of the ACT, the Ngunnawal people. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.



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From: Persic, Drazen on behalf of ACDLO
To: Access Canberra Government Business & Coordination
Subject: Cleared QTBS by MO
Date: Friday, 3 February 2023 12:15:06 PM
Attachments: Outside Scope
Pink Frosting - 7-9 February 2023.DOCX

Outside Scope

OFFICIAL

Dear GBC
QTBs cleared by MO attached for objective.
Regards
Draz

Portfolio/s: Consumer Affairs

ISSUE: Pink Frosting

If asked about legal proceedings by 86 Candles Pty Limited (ACN 607 264 586) in late 2020

If asked about conflict of interest

If asked about administrative decisions made by the Commissioner for Fair Trading

Talking points:

- The business name "*Pink Frosting*" was deregistered in August 2020.
- As a result of this, Access Canberra closed its investigation of consumer complaints made about Pink Frosting under Australian Consumer Law.

If asked about legal proceedings by 86 Candles Pty Limited (ACN 607 264 586) in late 2020

- Firsly, I am restricted in what I can say for a range of legal and privacy reasons.
- I can confirm that the ACT Government is presently engaging with 86 Candles Pty Limited and its legal representative in relation to potential legal proceedings. In relation to those potential proceedings, I can confirm that the ACT Insurance Authority also provides instructions to the ACT Government Solicitors.
- I am advised that there was a separate matter filed in the ACAT by 86 Candles Pty Limited in November 2021, however, ACAT dismissed those proceedings on 3 December 2021.
- I am unable to make further public comment at this time.

If asked about conflict of interest

- I am advised that a potential conflict of interest was declared by the Commissioner for Fair Trading in November 2021, and an appropriate management strategy was implemented by Access Canberra.
- Conflicts of interests are managed in accordance with the CMTEDD Conflict of Interest policy.

- It would be inappropriate to make further public comment at this time.

If asked about administrative decisions made by the Commissioner for Fair Trading

- Decisions made by the Commissioner, or their delegates, are made under the provisions of the relevant law.
- If an applicant is not satisfied with an administrative decision, they can seek review in the ACAT, or through other review mechanisms such as the Ombudsman.

Key Information

- Pink Frosting was an ACT-based retailer selling party supplies through an online store and a shopfront in Canberra.
- The investigation commenced following consumer complaints being lodged with Australian Consumer Law regulators throughout Australia.
- Complaints largely involved allegations of failing to supply goods within a reasonable time.

From: Persic, Drazen on behalf of ACDLO
To: Access Canberra Government Business & Coordination
Subject: QTBs - Min Rattenbury - Consumer Affairs - Cleared
Date: Friday, 3 February 2023 2:01:30 PM
Attachments: Pink Frosting - 7-9 February 2023.DOCX

Outside Scope

OFFICIAL

Hi GBC
Attached QTBs have been cleared by Min Rattenbury office.
Thanks
Draz

Portfolio/s: Consumer Affairs

ISSUE: Pink Frosting

If asked about legal proceedings by 86 Candles Pty Limited (ACN 607 264 586) in late 2020

If asked about conflict of interest

If asked about administrative decisions made by the Commissioner for Fair Trading

Talking points:

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Key Information

- Pink Frosting was an ACT-based retailer selling party supplies through an online store and a shopfront in Canberra.
- The investigation commenced following consumer complaints being lodged with Australian Consumer Law regulators throughout Australia.
- Complaints largely involved allegations of failing to supply goods within a reasonable time.

From:	Huggett, Jenna on behalf of Access Canberra Government Business & Coordination
To:	Access Canberra Government Business & Coordination; AC, Strategic Business Coordination; Gallon, Michael; Bramwell, Narelle; Brigden, Robert; Bell, Kevin; Arugay, Fred; Gaze, Reuben; Power, David; Dix, Rodney; Penfold, Tyler; Fleck, Katrina; Wilson, Rebecca; Spasenoski, Tony; Short, Rachael; McHenry, Leah; Seddon, Christopher; Morados, Veronica; Vaile, Jodie; McPherson, Alex; Kelly, Damien; Andric, Radmila; Robbins, Jarrah; Wilden, Cai; Duggan, Brenda; Bandala, Kathy; Wild-River, Su; Vaile, Jodie; Foudoulis, Penelope; Mendones, Ruth; Access Canberra Intel and Data Analysis; Patron, Francois; AC - Office of Service Delivery and Engagement; AC - Office of CUEP; Wilmot, Kerrie
Cc:	Pryce, David; Rynehart, Josh; McKinnon, Margaret; Lhuede, Nick; Mangeruca, Giuseppe; Cubin, Derise; Springett, Emily; Chan, Yu-Lan; Kelly, Joshua; Nip, Kester; AC - Office of the DDG
Subject:	For Action (Due COB 10 March): QTBs for 21-23 March Assembly Sittings
Date:	Monday, 6 March 2023 3:30:37 PM
Attachments:	image002.png 02. March 2023 Sittings.obr

OFFICIAL

Good Afternoon All
Please see attached objective link containing Question Time Briefs (QTBs) for the upcoming 21-23 March 2023 Assembly Sittings. Please note I have not included the QTB Index link as Minister Cheyne's office has not yet finalised the Index, so please note the QTB list may change.

Can you please update QTBs relevant to your area (in track changes) and return to GBC (cleared by your EBM) **by COB Friday 10 March** at the very latest.

Please remember to contact the Data Team for statistics as soon as possible.

If there are any unexpected turn of events/circumstances prior to the week of the Assembly Sitting, please remember to let GBC know ASAP so that we can provide updated versions of the QTBs or new QTBs to the MO ASAP.

IMPORTANT: Information in QTBs **should not** include any information regarding active investigations and any information included **should be suitable for release under FOI**.

If you believe any QTBs are no longer required please let the GBC team know ASAP to allow us time to contact the relevant Minister for discussion.

A reminder that updates to the QTBs are **not** accepted after the Friday before a sitting (e.g. Friday 16 September 2022). If an urgent or critical matter arises during the week of a sitting, please inform GBC immediately, and then provide EBM cleared dot points in an email. This will then be provided to the MO as part of the sitting week pack.

If there are any issues please let us know.

Thank you

Jenna Huggett | Government Business Coordination
Phone: Sch 2.2(a)(ii) | Email: jenna.huggett@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Civic ACT 2601 | www.act.gov.au/accessCBR



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From: Potter, Morgan on behalf of ACDLO
To: Access Canberra Government Business & Coordination
Subject: FW: !!!ACTION - CHEYNE - QTB index for March 2023 sittings
Date: Friday, 10 March 2023 9:24:04 AM
Attachments: image001.png
image002.png
Index - March 2023 - tc.docx
Importance: High

OFFICIAL

Hi Team,

Please find attached QTB index – due date **Thursday 16 March 9 am.**

Morgan Potter | Directorate Liaison Officer | Access Canberra
Phone: Sch 2.2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au
Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: Argy, Nicholas <Nicholas.Argy@act.gov.au>
Sent: Friday, 10 March 2023 9:17 AM
To: ACDLO <ACDLO@act.gov.au>
Subject: FW: !!!ACTION - CHEYNE - QTB index for March 2023 sittings
Importance: High

From: Liu, Michael <Michael.Liu@act.gov.au>
Sent: Thursday, 9 March 2023 6:31 PM
To: ACDLO <ACDLO@act.gov.au>; CMTEDD, Economic Development DLO <EcoDevDLO@act.gov.au>; CSDDLO <CSDDLO@act.gov.au>; JACS, MHRDLO <MHRDLO@act.gov.au>; MPC, DLO <MPCDLO@act.gov.au>
Cc: Argy, Nicholas <Nicholas.Argy@act.gov.au>; Cavanagh, Jemma <Jemma.Cavanagh@act.gov.au>
Subject: !!!ACTION - CHEYNE - QTB index for March 2023 sittings
Importance: High

Hi all

Thanks for your patience while we developed Minister Cheyne's QTB index for the upcoming B2B sittings.

Grateful if directorates can pay special attention to time-sensitive information, in context of the double sittings, and highlight information that is affected.

Any questions, please reach out.

Thanks

Michael Liu
Chief of Staff | Office of Tara Cheyne MLA

Member for Ginninderra
Minister for the Arts
Minister for Business and Better Regulation
Minister for Human Rights
Minister for Multicultural Affairs
Assistant Minister for Economic Development

02 6207 0510 | Sch 2.2(a)(ii)



I acknowledge the traditional custodians of the land, the Ngunnawal people, and pay my respect to their Elders past, present and emerging.

HOT TOPICS

ARTS

Outside Scope

ACCESS CANBERRA

Outside Scope

Pink Frosting/86 Candles/Commissioner for Fair Trading declared conflict of interest

BUSINESS AND ECONOMIC DEVELOPMENT

Outside Scope

MULTICULTURAL AFFAIRS

Outside Scope

HUMAN RIGHTS

Outside Scope

STANDARD

ARTS

Outside Scope

ACCESS CANBERRA, BUSINESS AND ECONOMIC DEVELOPMENT

Outside Scope

Outside Scope

HUMAN RIGHTS

Outside Scope

MULTICULTURAL AFFAIRS

Outside Scope

From: Rynehart, Josh
To: McPherson, Alex
Cc: Access Canberra Government Business & Coordination
Subject: RE: For Action (Due COB 10 March): QTBs for 21-23 March Assembly Sittings
Date: Friday, 10 March 2023 4:53:18 PM
Attachments: image001.png

OFFICIAL

These are cleared

From: McPherson, Alex <Alex.McPherson@act.gov.au>
Sent: Friday, 10 March 2023 4:36 PM
To: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Cc: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: FW: For Action (Due COB 10 March): QTBs for 21-23 March Assembly Sittings

OFFICIAL

Hi Josh
Our QTBs are:

- Outside Scope
-
- Pink Frosting
- Outside Scope

Cheers
Alex

From: Huggett, Jenna <Jenna.Huggett@act.gov.au> **On Behalf Of** Access Canberra Government Business & Coordination
Sent: Monday, 6 March 2023 3:30 PM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>; AC, Strategic Business Coordination <strategicbusinesscoordination@act.gov.au>; Gallon, Michael <Michael.Gallon@act.gov.au>; Bramwell, Narelle <Narelle.Bramwell@act.gov.au>; Brigden, Robert <Robert.Brigden@act.gov.au>; Bell, Kevin <Kevin.Bell@act.gov.au>; Arugay, Fred <Fred.Arugay@act.gov.au>; Gaze, Reuben <Reuben.Gaze@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>; Dix, Rodney <Rodney.Dix@act.gov.au>; Penfold, Tyler <Tyler.Penfold@act.gov.au>; Fleck, Katrina <Katrina.Fleck@act.gov.au>; Wilson, Rebecca <Rebecca.Wilson@act.gov.au>; Spasenoski, Tony <Tony.Spasenoski@act.gov.au>; Short, Rachael <Rachael.Short@act.gov.au>; McHenry, Leah <Leah.McHenry@act.gov.au>; Seddon, Christopher <Christopher.Seddon@act.gov.au>; Morados, Veronica <Veronica.Morados@act.gov.au>; Vaile, Jodie <Jodie.Vaile@act.gov.au>; McPherson, Alex <Alex.McPherson@act.gov.au>; Kelly, Damien <Damien.Kelly@act.gov.au>; Andric, Radmila <Radmila.Andric@act.gov.au>; Robbins, Jarrah <Jarrah.Robbins@act.gov.au>; Wilden, Cai <Cai.Wilden@act.gov.au>; Duggan, Brenda <Brenda.Duggan@act.gov.au>; Bandala, Kathy <Kathy.Bandala@act.gov.au>; Wild-River, Su <Su.Wild-River@act.gov.au>; Vaile, Jodie <Jodie.Vaile@act.gov.au>; Foudoulis, Penelope <Penelope.Foudoulis@act.gov.au>; Mendones, Ruth <Ruth.Mendones@act.gov.au>; Access Canberra Intel and Data Analysis <ACIntel@act.gov.au>; Patron, Francois <Francois.Patron@act.gov.au>; AC - Office of Service Delivery and Engagement <acofficeofsde@act.gov.au>; AC - Office of CUEP <acofficeofcuep@act.gov.au>; Wilmot, Kerrie <Kerrie.Wilmot@act.gov.au>
Cc: Pryce, David <David.Pryce@act.gov.au>; Rynehart, Josh <Josh.Rynehart@act.gov.au>; McKinnon, Margaret <Margaret.McKinnon@act.gov.au>; Lhuede, Nick <Nick.Lhuede@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>; Cubin,

Derise <Derise.Cubin@act.gov.au>; Springett, Emily <Emily.Springett@act.gov.au>; Chan, Yu-Lan <Yu-Lan.Chan@act.gov.au>; Kelly, Joshua <Joshua.Kelly@act.gov.au>; Nip, Kester <Kester.Nip@act.gov.au>; AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>
Subject: For Action (Due COB 10 March): QTBs for 21-23 March Assembly Sittings

OFFICIAL

Good Afternoon All
Please see attached objective link containing Question Time Briefs (QTBs) for the upcoming 21-23 March 2023 Assembly Sittings. Please note I have not included the QTB Index link as Minister Cheyne's office has not yet finalised the Index, so please note the QTB list may change.

Can you please update QTBs relevant to your area (in track changes) and return to GBC (cleared by your EBM) **by COB Friday 10 March** at the very latest.

Please remember to contact the Data Team for statistics as soon as possible.

If there are any unexpected turn of events/circumstances prior to the week of the Assembly Sitting, please remember to let GBC know ASAP so that we can provide updated versions of the QTBs or new QTBs to the MO ASAP.

IMPORTANT: Information in QTBs **should not** include any information regarding active investigations and any information included **should be suitable for release under FOI**.

If you believe any QTBs are no longer required please let the GBC team know ASAP to allow us time to contact the relevant Minister for discussion.

A reminder that updates to the QTBs are **not** accepted after the Friday before a sitting (e.g. Friday 16 September 2022). If an urgent or critical matter arises during the week of a sitting, please inform GBC immediately, and then provide EBM cleared dot points in an email. This will then be provided to the MO as part of the sitting week pack.

If there are any issues please let us know.

Thank you

Jenna Huggett | Government Business Coordination
Phone: Sch 2.2(a)(ii) | Email: jenna.huggett@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Civic ACT 2601 | www.act.gov.au/accessCBR



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From: Pryce, David
To: Access Canberra Government Business & Coordination
Cc: AC - Office of the DDG
Subject: RE: FOR DDG CLEARANCE - Certain QTBs
Date: Tuesday, 14 March 2023 4:17:17 PM
Attachments: image001.png

OFFICIAL

Thank you – both cleared via objective.
David

David Pryce | Deputy Director-General
Head of Access Canberra and Registrar-General
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR



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From: Matthews, Catherine <Catherine.Matthews@act.gov.au> **On Behalf Of** Access Canberra Government Business & Coordination
Sent: Tuesday, 14 March 2023 3:50 PM
To: Pryce, David <David.Pryce@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: FOR DDG CLEARANCE - Certain QTBs

OFFICIAL

Hi David
As mentioned in ACEM catch up this morning, sending two QTBs for your review following EBM clearance:

Outside Scope

- Pink Frosting – Noting your meeting with Min Rattenbury on Friday

All others appear relatively straight forward. Let me know if these are good to progress to the relevant MOs.
Cheers
Cath

From: Pryce, David
To: Access Canberra Government Business & Coordination; ACDLO; Rynehart, Josh
Cc: AC - Office of the DDG; McKinnon, Margaret
Subject: RE: Cheyne and Rattenbury QTBs for March Sitting
Date: Wednesday, 15 March 2023 5:36:44 PM
Attachments: image001.png

OFFICIAL

Hi Morgan,
To note we will further update the Pink Frosting QTB before the end of the week so that it can also be used by the Chief Minister, if required.
Thanks,

David

David Pryce | Deputy Director-General
Head of Access Canberra and Registrar-General
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR



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From: Matthews, Catherine <Catherine.Matthews@act.gov.au> **On Behalf Of** Access Canberra Government Business & Coordination
Sent: Wednesday, 15 March 2023 4:18 PM
To: ACDLO <ACDLO@act.gov.au>
Cc: Pryce, David <David.Pryce@act.gov.au>; McKinnon, Margaret <Margaret.McKinnon@act.gov.au>; Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>; AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>
Subject: Cheyne and Rattenbury QTBs for March Sitting

OFFICIAL

Hi Morgs
QTBs are cleared and ready for provision to the Cheyne and Rattenbury MOs.
I just want to check some stats in the Gentleman QTB, so I will get that over as soon as possible.
Cheers
Cath

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Matthews, Catherine on behalf of Access Canberra Government Business & Coordination
To: Rynehart, Josh
Cc: Access Canberra Government Business & Coordination; Pryce, David
Subject: FOR URGENT UPDATE: QTB - Pink Frosting
Date: Wednesday, 15 March 2023 5:43:59 PM
Attachments: image001.png
Pink Frosting - 21-23 March 2023.obr

OFFICIAL

Hi Josh
Just sending through the QTB for update as requested by David.
I've put tracks on and once you have added in the additional content, I will clean it up and fix all the formatting after David clears.
Cheers
Cath

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Pryce, David <David.Pryce@act.gov.au>
Sent: Wednesday, 15 March 2023 4:53 PM
To: Matthews, Catherine <Catherine.Matthews@act.gov.au>; ACDLO <ACDLO@act.gov.au>; Rynehart, Josh <Josh.Rynehart@act.gov.au>
Cc: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>
Subject: QTB - Pink Frosting

OFFICIAL

Hi Josh,
In my catch-up with the Head of Service this afternoon, she asked that we update our QTB to include points around the referral to her office from the Attorney-General and talking points for the Chief Minister to respond on this issue, if asked. This should be just some simple factual statements.
Best we have a single QTB that both Ministers can draw upon instead of two separate briefs.
Appreciate if you could work with GBC/ACDLO to update the Pink Frosting brief to address this, for my clearance.
Thanks,

David

David Pryce | Deputy Director-General
Head of Access Canberra and Registrar-General
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR



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Sch 1 1.2

Sch 1 1.2

From: Matthews, Catherine on behalf of Access Canberra Government Business & Coordination
To: ACDLO
Cc: Pryce, David; Rynehart, Josh; Lhuede, Nick; Access Canberra Government Business & Coordination
Subject: Cleared updates to QTBs - Pink Frosting and Input to BRT
Date: Friday, 17 March 2023 5:03:16 PM
Attachments: image001.png
Pink Frosting - 21-23 March 2023.obr
Pink Frosting - 21-23 March 2023.docx
Outside Scope
Outside Scope
Importance: High

OFFICIAL: Sensitive

Hi Morgs
Pink Frosting has been cleared by David – Objective and word version attached.
Input to Out of scope also cleared by Nick – Objective and word version attached.
Aiming to get you the Out of scope QTB early Monday morning.
Cheers
Cath

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



Portfolio/s: Chief Minister

Consumer Affairs

ISSUE: Pink Frosting

Chief Minister Talking Points

If asked about conflict of interest

Minister for Consumer Affairs Talking Points

General Talking points

If asked about legal proceedings by 86 Candles Pty Limited (ACN 607 264 586)

If asked about administrative decisions made by the Commissioner for Fair Trading

Talking points:

Chief Minister

If asked about conflict of interest

- I am advised that a potential conflict of interest was declared by the Commissioner for Fair Trading in November 2021, and a management strategy was implemented by Access Canberra in response.
- I understand that the Attorney-General sought advice from the Head of Service about this matter.
- Conflicts of interests are managed in accordance with the CMTEDD Conflict of Interest policy.

Minister for Consumer Affairs

- The business name "*Pink Frosting*" was deregistered in August 2020.
- As a result of this, Access Canberra closed its investigation of consumer complaints made about Pink Frosting under Australian Consumer Law.
- Following a request from my office, the Head of Service provided me with advice on 6 February 2023 about the actions of Access Canberra in managing this matter. In particular, the Head of Service advised that the actions of Access Canberra have been appropriate.

- An Acting Commissioner appointment remains in place to manage any perceived or actual conflicts of interest.

If asked about legal proceedings by 86 Candles Pty Limited (ACN 607 264 586)

- I am restricted in what I can say for a range of legal and privacy reasons.
- What I can say is that:
  - there was a matter filed in the ACAT by 86 Candles Pty Limited in November 2021, however, ACAT dismissed those proceedings on 3 December 2021; and
  - another matter is before the Courts, in which 86 Candles Pty Limited is seeking preliminary discovery from the Territory in relation to matters raised by Ms Curtis. It is not known whether and if so what proceedings may subsequently be commenced by Ms Curtis or 86 Candles Pty Limited or the claims or relief that might be sought in any such proceedings, and therefore it would be inappropriate to make any further comment at this time.

If asked about administrative decisions made by the Commissioner for Fair Trading

- Decisions made by the Commissioner, or their delegates, are made under the provisions of the relevant law.
- If an applicant is not satisfied with an administrative decision, they can seek review in the ACAT, or through other review mechanisms such as the Ombudsman.

Key Information

- Pink Frosting was an ACT-based retailer selling party supplies through an online store and a shopfront in Canberra.
- The investigation commenced following consumer complaints being lodged with Australian Consumer Law regulators throughout Australia.
- Complaints largely involved allegations of failing to supply goods within a reasonable time.
- Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2023 (No 1) | Notifiable instruments

From: Matthews, Catherine on behalf of Access Canberra Government Business & Coordination
To: Pryce, David
Cc: Rynehart, Josh; AC - Office of the DDG; Access Canberra Government Business & Coordination
Subject: FOR DDG CLEARANCE - Pink Frosting - 21-23 March 2023
Date: Friday, 17 March 2023 5:20:09 AM
Attachments: Pink Frosting - 21-23 March 2023.obr

OFFICIAL: Sensitive

Hi David

Josh has made updates to the Pink Frosting QTB as requested and has also run the amendments past Lisa Tomlins for her consideration.

Let us know if this is good to go to Morgan.

Cheers

Cath

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR

Sch 1 1.2

From: Matthews, Catherine on behalf of Access Canberra Government Business & Coordination
To: Pryce, David
Cc: Rynehart, Josh; AC - Office of the DDG; Access Canberra Government Business & Coordination
Subject: REVISED FOR DDG CLEARANCE - Pink Frosting - 21-23 March 2023
Date: Friday, 17 March 2023 12:41:33 PM
Attachments: Pink Frosting - 21-23 March 2023.obr
image001.png

OFFICIAL: Sensitive

Hi David
Josh asked me to forward on the revised version of this QTB after your discussion this morning. I note that you will not be clearing until after the Min Briefing this afternoon.
Let me know once you've finished the meeting, I will update the formatting as well to differentiate between talking points for relevant Ministers etc.
Cheers
Cath

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Matthews, Catherine <Catherine.Matthews@act.gov.au> **On Behalf Of** Access Canberra Government Business & Coordination
Sent: Friday, 17 March 2023 5:20 AM
To: Pryce, David <David.Pryce@act.gov.au>
Cc: Rynehart, Josh <Josh.Rynehart@act.gov.au>; AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: FOR DDG CLEARANCE - Pink Frosting - 21-23 March 2023

OFFICIAL: Sensitive

Hi David
Josh has made updates to the Pink Frosting QTB as requested and has also run the amendments past Lisa Tomlins for her consideration.
Let us know if this is good to go to Morgan.
Cheers
Cath

Cath Matthews | Director, Government Business & Coordination
Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR

-----Original Message-----
From: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Sent: Thursday, 16 March 2023 6:03 PM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>

Sch 1 1.2

Portfolio/s: Chief Minister

Consumer Affairs

ISSUE: Pink Frosting

Chief Minister Talking Points

If asked about conflict of interest

Minister for Consumer Affairs Talking Points

General Talking points

If asked about legal proceedings by 86 Candles Pty Limited (ACN 607 264 586)

If asked about administrative decisions made by the Commissioner for Fair Trading

Talking points:

Chief Minister

If asked about conflict of interest

- I am advised that a potential conflict of interest was declared by the Commissioner for Fair Trading in November 2021, and a management strategy was implemented by Access Canberra in response.
- I understand that the Attorney-General sought advice from the Head of Service about this matter.
- Conflicts of interests are managed in accordance with the CMTEDD Conflict of Interest policy.

Minister for Consumer Affairs

- The business name "*Pink Frosting*" was deregistered in August 2020.
- As a result of this, Access Canberra closed its investigation of consumer complaints made about Pink Frosting under Australian Consumer Law.
- Following a request from my office, the Head of Service provided me with advice on 6 February 2023 about the actions of Access Canberra in managing this matter. In particular, the Head of Service advised that the actions of Access Canberra have been appropriate.

- An Acting Commissioner appointment remains in place to manage any perceived or actual conflicts of interest.

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If asked about administrative decisions made by the Commissioner for Fair Trading

- Decisions made by the Commissioner, or their delegates, are made under the provisions of the relevant law.
- If an applicant is not satisfied with an administrative decision, they can seek review in the ACAT, or through other review mechanisms such as the Ombudsman.

Key Information

- Pink Frosting was an ACT-based retailer selling party supplies through an online store and a shopfront in Canberra.
- The investigation commenced following consumer complaints being lodged with Australian Consumer Law regulators throughout Australia.
- Complaints largely involved allegations of failing to supply goods within a reasonable time.
- Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2023 (No 1) | Notifiable instruments

Portfolio/s: Chief Minister

Consumer Affairs

ISSUE: Pink Frosting

Chief Minister Talking Points

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Minister for Consumer Affairs

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  - another matter is before the Courts, in which 86 Candles Pty Limited is seeking preliminary discovery from the Territory in relation to matters raised by Ms Curtis. It is not known whether and if so what proceedings may subsequently be commenced by Ms Curtis or 86 Candles Pty Limited or the claims or relief that might be sought in any such proceedings, and therefore it would be inappropriate to make any further comment at this time.

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- Complaints largely involved allegations of failing to supply goods within a reasonable time.
- Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2023 (No 1) | Notifiable instruments

From: Rynehart, Josh
To: Access Canberra Government Business & Coordination
Cc: McPherson, Alex; Bramwell, Narelle; Leglise, Vanessa
Subject: FW: For clearance: (Due COB Monday 1 May): QTBs for 9-11 May Assembly Sittings
Date: Friday, 28 April 2023 4:38:40 PM
Attachments: image001.png
image002.png
ObjRef.obr
Importance: High

OFFICIAL

Ok with me
J

From: McPherson, Alex <Alex.McPherson@act.gov.au>
Sent: Friday, 28 April 2023 4:35 PM
To: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Cc: Bramwell, Narelle <Narelle.Bramwell@act.gov.au>; Kelly, Damien <Damien.Kelly@act.gov.au>; Leglise, Vanessa <Vanessa.Leglise@act.gov.au>; Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: For clearance: (Due COB Monday 1 May): QTBs for 9-11 May Assembly Sittings
Importance: High

OFFICIAL

Hi Josh
For clearance please, QTBs on:
Outside Scope
Pink Frosting (no updates required)
Out of scope
Out of scope
Thanks
Alex

From: Buckley, Tanya <Tanya.Buckley@act.gov.au> **On Behalf Of** Access Canberra Government Business & Coordination
Sent: Thursday, 27 April 2023 12:34 PM
To: AC, Strategic Business Coordination <strategicbusinesscoordination@act.gov.au>; Access Canberra Intel and Data Analysis <ACIntel@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>; Chester, Heath <Heath.Chester@act.gov.au>; Wild-River, Su <Su.Wild-River@act.gov.au>; Andric, Radmila <Radmila.Andric@act.gov.au>; Dix, Rodney <Rodney.Dix@act.gov.au>; Rynehart, Josh <Josh.Rynehart@act.gov.au>; McPherson, Alex <Alex.McPherson@act.gov.au>; Burns, Felicity <Felicity.Burns@act.gov.au>; Bandala, Kathy <Kathy.Bandala@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>; Penfold, Tyler <Tyler.Penfold@act.gov.au>; Wilson, Rebecca <Rebecca.Wilson@act.gov.au>; Troy, Peadar <Peadar.Troy@act.gov.au>; Bell, Kevin <Kevin.Bell@act.gov.au>; Arugay, Fred <Fred.Arugay@act.gov.au>; Brasnett, Robert <Robert.Brasnett@act.gov.au>; McGee, Dylan <Dylan.McGee@act.gov.au>; Morados, Veronica <Veronica.Morados@act.gov.au>; Leonard, Ron <Ron.Leonard@act.gov.au>; Wilmot, Kerrie <Kerrie.Wilmot@act.gov.au>; Muscat, Linda <Linda.Muscat@act.gov.au>; Hughes, Fiona <Fiona.Hughes@act.gov.au>; Brigden, Robert <Robert.Brigden@act.gov.au>; Foudoulis, Penelope <Penelope.Foudoulis@act.gov.au>
Cc: Pryce, David <David.Pryce@act.gov.au>; Rynehart, Josh <Josh.Rynehart@act.gov.au>; McKinnon, Margaret <Margaret.McKinnon@act.gov.au>; Lhuede, Nick <Nick.Lhuede@act.gov.au>; Cubin, Derise <Derise.Cubin@act.gov.au>; Springett, Emily

<Emily.Springett@act.gov.au>; Chan, Yu-Lan <Yu-Lan.Chan@act.gov.au>; AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>; Hart, Madison <Madison.Hart@act.gov.au>; CMTEDD, Access Canberra - Strategy and Planning Office <ACStrategyandplanningoffice@act.gov.au>; AC - Office of Service Delivery and Engagement <acofficeofsde@act.gov.au>; AC - Office of CUEP <acofficeofcuep@act.gov.au>; Vaile, Jodie <Jodie.Vaile@act.gov.au>; Leglise, Vanessa <Vanessa.Leglise@act.gov.au>
Subject: For Action: (Due COB Monday 1 May): QTBs for 9-11 May Assembly Sittings
Importance: High

OFFICIAL

Good afternoon all
Please see attached objective link containing Question Time Briefs (QTBs) for the upcoming 9-11 May 2023 Assembly Sittings.

Minister Cheyne's office made changes to the QTB Index. These changes include new briefs and a request for consolidated briefs. Also, Minister Cheyne requested the removal of some historical briefs. Therefore, if a QTB from last sitting is not listed below it is no longer required. Notes included in the index need to be addressed in the relevant QTBs.

Minister for Business and Better Regulation

Outside Scope

- Pink Frosting

Outside Scope

Minister for Consumer Affairs/Attorney-General

Outside Scope

- Pink Frosting

Outside Scope

Minister for Planning and Land Management

Outside Scope

Can **ALL** QTBs (relevant to your area) be updated and return to GBC (cleared by EBM) **no later than COB Monday, 1 May 2023**. Please forward onto anyone relevant who needs to update.

IMPORTANT INFORMATION:

- Please remember to contact the Data Team for statistics as soon as possible.
- If there are any unexpected turn of events/circumstances prior to the week of the Assembly

Sitting, please remember to let GBC know ASAP so that we can provide updated versions of the QTBs or new QTBs to the MO ASAP.

- Information in QTBs **should not** include any information regarding active investigations and any information included **should be suitable for release under FOI**.
- If you believe any QTBs listed are no longer required, please let the GBC team know ASAP to allow us time to contact the relevant Minister for discussion.
- Updates to QTBs are **not** accepted after the Friday before a sitting (Friday 5 May 2023). If an urgent or critical matter arises during the week of a sitting, please inform GBC immediately, and then provide EBM cleared dot points in an email. This will then be provided to the MO.

Please let GBC know if you have any questions.

Kind regards

Tanya Buckley | Government Business Coordination Officer
Government Business and Coordination | Strategy & Planning
Phone: (02) 6205 0972| Email: tanya.buckley@act.gov.au |accesscanberragbc@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
www.act.gov.au

From: Access Canberra Government Business & Coordination
To: McKinnon, Margaret
Cc: AC - Office of the DDG; Access Canberra Government Business & Coordination
Subject: FOR COO CLEARANCE (Due COB Tuesday 2/5) - QTBs for May sitting
Date: Monday, 1 May 2023 1:25:31 PM
Attachments: ObjRef.obr

OFFICIAL

Hi Marg

QTBs ready for your clearance. Please make any comments on clearances/amendments required in the below list of QTB names as we can't see the comments you add when closing the editing box in objective.

Outside Scope

- Pink Frosting QTB

Outside Scope

As the Outside Scope QTB is new, it will be sent to David for clearance post your clearance. We will also share Pink Frosting and Outside Scope with David given his interest in these two to his statutory office positions.

Let us know if these are good to go. QTBs are due to the MO by **COB Wednesday 3 May 2023**.

Kind regards

Tanya Buckley | Government Business Coordination Officer
Government Business and Coordination | Strategy & Planning
Phone: (02) 6205 0972| Email: tanya.buckley@act.gov.au |accesscanberragbc@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

From: McKinnon, Margaret
To: Access Canberra Government Business & Coordination
Cc: AC - Office of the DDG
Subject: RE: FOR COO CLEARANCE (Due COB Tuesday 2/5) - QTBs for May sitting
Date: Monday, 1 May 2023 3:40:07 PM
Attachments: image001.png

OFFICIAL

Outside Scope

All the rest cleared to go straight through. New ones to DP.

M

Margaret McKinnon | Chief Operating Officer
Phone: Sch 2 2(a)(ii) | Email: Margaret.Mckinnon@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR

From: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Sent: Monday, 1 May 2023 1:25 PM
To: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: FOR COO CLEARANCE (Due COB Tuesday 2/5) - QTBs for May sitting

OFFICIAL

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Kind regards

Tanya Buckley | Government Business Coordination Officer

Government Business and Coordination | Strategy & Planning

Phone: (02) 6205 0972| Email: tanya.buckley@act.gov.au |accesscanberragbc@act.gov.au

From: Pryce, David
To: Access Canberra Government Business & Coordination
Subject: DDG Clearance: (Due COB Wednesday 3/5) - QTBs for May Sitting
Date: Tuesday, 2 May 2023 9:43:53 AM
Attachments: ObjRef.obr
image001.png

OFFICIAL

Hi Tanya,
I cannot edit the Pink Frosting QTB due to a lock and password added. Appreciate if this could be changed so I can edit (including if also applied for the other QTBs).
Thanks,
David

David Pryce | Deputy Director-General
Head of Access Canberra and Registrar-General
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR

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From: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Sent: Tuesday, 2 May 2023 9:35 AM
To: Pryce, David <David.Pryce@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: For DDG Clearance: (Due COB Wednesday 3/5) - QTBs for May Sitting

OFFICIAL

Hi David
QTBs ready for your clearance. These have previously been cleared by Marg.

Outside Scope

- Pink Frosting QTB

Please note the Outside Scope QTB is a new request from the Minister. We are just sending you Pink Frosting and Out of scope for your information, noting your statutory office positions relevant to these QTBs.
Let us know if these are good to go. QTBs are due back to the MO by **COB Wednesday, 3 May 2023**.
Kind regards

Tanya Buckley | Government Business Coordination Officer
Government Business and Coordination | Strategy & Planning
Phone: (02) 6205 0972| Email:
tanya.buckley@act.gov.au|accesscanberragbc@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

From: Access Canberra Government Business & Coordination
To: Pryce, David
Cc: Access Canberra Government Business & Coordination
Subject: RE: DDG Clearance: (Due COB Wednesday 3/5) - QTBs for May Sitting
Date: Tuesday, 2 May 2023 9:52:32 AM
Attachments: image001.png

OFFICIAL

Hi David
We have tracks locked on all the QTBs so changes can't be accidentally accepted prior to sending to the MO, where we need to highlight any changes in yellow from the previous sitting. This shouldn't preclude you from making edits, you should just be able to start typing and the edits should work.
Let me know if you are still having issues, and we can sort something out.
Cheers
Cath

From: Pryce, David <David.Pryce@act.gov.au>
Sent: Tuesday, 2 May 2023 9:44 AM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: DDG Clearance: (Due COB Wednesday 3/5) - QTBs for May Sitting

OFFICIAL

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I cannot edit the Pink Frosting QTB due to a lock and password added. Appreciate if this could be changed so I can edit (including if also applied for the other QTBs).
Thanks,
David

David Pryce | Deputy Director-General
Head of Access Canberra and Registrar-General
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR



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Sent: Tuesday, 2 May 2023 9:35 AM
To: Pryce, David <David.Pryce@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: For DDG Clearance: (Due COB Wednesday 3/5) - QTBs for May Sitting

OFFICIAL

Hi David
QTBs ready for your clearance. These have previously been cleared by Marg.
Outside Scope

Outside Scope

- Pink Frosting QTB

Please note the Outside Scope QTB is a new request from the Minister. We are just sending you Pink Frosting and Outside Scope for your information, noting your statutory office positions relevant to these QTBs.

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Kind regards

Tanya Buckley | Government Business Coordination Officer
Government Business and Coordination | Strategy & Planning
Phone: (02) 6205 0972| Email:
tanya.buckley@act.gov.au|accesscanberragbc@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

Sch 1 1.2

From: Pryce, David <David.Pryce@act.gov.au>
Sent: Tuesday, 2 May 2023 9:56 AM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>; Rynehart, Josh <Josh.Rynehart@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; McKinnon, Margaret <Margaret.McKinnon@act.gov.au>
Subject: DDG Clearance: (Due COB Wednesday 3/5) - QTBs for May Sitting

OFFICIAL

Hi GBC team,

Sch 1 1.4

. Once this is confirmed, and subject to any further updates, this QTB is cleared with a minor track change.

The other QTBs are cleared.
Thanks,
David

David Pryce | Deputy Director-General
Head of Access Canberra and Registrar-General
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR

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Sent: Tuesday, 2 May 2023 9:35 AM
To: Pryce, David <David.Pryce@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: For DDG Clearance: (Due COB Wednesday 3/5) - QTBs for May Sitting

OFFICIAL

Hi David
QTBs ready for your clearance. These have previously been cleared by Marg.

Outside Scope

- Pink Frosting QTB

Please note the Outside Scope QTB is a new request from the Minister. We are just sending you Pink Frosting and Outside Scope for your information, noting your statutory office positions relevant to these QTBs.
Let us know if these are good to go. QTBs are due back to the MO by **COB Wednesday, 3 May 2023**.
Kind regards

Tanya Buckley | Government Business Coordination Officer
Government Business and Coordination | Strategy & Planning
Phone: (02) 6205 0972| Email:
tanya.buckley@act.gov.au | accesscanberragbc@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

From: Access Canberra Government Business & Coordination
To: ACDLO
Cc: Access Canberra Government Business & Coordination
Subject: For MO: Minister Rattenbury QTBs 9-11 May Assembly Sitting
Date: Wednesday, 3 May 2023 6:05:12 PM
Attachments: Pink Frosting - 9-11 May 2023.obr
image001.png
image002.png

OFFICIAL

Hi Jenna
Please find attached remaining cleared QTB ready to be progressed to Minister Rattenbury.
Kind regards

Tanya Buckley | Government Business Coordination Officer
Government Business and Coordination | Strategy & Planning
Phone: (02) 6205 0972| Email: tanya.buckley@act.gov.au | accesscanberragbc@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
www.act.gov.au

From: Access Canberra Government Business & Coordination
To: ACDLO
Cc: Access Canberra Government Business & Coordination
Subject: For MO: Minister Cheyne QTBs 9-11 May Assembly Sitting
Date: Wednesday, 3 May 2023 6:05:18 PM
Attachments: image001.png
image002.png
ObjRef.obr

OFFICIAL

Hi Jenna
Please find attached remaining cleared QTBs ready to be progressed to Minister Cheyne.

Outside Scope

Kind regards

Tanya Buckley | Government Business Coordination Officer
Government Business and Coordination | Strategy & Planning
Phone: (02) 6205 0972| Email: tanya.buckley@act.gov.au | accesscanberragbc@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
www.act.gov.au

From: Pryce, David
To: Access Canberra Government Business & Coordination; Rynehart, Josh
Cc: AC - Office of the DDG; McKinnon, Margaret
Subject: (Due COB 3 May): Pink Frosting QTB 9-11 May Sitting
Date: Wednesday, 3 May 2023 3:51:54 PM
Attachments: image001.png
image002.png
Pink Frosting - 9-11 May 2023.obr

OFFICIAL

Hi Tanya,
This is cleared – thank you.
David

David Pryce | Deputy Director-General
Head of Access Canberra and Registrar-General
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR

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From: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Sent: Wednesday, 3 May 2023 3:46 PM
To: Pryce, David <David.Pryce@act.gov.au>
Cc: Rynehart, Josh <Josh.Rynehart@act.gov.au>; McKinnon, Margaret <Margaret.McKinnon@act.gov.au>; AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: For DDG Clearance: (Due COB 3 May): Pink Frosting QTB 9-11 May Sitting

OFFICIAL

Hi David
Josh has cleared the Pink Frosting QTB to be sent back to you for your review and clearance.
Please let us know if this is good to progress to the MO?
Kind regards

Tanya Buckley | Government Business Coordination Officer
Government Business and Coordination | Strategy & Planning
Phone: (02) 6205 0972| Email: tanya.buckley@act.gov.au | accesscanberragbc@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
www.act.gov.au

From: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Sent: Wednesday, 3 May 2023 3:36 PM

Sch 1 1.2



From: Pryce, David <David.Pryce@act.gov.au>
Sent: Tuesday, 2 May 2023 9:56 AM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>; Rynehart, Josh <Josh.Rynehart@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; McKinnon, Margaret <Margaret.McKinnon@act.gov.au>
Subject: DDG Clearance: (Due COB Wednesday 3/5) - QTBs for May Sitting

OFFICIAL

Hi GBC team,

Sch 1 1.2

The other QTBs are cleared.
Thanks,
David

David Pryce | Deputy Director-General
Head of Access Canberra and Registrar-General
Phone: 02 6205 9898 | Email: david.pryce@act.gov.au
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Subject: For DDG Clearance: (Due COB Wednesday 3/5) - QTBs for May Sitting

OFFICIAL

Hi David
QTBs ready for your clearance. These have previously been cleared by Marg.

Outside Scope

- Pink Frosting QTB

Please note the Assembly QTB is a new request from the Minister. We are just sending you Pink

Frosting and Out of scope for your information, noting your statutory office positions relevant to these QTBs.

Let us know if these are good to go. QTBs are due back to the MO by **COB Wednesday, 3 May 2023**.

Kind regards

Tanya Buckley | Government Business Coordination Officer
Government Business and Coordination | Strategy & Planning
Phone: (02) 6205 0972| Email:
tanya.buckley@act.gov.au|accesscanberragbc@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

Sch 1 1.4

From: Pryce, David <David.Pryce@act.gov.au>
Sent: Tuesday, 2 May 2023 9:56 AM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>; Rynehart, Josh <Josh.Rynehart@act.gov.au>
Cc: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; McKinnon, Margaret <Margaret.McKinnon@act.gov.au>
Subject: DDG Clearance: (Due COB Wednesday 3/5) - QTBs for May Sitting

OFFICIAL

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Sch 1 1.2

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Thanks,
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David Pryce | Deputy Director-General
Head of Access Canberra and Registrar-General
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To: Pryce, David <David.Pryce@act.gov.au>
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Hi David
QTBs ready for your clearance. These have previously been cleared by Marg.

Outside Scope

- Pink Frosting QTB

Please note the Outside Scope QTB is a new request from the Minister. We are just sending you Pink Frosting and Outside Scope for your information, noting your statutory office positions relevant to these QTBs.
Let us know if these are good to go. QTBs are due back to the MO by **COB Wednesday, 3 May 2023**.
Kind regards

Tanya Buckley | Government Business Coordination Officer
Government Business and Coordination | Strategy & Planning
Phone: (02) 6205 0972| Email:
tanya.buckley@act.gov.au|accesscanberragbc@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

Portfolio/s: Chief Minister

Consumer Affairs

ISSUE: Pink Frosting

Chief Minister Talking Points

If asked about conflict of interest

Minister for Consumer Affairs Talking Points

General Talking points

If asked about legal proceedings by 86 Candles Pty Limited (ACN 607 264 586)

If asked about administrative decisions made by the Commissioner for Fair Trading

Talking points:

Chief Minister

If asked about conflict of interest

- I am advised that a potential conflict of interest was declared by the Commissioner for Fair Trading in November 2021, and a management strategy was implemented by Access Canberra in response.
- I understand that the Attorney-General sought advice from the Head of Service about this matter.
- Conflicts of interests are managed in accordance with the CMTEDD Conflict of Interest policy.

Minister for Consumer Affairs

- The business name "*Pink Frosting*" was deregistered in August 2020.
- As a result of this, Access Canberra closed its investigation of consumer complaints made about Pink Frosting under Australian Consumer Law.
- Following a request from my office, the Head of Service provided me with advice on 6 February 2023 about the actions of Access Canberra in managing this matter. In particular, the Head of Service advised that the actions of Access Canberra have been appropriate.

- An Acting Commissioner appointment remains in place to manage any conflict of interest situations.

If asked about legal proceedings by 86 Candles Pty Limited (ACN 607 264 586)

- I am restricted in what I can say for a range of legal and privacy reasons.
- What I can say is that:
  - there was a matter filed in the ACT Civil and Administrative Tribunal (ACAT) by 86 Candles Pty Limited in November 2021, however, ACAT dismissed those proceedings on 3 December 2021; and
  - another matter was filed in the ACT Supreme, in which 86 Candles Pty Limited was granted preliminary discovery from the Territory in relation to matters raised by Ms Curtis. It is not known whether and if so what proceedings may subsequently be commenced by Ms Curtis or 86 Candles Pty Limited or the claims or relief that might be sought in any such proceedings, and therefore it would be inappropriate to make any further comment at this time.

If asked about administrative decisions made by the Commissioner for Fair Trading

- Decisions made by the Commissioner, or their delegates, are made under the provisions of the relevant law.
- If an applicant is not satisfied with an administrative decision, they can seek review in the ACAT, or through other review mechanisms such as the Ombudsman.

Key Information

- Pink Frosting was an ACT-based retailer selling party supplies through an online store and a shopfront in Canberra.
- The investigation commenced following consumer complaints being lodged with Australian Consumer Law regulators throughout Australia.
- Complaints largely involved allegations of failing to supply goods within a reasonable time.
- Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2023 (No 1) | Notifiable instruments

Shane Rattenbury MLA
Attorney-General
Minister for Consumer Affairs
Minister for Water, Energy and Emissions Reduction
Minister for Gaming

Member for Kurrajong

Louise Curtis

louiselollypotz@gmail.com

13 October 2022

Dear ~~Ms Curtis~~ Louise

Thank you for your email of 9 October 2022 expressing your concerns about the Commissioner for Fair Trading.

Ms Derise Cubin is appointed as the Commissioner for Fair Trading pursuant to *Fair Trading (Australian Consumer Law) Commissioner Appointment 2021 (No 1)*, Notifiable Instrument NI2021-31.

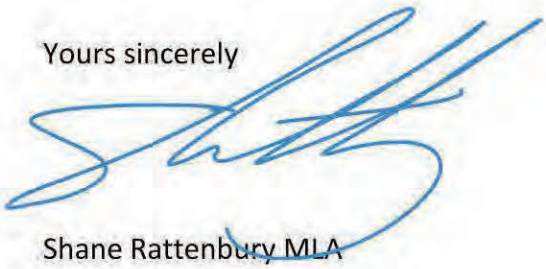
I am advised by the Head of Access Canberra that a Conflict of Interest declaration has been made and a formalised process was established to prevent any conflicts arising in this matter. As part of this process, an alternate decision maker was established whereby the Head of Access Canberra is acting as the Acting Commissioner for Fair Trading for this matter.

I can also advise that the ACT Insurance Authority (**ACTIA**), a statutory authority established under the *Insurance Authority Act 2005*, is providing instructions, as the Territory's insurer, in relation to the claims for compensation made by you and 86 Candles Pty Limited arising from the investigation of the Prink Frosting business under the *Fair Trading (Australian Consumer Law) Act 1992*. ACTIA has been providing instructions in relation to any such claims and matters arising from such claims since 10 May 2021.

Noting there is an established communication pathway between your legal representative and ACT Government Solicitor, I would recommend that any further correspondence about this particular matter should be directed to ACT Government Solicitor in the first instance.

I trust this helps allay your concerns.

Yours sincerely



Shane Rattenbury MLA

From: "RATTENBURY" <RATTENBURY@act.gov.au>
Sent: 25/01/2023 11:52 AM
To: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>; "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>
Subject: FW: Conflict of Interest Cubin/Snowden

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Tuesday, 24 January 2023 8:34 PM
To: RATTENBURY <RATTENBURY@act.gov.au>; Darren Carden <darren@eastwoodslegal.com.au>
Subject: Conflict of Interest Cubin/Snowden

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Dear Shane,

I'm beyond disappointed that I have to write to you about this matter. You told me to have my lawyers deal with it, so I did - and you have continued to ignore Darren Carden too. You told me to deal with the Directorate - I did, and they have ignored me as well.

I understand from Peter Cain you were very upset about being caught off guard during the Hearing - it wasn't my idea, but I thought at least it would be effective. What has followed since that date has been nothing other than disappointing.

I thought before all of this that you were a man of integrity - the Shane that I once knew was. You have been such a disappointment. I understand you have to protect your political hide, but at what cost? Why are you protecting these people? You know that I'm not one of the 'crazies', you know I am a decent hard working person who has been wronged, yet you will not step in and you will not address these issues.

I hate having to go public and put those posts on Facebook weekly, but what choice do I have? Why should I be spending money on legal fees for my lawyer to be ignored, by a politician who is on the public purse.

I deserve more Shane (and so does the general public) - and if you just deal with this matter, IT WILL GO AWAY..... but if you don't I have no choice but to repeat my question in/on whatever medium I can, so that I receive an answer.

Just deal with this and we can all move on. We are not giving up. I demand a response.

Louise

Louise Curtis

louiselollypotz@gmail.com

0475 605 862

From: "RATTENBURY" <RATTENBURY@act.gov.au>
Sent: 30/01/2023 9:12 AM
To: "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>; "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: FW: Conflict of Interest Cubin/Snowden

From: Darren Carden <darren@eastwoodslegal.com.au>
Sent: Monday, 30 January 2023 8:47 AM
To: RATTENBURY <RATTENBURY@act.gov.au>
Cc: BARR Reception <BARR@act.gov.au>; CAIN <CAIN@parliament.act.gov.au>
Subject: RE: Conflict of Interest Cubin/Snowden

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Dear Mr Rattenbury,

Thank you for finally providing a response after the many correspondences that you have received.

It is evident from the response from our client below that these matters have been very stressful for our client, and she expected that you would have taken them more seriously than you did at the times they were raised with you.

The answer to the question of whether Ms Derise Cubin is or was in a relationship with Mr David Snowden is very simple to answer, and with the utmost respect, you know what the answer is, and you need to provide that answer without further delay.

Ms Derise Cubin needs to be removed as the Commissioner for Fair Trading with immediate effect – it is on no consequence if there is no foreseeable replacement, the role for her is untenable and you need to take steps to remover her from that position today.

So we are very clear about the serious concerns in respect to this conflict, Mr David Snowden accepted full responsibility in relation to the investigation into the Pink Frosting business operated by our client. That investigation was fundamentally flawed and caused the destruction of that business. As has been repeatedly submitted, the ACT Government caused significant financial losses to shareholders and irreparable damage to our client and her reputation.

At the heart of the Pink Frosting investigation were consumer complaints. The ACT Government and its solicitors have repeatedly relied on the existence of '53 complaints' in media publications and advice to you. Our client submits they don't exist and has been forced to file proceedings in the Supreme Court for production of the 53 complaints.

Repeated requests from our office for production of consumer complaints was met with many rejections by the ACT Government Solicitors Office. None of the ACT Government Solicitors Office's rejections for production were lawful. In this regard we now understand that the have said on the record, 'there was no basis for the complainant to believe they existed' – this is alarming, if the 53 complaints do not exist, but the ACT Government Solicitors Office has continued to rely on this proposition, then we can rightfully say that the ACT Government Solicitors Office has been dishonest in their dealings with our office and client.

In her position as Commissioner for Fair Trading, Me Derise Cubin has been providing instructions to the ACT Government Solicitors Office in relation to her husband or partner, Mr David Snowden's conduct, this is simply unacceptable and her position is untenable, you do not need advice in respect to this issue, you need to dismiss her from the role.

As outlined below, a formal response to our recent correspondence is required by no later than Friday 3 February 2023, as foreshadowed by our client, you should expect intense media attention if the responses are not satisfactory to her.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au

Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603

Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT



Please consider the environment before printing this e-mail correspondence.

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Friday, 27 January 2023 4:11 PM
To: RATTENBURY <RATTENBURY@act.gov.au>; Darren Carden <darren@eastwoodslegal.com.au>; barr@act.gov.au; CAIN <CAIN@parliament.act.gov.au>
Subject: Re: Conflict of Interest Cubin/Snowden

Dear Shane

I appreciate your luke-warm response, however, it is now over 3 months and it is a simple question that nobody wants to answer, because, frankly, the truth will hurt many and it needs to be answered immediately.

Are they/were they married/what is their relationship and what was she doing at that mediation meeting? It is you who stated in your correspondence of 13 October 2022 that Ms Cubin has signed a declaration so 'don't worry'. Why on earth would she have signed a declaration it if there wasn't a conflict? How stupid do you think I am/my lawyers and the general public are? I'm sorry, we are not that stupid. Sch 2.2(a)(ii)

You are abundantly aware and know damn well what the answer is and you're trying to buy time you don't have.

It is not worthy of an involved investigation at the rate payers expense.

I note that the meeting was convened by Ms Sarah Arthur of the ACT Government Solicitor's Office. You have been provided evidence of this.

It is of great importance to me (and others) and I categorically reject your statement that you haven't lied to the Assembly Committee.

When I wrote to you about the Cubin/Snowden conflict issue, you said 'take it up with the Directorate' – at no material time did you ever say, 'Louise, I am taking this seriously', until such time as Mr Carden wrote to you, you fobbed me off to Access Canberra and I stand by my statement, you lied to the Assembly Committee.

I refer to Mr Carden's correspondence of 25 January 2023 - as he advised you, you have until next Friday 3 February 2023 to respond appropriately, to not only me, but also to Mr Carden.

With respect,the ACT Government Solicitor's Office is at the heart of the conflict issue, and I would suggest to you that you need to seek independent legal advice beyond their office (as should Ms Cubin).

The way in which the ACT Government Solicitor's Office is handling this is inexcusable. If you are in fact obtaining advice from the ACT Government Solicitor's Office, then I put it to you that a lay person could assume that you and your office are actively involved in this cover up.

I also draw your attention to a personal conversation I had with you at the Yarralumla Yacht Club in February 2020. You told me explicitly to deal with 'Mr Rohan Connor' about the purported investigations. You surely know by now that Mr Rohan Connor is at the heart of the problem for the ACT Government. You told me to speak to him and he will sort it out. And what did I say to you? - I said '*are you joking - he is the problem*'. Here we are now, three years later, I have filed in the Supreme Court, and I will prove that Mr Rohan Connor is at the heart of the problem. Shane, the person who will be taking the wrap for this is you, not Rohan and not Derise and not David, it will be you. It's my recommendation as a sensible, professional, experienced business person with considerable knowledge and evidence in this matter, that you take what I am telling you seriously. If only you listened to what I had to tell you three years ago, we wouldn't be here. I warned you and asked for your help, and you failed me by supporting corrupt behaviour within your Government. You should think very carefully about making the same mistake again.

If we do not receive an appropriate formal response in regard to this conflict by next Friday - I reserve my rights to forward this entire file to whomever I see fit. I have been fair. I have tried for four long years to resolve this with you and your Government - but enough is enough and I will not tolerate you brushing me off any further, including 'waiting for your external advice' to answer a simple question about Ms Derise Cubin, noting that she should no longer have a job as the Commissioner.

As a sign of good faith, I will hold off any further social media comments until next Friday, however, both Mr Carden and I demand a proper and formal response with a resolution by next Friday, 3 February 2023.

Kind regards,

Louise Curtis

louiselollypotz@gmail.com

0475 605 862

On Fri, Jan 27, 2023 at 3:03 PM RATTENBURY <RATTENBURY@act.gov.au> wrote:

Dear Louise,

As Mr Carden has been informed, the matters you and he have raised are being taken seriously and are being looked at. Based on the information you have provided to me, I have asked for independent advice (external to Access Canberra) regarding the conflict of interest you allege. This is to ensure the Directorate has fulfilled its responsibilities appropriately and I will consider that advice as soon as I receive it. I also undertake to provide you with a more detailed response once I have received that advice.

I have had your Facebook comments drawn to my attention. I categorically reject your assertion that I lied to the Assembly Committee. Prior to the Assembly hearing, you had written to me raising the issue regarding your concerns about the Snowden/Cubin conflict of interest. I provided you with a response based on the information I had. You then provided further information and allegations. Based on that additional information, I then decided to seek further advice. That was the basis for the comment I made in the Assembly hearing. That is the advice I am currently awaiting.

I appreciate this matter is of great importance to you, but I am sure you can appreciate that in seeking independent advice, I now need to wait to receive it. I am not seeking to ignore you, just trying to work through these questions in a way that is fair to all involved.

Shane

Shane Rattenbury MLA

Attorney General; Minister for Energy, Water and Emissions Reduction; Minister for Cosumer Affairs; Minister for Gaming
ACT Greens Member for Kurrajong
t: 620 50005 | f: 620 50007 | rattenbury@act.gov.au |

Follow me on Facebook and Twitter

I acknowledge the Traditional Custodians of the Australian Capital Territory and across Australia, and pay respects to their Elders, past, present and future.

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Tuesday, 24 January 2023 8:34 PM
To: RATTENBURY <RATTENBURY@act.gov.au>; Darren Carden <darren@eastwoodslegal.com.au>
Subject: Conflict of Interest Cubin/Snowden

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Dear Shane,

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Just deal with this and we can all move on. We are not giving up. I demand a response.

Louise

Louise Curtis

louiselollypotz@gmail.com

0475 605 862

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From: "RATTENBURY" <RATTENBURY@act.gov.au>
Sent: 15/02/2023 10:53 AM
To: "ACDLO" <ACDLO@act.gov.au>
Cc: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: FW: Correspondence from Shane Rattenbury MLA
Attachments: Response - Rattenbury to Ms Curtis.pdf, HoS response to Minister Rattenbury - Request for advice - Access Canberra matter.pdf, FW: Correspondence from Shane Rattenbury MLA

Hi Team,

Please see the response sent to Ms Curtis, and attached her reply to this email.

Thanks,
Amy

From: RATTENBURY
Sent: Friday, 10 February 2023 4:02 PM
To: louiselollypotz@gmail.com
Subject: Correspondence from Shane Rattenbury MLA

Good afternoon,

Please find attached correspondence from Shane Rattenbury, MLA.

Kind regards,

Office of Shane Rattenbury MLA
ACT Greens Member for Kurrajong
Attorney-General; Minister for Consumer Affairs; Minister for Gaming;
Minister for Water, Energy and Emissions Reduction
t: (02) 620 50005 | e: Rattenbury@act.gov.au
Follow Shane on Facebook and Twitter

We acknowledge the Traditional Custodians of the Australian Capital Territory and across Australia, and pay respects to their Elders, past, present and future.

ACT Government

Shane Rattenbury MLA
Attorney-General
Minister for Consumer Affairs
Minister for Water, Energy and Emissions Reduction
Minister for Gaming

Member for Kurrajong

Ms Louise Curtis

louiselollypotz@gmail.com

Dear ~~Ms Curtis~~, Louise

I refer to your allegations of a conflict of interest in Access Canberra concerning the Fair Trading Commissioner.

In my last correspondence with you, I said I had referred the matter for review external to Access Canberra. This was conducted by the Head of Service, Kathy Leigh. The Head of Service is satisfied that the matter was handled appropriately by Access Canberra. I have attached her letter about the matter for your reference.

The function of the Commissioner for Fair Trading is a statutory position established under the *Fair Trading (Australian Consumer Law) 1992*. Decisions made by the holder of that position are made as the statutory officer, not as an individual. On 18 January 2021, Ms Derise Cubin was appointed as the ACT Commissioner for Fair Trading pursuant to *Fair Trading (Australian Consumer Law) Commissioner Appointment 2021 (No 1), Notifiable Instrument NI2021-31*.

On 4 February 2021, the *Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2021 (No 1) Notifiable Instrument NI2021-60* was signed and appointed the occupant of the public servant position number E827 to act as the Commissioner in the event that Ms Cubin is absent, unavailable or is otherwise for any reason unable to exercise the functions of the Commissioner.

On 22 November 2021 the Territory received notice that 86 Candles Pty Limited had filed proceedings in the ACAT against the Commissioner for Fair Trading and others as private individuals. As a direct result of the applicant joining other individuals to the matter Ms Cubin completed a

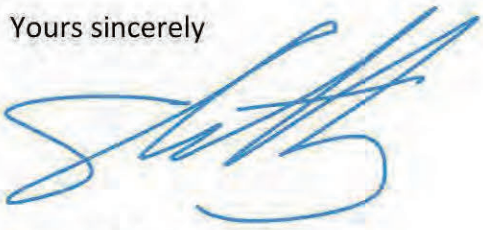
conflict of interest disclosure under the CMTEDD conflict of interest policy on 24 November 2021 and a process was established to prevent any conflicts arising in the matter.

As part of this process an alternative decision maker was established whereby the Head of Access Canberra acts as the Acting Commissioner for Fair Trading for dealing with the parties listed below. The scope of that protocol includes dealings with:

a. Ms Louise Curtis;
b. ACT Civil and Administrative Tribunal: Proceeding reference XD1027 of 2021;
c. Pink Frosting/ Pink Frosting (ACT) Pty Ltd - ABN 92 164 538 783 - ACN 164 538 783;
d. 86 Candles Pty Limited – ACN 607 264 586;
e. Trustee for 86 Candles Unit Trust; and
f. Lollypotz.

On this basis, and following my own consideration, I am satisfied the matter has been handled appropriately.

Yours sincerely



Shane Rattenbury MLA
Minister for Consumer Affairs
9/2/23

ACT Government
Chief Minister, Treasury and Economic Development

Our ref: CMTEDD2023/487

Minister Shane Rattenbury MLA
Minister for Consumer Affairs
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Via email: rattenbury@act.gov.au

Dear Minister

Request for advice – Access Canberra matter

You have asked for my advice on a matter at Access Canberra involving the Commissioner for Fair Trading.

I have looked into this matter and am satisfied that the actions of Access Canberra have been appropriate. In particular, the Commissioner's attendance at the meeting on 6 July 2021 was appropriate. I am also satisfied that Access Canberra has appropriately managed any subsequent potential for conflict of interest in this matter.

On this basis, I believe there is no action that you need to take, as the Minister responsible for relevant areas of Access Canberra, in relation to this matter.

Should you receive any further questions on this matter, it would be appropriate for you to refer them to me.

Yours sincerely

Kathy Leigh
Head of Service
6 February 2023

From: "RATTENBURY"
Sent: 13/02/2023 9:24 AM
To: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: FW: Correspondence from Shane Rattenbury MLA

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Monday, 13 February 2023 8:40 AM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Re: Correspondence from Shane Rattenbury MLA

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Hi Shane,

Thanks for your absolutely pathetic response on Friday - I see you have now resorted to a whole new level of deceit - I'm just wondering who has nude photos of who within the ACT Government, that forces people to continue to put their name to paper, in this massive cover up!

Darren Carden will respond in detail to the legal issues raised in your correspondence relating ot the conflict, It's important he does this, to ensure as we provide the details to the media, there is no ambiguity as to the conduct we are dealing with.

For me, it's a great week - finally, my matter gets underway in the Supreme Court. I'm filled with warm and fuzzies for what lay ahead.

Cheers Shane,

Louise

Louise Curtis

louise.curtis@lollypotz.com.au

louiselollypotz@gmail.com

0475 605 862

On Fri, Feb 10, 2023 at 4:02 PM RATTENBURY <RATTENBURY@act.gov.au> wrote:

> Good afternoon,
>
> Please find attached correspondence from Shane Rattenbury, MLA.
>
> Kind regards,
>
> **Office of Shane Rattenbury MLA**
> ACT Greens Member for Kurrajong
> Attorney-General; Minister for Consumer Affairs; Minister for Gaming;

Minister for Water, Energy and Emissions Reduction
t: (02) 620 50005 | e: Rattenbury@act.gov.au
Follow Shane on Facebook and Twitter

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From: "RATTENBURY" <RATTENBURY@act.gov.au>
Sent: 09/05/2023 5:12 PM
To: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: FW: Integrity Commission R22-0124

FYI

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Tuesday, 9 May 2023 5:12 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Integrity Commission R22-0124

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Hi Shane,

As we enter the final stage of proceedings, with my final claim due to be filed in the Supreme Court, It was pleasing to receive confirmation from the Integrity Commission last week that it's panel believes there is sufficient concerning evidence to launch a formal investigation into the conduct of ACT Government staff in my matter. My lawyers and I have been working with them in the pre-investigation stages for the past six months. Timing has been good, I've been able to share the (non)production of the 53 complaints. You would of course appreciate that the investigation will now extend to the more recent matters surrounding the conflict of interest.

I look forward to seeing all the relevant facts finally seeing the light of day, and justice taking its natural course.

Kind regards,

Louise Curtis

louiselollypotz@gmail.com

0475 605 862

From: "RATTENBURY" <RATTENBURY@act.gov.au>
Sent: 14/03/2023 10:25 AM
To: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>; "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>
Subject: FW: Louise Curtis - ACT Government - Commissioner for Fair Trading
Attachments: Letter to S Rattenbury MLA dated 10 March 2023.pdf, Derise Cubin - Conflict of Interest Disclosure - dated 24 November 2021.pdf, Transcript of Meeting - Snowden Connor 25 November 2020.pdf

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From: Darren Carden <darren@eastwoodslegal.com.au>
Sent: Friday, 10 March 2023 5:11 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Cc: BARR Reception <BARR@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>; CAIN <CAIN@parliament.act.gov.au>
Subject: Louise Curtis - ACT Government - Commissioner for Fair Trading

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Dear Mr Rattenbury,

Please see our correspondence of even date **attached** for your attention.

Kindest regards,

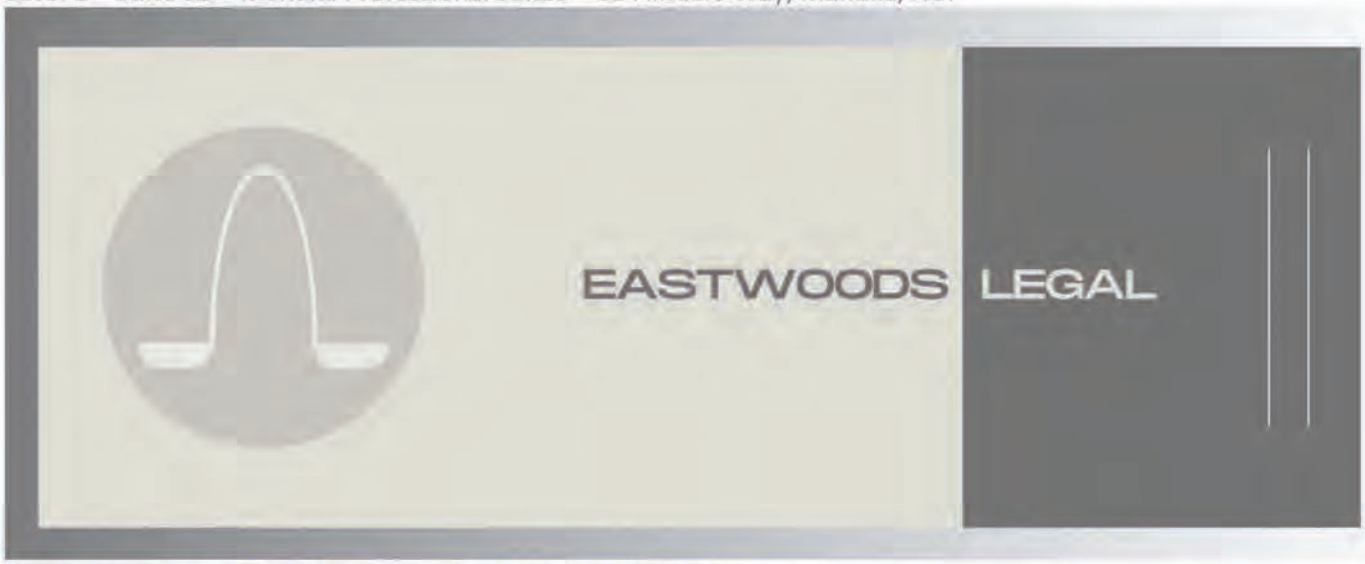
Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

LIKE US ON facebook

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au

Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603

Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT



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eastwoodslegal
Incorporating Manuka Legal Services

Your Ref:
Our Ref: DC:202384
Contact: Darren Carden
Direct Phone: 02 6100 6553
Direct Email: darren@eastwoodslegal.com.au

10 March 2023

Shane Rattenbury MLA

Dear Mr Rattenbury,

86 Candles Unit Trust -v- ACT Government - Commsioner of Fair Trading

We refer to our previous correspondences in this matter and your response to our client dated 13 February 2023.

Provided with the response to our client was a letter from Ms Kathy Leigh, Head of Access Canberra, purporting to summarise an investigation that she undertook into the conflict issue raised by our client and our office in respect to Derise Cubin and David Snowden.

That letter lacked any detail whatsoever of the processes used in the investigation, failed to reference relevant Access Canberra conflict policies, was otherwise a pathetic response, and gives rise to further criticism of your handling of this matter.

When we commenced correspondence with your office in relation to the Derise Cubin/David Snowden conflict, we submitted that as the Attorney General, it was imperative that you acted with honesty and integrity in your dealings with our office. It is evident that you have not acted in that way, we therefore submit that you are not a fit and proper person to hold the office of Attorney General, and for the reasons set out below, you should resign.

We remind you that on 7 November 2022 we sent you correspondence setting out serious allegations in relation to the conduct of Derise Cubin.

Prior to receiving our correspondence, in communications with our client, you advised our client to speak with the 'directorate'. You fobbed our client off to the people that she was complaining about. However, in the Assembly, when questioned by Peter Cain MLA, you responded by saying:

> *'I considered this to be a very serious allegation and I am carefully working my way through that.'*

In our letter dated 9 November 2022, we gave you the opportunity to respond directly with our office in respect to your comments, you did not provide a response.

We submit you misled the Assembly with respect to your responses to our client in relation to the Derise Cubin conflict, at no material time where your responses in the Assembly honest and you therefore lack integrity.

The Conflict and the Conflict Declaration

In respect to the conflict issue, and for the avoidance of any doubt about the conflict between Derise Cubin and David Snowden, we remind you of the following.



Out of scope

Notwithstanding that no civil claim had been filed by our client against the Territory at that time, Derise Cubin had a direct conflict in respect to matters discussed at that meeting and she should have never attended. Contrary to the advice of Kathy Leigh who 'look[ed] into the matter', Derise Cubin had a direct and serious conflict attending the 6 July 2021 meeting.

Derise Cubin lodged a Conflict of Interest Disclosure on 24 November 2021, a copy of that declaration is **enclosed**. We observe the following:

1. The conflict declaration was lodged months after her attendance at the July meeting in Blackburn Chambers;

2. Derise Cubin marked that conflict declaration as 'perceived' and a 'low' risk - then marked the management strategy with the requirement to 'register' the conflict on those terms and 'restrict' her involvement.

3. David Pryce, long serving public servant, and we assume long standing colleague of both David Snowden and Derise Cubin marked that conflict as 'potential' and 'medium risk' with the requirement to 'remove' her involvement.

Derise Cubin's self-assessment of the conflict is incredibly concerning. She has deliberately set out that she had a potential conflict only, for this reason alone the management strategy should have been marked as 'resign' by David Pryce.

With respect to David Pryce's assessment of the conflict, it is evident that his assessment was wrong, a husband and wife, or defacto partners, are not 'medium risk', they should be characterised as the highest risk. Any outcome of the claim against the Territory in this instance related directly to the poor conduct of one partner (David Snowden), with the claim being managed by the other partner (Derise Cubin). In this regard Derise Cubin was providing instructions to the ACT Government Solicitors Office about David Snowden's conduct, that is a conflict of the highest possible degree and should have been marked high.

With respect to Ms Kathy Leigh's letter, no reasonable person would conclude that Derise Cubin has engaged in conduct that is acceptable or compliant with Access Canberra's own conflict policies. Furthermore, Kathy Leigh lacks the independence required to make an objective assessment of the facts in relation to the conflict issue and the relevant policies of conflict adopted by Access Canberra.

If we adopt Kathy Leigh's logic, no staff member of Access Canberra has a conflict unless legal proceedings are on foot, that is simply an absurd position to adopt.

Accordingly, Derise Cubin remains a danger to the general public of the Australian Capital Territory, in particularly, by virtue of her position, she poses a serious danger to business owners in the Australian Capital Territory.

By virtue of her failure to disclose a conflict prior to 24 November 2021, and for the express submissions in her Conflict of Interest Disclosure, we again submit that Derise Cubin must be forced to resign from her position, it is not acceptable that she remains the Commissioner for Fair Trading.

Your Response & Conduct

It is evident that you have completely failed to deal with the Derise Cubin conflict issue with the seriousness that it deserves and importantly, is required by an Attorney General acting honestly and with integrity.

We submit that a proper Attorney General would have demanded the immediate resignation of Derise Cubin when the conflict issue was confirmed, on the contrary, you have sought the advice of Kathy Leigh, who quite frankly does not understand the policies of Access Canberra and otherwise lacked the independence to be dealing with the matter objectively.

It has not gone unnoticed by this office that you have failed to answer the questions we have submitted to you on this issue, however, a lay person can imply from your letter dated 13 February 2023 to our client that Derise Cubin and David Snowden are, or were, in a relationship that gave rise to a serious conflict.

In respect to your conduct:

1. You fobbed our client off to the directorate in relation to the conflict issue, these are the same people that our client was complaining about;

2. You misled the Assembly in relation to your concerns about the conflict and your dealings with our client;

3. You have failed to address any correspondences from office since 7 November 2022;

4. You have provided correspondence from Kathy Leigh in respect to a purported investigation into the Derise Cubin conflict issue, that correspondence lacks any details whatsoever, and is otherwise pathetic and not an appropriate response given the serious nature of the conflict;

5. It is evident, that as Attorney General you do not properly understand the seriousness of the conflict that existed in respect to Derise Cubin, or you do not genuinely care about proper governance in respect to Access Canberra and its staff;

6. You lack the integrity required of a person in the position of Attorney General.

For the reasons set about above, we submit that you should resign from your position as the Attorney General.

Prior to your resignation, we kindly request that you provide urgent responses to our correspondence, and without any further delays.

Yours faithfully
Eastwoods Legal

Sch 2.2(a)(ii)

Encl: as above

Conflict of Interest Disclosure

Instructions

1. Read the *Conflicts of Interest Policy and Guidelines*
2. Once completed by the staff member and their manager, the form should be kept as a record within the business unit

Employee Details	
Name: Derise Cubin	Date: 24 November 2021
Position: EBM/ Commissioner for Fair Trading	Supervisor name: David Pryce
Branch: Licensing & Registrations	Sub Unit:

Conflict of Interest / Circumstances

1. I refer to the recently filed ACAT matter XD/1027/2021 86 Candles Pty Ltd V Commissioner for Fair Trading & Ors.
2. I am the current appointed ACT Commissioner for Fair Trading. Sch 2.2(a)(ii) [redacted]

Duties affected by the Conflict / Circumstances

1. Sch 2.2(a)(ii) [redacted]
2. I hold no bias for or against Ms Curtis / 86 Candles Pty Ltd and will continue to fulfill my statutory role in line with my obligations and responsibilities under relevant legislation PSMA and comply with any other legislative requirements. All information will be managed with sensitivity.

The conflict of interest has been identified as (please tick the appropriate box)

Actual ☐	Perceived ☒	Potential ☒
Pecuniary/financial ☐	Non-pecuniary x	

The risk of the conflict of interest has been identified as (please tick the appropriate box)

High ☐	Medium ☒	Low ☒

Management Strategy (please tick the appropriate box)

Register ☒	Restrict X	Recruit ☐
Remove ☒	Relinquish ☐	Resign ☐

Details of restrictions and strategies implemented

1. Sch 2.2(a)(ii) [redacted]
2. Sch 2.2(a)(ii) [redacted] Engagement will occur via the EBM Fair Trading and Regulatory Strategy / ACT Government Solicitor.

Employee Acknowledgement		
I, **Derise Cubin ,** hereby declare that the above details are correct to the best of my knowledge and I make the conflict of interest declaration in good faith.	**Signature:** Sch 2.2(a)(ii)	**Date:** 24/11/2021
Manager Acknowledgement		
I, **David Pryce** hereby declare that the above details are correct to the best of my knowledge and acknowledge my role in overseeing the management strategy of the conflict of interest as declared.	**Signature:** [redacted]	**Date:** 26/11/2021

From: "RATTENBURY" <RATTENBURY@act.gov.au>
Sent: 28/03/2023 3:39 PM
To: "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>; "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: FW: Louise Curtis - ACT Government - Commissioner for Fair Trading
Attachments: RE: Matter number R22-0124 - Request for Further Information/Clarification

---

From: Darren Carden <darren@eastwoodslegal.com.au>
Sent: Tuesday, 28 March 2023 3:35 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Cc: BARR Reception <BARR@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>; CAIN <CAIN@parliament.act.gov.au>
Subject: RE: Louise Curtis - ACT Government - Commissioner for Fair Trading

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. Learn why this is important

Dear Mr Rattenbury,

We are yet to receive any response whatsoever to our correspondence dated 10 March 2023.

We note that the ACT Integrity Commission will now be commencing its investigation into the conflict matter, we note that we have suggested that investigation include the conduct of Ms Kathy Leigh.

Ms Kathy Leigh's correspondence was unacceptable, but, with respect, is consistent with your own conduct in relation to this matter.

For your reference, the ACT Integrity Commission's correspondence is **attached** to this email.

Kindest regards,

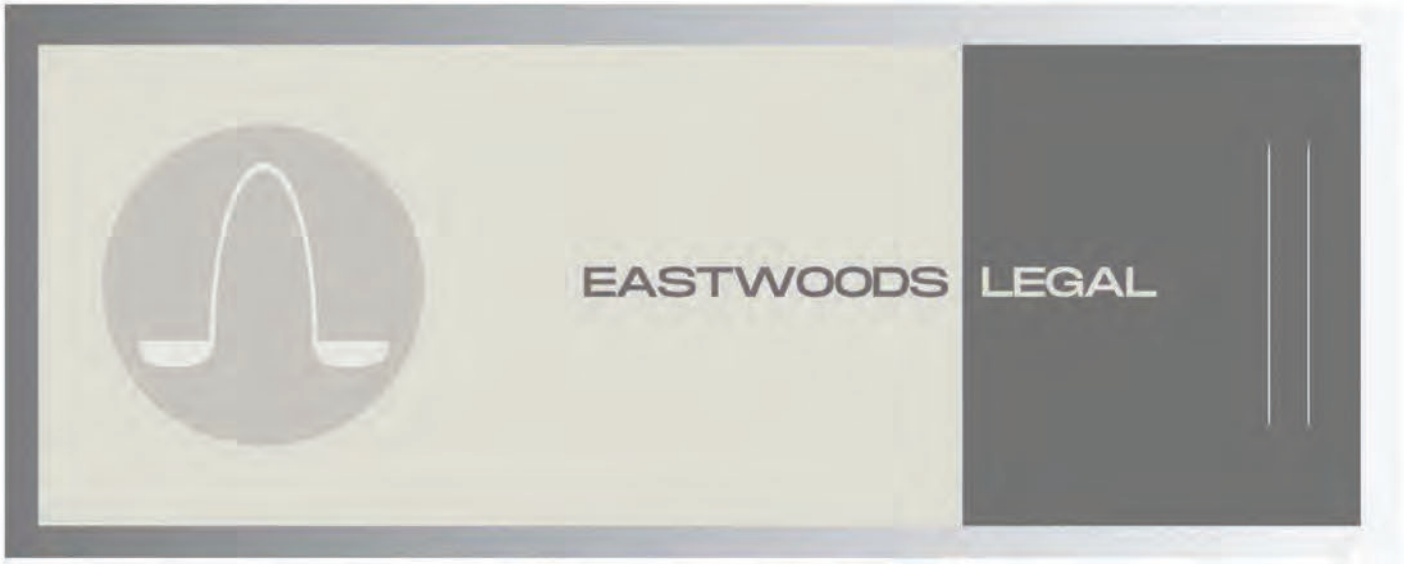
Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

LIKE US ON facebook

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au

Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603

Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT



Please consider the environment before printing this e-mail correspondence.

From: Darren Carden
Sent: Friday, March 10, 2023 5:11 PM
To: rattenbury@act.gov.au
Cc: barr@act.gov.au; 'david.pryce@act.gov.au' <david.pryce@act.gov.au>; CAIN <CAIN@parliament.act.gov.au>
Subject: Louise Curtis - ACT Government - Commissioner for Fair Trading

Dear Mr Rattenbury,

Please see our correspondence of even date **attached** for your attention.

Kindest regards,

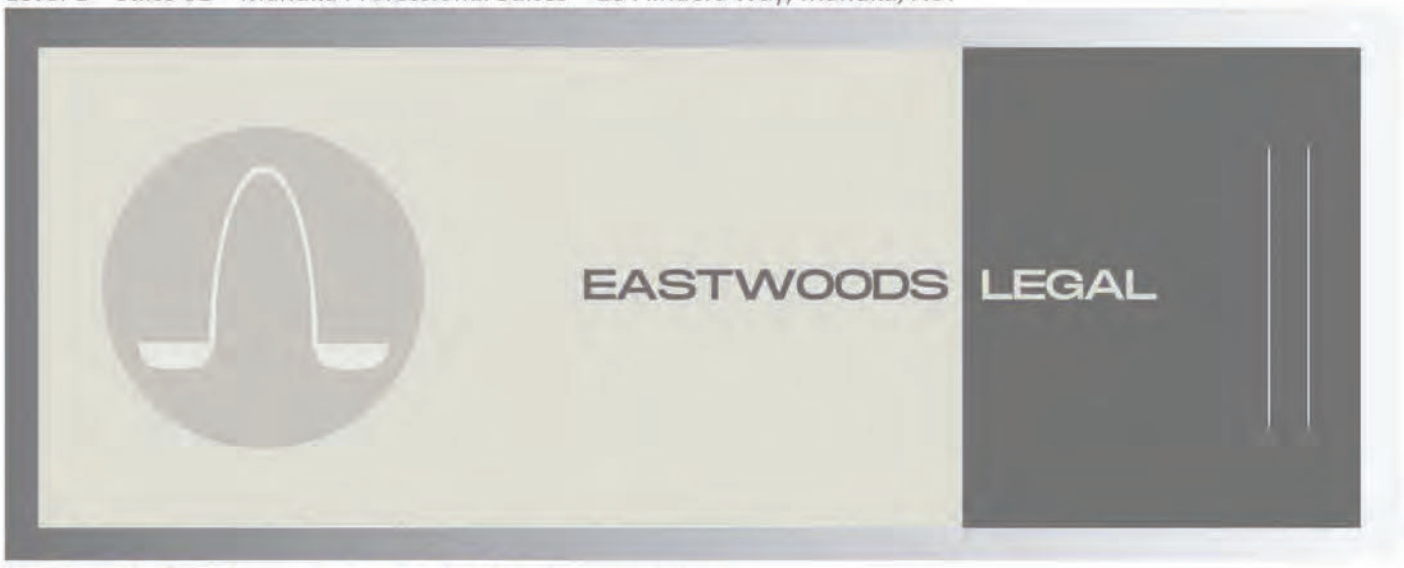
Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

LIKE US ON facebook

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au

Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603

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Any personal information in this email must be handled in accordance with the Privacy Act 1988 (Cth).

If you have received this email by mistake, please notify us as soon as possible and permanently delete the email. Any confidentiality or privilege is not waived or lost because this email has been sent to you by mistake.

We use virus checking software but we cannot warrant that this email is error or virus free.

Sch 1 1.1B

Sch 1 1.1B

Sch 1 1.1B

From: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Sent: 14/03/2023 11:06 AM
To: "Leigh, Kathy" <Kathy.Leigh@act.gov.au>; "Pryce, David" <David.Pryce@act.gov.au>; "Garrisson, Peter" <Peter.Garrisson@act.gov.au>
Subject: Fwd: Louise Curtis - ACT Government - Commissioner for Fair Trading
Attachments: image001.png, image002.png, Letter to S Rattenbury MLA dated 10 March 2023.pdf, Derise Cubin - Conflict of Interest Disclosure - dated 24 November 2021.pdf, Transcript of Meeting - Snowden Connor 25 November 2020.pdf

Dear all - this letter touches on various issues related to yourselves so am forwarding it to you FYI.

My initial assessment is that given the nature of the accusations/requests, we won't be responding from this office.

Matt

Begin forwarded message:

From: Darren Carden <darren@eastwoodslegal.com.au>

Sent: Friday, 10 March 2023 5:11 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Cc: BARR Reception <BARR@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>; CAIN <CAIN@parliament.act.gov.au>
Subject: Louise Curtis - ACT Government - Commissioner for Fair Trading

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Dear Mr Rattenbury,

Please see our correspondence of even date **attached** for your attention.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au
Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603
Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT

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EASTWOODS LEGAL

From: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Sent: 03/04/2023 10:56 AM
To: "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>
Subject: Fwd: Louise Curtis - ACT Government - Commissioner for Fair Trading
Attachments: image001.png, image002.png, mime-attachment.eml, Response - Rattenbury to Ms Curtis.pdf, HoS response to Minister Rattenbury - Request for advice - Access Canberra matter.pdf

Shane, here is a draft reply which, if you agree, I can put on letterhead for you.

Dear Mr Carden

I refer to your recent letters. I have previously responded to your claim that a conflict of interest was inappropriately managed in Access Canberra (reply attached). The matter has been considered internally by Access Canberra as well as externally by the ACT Government Head of Service, Kathy Leigh. I accept their advice to me that the matter was handled appropriately, and I do not consider that further action is necessary at this time. I do not agree with your characterisation of this situation, or your various assertions, including that Ms Leigh does not understand the policies of Access Canberra or lacks the independence to consider this matter; that the ACT Government Solicitor and myself need to be externally investigated by the ACT Law Society and the Chief Minister respectively; or that I have not taken the matter seriously, lack integrity, and should resign.

Please inform your client that I do not intend to respond to correspondence that repeats these claims and demands.

I note that you have asked the ACT Integrity Commission to consider investigating these issues.

Sincerely
Shane Rattenbury

Begin forwarded message:

> **From:** RATTENBURY <RATTENBURY@act.gov.au>
> **Date:** 28 March 2023 at 3:39:37 pm AEDT
> **To:** "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>, "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
> **Subject: FW: Louise Curtis - ACT Government - Commissioner for Fair Trading**
>
> ---
>
> **From:** Darren Carden <darren@eastwoodslegal.com.au>
> **Sent:** Tuesday, 28 March 2023 3:35 PM
> **To:** RATTENBURY <RATTENBURY@act.gov.au>
> **Cc:** BARR Reception <BARR@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>; CAIN <CAIN@parliament.act.gov.au>
> **Subject:** RE: Louise Curtis - ACT Government - Commissioner for Fair Trading
>
> **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. Learn why this is important
>
> Dear Mr Rattenbury,

We are yet to receive any response whatsoever to our correspondence dated 10 March 2023.

We note that the ACT Integrity Commission will now be commencing its investigation into the conflict matter, we note that we have suggested that investigation include the conduct of Ms Kathy Leigh.

Ms Kathy Leigh's correspondence was unacceptable, but, with respect, is consistent with your own conduct in relation to this matter.

For your reference, the ACT Integrity Commission's correspondence is **attached** to this email.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au

Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603

Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT

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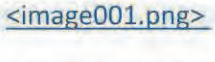
From: Darren Carden
Sent: Friday, March 10, 2023 5:11 PM
To: rattenbury@act.gov.au
Cc: barr@act.gov.au; 'david.pryce@act.gov.au' <david.pryce@act.gov.au>; CAIN <CAIN@parliament.act.gov.au>
Subject: Louise Curtis - ACT Government - Commissioner for Fair Trading

Dear Mr Rattenbury,

Please see our correspondence of even date **attached** for your attention.

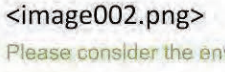
Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year



Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au

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We use virus checking software but we cannot warrant that this email is error or virus free.

Duplicate

Duplicate

From: "Georgeson, Matthew"
Sent: 25/01/2023 12:13 PM
To: "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>
Subject: RE: Conflict of Interest Cubin/Snowden

Hello Shane, here is a suggested response for you to consider sending (via rattenbury inbox). I wondered about adding a sentence saying that litigation proceedings against the government mean that communication will generally come through the GSO, and that repeated demanding emails from the lawyer aren't helpful. But didn't.

Louise,

As Mr Carden has been informed, the matters you and he have raised are being taken seriously and are being looked at appropriately. I have asked for advice external to Access Canberra regarding the conflict of interest you allege to ensure the directorate has fulfilled its responsibilities appropriately and will consider that advice when it is provided.

Shane

From: RATTENBURY <RATTENBURY@act.gov.au>
Sent: Wednesday, 25 January 2023 11:52 AM
To: Georgeson, Matthew <Matthew.Georgeson@act.gov.au>; Rattenbury, Shane <Shane.Rattenbury@act.gov.au>
Subject: FW: Conflict of Interest Cubin/Snowden

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Tuesday, 24 January 2023 8:34 PM
To: RATTENBURY <RATTENBURY@act.gov.au>; Darren Carden <darren@eastwoodslegal.com.au>
Subject: Conflict of Interest Cubin/Snowden

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Dear Shane,

I'm beyond disappointed that I have to write to you about this matter. You told me to have my lawyers deal with it, so I did - and you have continued to ignore Darren Carden too. You told me to deal with the Directorate - I did, and they have ignored me as well.

I understand from Peter Cain you were very upset about being caught off guard during the Hearing - it wasn't my idea, but I thought at least it would be effective. What has followed since that date has been nothing other than disappointing.

I thought before all of this that you were a man of integrity - the Shane that I once knew was. You have been such a disappointment. I understand you have to protect your political hide, but at what cost? Why are you protecting these people? You know that I'm not one of the 'crazies', you know I am a decent hard working person who has been wronged, yet you will not step in and you will not address these issues.

I hate having to go public and put those posts on Facebook weekly, but what choice do I have? Why should I be spending money on legal fees for my lawyer to be ignored, by a politician who is on the public purse.

I deserve more Shane (and so does the general public) - and if you just deal with this matter, IT WILL GO AWAY..... but if you don't I have no choice but to repeat my question in/on whatever medium I can, so that I receive an answer.

Just deal with this and we can all move on. We are not giving up. I demand a response.

Louise

Louise Curtis

louiselollypotz@gmail.com

0475 605 862

From: "RATTENBURY" <RATTENBURY@act.gov.au>
Sent: 09/05/2023 6:42 PM
To: "louiselollypotz@gmail.com" <louiselollypotz@gmail.com>
Cc: "RATTENBURY" <RATTENBURY@act.gov.au>
Subject: RE: Integrity Commission R22-0124

Hi Louise

Thanks for the update. We worked to set up the Integrity Commission so that there was a forum for allegations and concerns to be considered in an independent way, so it seems it is fulfilling the role that was intended.

Regards
Shane

Shane Rattenbury MLA

Attorney General; Minister for Energy, Water and Emissions Reduction; Minister for Cosumer Affairs; Minister for Gaming
ACT Greens Member for Kurrajong
t: 620 50005 | f: 620 50007 | rattenbury@act.gov.au |

Follow me on Facebook and Twitter

I acknowledge the Traditional Custodians of the Australian Capital Territory and across Australia, and pay respects to their Elders, past, present and future.

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Tuesday, 9 May 2023 5:12 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Integrity Commission R22-0124

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. Learn why this is important

Hi Shane,

As we enter the final stage of proceedings, with my final claim due to be filed in the Supreme Court, It was pleasing to receive confirmation from the Integrity Commission last week that it's panel believes there is sufficient concerning evidence to launch a formal investigation into the conduct of ACT Government staff in my matter. My lawyers and I have been working with them in the pre-investigation stages for the past six months. Timing has been good, I've been able to share the (non)production of the 53 complaints. You would of course appreciate that the investigation will now extend to the more recent matters surrounding the conflict of interest.

I look forward to seeing all the relevant facts finally seeing the light of day, and justice taking its natural course.

Kind regards,

Louise Curtis

louiselollypotz@gmail.com

0475 605 862

From: "Potter, Morgan" <Morgan.Potter@act.gov.au> on behalf of "ACDLO" <ACDLO@act.gov.au>
Sent: 11/11/2022 2:09 PM
To: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: Draft - Shane Rattenbury Response to Mr Carden ACTG comments
Attachments: ShaneRattenbury-reponse to Mr Carden ACTG comments.docx

OFFICIAL: Sensitive - Legal Privilege

Hi Matt,

Response for consideration.

Josh R is happy to discuss

Morgan Potter | **Directorate Liaison Officer | Access Canberra**
Phone: Sch 2.2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: "RATTENBURY" <RATTENBURY@act.gov.au>
Sent: 07/11/2022 8:16 AM
To: "ACDLO" <ACDLO@act.gov.au>; "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: FW: Derise Cubin - Conflict of Interest

For info.

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Saturday, 5 November 2022 9:22 AM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Derise Cubin - Conflict of Interest

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. Learn why this is important

Good morning Shane,

I refer to my email of 4 November, 2022.

This morning, I've been provided with evidence of a Public Interest Disclosure and transcript made in January 2020 - involving Snowden and Cubin being married, involving doctoring of documents, involving perjury by Access Canberra staff.

This document confirms that David Pryce, and the ACTGS were aware of the relationship between Snowden and Cubin at least in early 2020, yet nobody thought they would ever have to disclose it, because they never thought they would be caught.

As I said previously, the blessing of time has certainly been a gift.

Kind regards,

Louise Curtis

louise.curtis@lollypotz.com.au

louiselollypotz@gmail.com

0475 605 862

From: "Georgeson, Matthew"
Sent: 07/11/2022 9:59 AM
To: "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>
Subject: FW: Derise Cubin - Conflict of Interest
Attachments: Email Chain Access Canberra confirming no action 18 June (1).pdf

FYI Shane

From: RATTENBURY <RATTENBURY@act.gov.au>
Sent: Monday, 7 November 2022 8:18 AM
To: ACDLO <ACDLO@act.gov.au>; Georgeson, Matthew <Matthew.Georgeson@act.gov.au>
Subject: FW: Derise Cubin - Conflict of Interest

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Friday, 4 November 2022 6:16 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Derise Cubin - Conflict of Interest

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Dear Shane,

We have established the following over the past three weeks:-

1. Derise Cubin is in fact married to David Snowden (despite nobody in any senior positions wanting to admit it in writing, we have ACT Government staff who have confirmed same);
2. Derise Cubin declared her conflict on 26 November 2021 (per FOI received today). Noting that Ms Cubin ONLY declared her conflict after I had filed proceedings in the ACAT. Therefore Ms Cubin didn't see any point in declaring her interest until that time, because Ms Cubin didn't think she would get caught. She only made the declaration when there was a risk she would be exposed as the wife of the former Commissioner.
3. Since January 2021 to November 2022 Ms Cubin has provided instructions in relation to my matter - this is clearly noted by a litany of correspondence from the ACT Government who refer to Ms Cubin (The Commissioner) as she/her, noting the most recent correspondence is less than one month ago.

As a result, Ms Cubin was reported to the Integrity Commission five days ago - Ms Cubin has received a copy of the Commission's response confirming they have the details of the complaint and are investigating.

Sarah Arthur, of the ACT Government Solicitor's office will be reported to the ACT Law Society on Monday for encouraging such a blatant disregard for the conflict and bringing the legal profession into disrepute.

These are your staff, in your government, that you are responsible for. You and your team have had years to resolve this with me, and you have treated me with contempt. The entire operation is corrupt, and your staff within that operation are corrupt. The blessing of time has allowed me to establish exactly what is going on in your government - it's allowed me all the time in the world to establish our case. My favourite of course, is the attached, the email that was never sent confirming some three months after the first statement went to the press, the file was to be closed. How the hell did you get to six more statements to the press and you naming me as guilty of committing a crime? Keep your blinkers on Shane, because your blinkers are doing you no favours.

You're not going to like what is coming your way next week, but enough is enough, the gloves are off and none of you (Snowden, Connor, Cubin, Arthur) will be immune from what is coming your way.

Your government is a disgrace.

Regards,

Louise Curtis

louise.curtis@lollypotz.com.au

louiselollypotz@gmail.com

0475 605 862

From: "Potter, Morgan" <Morgan.Potter@act.gov.au> on behalf of "ACDLO" <ACDLO@act.gov.au>
Sent: 19/10/2022 5:05 PM
To: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: FW: Fair Trading Commissioner

OFFICIAL

Hi Matt,

Our suggestion is that it is most appropriate for the Minister to refer these questions to the Directorate for response.

Dear Ms Curtis

Your questions are related to the conduct of a legal claim and your concerns can be addressed in that context. It is more appropriate that these questions are responded to by the Directorate.

More than happy to discuss

Morgan Potter | **Directorate Liaison Officer | Access Canberra**
Phone: Sch 2.2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: Potter, Morgan <Morgan.Potter@act.gov.au> **On Behalf Of** ACDLO
Sent: Friday, 14 October 2022 10:46 AM
To: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Subject: FW: Fair Trading Commissioner

OFFICIAL

From: RATTENBURY <RATTENBURY@act.gov.au>
Sent: Friday, 14 October 2022 10:25 AM
To: ACDLO <ACDLO@act.gov.au>; Georgeson, Matthew <Matthew.Georgeson@act.gov.au>
Subject: FW: Fair Trading Commissioner

FYI – Update from Louise

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Friday, 14 October 2022 8:00 AM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Fair Trading Commissioner

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. Learn why this is important

Hi again Shane,

Apologies for being a thorn in everybody's side.

Attached is letter received just one week ago from the ACTGS referring to the Commissioner of Fair Trading as 'her'. I think it's fair to assume 'her' is Derise Cubin., who it would appear is providing the instructions.

So I take it, as of one week ago Ms Cubin hadn't disclosed her conflict in this matter as she was still providing instructions to the ACTGS?

Im happy to walk away from this conflict issue if somebody just comes clean on it, as it is far from clean at present. It has zero impact on my claim, and I am in no way involving your office in my claim, but it goes to the continuous misconduct of ACT Government employees and you are the Minister responsible.

I will await your response to this and my earlier emails, perhaps including a copy of the Declaration as to Conflict.

Warm regards

Louise

From: "Georgeson, Matthew"
Sent: 19/10/2022 5:28 PM
To: "ACDLO" <ACDLO@act.gov.au>; "RATTENBURY" <RATTENBURY@act.gov.au>
Subject: FW: Fair Trading Commissioner

Thanks Morgan, agreed. I believe Josh is sending through some further info for our clarification though regarding the July meeting referred to in earlier corro (I believe clarifying the protocol wasn't in place at this time as the legal claim hadn't been made).

Zahra/Amy, could you please respond to Ms Curtis with the italicised words below.

Matt

From: Potter, Morgan <Morgan.Potter@act.gov.au> **On Behalf Of** ACDLO
Sent: Wednesday, 19 October 2022 5:06 PM
To: Georgeson, Matthew <Matthew.Georgeson@act.gov.au>
Subject: FW: Fair Trading Commissioner

OFFICIAL

Hi Matt,

Our suggestion is that it is most appropriate for the Minister to refer these questions to the Directorate for response.

Dear Ms Curtis

Your questions are related to the conduct of a legal claim and your concerns can be addressed in that context. It is more appropriate that these questions are responded to by the Directorate.

More than happy to discuss

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Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: Potter, Morgan <Morgan.Potter@act.gov.au> **On Behalf Of** ACDLO
Sent: Friday, 14 October 2022 10:46 AM
To: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Subject: FW: Fair Trading Commissioner

OFFICIAL

From: RATTENBURY <RATTENBURY@act.gov.au>
Sent: Friday, 14 October 2022 10:25 AM
To: ACDLO <ACDLO@act.gov.au>; Georgeson, Matthew <Matthew.Georgeson@act.gov.au>
Subject: FW: Fair Trading Commissioner

FYI – Update from Louise

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Friday, 14 October 2022 8:00 AM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Fair Trading Commissioner

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. Learn why this is important

Hi again Shane,

Apologies for being a thorn in everybody's side.

Attached is letter received just one week ago from the ACTGS referring to the Commissioner of Fair Trading as 'her'. I think it's fair to assume 'her' is Derise Cubin., who it would appear is providing the instructions.

So I take it, as of one week ago Ms Cubin hadn't disclosed her conflict in this matter as she was still providing instructions to the ACTGS?

Im happy to walk away from this conflict issue if somebody just comes clean on it, as it is far from clean at present. It has zero impact on my claim, and I am in no way involving your office in my claim, but it goes to the continuous misconduct of ACT Government employees and you are the Minister responsible.

I will await your response to this and my earlier emails, perhaps including a copy of the Declaration as to Conflict.

Warm regards

Louise

From: "RATTENBURY" <RATTENBURY@act.gov.au>
Sent: 20/10/2022 2:05 PM
To: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Cc: "ACDLO" <ACDLO@act.gov.au>
Subject: FW: FW: Fair Trading Commissioner

FYI – Ms Curtis' response

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Thursday, 20 October 2022 2:02 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Re: FW: Fair Trading Commissioner

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Dear Shane (and Team)

Thanks for your response - so is the Directorate going to respond to me? Have you passed on my queries? This has absolutely nothing to do with my claim and has everything to do with an incompetent, complacent and dare I say it, untrustworthy government. I cannot ask Sarah Arthur to respond, because her mitts are all over this as well - Ms Arthur surely knew of the Snowden/Cubin connection before allowing Ms Cubin to attend a meeting with me - and also, as recent as 14 days ago responding in relation to Ms Cubin's instructions?

How absurd that I am now filing in the Supreme Court to be afforded procedural fairness/natural justice - and how absurd that you think suggesting because this is in the hands of the ACT Government Insurer (yes, the ACT Government Insurer - run by the ACT Government) I should have no concerns. If, at any point in this entire debacle had any person who wasn't part of the ACT Government been involved from your end - we wouldn't be here. Closing ranks to protect each other is only going to get you so far.

I understand there is a political shit storm brewing here Shane and you want no part of it, but rest assured, as before, I'm not letting this go.

Kind regards

Louise Curtis

louise.curtis@lollypotz.com.au

louiselollypotz@gmail.com

0475 605 862

On Thu, Oct 20, 2022 at 1:40 PM RATTENBURY <RATTENBURY@act.gov.au> wrote:

> Dear Ms Curtis

Your questions are related to the conduct of a legal claim and your concerns can be addressed in that context. It is more appropriate that these questions are responded to by the Directorate.

Kind Regards,

Office of Shane Rattenbury MLA
ACT Greens Member for Kurrajong
Attorney-General; Minister for Consumer Affairs; Minister for Gaming;
Minister for Water, Energy and Emissions Reduction
t: (02) 620 50005 | e: Rattenbury@act.gov.au
Follow Shane on Facebook and Twitter

We acknowledge the Traditional Custodians of the Australian Capital Territory and across Australia, and pay respects to their Elders, past, present and future.

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Friday, 14 October 2022 8:00 AM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Fair Trading Commissioner

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. Learn why this is important

Hi again Shane,

Apologies for being a thorn in everybody's side.

Attached is letter received just one week ago from the ACTGS referring to the Commissioner of Fair Trading as 'her'. I think it's fair to assume 'her' is Derise Cubin., who it would appear is providing the instructions.

So I take it, as of one week ago Ms Cubin hadn't disclosed her conflict in this matter as she was still providing instructions to the ACTGS?

Im happy to walk away from this conflict issue if somebody just comes clean on it, as it is far from clean at present. It has zero impact on my claim, and I am in no way involving your office in my claim, but it goes to the continuous misconduct of ACT Government employees and you are the Minister responsible.

I will await your response to this and my earlier emails, perhaps including a copy of the Declaration as to Conflict.

Warm regards

Louise

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From: "RATTENBURY" <RATTENBURY@act.gov.au>
Sent: 10/11/2022 2:44 PM
To: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Cc: "ACDLO" <ACDLO@act.gov.au>
Subject: FW: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

FYI

From: Darren Carden <darren@eastwoodslegal.com.au>
Sent: Thursday, 10 November 2022 2:44 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Cc: BARR Reception <BARR@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>
Subject: RE: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

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. Learn why this is important

Mr Rattenbury,

We understand that answering the questions below may be difficult on the basis that you will confirm the Government's conduct has been poor when dealing with the general public, and more particularly, when dealing with our client.

However, you are required to act with honesty and integrity.

So, please, answer the questions.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

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Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au

Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603

Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT

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incorporating Manuka Legal Services

Please consider the environment before printing this e-mail correspondence.

From: Darren Carden
Sent: Wednesday, 9 November 2022 4:59 PM
To: 'rattenbury@act.gov.au' <rattenbury@act.gov.au>
Cc: 'barr@act.gov.au' <barr@act.gov.au>; 'david.pryce@act.gov.au' <david.pryce@act.gov.au>
Subject: RE: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin
Importance: High

Dear Mr Rattenbury,

Three very simple questions have been asked, and to date, you have failed to provide any reply whatsoever.

For your convenience, we provide those questions again:

1. Is Ms Derise Cubin, current Commissioner for Trading married to the former Commissioner for Fair Trading, Mr David Snowden?

2. When did you know they were married or otherwise in a relationship?

3. Why did you treat our client with contempt and were dismissive of her serious allegations?

In respect to question 3 above, we respectfully submit that it would be appropriate that you make contact with our client and unreservedly apologise without further delay. Taking positive steps to make amends for your poor conduct is recommended.

In respect to the questions, our client and the general public require answers.

We look forward to your timely reply.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

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Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603

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Please consider the environment before printing this e-mail correspondence.

From: Darren Carden
Sent: Wednesday, 9 November 2022 9:05 AM
To: 'rattenbury@act.gov.au' <rattenbury@act.gov.au>
Cc: 'barr@act.gov.au' <barr@act.gov.au>; 'david.pryce@act.gov.au' <david.pryce@act.gov.au>
Subject: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

Dear Mr Rattenbury,

Please see correspondence of even date **attached** for you urgent attention.

We note that you have failed to reply to our urgent questions of 7 November 2022, please respond today.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au
Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603
Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT



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From: "RATTENBURY" <RATTENBURY@act.gov.au>
Sent: 08/11/2022 10:08 AM
To: "ACDLO" <ACDLO@act.gov.au>
Cc: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: FW: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

Hi Both,

Please see train from CMO regarding Louise Curtis.

From: BARR Reception <BARR@act.gov.au>
Sent: Tuesday, 8 November 2022 10:03 AM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: FW: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

Additional information for you regarding a previous email (see below email trail)

Maddie

From: Darren Carden <darren@eastwoodslegal.com.au>
Sent: Tuesday, 8 November 2022 8:26 AM
To: BARR Reception <BARR@act.gov.au>
Subject: RE: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

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Apologies Maddisson,

Ms Derise Cubin rather than 'Mr'.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au
Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603
Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT

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Please consider the environment before printing this e-mail correspondence.

From: Darren Carden
Sent: Tuesday, 8 November 2022 8:03 AM
To: 'BARR Reception' <BARR@act.gov.au>
Subject: RE: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

Good morning Maddisson,

Thank you for your update, it is greatly appreciated.

We have some concerns in relation to Mr Rattenbury's response to our client dated 13 October 2022.

It is disappointing that Mr Rattenbury, in his role as the Attorney General, did not take the matter of the direct conflict seriously and was dismissive of our client, advising her to take up her concerns with the Directorate.

In our opinion, the conduct of Mr Derise Cubin is very serious, the response was not appropriate in the circumstances and should be addressed by Mr Rattenbury.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

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Please consider the environment before printing this e-mail correspondence.

From: BARR Reception <BARR@act.gov.au>
Sent: Monday, 7 November 2022 2:33 PM
To: Darren Carden <darren@eastwoodslegal.com.au>
Subject: RE: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

Good afternoon

Thank you for your email.

I have forwarded this to the Chief Minister for his information. Your correspondence is also receiving attention from the office of Mr Shane Rattenbury MLA, the Attorney-General, as this matter falls under his portfolio responsibilities.

Should you wish to follow up or provide further information, please contact Minister Rattenbury directly at Rattenbury@act.gov.au.

Kind regards

Maddisson Blundell
Office Manager | Office of Andrew Barr MLA
Chief Minister
Treasurer
Minister for Climate Action
Minister for Economic Development
Minister for Tourism
Member for Kurrajong

From: Darren Carden <darren@eastwoodslegal.com.au>
Sent: Monday, 7 November 2022 12:10 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Cc: BARR Reception <BARR@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>
Subject: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

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Dear Mr Rattenbury,

Please see **attached** correspondence and attachments of even date for your urgent attention and action.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au
Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603
Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT

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From: "Georgeson, Matthew"
Sent: 07/11/2022 2:19 PM
To: "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>; "Bunt, Carol" <Carol.Bunt@act.gov.au>
Subject: FW: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin
Attachments: Letter to S Rattenbury MLA dated 7 November 2022.pdf, Correspondence attached to Letter to R Rattenbury dated 7 November 2022.pdf, FW: assurance controls in place

FYI. There have been several messages from Ms Curtis over the last several days, and today this request from her lawyer.

Ms Curtis / her lawyer have also made a complaint to the integrity commission regarding the claimed conflict of interest. I have contacted the integrity commission to ask for advice about protocols in terms of responding to questions about an issue that is the subject of a complaint and investigation. I haven't yet heard back.

I recommend we also seek advice from GSO about responding to the attached.

As noted last week Shane, I have sought information from Access Canberra (via Josh Rynehart) about the conflict of interest concerns that have been raised. The verbal response was that Access Canberra's approach was appropriate because the conflict did not become relevant until the legal action was lodged, and at this stage it was declared (ie as the initial discussion was a 'without prejudice' discussion it was not inappropriate for Derise Cubin to attend). I also received the additional attached written information, which I reattach now.

Matt

From: RATTENBURY <RATTENBURY@act.gov.au>
Sent: Monday, 7 November 2022 1:02 PM
To: ACDLO <ACDLO@act.gov.au>; Georgeson, Matthew <Matthew.Georgeson@act.gov.au>
Subject: FW: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

Noting that this was also sent to the CMO and we have accepted referral

---

From: Darren Carden <darren@eastwoodslegal.com.au>
Sent: Monday, 7 November 2022 12:10 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Cc: BARR Reception <BARR@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>
Subject: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

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Dear Mr Rattenbury,

Please see **attached** correspondence and attachments of even date for your urgent attention and action.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

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Your Ref:
Our Ref: DC:202384
Contact: Darren Carden
Direct Phone: 02 6100 6553
Direct Email: darren@eastwoodslegal.com.au

7 November 2022

Shane Rattenbury MLA
Attorney-General
Minister for Consumer Affairs
GPO Box 1020
Canberra, ACT 2601

By email: rattenbury@act.gov.au

cc: barr@act.gov.au; david.pryce@act.gov.au

Dear Mr Rattenbury,

MS DERISE CUBIN – CONFLICT OF INTEREST
MY CLIENT: 86 CANDLES PTY LIMITED AND LOUISE CURTIS

We act for Ms Louise Curtis and 86 Candles Pty Ltd and refer to the following recent correspondence:

1. Our client's email to you dated 9 October 2022
2. Your letter to our client dated 13 October 2022
3. Our letter to Ms Derise Cubin, current Commissioner of Fair Trading, dated 26 October 2022
4. Our emails to ACT Government Solicitor's office, dated 28 October 2022
5. Our emails to ACT Government Solicitor's office dated 4 November 2022
6. Our client's email to you dated 4 November 2022
7. Our client's email to you dated 5 November 2022

We also refer to the letter dated 29 June 2021 setting out that Ms Derise Cubin would be 'representing the Territory' in relation to this matter, provided by solicitor, Ms Sarah Arthur of the ACT Government Solicitors office.

In your letter dated 13 October 2022, you advised that Ms Derise Cubin submitted a conflict of interest declaration in relation to this matter. You did not respond to our client's requests for further information in relation to this declaration, namely, providing the date.

By way of Freedom of Information request, we have confirmed that the conflict declaration of Ms Derise Cubin only occurred on 26 November 2021. The timing is significant.

On or about 4 December 2021 a hearing at the ACAT was due to occur – during those proceedings, former Commissioner for Fair Trading, Mr David Snowden, filed a request to obtain suppression orders seeking to suppress his name from the proceedings and possible resulting media publications.

The current Commissioner for Fair Trading was required to appear at that hearing.

Only at that time did Ms Derise Cubin, as current Commissioner for Fair Trading, declare that she had a conflict – our client submits that there was a very real chance that Ms Derise Cubin would be exposed for trying to protect her husband in the claims made against the Territory, and that she was left with no other choice, but to declare her conflict on 26 November 2021. Prior to that date, our client submits that she was providing instructions to the ACT Government Solicitor's office in relation to civil claims made about her husband's conduct.

During the course of our recent investigations into Ms Derise Cubin's marital status, we have been provided with a Public Interest Disclosure document, together with a transcript of an interview, which is subject to that Disclosure process.

That document was lodged in January 2020 and confirms that Ms Derise Cubin and Mr David Snowden were married at that time. In that person's matter, they believed that Ms Derise Cubin and Mr David Snowden were protecting each other in their respective roles.

The report and the subsequent transcript of an interview concerning this report are disturbing. Of serious concern, the conduct that our client has complained of, namely conflict, manipulation of evidence and dishonesty, is the same conduct as in the January 2020 Public Interest Disclosure document.

Therefore, there appears to be a history of conflict occurring in relation to Ms Derise Cubin and Mr David Snowden's employment as officers working for the Territory.

Importantly, we need to understand when you became aware that Ms Derise Cubin and Mr David Snowden were married – please confirm the date?

Of equal importance is when did the ACT Government Solicitor's office become aware of the marriage?

As you are abundantly aware, Ms Derise Cubin represented the Territory at a meeting on 6 July 2021 and otherwise provided instructions to the ACT Government Solicitor at least until 26 November 2021.

Please make urgent enquiries and confirm when the ACT Government Solicitor's office understood that Ms Derise Cubin and Mr David Snowden are married.

On the basis that Ms Dersie Cubin has represented the Territory in relation to our client's claim that relates to Mr David Snowden's conduct, we submit that she must be stood down with immediate effect from her position as Commissioner for Fair Trading for acting in a matter when there is a direct conflict of interest.

If during your enquiries with the ACT Government Solicitor's office, you determine that they were aware of the marital status of Ms Derise Cubin and Mr David Snowden, however, they continued to take instructions from Ms Derise Cubin, a formal investigation is required into the ACT Government Solicitor's offices dealings in this matter.

Obviously, of serious concern for the general public, the dishonest dealings of the Territory's solicitors may not be confined to this matter only, and the general public has a right to know if the ACT Government Solicitor's office acts with integrity and honesty, or not.

Please provide urgent responses to the two questions above.

Yours faithfully

Sch 2.2(a)(ii)

Encl: as above

Gmail Louise Curtis <louiselollypotz@gmail.com>

Please provide explanation - Commissioner for Fair Trading

Louise Curtis <louiselollypotz@gmail.com> Sun, Oct 9, 2022 at 5:58 PM
To: RATTENBURY <RATTENBURY@act.gov.au>

Hi Shane,

You may or may not be aware, proceedings are about to be commenced in my matter, finally. Sarah Arthur at the ACTGS is aware.

Last week I was contacted by a group of Canberrans who either are currently, or have previously sued the ACT Government for various levels of misconduct. This group tracked me down through the various FOI Applications I have made, which are of course, public. Their contact with me was unsolicited, nonetheless I listened to what they had to say.

Of most concern was the revelation that the former Fair Trading Commissioner, David Snowden is in fact married to the current Fair Trading Commissioner, Derise Cubin.

Given we are suing the office of the Commissioner for Fair Trading for its conduct (ie. the conduct of Mr David Snowden) in what universe do you think it is acceptable that the current Commissioner (Ms Derise Cubin) can act and attend mediation meetings with me and defend the conduct of the former Commissioner, when the former Commissioner is married to the current Commissioner?

In what universe do you think it is acceptable for this conflict not to be disclosed?

I was shocked by this news and my lawyers and I are trying to come to terms with how we deal with this revelation.

I am keen to understand your perspective on this non-disclosure and I look forward to your urgent response.

Kind regards

Louise Curtis
--

Louise Curtis
M: 0475 605 862

ACT Government

Shane Rattenbury MLA
Attorney-General
Minister for Consumer Affairs
Minister for Water, Energy and Emissions Reduction
Minister for Gaming

Member for Kurrajong

Louise Curtis

louiselollypotz@gmail.com

13 October 2022

Dear ~~Ms Curtis~~ Louise

Thank you for your email of 9 October 2022 expressing your concerns about the Commissioner for Fair Trading.

Ms Derise Cubin is appointed as the Commissioner for Fair Trading pursuant to *Fair Trading (Australian Consumer Law) Commissioner Appointment 2021 (No 1)*, Notifiable Instrument NI2021-31.

I am advised by the Head of Access Canberra that a Conflict of Interest declaration has been made and a formalised process was established to prevent any conflicts arising in this matter. As part of this process, an alternate decision maker was established whereby the Head of Access Canberra is acting as the Acting Commissioner for Fair Trading for this matter.

I can also advise that the ACT Insurance Authority (**ACTIA**), a statutory authority established under the *Insurance Authority Act 2005*, is providing instructions, as the Territory's insurer, in relation to the claims for compensation made by you and 86 Candles Pty Limited arising from the investigation of the Prink Frosting business under the *Fair Trading (Australian Consumer Law) Act 1992*. ACTIA has been providing instructions in relation to any such claims and matters arising from such claims since 10 May 2021.

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601
+61 2 6205 0005 rattenbury@act.gov.au
@ShaneRattenbury shanerattenburymla shanerattenbury

Incorporating Manuka Legal Services

Your Ref:
Our Ref: DC:202384
Contact: Darren Carden
Direct Phone: 02 6100 6553
Direct Email: darren@eastwoodslegal.com.au

26 October 2022

ACT Government - Commsioner of Fair Trading

Attention: Derise Cubin

By email: derise.cubin@act.gov.au

cc: david.pryce@act.gov.au
cc: rattenbury@act.gov.au
cc: barr@act.gov.au

Dear Ms Cubin,

Re: Conflict of Interest

We act for 86 Candles Pty Ltd (formerly operating the business known as trading as Pink Frosting) and refer to a meeting that occurred on 6 July 2021.

You, as the ACT Commissioner for Fair Trading, attended that meeting in Blackburn Chambers along with Ms Sarah Arthur, solicitor, ACT Government Solicitors office and Mr Giuseppe Mangeruca, a staff member of Access Canberra.

We understood that meeting to be a mediation in relation to claims submitted by our client against the Territory, in particular, a claim arising out of an investigation into the Pink Frosting business in respect to the conduct of the former ACT Commissioner for Fair Trading, Mr David Snowden.

For the avoidance of any doubt, we do not act in the current ligation against the Territory on behalf of our client.

By way of background, on 25 November 2020, our client and our office met with Mr David Snowden, the then ACT Commissioner for Fair Trading, Rohan Connor, a director of Access Canberra, and a solicitor from the ACT Government's Solicitors office.

In relation to the investigation of the Pink Frosting business, during the course of that meeting, Mr David Snowden said the following:

> *'Ok. So, we formed a view, I formed a view, based on matters that were presented to me during the course of this investigation that there was a likelihood that Section 36 of the Australian Consumer Law had been contravened, so I just want to make that clear. I made the decision based on the evidence that we collected that there was likely to be a contravention of Section 36 of the Australian Consumer Law. Just want to make that point very clear. Ok'*

To be abundantly clear, Mr David Snowden, confirmed that he was responsible for the investigation into our client's business, Pink Frosting.

Enclosed with this correspondence is the following:

1. Conflict of Interest Policy – Policy number: 10/2021
2. Instrument appointing Derise Cubin
3. Instrument appointing Employee No. E827

Our client understands Employee E827 is Mr David Price, head of Access Canberra.

At the heart of client's current civil claim is the conduct of Mr David Snowden.

As you may be aware, Mr David Snowden was responsible for various media publications that had the effect of destroying our client's business, and her personal reputation, causing hundreds of thousands of dollars of losses.

As Mr David Snowden stated in the meeting of 25 November 2020, 'he made the decision' to undertake an investigation into the Pink Frosting business, therefore, any issues arising from the investigation relate to his conduct.

When our client attended the mediation in Blackburn Chambers on 6 July 2021, it was reasonable for her to assume that you, in your capacity as the ACT Commissioner for Fair Trading, attended in good faith. Until very recently, our client had no reason to believe that you had not acted in good faith, or very importantly, that you did not have a conflict of interest when discharging your duties as the Commissioner for Fair Trading at that meeting.

However, our client understands that you are married to Mr David Snowden.

If the information provided to our client is correct, and you are Mr David Snowden's wife, it is unfathomable on what basis you thought that attending the meeting on 6 July 2021 was acceptable. It would be impossible to provide instructions to the ACT Government Solicitors office in relation to the conduct of your husband. You have a direct conflict of interest, and we draw your attention to Conflict of Interest Policy – Policy number: 10/2021.

By definition, pursuant to the Conflict of Interest Policy – Policy number: 10/2021:

> 10. *A conflict of interest arises when an employee's private interests or connections may lead to improperly influencing the performance of their official duties and responsibilities.*

11. *It includes any interests resulting from a connection, resentment or otherwise personal involvement by the employee in a matter outside of work that would influence their judgement when taking actions or making decisions. For example, if an employee were to make a work-related decision that favours their personal interests, they could be seen as benefitting themselves with the outcome or providing a disadvantage to another person or group.*

If you are the wife of Mr David Snowden, we submit that you have breached core policy principles in respect to Conflict of Interest Policy – Policy number: 10/2021 and your continuing employment as the ACT Commissioner for Fair Trading is untenable.

Our client requires that you confirm your marital status in relation to Mr David Snowden.

We look forward to your response.

Yours faithfully

Sch 2.2(a)(ii)

Encl: as above

Introduction

1. The ACT Public Service (ACTPS) is committed to serving the ACT community and Territory with integrity, impartiality and in good faith by undertaking its work in a fair and unbiased way.
2. The purpose of the ACTPS Conflict of Interest Policy (the policy) is to advise all ACTPS employees of their responsibilities to declare and manage their conflicts of interest; whether they be perceived, potential or actual.

Application

3. This policy contains a set of whole-of-government instructions issued by the Head of Service under section 17(2)(a) the *Public Sector Management Act 1994* (PSM Act) and binds all employees engaged under that Act
4. For the purpose of this policy, employees are defined as including permanent officers, temporary employees, casual workers and Statutory Office Holders of the ACTPS.
5. All directorates/agencies are expected to adhere to this policy as a minimum standard. However, directorates /agencies may put in place their own policy and procedural documents which recognises differences in their operating environments and organisational structures.

Key Legislative Provisions

6. The ACTPS values are Respect, Integrity, Collaboration and Innovation. Integrity in the ACTPS means being apolitical, honest, dependable, and accountable in dealings with Ministers, the Parliament, the public and each other. It means recognising achievement and implies a consistency in dealings with others.
7. Section 9 of the PSM Act outlines the expectations of employees' conduct and behaviours including, but not limited to, taking all reasonable steps to avoid a conflict of interest and to declare or manage a conflict of interest that cannot reasonably be avoided. This means taking into consideration what a reasonable person in the employee's situation would do when facing a conflict of interest issue.
8. All ACTPS employees are also bound by the *ACT Public Service Code of Conduct* (ACTPS Code of Conduct), which provides guidance on the sorts of behaviours expected of employees consistent with section 9 of the PSM Act. A breach of the ACTPS Code of Conduct equates to a breach of section 9 under the PSM Act.
9. A breach of this policy may be reviewed under section 9 of the PSM Act. It is to be managed under clause H6: Misconduct and Discipline of the relevant ACTPS Enterprise Agreements (and their respective counterparts in the Medical Practitioners, and the Nursing and Midwifery Enterprise Agreements) for non-executive employees and section 47 of the Public Sector Management Standards 2016 (PSM Standards 2016) for executives.

Definitions

10. A conflict of interest arises when an employee's private interests or connections may lead to improperly influencing the performance of their official duties and responsibilities.
11. It includes any interests resulting from a connection, resentment or otherwise personal involvement by the employee in a matter outside of work that would influence their judgement when taking actions or making decisions. For example, if an employee were to make a work-related decision that

favours their personal interests, they could be seen as benefitting themselves with the outcome or providing a disadvantage to another person or group.

12. A conflict of interest could also arise where an employee has dual responsibilities and roles. This includes situations where one component of the employee's role is regulatory and the other is operational or advisory, or where the employee volunteers in an organisation that is also a stakeholder to their area of work.
13. A conflict of interest can be specified as being perceived, potential or actual:
    a. a **perceived conflict of interest** arises when it appears to another individual that an employee's private interest could improperly influence the performance of their duties, but this is not in fact the case. In determining if a perceived conflict of interest exists, the test is whether a reasonable observer would regard the employee's actions as reasonable in the situation;
    b. a **potential conflict of interest** arises where an employee has private interests that are of such a nature that a conflict of interest would arise if they were to become involved in official responsibilities related to those interests in the future; or
    c. an **actual conflict of interest** arises where the improper influence on the employee is actually occurring now or has occurred in the past. This could include instances where the Chair of a recruitment panel has a direct family member apply for an advertised position which the panel relates to.
14. A conflict of interest can also be pecuniary/financial or non-pecuniary:
    a. a **pecuniary/financial** interest involves an actual or potential financial gain or loss. Money does not need to actually change hands for an interest to be pecuniary. This includes situations where:
        I. the employee holds shares or a position in a company bidding for government work, accepts gifts or hospitality that is related to the performance of their official duties, or receives an income from a second job; or
        II. the employee is responsible for scheduling their shift workers on an 'on-call' register and includes their friends and themselves on the register more frequently than their other colleagues.
    b. a **non-pecuniary** interest does not have a financial component but may arise from personal or family relationships or involvement in sporting, social, religious or cultural activities. They include any tendency towards favouring or prejudicing resulting from friendship, animosity or some other personal involvement of the employee that could bias their impartiality when taking actions or making decisions.
15. Further conflict of interest examples and definitions can be found in the ***Conflict of Interest Policy Tool 1 – Examples and Definitions***.

Principles

16. Having a perceived, potential or actual conflict of interest does not automatically mean that an employee has undertaken corrupt conduct. However, the potential for corruption may increase where such conflicts of interest are undeclared, played down, mishandled, exploited or hidden.
17. The likelihood of corrupt conduct occurring may also increase when employees decide to self-manage the risks associated with an actual or potential conflict of interest, which prevents their directorate/agency from resolving or addressing the risk appropriately. Please refer to the ACT Integrity Commission website for further information and guidance.

Private/Personal interests

18. Private/personal interests are those interests that can bring benefits or disadvantages to employees as individuals, or to others whom they may wish to benefit or disadvantage.
19. A conflict of interest may be perceived if a person has significant personal/family relationships with clients, contractors or other staff working in the same, or a related, organisation.

Gifts

20. One particular conflict of interest example is the acceptance of gifts. A gift offered to and accepted by an employee that is related in any way to the performance of their official duties has the potential to damage their reputation or affect the public's trust in their directorate/agency's independence and integrity.
21. There are specific rules about accepting gifts or other benefits in relation to an employee's official duties. Please refer to the *Gifts, Benefits and Hospitality Policy* and the ACT Integrity Commission website for further information and guidance.

Second Jobs and Volunteering

22. Second jobs and volunteering roles for employees within and outside the ACTPS also have the potential to cause and contribute to a conflict of interest.
23. Section 244 of the PSM Act provides that an employee must have approval from the Head of Service (or delegate) for any of the following activities, other than in the exercise of their work-related functions. Examples of working outside the service include but are not limited to:
    a. any other employment;
    b. any other business activities; or
    c. being a member of any other board or committee.
24. Similarly, section 152 of the PSM Act confers this approval power to Statutory Office Holders and/or Chief Executives for public sector bodies.
25. In accordance with section 108 of the PSM Act, the Head of Service (or delegate) must not approve an application for a second job outside the service if they reasonably believe that it would create a real or perceived conflict of interest, or it would not be consistent with the public sector principles. Similar consideration should also be undertaken by the Head of Service (or delegate) when reviewing an application to perform a second job within the ACTPS.
26. Employees are to complete the *Second Jobs Application form*, or any other directorate/agency specific forms, prior to commencing any second jobs. Please refer to the *Second Jobs and Volunteering Policy* for further information and guidance.
27. While this pre-approval does not apply to employees who intend to participate in volunteering activities, it is important that these employees still make a self-assessment of whether any conflicts of interest exist between their volunteering activities and their work-related functions at the ACTPS.
28. If there are any perceived, potential or actual conflict of interest concerns with their volunteering role, the employee should complete a *Conflict of Interest Disclosure form* at **Attachment A** and discuss any further options for managing the conflict with their supervisor/manager.

Political Activity

29. All employees can in their own time participate in political campaigns including, but not limited to:
    d. doorknocking, letterboxing, phone polling and any other volunteer campaign activities;
    e. engaging in political debate including making comments in a private capacity; and

f. participating in rallies and events.

30. However, it is imperative that if an employee chooses to engage in any political campaigns in their own time, they must not give the impression that they are acting in an official capacity representing the ACTPS.

Public Comment

31. In accordance with section 9 of the PSM Act, an employee must not, without lawful authority, disclose confidential information gained through their job or make a comment that reasonably appears to be an official comment.
32. The Territory has protocols for engagement with media and authorisation of official comment and representation. It is recognised that employees increasingly use social media to interact with each other and the ACT community for work-related and social purposes during and after working hours.
33. Employees are to exercise good judgement and not knowingly misrepresent the ACTPS as an employer. When commenting after working hours on personal or private social media channels, it is important that the employee does not give the impression that they are acting in an official capacity and representing the Territory in any way.
34. Please refer to the *Use of Social Media Policy* for further information and guidance.

Recruitment

35. Actual conflicts of interest may arise in recruitment and selection processes, which may sometimes be unforeseen.
36. Where a panel is involved in a recruitment process, all members must complete a *Conflict of Interest Declaration form* to ensure that all perceived, potential or actual conflicts of interest are disclosed.
37. This could include where a panel member has a personal relationship with an applicant. These completed forms must be documented and disclosed to the delegate and any other panel members.
38. Following the disclosure, it will then be decided whether the affected employee should stand aside from the process or from consideration of the particular applicant.
39. Please refer to the *Recruitment Guidelines* for further information and guidance.

Procurement

40. Employees involved in certain procurement activities must follow the requirements of the *Probity in Procurement Guide*.
41. An ACT Procurement *Conflict of Interest Disclosure form* will need to be completed to confirm that the employee does not have a conflict of interest or that a conflict of interest is unlikely to arise during the course of their involvement in the procurement activity; particularly in relation to evaluating responses to tenders.
42. There is also an onus on the employee to disclose any conflict of interests if their circumstances change during the course of the procurement process.

Decision-making

43. Conflicted activities may include certain decision-making processes where a personal relationship with affected parties exists, which includes, but is not limited to:
    a. awarding grants;
    b. general administrative duties such as processing invoices for a particular community organisation; or

c. exercising a delegation.

44. If an employee allows their private interests to have an influence on their official duties and decision-making, it could be classified as misconduct and attract disciplinary action under clause H6: Misconduct and Discipline (and their respective counterparts) of the relevant ACTPS Enterprise Agreements for non-executive employees and section 47 of the PSM Standards 2016 for executives.

Procedure

Avoiding and/or Managing Conflicts of Interest

45. The ACTPS is committed to ensuring that all staff and volunteers maintain a high standard of professionalism and integrity in the workplace and in the performance of their work. To ensure that the community perceives employees of the ACTPS as impartial, effective and fair, they must ensure that their official responsibilities do not conflict, or do not appear to conflict with their personal or financial interests; including the interests of their immediate family.

46. However, the employee may still be able to have a personal or financial interest in a matter that their directorate or agency is dealing with, so long as the interest is declared and effectively managed.

47. In meeting this obligation, any employee with a perceived, potential or actual conflict of interest should firstly declare this to their supervisor/manager, followed by further discussions to agree on the appropriate management strategy to manage or avoid the conflict. Suggested management strategies include:

Strategy	What this strategy means	When this is most suitable
Register	The employee formally registers details of the existence of a perceived or potential conflict of interest.	For very low-risk conflicts of interest. Where recording the conflict of interest is sufficient to maintain transparency.
Restrict	Restrictions are placed on the employee's involvement in the matter to oversee part or all of the process that deals with the matter.	The employee can be effectively separated from parts of the activity or process. The conflict of interest is not likely to arise frequently.
Recruit	Recruit a disinterested third-party to oversee part or all of the process that deals with the matter.	It is not feasible or desirable for the employee to be removed from the decision-making process. In small or isolated communities where the employee's particular expertise is necessary and genuinely not easily replaced.
Remove	The employee is removed completely from the matter.	For ongoing serious conflicts of interest, where restriction or recruitment of others is not appropriate.
Relinquish	The private interest that is creating the conflict is relinquished.	Where the employee's commitment to public duty outweighs their attachment to their private interest.
Resign	The employee resigns from their position with the agency.	No other options are workable. Where the employee cannot or will not relinquish their conflicting private work.

Where the employee prefers this course as a matter of principle.

48. The employee must also avoid placing themselves in a position where there is a perceived or actual conflict of interest. If a situation arises where there may be a perception of a conflict of interest, the employee must notify their supervisor/manager of the situation to avoid any criticism or allegations of inappropriate or questionable behaviour/action or potential misconduct. This enables consideration of appropriate management of the conflict.
49. Appropriate management actions taken can ensure that no improper influence occurs and the integrity of the ACTPS is intact. The choice of management strategy will depend on an assessment of the situation and the role. Further information can be found in the ***Conflict of Interest Policy Tool 2 – Information Sheet.***
50. For example, where a member of a recruitment panel has a direct family member apply for an advertised position related to the panel, they must declare the issue to their supervisor/manager and must remove themselves from the recruitment process. Although an actual conflict of interest is there, the appropriate management action has been taken to ensure that no improper influence occurred, and the integrity of the recruitment process is intact.
51. Regardless of how the conflict of interest is resolved or managed, it is important to start documenting the process from when the discussion about the conflict of interest first occurred.
52. Supervisors/managers must also in turn ensure that they are aware of the conflicts of interest inherent in their team's work. As such, they play an active role in assisting their staff to effectively manage their conflicts of interest.
53. When managing and monitoring their employee's conflict(s) of interest, supervisors/managers are encouraged to consider the questions found in ***Conflict of Interest Policy Tool 3 – Supervisor/Manager Checklist.***
54. Supervisors/managers should be aware that the personal information of their staff may need to be disclosed as part of their conflict of interest matter. This includes instances where the employee's personal information is necessary to give effect to certain conflict of interest management strategies, or where their personal information being disclosed when their supervisor/manager is required to notify an independent body such as the Integrity Commission of the matter.
55. Where a conflict of interest situation cannot be avoided by the actions of the employee and has been disclosed, the directorate/agency has an obligation to assist in the resolution of the problem. This can occur by actions such as:
    a. having the employee remove themselves of their personal interest;
    b. ensuring the employee is not further involved in actioning a piece of work or participating in a decision-making process related to the conflict; or
    c. transferring the employee to another position.

Responsibilities

Employees

56. The employee is responsible for:
    a. taking all reasonable steps to avoid a conflict of interest within the course of their employment, whether it be perceived, potential or actual;
    b. being aware of their obligations to avoid, where possible, conflicts of interest and declare or manage those conflicts of interest that cannot be avoided;

c. cautiously assessing their private and personal interests and whether they conflict, or have the potential to conflict with their duties, and raising this with their supervisor/manager if in doubt;
d. advising their supervisor/manager or delegate of any perceived, potential or actual, conflicts of interest in the workplace by completing the Conflict of Interest Disclosure form;
e. taking reasonable steps to restrict the extent to which a private interest could compromise, or be seen to compromise, their impartiality when carrying out their official duties;
f. abstaining from involvement in official decisions and actions that could reasonably be seen to be compromised by their private interests and affiliations;
g. exercising caution and not participating in decision-making on a matter while a declared conflict is being assessed, or once a declaration has been made;
h. avoiding private actions in which they could be seen to have an improper advantage from inside information they have access to because of their official duties;
i. advising their supervisor/manager if they observe possible conflicts from other staff in the workplace;
j. reporting to the Senior Executive Responsible for Business Integrity and Risk (SERBIR) on any corrupt conduct of serious maladministration;
k. not using their official position or the Territory's resources inappropriately, including for private gain or the gain of others, or when seeking employment outside the ACTPS; and
l. ensuring any contractors that they engage or are responsible for do not have a conflict of interest.

Supervisors, Managers and Executives

57. Supervisors, Managers and Executives are responsible for:
    a. meeting the requirements of the policy with respect to their own conflicts and potential conflicts of interest;
    b. being aware of the risks of conflicts inherent in the work of the staff they supervise/manage;
    c. making their staff aware of the policy and procedures for meeting the policy's requirements;
    d. recording and retaining appropriate records in relation to disclosures of conflict of interests reported to them by their staff;
    e. advising their staff and providing guidance on appropriate ways to manage conflicts of interest;
    f. assisting staff who disclose conflicts of interest in preparing any strategies to manage them;
    g. monitoring the work of their staff and the risks they are exposed to;
    h. discussing a potential conflict of interest with their staff if a concern is raised with them by another party;
    i. acknowledging any conflict of interest situation and supporting their staff in implementing the agreed management strategies where possible;
    j. contacting the relevant HR/corporate areas to discuss any declared conflicts of interests that require further clarification on; and
    k. managing the situation to ensure that both their staff and the ACTPS are not seen to be in a position where a conflict of interest has not been managed appropriately.
58. In addition to having the same responsibilities as Supervisors and Managers, Executives are also responsible for:
    a. promoting and demonstrating their commitment to integrity within the ACTPS, by modelling appropriate behaviour, encouraging discussions within the workplace around conflict of interest and raising awareness on what constitutes as being a conflict of interest;
    b. ensuring that records of notification relating to conflict of interest are maintained appropriately;

c. reporting to the ACT Integrity Commission on any escalated conflict of interest matters; a
d. contacting the relevant HR/corporate area and the employee's supervisor/manager to discuss declared conflicts of interests that require further clarification on; and
e. authorising an appropriate employee and their supervisor/manager to decide whether there is a conflict of interest and providing advice in exceptional circumstances.

SERBIRS

59. Senior Executives Responsible for Business Integrity Risk (SERBIRS) also have an overall responsibility for the implementation and promotion of the integrity framework and its related functions.
60. As part of this, the SERBIR representative of each directorate/agency should facilitate ongoing discussions around conflict of interests and encourage employees within their areas to be aware of the differing types of conflicts, as well as this policy and any directorate/agency specific policies or forms.
61. SERBIRS also have an advisory role; that is, they may provide advice to employees and executives in relation to this policy as well as have a role in identifying and reporting on directorate/agency-specific trends in relation to integrity matters.

Consultation

62. This policy was consulted with the ACTPS Human Resources Council (HRC), Unions, Workforce Capability and Governance and the ACTPS Strategic Board.

References

63. The relevant legislation, policy and employment arrangements underlying this operational guidance are:
    - *Public Sector Management Act 1994*, particularly section 9: Code of Conduct
    - *Public Sector Management Standards 2016*
    - *Declaration of Private Interests Policy*
    - *Probity in Procurement Guide*
    - *Gifts, Benefits and Hospitality Policy*
    - *Second Jobs and Volunteering Policy* and *Second Jobs Application form*
    - *Use of Social Media Policy*
    - *Recruitment Policy and Guidelines*
    - *ACT Integrity Commission website*

Further Information

64. For further information please contact your Human Resources/Corporate Area or the Senior Director, Whole of Government Industrial Relations and Public Sector Employment team, Workforce Capability & Governance Division at the Chief Minister, Treasury and Economic Development Directorate.

Review

65. This policy is due for review 3 years from the last issued or reviewed date, or earlier where there are changes that affect the operation of the policy.

Document name: ACTPS Conflict of Interest Policy	Prepared by: Assistant Director, Industrial Relations and Public Sector Employment, Workforce Capability & Governance, CMTEDD
Policy Number: 2021/10	Feedback to: eba@act.gov.au
Issue Date: 3 June 2021	Review Date: 3 June 2024

Approval Authority

Dr Damian West
Deputy Director-General
Workforce Capability and Governance Division
Chief Minister, Treasury and Economic Development Directorate
On behalf of the Head of Service
June 2021

Attachment A – Conflict of Interest Disclosure Form

ACT Government

Conflict of Interest Disclosure Form

Instructions

1. Complete this form in accordance with the ACT Public Service Conflict of Interest Policy and associated documents.
2. Once completed by the employee and their supervisor/manager, the form should be kept as a record within the business unit. A copy of the form should also be sent to your directorate HR area (or as required by your directorate/agency policy/guidelines.
3. At the time of review (if applicable) a new Conflict of Interest Disclosure form should be completed and attached to the original form.

Part 1: Employee Details	
Name:	Date:
Position:	Classification:
Directorate: Select Directorate	Supervisor name:
Branch:	Subunit:
Conflict of Interest / Circumstances	
1. 2.	
Duties affected by the Conflict / Circumstances	
1. 2.	
Conflict of Interest was last reviewed on (if applicable)	Date:
Part 2: Manager to complete the following section:	
The conflict of interest has been identified as (please tick the appropriate box)	
Actual ☐	Perceived ☐ Potential ☐
Pecuniary/financial ☐	Non-pecuniary ☐
The risk of the conflict of interest has been identified as (please tick the appropriate box)	
High ☐	Medium ☐ Low ☐
Management Strategy (please tick the appropriate box)	
Register ☐	Restrict ☐ Recruit ☐
Remove ☐	Relinquish ☐ Resign ☐
Details of restrictions and strategies implemented	

1. 2.		
Conflict of Interest to be reviewed on this date (if required):		
Review Complete (New form to be completed and attached)		
Date Review was completed:		
Employee Acknowledgement		
I, **[employee name],** declare that the above details are correct to the best of my knowledge and I make the conflict of interest declaration in good faith. **The agreed management strategy will, to the best of my knowledge, address the disclosure made.**	**Signature:** _____	**Date:**
Supervisor/Manager Acknowledgement		
I, **[supervisor/manager name],** declare that the above details are correct to the best of my knowledge and acknowledge my role in overseeing the management strategy of the conflict of interest as declared. As part of this, I will monitor the effective implementation and management of the agreed strategy (if applicable).	**Signature:** _____	**Date:**

Australian Capital Territory

Fair Trading (Australian Consumer Law) Commissioner Appointment 2021 (No 1)

Notifiable Instrument NI2021-31

made under the

Fair Trading (Australian Consumer Law) Act 1992, section 32 (Commissioner for fair trading)

---

1 Name of instrument

This instrument is the *Fair Trading (Australian Consumer Law) Commissioner Appointment 2021 (No 1)*.

2 Commencement

This instrument commences on 21 January 2021.

3 Appointment

I appoint Derise Cubin as the Commissioner for Fair Trading.

4 Revocation

This instrument revokes the *Fair Trading (Australian Consumer Law) Commissioner Appointment 2019 (No 4)* NI2019-559 made on 27 August 2019.

Richard Glenn
Director-General
Justice and Community Safety Directorate

18 January 2021

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Australian Capital Territory

Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2021 (No 1)

Notifiable Instrument NI2021-60

made under the

Fair Trading (Australian Consumer Law) Act 1992, section 32 (Commissioner for fair trading) and Legislation Act 2001, section 209 (Power to make acting appointment)

---

1 Name of instrument

This instrument is the *Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2021 (No 1)*.

2 Commencement

This instrument commences on the day after it is notified.

3 Appointment

I appoint the occupant of the public servant position number E827 to act as Commissioner for Fair Trading in the event that Derise Cubin is absent, unavailable or is otherwise for any reason unable to exercise the functions of the Commissioner for Fair Trading.

Richard Glenn
Director-General
Justice and Community Safety Directorate

4 February 2021

Darren Carden

From: Darren Carden
Sent: Friday, 28 October 2022 1:35 PM
To: derise.cubin@act.gov.au
Cc: barr@act.gov.au; rattenbury@act.gov.au; david.pryce@act.gov.au; Admin; Tiffany Monorom
Subject: RE: 86 Candles Pty Ltd - ACT Commissioner of Fair Trading - Pink Frosting

Categories: LEAP

Dear Ms Cubin,

We refer to our letter dated 26 October 2022.

Our client requested that you answer one simple question, a simple yes or no answer is all that our client has requested from you, please respond today.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

facebook

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au

Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603

Level 1 – Suite 6.1 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT

eastwoods legal
incorporating Manuka Legal Services

Please consider the environment before printing this e-mail correspondence

From: Darren Carden <darren@eastwoodslegal.com.au>
Sent: Wednesday, 26 October 2022 3:31 PM
To: derise.cubin@act.gov.au
Cc: barr@act.gov.au; rattenbury@act.gov.au; david.pryce@act.gov.au; Admin <admin@eastwoodslegal.com.au>; Tiffany Monorom <tiffany@eastwoodslegal.com.au>
Subject: 86 Candles Pty Ltd - ACT Commissioner of Fair Trading - Pink Frosting

Dear Ms Cubin,

Please see **attached** our correspondence of even date for your immediate attention.

Kindest regards,

Darren Carden

Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au

Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603

Level 1 – Suite 51 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT



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We use virus checking software but we cannot warrant that this email is error or virus free.

Darren Carden

From: Darren Carden
Sent: Friday, 28 October 2022 3:54 PM
To: 'Ms Sarah Arthur (Plaintiff's solicitor)'
Cc: Admin; Tiffany Monorom
Subject: RE: 86 Candles Pty Ltd - ACT Commissioner of Fair Trading - Pink Frosting

Categories: LEAP

Dear Sarah,

We refer to our letter dated 26 October 2022 and email below of even date sent to Ms Cubin.

No response to our client's question has been received to date.

This is a simple matter, a yes or no answer is required to be provided to our client's question.

To avoid further and unnecessary action by our client, a response is required by no later than close of business today.

Please have Ms Cubin respond without further delay.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

facebook

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Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603

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Subject: 86 Candles Pty Ltd - ACT Commissioner of Fair Trading - Pink Frosting

Dear Ms Cubin,

Please see **attached** our correspondence of even date for your immediate attention.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au
Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603
Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT

Darren Carden

Subject: FW: Derise Cubin - Conflict of Interest
Attachments: Email Chain Access Canberra confirming no action 18 June (1).pdf

---------- Forwarded message ---------
From: **Louise Curtis** <louiselollypotz@gmail.com>
Date: Fri, Nov 4, 2022 at 6:15 PM
Subject: Derise Cubin - Conflict of Interest
To: RATTENBURY <RATTENBURY@act.gov.au>

Dear Shane,

We have established the following over the past three weeks:-

1. Derise Cubin is in fact married to David Snowden (despite nobody in any senior positions wanting to admit it in writing, we have ACT Government staff who have confirmed same);
2. Derise Cubin declared her conflict on 26 November 2021 (per FOI received today). Noting that Ms Cubin ONLY declared her conflict after I had filed proceedings in the ACAT. Therefore Ms Cubin didn't see any point in declaring her interest until that time, because Ms Cubin didn't think she would get caught. She only made the declaration when there was a risk she would be exposed as the wife of the former Commissioner.
3. Since January 2021 to November 2022 Ms Cubin has provided instructions in relation to my matter - this is clearly noted by a litany of correspondence from the ACT Government who refer to Ms Cubin (The Commissioner) as she/her, noting the most recent correspondence is less than one month ago.

As a result, Ms Cubin was reported to the Integrity Commission five days ago - Ms Cubin has received a copy of the Commission's response confirming they have the details of the complaint and are investigating.

Sarah Arthur, of the ACT Government Solicitor's office will be reported to the ACT Law Society on Monday for encouraging such a blatant disregard for the conflict and bringing the legal profession into disrepute.

These are your staff, in your government, that you are responsible for. You and your team have had years to resolve this with me, and you have treated me with contempt. The entire operation is corrupt, and your staff within that operation are corrupt. The blessing of time has allowed me to establish exactly what is going on in your government - it's allowed me all the time in the world to establish our case. My favourite of course, is the attached, the email that was never sent confirming some three months after the first statement went to the press, the file was to be closed. How the hell did you get to six more statements to the press and you naming me as guilty of committing a crime? Keep your blinkers on Shane, because your blinkers are doing you no favours.

You're not going to like what is coming your way next week, but enough is enough, the gloves are off and none of you (Snowden, Connor, Cubin, Arthur) will be immune from what is coming your way.

Your government is a disgrace.

Regards,

Louise Curtis

louise.curtis@lollypotz.com.au

louiselollypotz@gmail.com

Darren Carden

Subject: FW: Derise Cubin - Conflict of Interest

---------- Forwarded message ---------
From: **Louise Curtis** <louiselollypotz@gmail.com>
Date: Sat, Nov 5, 2022 at 9:22 AM
Subject: Derise Cubin - Conflict of Interest
To: RATTENBURY <RATTENBURY@act.gov.au>

Good morning Shane,

I refer to my email of 4 November, 2022.

This morning, I've been provided with evidence of a Public Interest Disclosure and transcript made in January 2020 - involving Snowden and Cubin being married, involving doctoring of documents, involving perjury by Access Canberra staff.

This document confirms that David Pryce, and the ACTGS were aware of the relationship between Snowden and Cubin at least in early 2020, yet nobody thought they would ever have to disclose it, because they never thought they would be caught.

As I said previously, the blessing of time has certainly been a gift.

Kind regards,

Louise Curtis

louise.curtis@lollypotz.com.au

louiselollypotz@gmail.com

0475 605 862

From: "Georgeson, Matthew"
Sent: 28/10/2022 3:59 PM
To: "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>
Subject: FW: assurance controls in place

Shane, see below information from Access Canberra
Matt

From: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Sent: Friday, 28 October 2022 11:32 AM
To: Georgeson, Matthew <Matthew.Georgeson@act.gov.au>
Subject: assurance controls in place

OFFICIAL: Sensitive

Hi Matt

As requested I am providing additional information which outlines Access Canberra's handing of possible conflicts relating to potential claims by 86 Candles Pty Limited arising from the investigation of the Pink Frosting business under the *Fair Trading (Australian Consumer Law) Act 1992* (the FT Act).

On 18 January 2021, Derise Cubin was appointed as the ACT Commissioner for Fair Trading (the Commissioner) pursuant to *Fair Trading (Australian Consumer Law) Commissioner Appointment 2021 (No 1)*, Notifiable Instrument NI2021-31.

On 4 February 2021, the *Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2021 (No 1)* Notifiable Instrument NI2021-60 was signed and appointed the occupant of the public servant position number E827 to act as Commissioner for Fair Trading in the event that Derise Cubin is absent, unavailable or is otherwise for any reason unable to exercise the functions of the Commissioner for Fair Trading.

Following correspondence from Eastwood Legal (as the legal representative of 86 Candles Pty Limited) on 21 January and 27 May 2021 which ACT Government Solicitor's responded to, a without prejudice discussion occurred on 6 July 2021 to clarify particulars of any potential claim against the Territory.

Ms Cubin attended the without prejudice discussions as Commissioner on 6 July 2021. It was made clear to Eastwood Legal prior to the meeting that the Territory is not able to make settlement offers at this stage but does consider that a discussion between the parties should enable the progression of the matter.

86 Candles Pty Limited filed proceedings in the ACT Civil and Administrative Tribunal on 4 November 2021 (received by the Territory on 22 November 2021). It was at this point that it became apparent that 86 Candles Pty Limited intended to commence proceedings naming the former Commissioner, David Snowden as an individual.

On 24 November 2021, Ms Cubin completed a conflict of interest disclosure declaration. This was countersigned by David Pryce on 26 November 2021 and a Standard Operating Procedure (SOP) was implemented on 30 November 2021.
Under this SOP, Mr Pryce (as the then occupant of position number E827) was exercising the functions of Acting Commissioner for the FT Act in relation to matters involving the following individuals and entities:

1. Ms Louise Curtis of 24 Fergusson Crescent Deakin ACT 2600;
2. Pink Frosting (ACT) Pty Ltd - ABN 92 164 538 783 - ACN 164 538 783;
3. 86 Candles Pty Limited – ACN 607 264 586;
4. Trustee for 86 Candles Unit Trust; and
5. Lollypotz.

Mr Pryce is not currently occupying position number E827, however the current occupant of this position is exercising functions of Acting Commissioner in relation to matters involving the entities referred to above pursuant

to the *Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2021 (No 1)* and consistently with the SOP.

Additionally, the ACT Insurance Authority (ACTIA) is providing instructions, as the Territory's insurer, in relation to the claims for compensation made by Ms Curtis and 86 Candles Pty Limited arising from the investigation of the Pink Frosting business under the FT Act. ACTIA accepted coverage for the claim on 10 May 2021.

Josh Rynehart (He/Him)
A/g Chief Operating Officer
Access Canberra
Ph: 6205 3740
Email: josh.rynehart@act.gov.au



From: "RATTENBURY" <RATTENBURY@act.gov.au>
Sent: 25/11/2022 1:38 PM
To: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: FW: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin
Importance: High

RE: Louise Curtis

From: Darren Carden <darren@eastwoodslegal.com.au>
Sent: Friday, 25 November 2022 1:37 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Cc: BARR Reception <BARR@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>
Subject: RE: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

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. Learn why this is important

Dear Mr Rattenbury,

When we commenced corresponding with you in relation to this matter, we made it clear that our view, and the view held by the general public, of any Government, is that it must act with honesty and integrity.

That conduct is not to be 'picked and chosen' when deemed convenient, it is the standard, not to be deviated from at any time, particularly by the Attorney General.

Since our first letter setting out our client's concerns sent to you on 9 November 2022, you have: a) failed to acknowledge receipt of any of our correspondence and b) have failed to respond.

A failure to respond to our office does not mean that the serious issues raised in our correspondences will go away, on the contrary, our client has grown increasingly more frustrated by your conduct and more media attention to the issues raised should be expected, in particular, the poor responses provided by you directly to our client, which we note were contradictory to your representations made to the Assembly, and the relationship of Ms Derise Cubin and Mr David Snowden.

In respect to the serious questions asked in relation to the relationship of Ms Derise Cubin and Mr David Snowden, we note Mr Peter Cain MLA asked you the same or similar questions in the Assembly.

We have been provided with your response to Mr Peter Cain MLA, your response is unacceptable given the serious nature of the issues raised.

We note that you have asked a question in reply to Mr Peter Cain MLA and have not provided an answer, with respect, you are deliberately avoiding addressing the issues that confront the Government, the same position has been taken by the ACT Government Solicitor's office, in particular, the Solicitor General, Mr Peter Garrisson and solicitor, Ms Sarah Arthur.

We note the Solicitor General, Mr Peter Garrisson wrote to our office on 11 November 2022, and he expressly refused to answer our office's questions of his office. Ms Sarah Arthur previously refused to answer our questions.

What is becoming evident is that the Government, in particular your office, and the ACT Government Solicitors office are engaging in conduct that can be characterised by the general public as a 'cover up' - for the avoidance of any doubt, our office will continue to press for answers to the questions that our client has raised, we will not go away quietly.

Our client demands answers to the questions by close of business today.

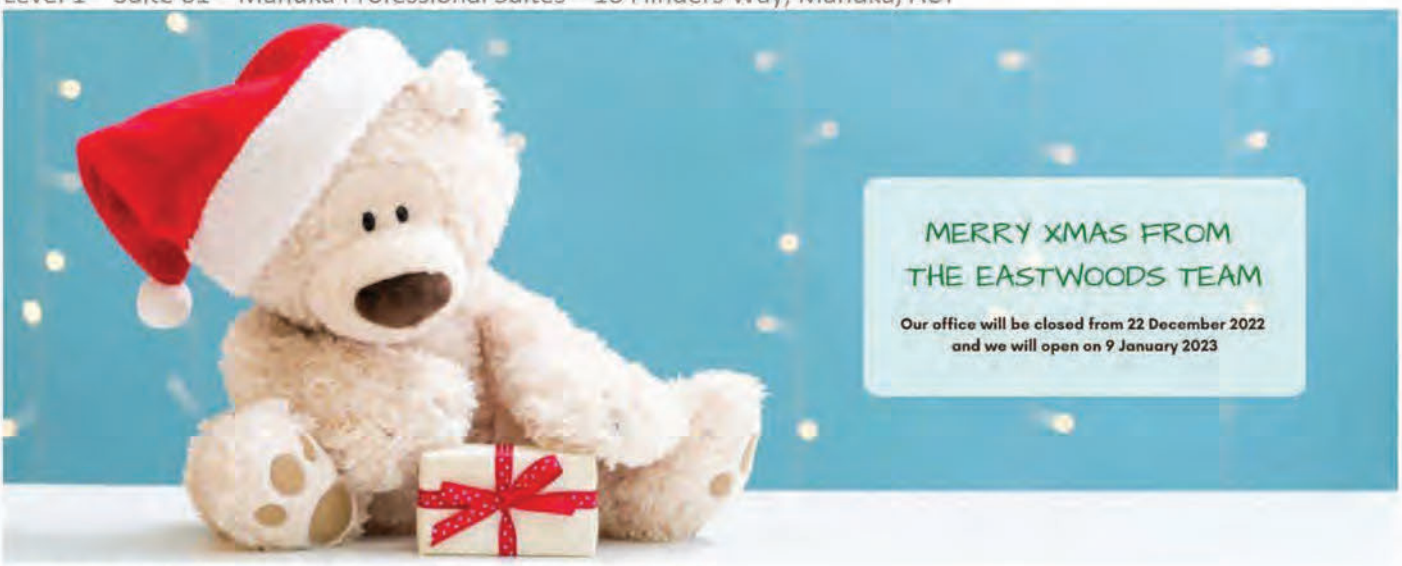
kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au

Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603

Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT



Please consider the environment before printing this e-mail correspondence.

From: Darren Carden
Sent: Thursday, 10 November 2022 2:43 PM
To: 'rattenbury@act.gov.au' <rattenbury@act.gov.au>
Cc: 'barr@act.gov.au' <barr@act.gov.au>; 'david.pryce@act.gov.au' <david.pryce@act.gov.au>
Subject: RE: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

Mr Rattenbury,

We understand that answering the questions below may be difficult on the basis that you will confirm the Government's conduct has been poor when dealing with the general public, and more particularly, when dealing with our client.

However, you are required to act with honesty and integrity.

So, please, answer the questions.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au

From: "RATTENBURY" <RATTENBURY@act.gov.au>
Sent: 13/10/2022 8:06 PM
To: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: FW: Please provide explanation - Commissioner for Fair Trading

Hi Matt – we got a reply already. This is a very specific allegation that we will need to look in to...

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Thursday, 13 October 2022 6:43 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Re: Please provide explanation - Commissioner for Fair Trading

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Dear Shane

Appreciate the response, unfortunately it doesn't allay my concerns.

Yes I'm aware that David Pryce was appointed as an 'alternative' Commissioner when Ms Cubin 'couldn't act', but that doesn't excuse Ms Cubin's conduct in attending a meeting defending the actions of Ms Snowden in July 2021. I was not, nor was my legal team advised of this conflict, which is entirely unacceptable and I require an explanation as to why Ms Cubin attended that meeting. Mr Pryce should have been at that meeting, not Ms Cubin.

Whilst I acknowledge the substantive matter is being dealt with by lawyers, this is not about the matter itself, it's about ACT Government employees (a Commissioner) who didn't have the foresight to advise that the conflict existed - the meeting would not have proceeded. I'm sure if you were in my shoes, you would find this conduct completely unacceptable.

I would really appreciate an explanation as to why Ms Cubin was at the meeting without disclosing this conflict.

I look forward to hearing from you.

Warm regards

Louise

On Thu, 13 Oct 2022 at 6:03 pm, RATTENBURY <RATTENBURY@act.gov.au> wrote:

> Dear Ms Curtis
>
> Please see attached a letter from the Minister in reply to your email.

Office of Shane Rattenbury MLA

Attorney General; Minister for Energy, Water and Emissions Reduction; Minister for Consumer Affairs; Minister for Gaming
ACT Greens Member for Kurrajong
t: 620 50005 | f: 620 50007 | rattenbury@act.gov.au |

Follow me on Facebook and Twitter

I acknowledge the Traditional Custodians of the Australian Capital Territory and across Australia, and pay respects to their Elders, past, present and future.

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Sunday, 9 October 2022 5:58 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Please provide explanation - Commissioner for Fair Trading

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. Learn why this is important

Hi Shane,

You may or may not be aware, proceedings are about to be commenced in my matter, finally. Sarah Arthur at the ACTGS is aware.

Last week I was contacted by a group of Canberrans who either are currently, or have previously sued the ACT Government for various levels of misconduct. This group tracked me down through the various FOI Applications I have made, which are of course, public. Their contact with me was unsolicited, nonetheless I listened to what they had to say.

Of most concern was the revelation that the former Fair Trading Commissioner, David Snowden is in fact married to the current Fair Trading Commissioner, Derise Cubin.

Given we are suing the office of the Commissioner for Fair Trading for its conduct (ie. the conduct of Mr David Snowden) in what universe do you think it is acceptable that the current Commissioner (Ms Derise Cubin) can act and attend mediation meetings with me and defend the conduct of the former Commissioner, when the former Commissioner is married to the current Commissioner?

In what universe do you think it is acceptable for this conflict not to be disclosed?

I was shocked by this news and my lawyers and I are trying to come to terms with how we deal with this revelation.

I am keen to understand your perspective on this non-disclosure and I look forward to your urgent response.

Kind regards

Louise Curtis
--

Louise Curtis
M: 0475 605 862

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: "Georgeson, Matthew"
Sent: 13/10/2022 5:43 PM
To: "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>; "RATTENBURY" <RATTENBURY@act.gov.au>
Subject: FW: Please provide explanation - Commissioner for Fair Trading
Attachments: Standard operating procedure relating to special arrangements for Acting Commissioner for Fair Trading.pdf, Response to Louise Curtis - 13 October 22.docx
Importance: High

Hi both. Shane please consider this reply to Ms Curtis, for sending ASAP. Good to send before tomorrow. Note Ms Curtis has said she may visit you at your stall.
Amy FYI, please draw to Shane's attention
Matt

From: Potter, Morgan <Morgan.Potter@act.gov.au> **On Behalf Of** ACDLO
Sent: Thursday, 13 October 2022 5:42 PM
To: Georgeson, Matthew <Matthew.Georgeson@act.gov.au>
Subject: RE: Please provide explanation - Commissioner for Fair Trading

OFFICIAL

Hi Matt,

Please find attached response and SOP (please note this SOP isn't for distribution other than Minister and advisors)

Morgan Potter | **Directorate Liaison Officer | Access Canberra**
Phone: Sch 2.2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: Georgeson, Matthew <Matthew.Georgeson@act.gov.au>
Sent: Tuesday, 11 October 2022 11:05 AM
To: Pryce, David <David.Pryce@act.gov.au>
Cc: ACDLO <ACDLO@act.gov.au>
Subject: FW: Please provide explanation - Commissioner for Fair Trading

David, please see below – could you advise on this matter?
Thanks
Matt

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Sunday, 9 October 2022 5:58 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Please provide explanation - Commissioner for Fair Trading

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Hi Shane,

You may or may not be aware, proceedings are about to be commenced in my matter, finally. Sarah Arthur at the ACTGS is aware.

Last week I was contacted by a group of Canberrans who either are currently, or have previously sued the ACT Government for various levels of misconduct. This group tracked me down through the various FOI Applications I have made, which are of course, public. Their contact with me was unsolicited, nonetheless I listened to what they had to say.

Of most concern was the revelation that the former Fair Trading Commissioner, David Snowden is in fact married to the current Fair Trading Commissioner, Derise Cubin.

Given we are suing the office of the Commissioner for Fair Trading for its conduct (ie. the conduct of Mr David Snowden) in what universe do you think it is acceptable that the current Commissioner (Ms Derise Cubin) can act and attend mediation meetings with me and defend the conduct of the former Commissioner, when the former Commissioner is married to the current Commissioner?

In what universe do you think it is acceptable for this conflict not to be disclosed?

I was shocked by this news and my lawyers and I are trying to come to terms with how we deal with this revelation.

I am keen to understand your perspective on this non-disclosure and I look forward to your urgent response.

Kind regards

Louise Curtis
--

Louise Curtis
M: 0475 605 862

Standard operating procedure relating to *Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2021 (No 1)*, Notifiable Instrument NI2021-60

Date: 30 November 2021

Part 1: ***Purpose***

1. Ms Derise Cubin has submitted a signed "Conflict of Interest Disclosure" form dated 24 November 2021.

2. Section 9(1)(a) and (b) of the *Public Sector Management Act 1994* requires that a public servant take all reasonable steps to avoid a conflict of interest and declare or manage a conflict of interest that cannot reasonably be avoided.

3. In order to mitigate and prevent the occurrence of actual or perceived conflict of interest, it is necessary to enact special arrangements as outlined in this Policy.

Part 2: ***Scope of policy***

1. This Policy applies to, but is not limited circumstances to actual and potential situations whereby Ms Derise Cubin, in her capacity as an employed public servant and the Commissioner for Fair Trading, would be involved with, or in connection with the following individuals, entities, and/or Tribunal proceedings:

   a. Ms Louise Curtis of 24 Fergusson Crescent Deakin ACT 2600; and
   b. ACT Civil and Administrative Tribunal: Proceeding reference XD1027 of 2021; and
   c. Pink Frosting/ Pink Frosting (ACT) Pty Ltd - ABN 92 164 538 783 - ACN 164 538 783; and,
   d. 86 Candles Pty Limited – ACN 607 264 586; and,
   e. Trustee for 86 Candles Unit Trust; and,
   f. Lollypotz.

Part 3: ***Appointment of David Pryce as Acting Commissioner for Fair Trading***

1. Ms Derise Cubin is appointed as the Commissioner for Fair Trading: see *Fair Trading (Australian Consumer Law) Commissioner Appointment 2021 (No 1)*, Notifiable Instrument NI2021-31.

4. Having regard to the matters outlined in the "Conflict of Interest Disclosure" form dated 24 November 2021, it is decided that Mr David Pryce will act in the place of Ms Derise Cubin as the Acting Commissioner for Fair Trading in all matters referred to in Part 2 of this Policy.

2. The legal mechanism under which Mr David Pryce will act as the Acting Commissioner for Fair Trading is by *Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2021 (No 1)*, Notifiable Instrument NI2021-60. That legislative instrument provides that the occupant of the public servant position number E827 can act as Commissioner for Fair Trading in the event that Derise

Cubin is absent, unavailable or relevantly in these circumstance, is unable to exercise the functions of the Commissioner for Fair Trading.

Part 4: Process for Access Canberra

1. For the purpose of the matters referenced above at Part 2 of this policy, Mr David Pryce will exercise the functions of the Acting Commissioner for Fair Trading.

2. In order to prevent the occurrence of actual or perceived conflict of interest in relation to the matters referenced above at Part 2 of this Policy, Access Canberra employees should ensure that Ms Derise Cubin:

    a. is not copied into any written correspondence, updates, and/or advice that is distributed, and instead, this is provided directly to Mr David Pryce by his direct email address and Mr Josh Rynehart, Ms Alex McPherson and Mr Damien Kelly by their respective email addresses only;

    b. is not included in, and present for any discussion about, or in connection to the matters referenced above at Part 2 of this Policy.

3. Management decisions on this matter will continue to be made within the Fair Trading and Compliance Branch processes. In the circumstances where instruction from the Commissioner is required, Mr Josh Rynehart will seek instruction from Mr David Pryce.

4. Access Canberra will take reasonable steps as documented to ensure that Ms Derise Cubin is not able to access electronic or hard-copy records relating to any matter referenced above at Part 2 of this Policy. Ms Cubin's access to any Objective files relating to the matters outlined at Part 2 of this Policy will be removed.

Part 5: Process for ACTGS

1. For the purpose of the matters referenced above at Part 2 of this policy, Mr David Pryce will exercise the functions of the Acting Commissioner for Fair Trading.

2. In order to prevent the occurrence of actual or perceived conflict of interest in relation to the matters referenced above at Part 2 of this Policy, ACTGS should ensure that Ms Derise Cubin:

    a. is not copied into any written correspondence, updates, and/or advice that is provided, and instead, this is provided directly to Mr David Pryce by his direct email address and Mr Josh Rynehart, Ms Alex McPherson and Mr Damien Kelly by their respective email addresses only;

    b. is not included in, and present for any discussion about, or in connection to the matters referenced above at Part 2 of this Policy.

ACT Government

Shane Rattenbury MLA
Attorney-General
Minister for Consumer Affairs
Minister for Water, Energy and Emissions Reduction
Minister for Gaming

Member for Kurrajong

Louise Curtis

louiselollypotz@gmail.com

October 2022

Dear Ms Curtis

Thank you for your email of 9 October 2022 expressing your concerns about the Commissioner for Fair Trading.

Ms Derise Cubin is appointed as the Commissioner for Fair Trading pursuant to *Fair Trading (Australian Consumer Law) Commissioner Appointment 2021 (No 1)*, Notifiable Instrument NI2021-31.

I am advised by the Head of Access Canberra that a Conflict of Interest declaration has been made and a formalised process was established to prevent any conflicts arising in this matter. As part of this process, an alternate decision maker was established whereby the Head of Access Canberra is acting as the Acting Commissioner for Fair Trading for this matter.

I can also advise that the ACT Insurance Authority (**ACTIA**), a statutory authority established under the *Insurance Authority Act 2005*, is providing instructions, as the Territory's insurer, in relation to the claims for compensation made by you and 86 Candles Pty Limited arising from the investigation of the Prink Frosting business under the *Fair Trading (Australian Consumer Law) Act 1992*. ACTIA has been providing instructions in relation to any such claims and matters arising from such claims since 10 May 2021.

Noting there is an established communication pathway between your legal representative and ACT Government Solicitor, I would recommend that any further correspondence about this particular matter should be directed to ACT Government Solicitor in the first instance.

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601
+61 2 6205 0005 rattenbury@act.gov.au
@ShaneRattenbury shanerattenburymla shanerattenbury

I trust this helps allay your concerns.

Yours sincerely

Shane Rattenbury MLA

From: "Georgeson, Matthew"
Sent: 11/10/2022 11:06 AM
To: "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>
Subject: FW: Please provide explanation - Commissioner for Fair Trading

FYI Shane – I have asked David Pryce for advice.

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Sunday, 9 October 2022 5:58 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Please provide explanation - Commissioner for Fair Trading

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Of most concern was the revelation that the former Fair Trading Commissioner, David Snowden is in fact married to the current Fair Trading Commissioner, Derise Cubin.

Given we are suing the office of the Commissioner for Fair Trading for its conduct (ie. the conduct of Mr David Snowden) in what universe do you think it is acceptable that the current Commissioner (Ms Derise Cubin) can act and attend mediation meetings with me and defend the conduct of the former Commissioner, when the former Commissioner is married to the current Commissioner?

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I was shocked by this news and my lawyers and I are trying to come to terms with how we deal with this revelation.

I am keen to understand your perspective on this non-disclosure and I look forward to your urgent response.

Kind regards

Louise Curtis

Louise Curtis
M: 0475 605 862

From: "Georgeson, Matthew"
Sent: 11/10/2022 11:05 AM
To: "Pryce, David" <David.Pryce@act.gov.au>
Cc: "ACDLO" <ACDLO@act.gov.au>
Subject: FW: Please provide explanation - Commissioner for Fair Trading

David, please see below – could you advise on this matter?
Thanks
Matt

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Sunday, 9 October 2022 5:58 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Please provide explanation - Commissioner for Fair Trading

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Kind regards

Louise Curtis
--

Louise Curtis
M: 0475 605 862

From: "RATTENBURY" <RATTENBURY@act.gov.au>
Sent: 14/10/2022 10:25 AM
To: "ACDLO" <ACDLO@act.gov.au>; "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: FW: Please provide explanation - Commissioner for Fair Trading
Attachments: Fair Trading Appointment E827.PDF

FYI – Update from Louise

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Thursday, 13 October 2022 7:14 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Re: Please provide explanation - Commissioner for Fair Trading

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Hi again Shane,

Apologies, I should have put this in my earlier email.

I did have the attached and had it some time ago - and I FOI'd who that employee was - and the FOI came back as David Pryce - I note this was signed in early 2021 - well before our meeting in July 2021 - so your explanation doesn't make any sense.

Await your response.

Thanks again,

Louise Curtis

louise.curtis@lollypotz.com.au

louiselollypotz@gmail.com

0475 605 862

On Thu, Oct 13, 2022 at 6:42 PM Louise Curtis <louiselollypotz@gmail.com> wrote:

> Dear Shane
>
> Appreciate the response, unfortunately it doesn't allay my concerns.
>
> Yes I'm aware that David Pryce was appointed as an 'alternative' Commissioner when Ms Cubin 'couldn't act', but that doesn't excuse Ms Cubin's conduct in attending a meeting defending the actions of Ms Snowden in July 2021. I was not, nor was my legal team advised of this conflict, which is entirely unacceptable and I require an explanation as to why Ms Cubin attended that meeting. Mr Pryce should have been at that meeting, not Ms Cubin.
>
> Whilst I acknowledge the substantive matter is being dealt with by lawyers, this is not about the matter itself, it's about ACT Government employees (a Commissioner) who didn't have the foresight to advise that the conflict

existed - the meeting would not have proceeded. I'm sure if you were in my shoes, you would find this conduct completely unacceptable.

I would really appreciate an explanation as to why Ms Cubin was at the meeting without disclosing this conflict.

I look forward to hearing from you.

Warm regards

Louise

On Thu, 13 Oct 2022 at 6:03 pm, RATTENBURY <RATTENBURY@act.gov.au> wrote:

Dear Ms Curtis

Please see attached a letter from the Minister in reply to your email.

Office of Shane Rattenbury MLA

Attorney General; Minister for Energy, Water and Emissions Reduction; Minister for Consumer Affairs; Minister for Gaming
ACT Greens Member for Kurrajong
t: 620 50005 | f: 620 50007 | rattenbury@act.gov.au |

Follow me on Facebook and Twitter

I acknowledge the Traditional Custodians of the Australian Capital Territory and across Australia, and pay respects to their Elders, past, present and future.

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Sunday, 9 October 2022 5:58 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Please provide explanation - Commissioner for Fair Trading

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. Learn why this is important

Hi Shane,

You may or may not be aware, proceedings are about to be commenced in my matter, finally. Sarah Arthur at the ACTGS is aware.

Last week I was contacted by a group of Canberrans who either are currently, or have previously sued the ACT Government for various levels of misconduct. This group tracked me down through the various FOI Applications I have made, which are of course, public. Their contact with me was unsolicited, nonetheless I listened to what they had to say.

Of most concern was the revelation that the former Fair Trading Commissioner, David Snowden is in fact married to the current Fair Trading Commissioner, Derise Cubin.

Given we are suing the office of the Commissioner for Fair Trading for its conduct (ie. the conduct of Mr David Snowden) in what universe do you think it is acceptable that the current Commissioner (Ms Derise Cubin) can

act and attend mediation meetings with me and defend the conduct of the former Commissioner, when the former Commissioner is married to the current Commissioner?

In what universe do you think it is acceptable for this conflict not to be disclosed?

I was shocked by this news and my lawyers and I are trying to come to terms with how we deal with this revelation.

I am keen to understand your perspective on this non-disclosure and I look forward to your urgent response.

Kind regards

Louise Curtis
--

Louise Curtis
M: 0475 605 862

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From: "Potter, Morgan" <Morgan.Potter@act.gov.au> on behalf of "ACDLO" <ACDLO@act.gov.au>
Sent: 11/11/2022 3:54 PM
To: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: FW: ShaneRattenbury-reponse to Mr Carden ACTG comments
Attachments: ShaneRattenbury-reponse to Mr Carden ACTG comments.docx

OFFICIAL: Sensitive - Legal Privilege

OFFICIAL: Sensitive - Legal Privilege

Just for FYI to support the minor change

M

Sch 1 1.2

[Type here]

On 18 January 2021, Ms Derise Cubin was appointed as the ACT Commissioner for Fair Trading pursuant to *Fair Trading (Australian Consumer Law) Commissioner Appointment 2021 (No 1), Notifiable Instrument NI2021-31*.

On 4 February 2021, the *Fair Trading (Australian Consumer Law) Acting Commissioner Appointment 2021 (No 1) Notifiable Instrument NI2021-60* was signed and appointed the occupant of the public servant position number E827 to act as the Commissioner in the event that Ms Cubin is absent, unavailable or is otherwise for any reason unable to exercise the functions of the Commissioner.

In reference to the meeting of 6 July 2021 I am informed that this was a without prejudice meeting and in correspondence from the ACT Government Solicitor dated 24 June 2021 (which was attached to your letter of 7 November 2022) it was made clear that this meeting was to engage in without prejudice discussions with you and your client to discuss the legal issues in the matter. Further, it was made clear that the Territory was not in a position to make settlement offers at that stage but considered that a discussion between the parties should enable the progression of the matter.

Subsequently, I understand that 86 Candles Pty Limited filed proceedings in the ACAT (the proceedings refer to above) on 4 November 2021 (received by the Territory on 22 November 2021) against the Commissioner for Fair Trading and others as individuals. As a direct result of the joining of the individuals to the matter, on 24 November 2021, Ms Cubin completed a conflict of interest disclosure and a process was established to prevent any conflicts arising in the matter. As part of this process an alternative decision maker was established whereby the Head of Access Canberra is acting as the Acting Commissioner for Fair Trading of that matter.

I am satisfied that the potential conflict of interest was declared and an appropriate management strategy was implemented to avoid any conflict.

Further, I am satisfied that the imputations you have made regarding the conduct of the ACT Government Solicitor are without foundation and I reject those.

Finally, I note that your client has referred Ms Cubin to the ACT Integrity Commission. I do not intend to engage with you or your client further while that process is underway.

Sch 1 1.2

Yours sincerely
[4 Returns]

Shane Rattenbury MLA
[No date - Minister will handwrite this in]

From: "Georgeson, Matthew"
Sent: 11/11/2022 4:30 PM
To: "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>
Subject: Fwd: Draft - Shane Rattenbury Response to Mr Carden ACTG comments

Shane, as discussed, I think in the interim, while the HoS looks at the issue, you could write back something like the following. I think a reply like this is good to acknowledge the several letters that have been sent. If you are ok with this approach I will confirm it with GSO.
Matt

Dear Mr Carden

I confirm I have received your letters. I am taking seriously the issues that have been raised and I will respond to you in due course. I note that subsequent to my initial letter of reply on XX, Ms Curtis wrote again to clarify and raise additional concerns. These are being looked into appropriately.

Shane Rattenbury

Begin forwarded message:

From: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Date: 11 November 2022 at 3:15:13 pm AEDT
To: "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>
Cc: "Bunt, Carol" <Carol.Bunt@act.gov.au>
Subject: Fwd: Draft - Shane Rattenbury Response to Mr Carden ACTG comments

Shane, FYI, attached is a draft AC letter to Mr Carden. Note there is an incorrect date (dec 22). I recommend not sending this now, as you have already asked Kath Leigh to look further into this matter and advise (I note you asked her verbally on Wednesday - have you also sent the follow up email yet?)
Mr Carden has Sent some other correspondence over the last few days but I have not forwarded it to you as it is does not raise any new issues but asks for a reply to his original questions.
Matt

From: Potter, Morgan <Morgan.Potter@act.gov.au> on behalf of ACDLO <ACDLO@act.gov.au>
Sent: Friday, November 11, 2022 2:09:59 PM
To: Georgeson, Matthew <Matthew.Georgeson@act.gov.au>
Subject: Draft - Shane Rattenbury Response to Mr Carden ACTG comments

OFFICIAL: Sensitive - Legal Privilege

Hi Matt,

Response for consideration.

Josh R is happy to discuss

Morgan Potter | Directorate Liaison Officer | Access Canberra
Phone: Sch 2 2(a)(ii) | Email: acdlo@act.gov.au

Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: "Georgeson, Matthew"
Sent: 09/11/2022 5:18 PM
To: "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>
Cc: "Bunt, Carol" <Carol.Bunt@act.gov.au>
Subject: Fwd: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

FYI, the second letter of the day.

Begin forwarded message:

From: RATTENBURY <RATTENBURY@act.gov.au>
Date: 9 November 2022 at 5:05:24 pm AEDT
To: ACDLO <ACDLO@act.gov.au>, "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: FW: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

FYI, Louise Curtis.

@Georgeson, Matthew let us know if any action is needed.

From: Darren Carden <darren@eastwoodslegal.com.au>
Sent: Wednesday, 9 November 2022 5:00 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Cc: BARR Reception <BARR@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>
Subject: RE: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin
Importance: High

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. Learn why this is important

Dear Mr Rattenbury,

Three very simple questions have been asked, and to date, you have failed to provide any reply whatsoever.

For your convenience, we provide those questions again:

1. Is Ms Derise Cubin, current Commissioner for Trading married to the former Commissioner for Fair Trading, Mr David Snowden?

2. When did you know they were married or otherwise in a relationship?

3. Why did you treat our client with contempt and were dismissive of her serious allegations?

In respect to question 3 above, we respectfully submit that it would be appropriate that you make contact with our client and unreservedly apologise without further delay. Taking positive steps to make amends for your poor conduct is recommended.

In respect to the questions, our client and the general public require answers.

We look forward to your timely reply.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au

Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603

Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT

Please consider the environment before printing this e-mail correspondence.

From: Darren Carden
Sent: Wednesday, 9 November 2022 9:05 AM
To: 'rattenbury@act.gov.au' <rattenbury@act.gov.au>
Cc: 'barr@act.gov.au' <barr@act.gov.au>; 'david.pryce@act.gov.au' <david.pryce@act.gov.au>
Subject: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

Dear Mr Rattenbury,

Please see correspondence of even date **attached** for you urgent attention.

We note that you have failed to reply to our urgent questions of 7 November 2022, please respond today.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au

Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603

Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT

Please consider the environment before printing this e-mail correspondence.

From: "Georgeson, Matthew"
Sent: 25/11/2022 2:06 PM
To: "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>
Cc: "Bunt, Carol" <Carol.Bunt@act.gov.au>
Subject: Fwd: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

FYI Shane, further correspondence from Ms Curtis lawyer.

Reminder that I have with you a letter to Kathy Leigh to investigate and advise; also a draft reply to Mr Carden acknowledging receipt etc.

Matt

Begin forwarded message:

From: RATTENBURY <RATTENBURY@act.gov.au>
Date: 25 November 2022 at 1:38:40 pm AEDT
To: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: FW: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

RE: Louise Curtis

From: Darren Carden <darren@eastwoodslegal.com.au>
Sent: Friday, 25 November 2022 1:37 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Cc: BARR Reception <BARR@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>
Subject: RE: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

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Dear Mr Rattenbury,

When we commenced corresponding with you in relation to this matter, we made it clear that our view, and the view held by the general public, of any Government, is that it must act with honesty and integrity.

That conduct is not to be 'picked and chosen' when deemed convenient, it is the standard, not to be deviated from at any time, particularly by the Attorney General.

Since our first letter setting out our client's concerns sent to you on 9 November 2022, you have: a) failed to acknowledge receipt of any of our correspondence and b) have failed to respond.

A failure to respond to our office does not mean that the serious issues raised in our correspondences will go away, on the contrary, our client has grown increasingly more frustrated by your conduct and more media attention to the issues raised should be expected, in particular, the poor responses provided by you directly to our client, which we note were contradictory to your representations made to the Assembly, and the relationship of Ms Derise Cubin and Mr David Snowden.

In respect to the serious questions asked in relation to the relationship of Ms Derise Cubin and Mr

David Snowden, we note Mr Peter Cain MLA asked you the same or similar questions in the Assembly.

We have been provided with your response to Mr Peter Cain MLA, your response is unacceptable given the serious nature of the issues raised.

We note that you have asked a question in reply to Mr Peter Cain MLA and have not provided an answer, with respect, you are deliberately avoiding addressing the issues that confront the Government, the same position has been taken by the ACT Government Solicitor's office, in particular, the Solicitor General, Mr Peter Garrisson and solicitor, Ms Sarah Arthur.

We note the Solicitor General, Mr Peter Garrisson wrote to our office on 11 November 2022, and he expressly refused to answer our office's questions of his office. Ms Sarah Arthur previously refused to answer our questions.

What is becoming evident is that the Government, in particular your office, and the ACT Government Solicitors office are engaging in conduct that can be characterised by the general public as a 'cover up' - for the avoidance of any doubt, our office will continue to press for answers to the questions that our client has raised, we will not go away quietly.

Our client demands answers to the questions by close of business today.

kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

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Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au

Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603

Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT



Please consider the environment before printing this e-mail correspondence.

From: Darren Carden
Sent: Thursday, 10 November 2022 2:43 PM
To: 'rattenbury@act.gov.au' <rattenbury@act.gov.au>
Cc: 'barr@act.gov.au' <barr@act.gov.au>; 'david.pryce@act.gov.au' <david.pryce@act.gov.au>
Subject: RE: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

Mr Rattenbury,

We understand that answering the questions below may be difficult on the basis that you will confirm the Government's conduct has been poor when dealing with the general public, and more particularly, when dealing with our client.

However, you are required to act with honesty and integrity.

So, please, answer the questions.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

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Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au

Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603

Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT

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incorporating Manuka Legal Services

Please consider the environment before printing this e-mail correspondence.

From: Darren Carden
Sent: Wednesday, 9 November 2022 4:59 PM
To: 'rattenbury@act.gov.au' <rattenbury@act.gov.au>
Cc: 'barr@act.gov.au' <barr@act.gov.au>; 'david.pryce@act.gov.au' <david.pryce@act.gov.au>
Subject: RE: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin
Importance: High

Dear Mr Rattenbury,

Three very simple questions have been asked, and to date, you have failed to provide any reply whatsoever.

For your convenience, we provide those questions again:

1. Is Ms Derise Cubin, current Commissioner for Trading married to the former Commissioner for Fair Trading, Mr David Snowden?

2. When did you know they were married or otherwise in a relationship?

3. Why did you treat our client with contempt and were dismissive of her serious allegations?

In respect to question 3 above, we respectfully submit that it would be appropriate that you make contact with our client and unreservedly apologise without further delay. Taking positive steps to make amends for your poor conduct is recommended.

In respect to the questions, our client and the general public require answers.

We look forward to your timely reply.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au

Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603

Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT



Please consider the environment before printing this e-mail correspondence.

From: Darren Carden
Sent: Wednesday, 9 November 2022 9:05 AM
To: 'rattenbury@act.gov.au' <rattenbury@act.gov.au>
Cc: 'barr@act.gov.au' <barr@act.gov.au>; 'david.pryce@act.gov.au' <david.pryce@act.gov.au>
Subject: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

Dear Mr Rattenbury,

Please see correspondence of even date **attached** for you urgent attention.

We note that you have failed to reply to our urgent questions of 7 November 2022, please respond today.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au

Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603

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If you have received this email by mistake, please notify us as soon as possible and permanently delete the email. Any confidentiality or privilege is not waived or lost because this email has been sent to you by mistake.

We use virus checking software but we cannot warrant that this email is error or virus free.

From: "Georgeson, Matthew"
Sent: 09/11/2022 9:44 AM
To: "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>
Cc: "Bunt, Carol" <Carol.Bunt@act.gov.au>
Subject: Fwd: Ms Curtis
Attachments: RE Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin.eml, Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin.eml

FYI further correspondence from Ms Curtis' lawyer.
Matt

Begin forwarded message:

From: RATTENBURY <RATTENBURY@act.gov.au>
Date: 9 November 2022 at 9:34:53 am AEDT
To: ACDLO <ACDLO@act.gov.au>, "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: Ms Curtis

Hi Morgs and Matt

More from Ms Curtis, noting that her laywer is repeatedly contacting the CMO. We have accepted referral.

Thanks
Fi

From: "BARR Reception" <BARR@act.gov.au>
Sent: 09/11/2022 9:12 AM
To: "RATTENBURY" <RATTENBURY@act.gov.au>
Subject: RE: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

Hi team

Are you happy to take carriage?

Maddie

From: Darren Carden <darren@eastwoodslegal.com.au>
Sent: Wednesday, 9 November 2022 9:05 AM
To: RATTENBURY <RATTENBURY@act.gov.au>
Cc: BARR Reception <BARR@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>
Subject: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

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Dear Mr Rattenbury,

Please see correspondence of even date **attached** for you urgent attention.

We note that you have failed to reply to our urgent questions of 7 November 2022, please respond today.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

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We use virus checking software but we cannot warrant that this email is error or virus free.

From: "Darren Carden" <darren@eastwoodslegal.com.au>
Sent: 09/11/2022 9:04 AM
To: "RATTENBURY" <RATTENBURY@act.gov.au>
Cc: "BARR Reception" <BARR@act.gov.au>; "Pryce, David" <David.Pryce@act.gov.au>
Subject: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin
Attachments: Letter to S Rattenbury MLA dated 9 November 2022.pdf

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. Learn why this is important

Dear Mr Rattenbury,

Please see correspondence of even date **attached** for you urgent attention.

We note that you have failed to reply to our urgent questions of 7 November 2022, please respond today.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au
Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603
Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT

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We use virus checking software but we cannot warrant that this email is error or virus free.

eastwoodslegal
Incorporating Manuka Legal Services

Your Ref:
Our Ref: DC:202384
Contact: Darren Carden
Direct Phone: 02 6100 6553
Direct Email: darren@eastwoodslegal.com.au

9 November 2022

Shane Rattenbury MLA
Attorney-General
Minister for Consumer Affairs
GPO Box 1020
Canberra, ACT 2601

By email: rattenbury@act.gov.au

cc: barr@act.gov.au; david.pryce@act.gov.au

Dear Mr Rattenbury,

MS DERISE CUBIN – CONFLICT OF INTEREST
MY CLIENT: 86 CANDLES PTY LIMITED AND LOUISE CURTIS

We refer to your response provided to Mr Peter Cain MLA yesterday and correspondence sent to our client on 13 October 2022 in relation to our client's allegations of conflict against Ms Derise Cubin, the current Commissioner for Fair Trading.

Please note that we have raised our offices concerns with the Chief Minister about your conduct in dealing with our client in relation to this matter and her concerns, however, we give you the opportunity to respond directly to our office on this issue.

You submitted yesterday to Mr Peter Cain MLA that:

> *'I considered this to be a very serious allegation and I am carefully working my way through that.'*

In your email to our client dated 20 October 2022, you said:

> *'Your questions are related to the conduct of a legal claim and your concerns can be addressed in that context. It is more appropriate that these questions are responded to by the Directorate.'*

In your capacity as Attorney General, your submission to Mr Peter Cain MLA was completely contradictory to your response to our client. Further, your response to our client on 20 October 2022 demonstrates that you did not take the allegations seriously at all.

We submit that you 'fobbed our client off' and you were extremely dismissive of our client's concerns without considering the seriousness of the allegations against Ms Derise Cubin, we repeat, you said:

'It is more appropriate that these questions are responded to by the Directorate.'

The fact is you did nothing at all in relation to our client's concerns.

Please confirm why you acted towards our client in this way as the Attorney General?

Yours faithfully

Sch 2.2(a)(ii)

From: "Georgeson, Matthew"
Sent: 14/10/2022 9:40 AM
To: "Rynehart, Josh" <Josh.Rynehart@act.gov.au>; "ACDLO" <ACDLO@act.gov.au>
Cc: "Pryce, David" <David.Pryce@act.gov.au>
Subject: Fwd: Please provide explanation - Commissioner for Fair Trading

Good morning Josh

Can you please provide the Minister with further information on the allegation below?

Regards
Matt

Begin forwarded message:

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Thursday, 13 October 2022 6:43 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Re: Please provide explanation - Commissioner for Fair Trading

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. Learn why this is important

Dear Shane

Appreciate the response, unfortunately it doesn't allay my concerns.

Yes I'm aware that David Pryce was appointed as an 'alternative' Commissioner when Ms Cubin 'couldn't act', but that doesn't excuse Ms Cubin's conduct in attending a meeting defending the actions of Ms Snowden in July 2021. I was not, nor was my legal team advised of this conflict, which is entirely unacceptable and I require an explanation as to why Ms Cubin attended that meeting. Mr Pryce should have been at that meeting, not Ms Cubin.

Whilst I acknowledge the substantive matter is being dealt with by lawyers, this is not about the matter itself, it's about ACT Government employees (a Commissioner) who didn't have the foresight to advise that the conflict existed - the meeting would not have proceeded. I'm sure if you were in my shoes, you would find this conduct completely unacceptable.

I would really appreciate an explanation as to why Ms Cubin was at the meeting without disclosing this conflict.

I look forward to hearing from you.

Warm regards

Louise

On Thu, 13 Oct 2022 at 6:03 pm, RATTENBURY <RATTENBURY@act.gov.au> wrote:

Dear Ms Curtis

Please see attached a letter from the Minister in reply to your email.

Office of Shane Rattenbury MLA

Attorney General; Minister for Energy, Water and Emissions Reduction; Minister for Consumer Affairs; Minister for Gaming
ACT Greens Member for Kurrajong
t: 620 50005 | f: 620 50007 | rattenbury@act.gov.au |

Follow me on Facebook and Twitter

I acknowledge the Traditional Custodians of the Australian Capital Territory and across Australia, and pay respects to their Elders, past, present and future.

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Sunday, 9 October 2022 5:58 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Please provide explanation - Commissioner for Fair Trading

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. Learn why this is important

Hi Shane,

You may or may not be aware, proceedings are about to be commenced in my matter, finally. Sarah Arthur at the ACTGS is aware.

Last week I was contacted by a group of Canberrans who either are currently, or have previously sued the ACT Government for various levels of misconduct. This group tracked me down through the various FOI Applications I have made, which are of course, public. Their contact with me was unsolicited, nonetheless I listened to what they had to say.

Of most concern was the revelation that the former Fair Trading Commissioner, David Snowden is in fact married to the current Fair Trading Commissioner, Derise Cubin.

Given we are suing the office of the Commissioner for Fair Trading for its conduct (ie. the conduct of Mr David Snowden) in what universe do you think it is acceptable that the current Commissioner (Ms Derise Cubin) can act and attend mediation meetings with me and defend the conduct of the former Commissioner, when the former Commissioner is married to the current Commissioner?

In what universe do you think it is acceptable for this conflict not to be disclosed?

I was shocked by this news and my lawyers and I are trying to come to terms with how we deal with this revelation.

I am keen to understand your perspective on this non-disclosure and I look forward to your urgent response.

Kind regards

Louise Curtis
--

Louise Curtis
M: 0475 605 862

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From: "RATTENBURY" <RATTENBURY@act.gov.au>
Sent: 09/11/2022 9:34 AM
To: "ACDLO" <ACDLO@act.gov.au>; "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: Ms Curtis
Attachments: RE: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin, Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

Hi Morgs and Matt

More from Ms Curtis, noting that her laywer is repeatedly contacting the CMO. We have accepted referral.

Thanks
Fi

From: "Georgeson, Matthew"
Sent: 26/10/2022 4:32 PM
To: "ACDLO" <ACDLO@act.gov.au>
Subject: Re: 86 Candles Pty Ltd - ACT Commissioner of Fair Trading - Pink Frosting
Attachments: image001.png, image002.png, image001.png, image002.png, Eastwoods Legal - Letter to Derise Cubin re Pink Frosting - dated 26 October 2022.pdf

Hi Morgan. Noting the below, and our previous requests for further information for the minister regarding this particular claim, could you please expedite that information? I spoke to Josh last Thursday who gave me verbal assurance and that we'd have that info by last Friday.
Matt

On 26 Oct 2022, at 3:38 pm, RATTENBURY <RATTENBURY@act.gov.au> wrote:

Hi Both,

Cc'd in on correspondence from Ms Curtis' lawyer 😊

From: Darren Carden <darren@eastwoodslegal.com.au>
Sent: Wednesday, 26 October 2022 3:31 PM
To: Cubin, Derise <Derise.Cubin@act.gov.au>
Cc: BARR Reception <BARR@act.gov.au>; RATTENBURY <RATTENBURY@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>; Admin <admin@eastwoodslegal.com.au>; Tiffany Monorom <tiffany@eastwoodslegal.com.au>
Subject: 86 Candles Pty Ltd - ACT Commissioner of Fair Trading - Pink Frosting

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. Learn why this is important

Dear Ms Cubin,

Please see **attached** our correspondence of even date for your immediate attention.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au
Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603
Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT

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We use virus checking software but we cannot warrant that this email is error or virus free.

eastwoods legal
Incorporating Manuka Legal Services

Your Ref:
Our Ref: DC:202384
Contact: Darren Carden
Direct Phone: 02 6100 6553
Direct Email: darren@eastwoodslegal.com.au

26 October 2022

ACT Government - Commsioner of Fair Trading

Attention: Derise Cubin

By email: derise.cubin@act.gov.au

cc: david.pryce@act.gov.au
cc: rattenbury@act.gov.au
cc: barr@act.gov.au

Dear Ms Cubin,

Re: Conflict of Interest

We act for 86 Candles Pty Ltd (formerly operating the business known as trading as Pink Frosting) and refer to a meeting that occurred on 6 July 2021.

You, as the ACT Commissioner for Fair Trading, attended that meeting in Blackburn Chambers along with Ms Sarah Arthur, solicitor, ACT Government Solicitors office and Mr Giuseppe Mangeruca, a staff member of Access Canberra.

We understood that meeting to be a mediation in relation to claims submitted by our client against the Territory, in particular, a claim arising out of an investigation into the Pink Frosting business in respect to the conduct of the former ACT Commissioner for Fair Trading, Mr David Snowden.

For the avoidance of any doubt, we do not act in the current ligation against the Territory on behalf of our client.

By way of background, on 25 November 2020, our client and our office met with Mr David Snowden, the then ACT Commissioner for Fair Trading, Rohan Connor, a director of Access Canberra, and a solicitor from the ACT Government's Solicitors office.

In relation to the investigation of the Pink Frosting business, during the course of that meeting, Mr David Snowden said the following:

11. *It includes any interests resulting from a connection, resentment or otherwise personal involvement by the employee in a matter outside of work that would influence their judgement when taking actions or making decisions. For example, if an employee were to make a work-related decision that favours their personal interests, they could be seen as benefitting themselves with the outcome or providing a disadvantage to another person or group.*

If you are the wife of Mr David Snowden, we submit that you have breached core policy principles in respect to Conflict of Interest Policy – Policy number: 10/2021 and your continuing employment as the ACT Commissioner for Fair Trading is untenable.

Our client requires that you confirm your marital status in relation to Mr David Snowden.

We look forward to your response.

Sch 2.2(a)(ii)

Encl: as above

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Introduction

1. The ACT Public Service (ACTPS) is committed to serving the ACT community and Territory with integrity, impartiality and in good faith by undertaking its work in a fair and unbiased way.
2. The purpose of the ACTPS Conflict of Interest Policy (the policy) is to advise all ACTPS employees of their responsibilities to declare and manage their conflicts of interest; whether they be perceived, potential or actual.

Application

3. This policy contains a set of whole-of-government instructions issued by the Head of Service under section 17(2)(a) the *Public Sector Management Act 1994* (PSM Act) and binds all employees engaged under that Act
4. For the purpose of this policy, employees are defined as including permanent officers, temporary employees, casual workers and Statutory Office Holders of the ACTPS.
5. All directorates/agencies are expected to adhere to this policy as a minimum standard. However, directorates /agencies may put in place their own policy and procedural documents which recognises differences in their operating environments and organisational structures.

Key Legislative Provisions

6. The ACTPS values are Respect, Integrity, Collaboration and Innovation. Integrity in the ACTPS means being apolitical, honest, dependable, and accountable in dealings with Ministers, the Parliament, the public and each other. It means recognising achievement and implies a consistency in dealings with others.
7. Section 9 of the PSM Act outlines the expectations of employees' conduct and behaviours including, but not limited to, taking all reasonable steps to avoid a conflict of interest and to declare or manage a conflict of interest that cannot reasonably be avoided. This means taking into consideration what a reasonable person in the employee's situation would do when facing a conflict of interest issue.
8. All ACTPS employees are also bound by the *ACT Public Service Code of Conduct* (ACTPS Code of Conduct), which provides guidance on the sorts of behaviours expected of employees consistent with section 9 of the PSM Act. A breach of the ACTPS Code of Conduct equates to a breach of section 9 under the PSM Act.
9. A breach of this policy may be reviewed under section 9 of the PSM Act. It is to be managed under clause H6: Misconduct and Discipline of the relevant ACTPS Enterprise Agreements (and their respective counterparts in the Medical Practitioners, and the Nursing and Midwifery Enterprise Agreements) for non-executive employees and section 47 of the Public Sector Management Standards 2016 (PSM Standards 2016) for executives.

Definitions

10. A conflict of interest arises when an employee's private interests or connections may lead to improperly influencing the performance of their official duties and responsibilities.
11. It includes any interests resulting from a connection, resentment or otherwise personal involvement by the employee in a matter outside of work that would influence their judgement when taking actions or making decisions. For example, if an employee were to make a work-related decision that

favours their personal interests, they could be seen as benefitting themselves with the outcome or providing a disadvantage to another person or group.

12. A conflict of interest could also arise where an employee has dual responsibilities and roles. This includes situations where one component of the employee's role is regulatory and the other is operational or advisory, or where the employee volunteers in an organisation that is also a stakeholder to their area of work.
13. A conflict of interest can be specified as being perceived, potential or actual:
    a. a **perceived conflict of interest** arises when it appears to another individual that an employee's private interest could improperly influence the performance of their duties, but this is not in fact the case. In determining if a perceived conflict of interest exists, the test is whether a reasonable observer would regard the employee's actions as reasonable in the situation;
    b. a **potential conflict of interest** arises where an employee has private interests that are of such a nature that a conflict of interest would arise if they were to become involved in official responsibilities related to those interests in the future; or
    c. an **actual conflict of interest** arises where the improper influence on the employee is actually occurring now or has occurred in the past. This could include instances where the Chair of a recruitment panel has a direct family member apply for an advertised position which the panel relates to.
14. A conflict of interest can also be pecuniary/financial or non-pecuniary:
    a. a **pecuniary/financial** interest involves an actual or potential financial gain or loss. Money does not need to actually change hands for an interest to be pecuniary. This includes situations where:
        I. the employee holds shares or a position in a company bidding for government work, accepts gifts or hospitality that is related to the performance of their official duties, or receives an income from a second job; or
        II. the employee is responsible for scheduling their shift workers on an 'on-call' register and includes their friends and themselves on the register more frequently than their other colleagues.
    b. a **non-pecuniary** interest does not have a financial component but may arise from personal or family relationships or involvement in sporting, social, religious or cultural activities. They include any tendency towards favouring or prejudicing resulting from friendship, animosity or some other personal involvement of the employee that could bias their impartiality when taking actions or making decisions.
15. Further conflict of interest examples and definitions can be found in the ***Conflict of Interest Policy Tool 1 – Examples and Definitions***.

Principles

16. Having a perceived, potential or actual conflict of interest does not automatically mean that an employee has undertaken corrupt conduct. However, the potential for corruption may increase where such conflicts of interest are undeclared, played down, mishandled, exploited or hidden.
17. The likelihood of corrupt conduct occurring may also increase when employees decide to self-manage the risks associated with an actual or potential conflict of interest, which prevents their directorate/agency from resolving or addressing the risk appropriately. Please refer to the ACT Integrity Commission website for further information and guidance.

Private/Personal interests

18. Private/personal interests are those interests that can bring benefits or disadvantages to employees as individuals, or to others whom they may wish to benefit or disadvantage.
19. A conflict of interest may be perceived if a person has significant personal/family relationships with clients, contractors or other staff working in the same, or a related, organisation.

Gifts

20. One particular conflict of interest example is the acceptance of gifts. A gift offered to and accepted by an employee that is related in any way to the performance of their official duties has the potential to damage their reputation or affect the public's trust in their directorate/agency's independence and integrity.
21. There are specific rules about accepting gifts or other benefits in relation to an employee's official duties. Please refer to the *Gifts, Benefits and Hospitality Policy* and the ACT Integrity Commission website for further information and guidance.

Second Jobs and Volunteering

22. Second jobs and volunteering roles for employees within and outside the ACTPS also have the potential to cause and contribute to a conflict of interest.
23. Section 244 of the PSM Act provides that an employee must have approval from the Head of Service (or delegate) for any of the following activities, other than in the exercise of their work-related functions. Examples of working outside the service include but are not limited to:
    a. any other employment;
    b. any other business activities; or
    c. being a member of any other board or committee.
24. Similarly, section 152 of the PSM Act confers this approval power to Statutory Office Holders and/or Chief Executives for public sector bodies.
25. In accordance with section 108 of the PSM Act, the Head of Service (or delegate) must not approve an application for a second job outside the service if they reasonably believe that it would create a real or perceived conflict of interest, or it would not be consistent with the public sector principles. Similar consideration should also be undertaken by the Head of Service (or delegate) when reviewing an application to perform a second job within the ACTPS.
26. Employees are to complete the *Second Jobs Application form*, or any other directorate/agency specific forms, prior to commencing any second jobs. Please refer to the *Second Jobs and Volunteering Policy* for further information and guidance.
27. While this pre-approval does not apply to employees who intend to participate in volunteering activities, it is important that these employees still make a self-assessment of whether any conflicts of interest exist between their volunteering activities and their work-related functions at the ACTPS.
28. If there are any perceived, potential or actual conflict of interest concerns with their volunteering role, the employee should complete a *Conflict of Interest Disclosure form* at **Attachment A** and discuss any further options for managing the conflict with their supervisor/manager.

Political Activity

29. All employees can in their own time participate in political campaigns including, but not limited to:
    d. doorknocking, letterboxing, phone polling and any other volunteer campaign activities;
    e. engaging in political debate including making comments in a private capacity; and

f. participating in rallies and events.

30. However, it is imperative that if an employee chooses to engage in any political campaigns in their own time, they must not give the impression that they are acting in an official capacity representing the ACTPS.

Public Comment

31. In accordance with section 9 of the PSM Act, an employee must not, without lawful authority, disclose confidential information gained through their job or make a comment that reasonably appears to be an official comment.
32. The Territory has protocols for engagement with media and authorisation of official comment and representation. It is recognised that employees increasingly use social media to interact with each other and the ACT community for work-related and social purposes during and after working hours.
33. Employees are to exercise good judgement and not knowingly misrepresent the ACTPS as an employer. When commenting after working hours on personal or private social media channels, it is important that the employee does not give the impression that they are acting in an official capacity and representing the Territory in any way.
34. Please refer to the *Use of Social Media Policy* for further information and guidance.

Recruitment

35. Actual conflicts of interest may arise in recruitment and selection processes, which may sometimes be unforeseen.
36. Where a panel is involved in a recruitment process, all members must complete a *Conflict of Interest Declaration form* to ensure that all perceived, potential or actual conflicts of interest are disclosed.
37. This could include where a panel member has a personal relationship with an applicant. These completed forms must be documented and disclosed to the delegate and any other panel members.
38. Following the disclosure, it will then be decided whether the affected employee should stand aside from the process or from consideration of the particular applicant.
39. Please refer to the *Recruitment Guidelines* for further information and guidance.

Procurement

40. Employees involved in certain procurement activities must follow the requirements of the *Probity in Procurement Guide*.
41. An ACT Procurement *Conflict of Interest Disclosure form* will need to be completed to confirm that the employee does not have a conflict of interest or that a conflict of interest is unlikely to arise during the course of their involvement in the procurement activity; particularly in relation to evaluating responses to tenders.
42. There is also an onus on the employee to disclose any conflict of interests if their circumstances change during the course of the procurement process.

Decision-making

43. Conflicted activities may include certain decision-making processes where a personal relationship with affected parties exists, which includes, but is not limited to:
    a. awarding grants;
    b. general administrative duties such as processing invoices for a particular community organisation; or

c. reporting to the ACT Integrity Commission on any escalated conflict of interest matters; a
d. contacting the relevant HR/corporate area and the employee's supervisor/manager to discuss declared conflicts of interests that require further clarification on; and
e. authorising an appropriate employee and their supervisor/manager to decide whether there is a conflict of interest and providing advice in exceptional circumstances.

SERBIRS

59. Senior Executives Responsible for Business Integrity Risk (SERBIRS) also have an overall responsibility for the implementation and promotion of the integrity framework and its related functions.
60. As part of this, the SERBIR representative of each directorate/agency should facilitate ongoing discussions around conflict of interests and encourage employees within their areas to be aware of the differing types of conflicts, as well as this policy and any directorate/agency specific policies or forms.
61. SERBIRS also have an advisory role; that is, they may provide advice to employees and executives in relation to this policy as well as have a role in identifying and reporting on directorate/agency-specific trends in relation to integrity matters.

Consultation

62. This policy was consulted with the ACTPS Human Resources Council (HRC), Unions, Workforce Capability and Governance and the ACTPS Strategic Board.

References

63. The relevant legislation, policy and employment arrangements underlying this operational guidance are:
    - *Public Sector Management Act 1994*, particularly section 9: Code of Conduct
    - *Public Sector Management Standards 2016*
    - *Declaration of Private Interests Policy*
    - *Probity in Procurement Guide*
    - *Gifts, Benefits and Hospitality Policy*
    - *Second Jobs and Volunteering Policy* and *Second Jobs Application form*
    - *Use of Social Media Policy*
    - *Recruitment Policy and Guidelines*
    - *ACT Integrity Commission website*

Further Information

64. For further information please contact your Human Resources/Corporate Area or the Senior Director, Whole of Government Industrial Relations and Public Sector Employment team, Workforce Capability & Governance Division at the Chief Minister, Treasury and Economic Development Directorate.

Review

65. This policy is due for review 3 years from the last issued or reviewed date, or earlier where there are changes that affect the operation of the policy.

Document name: ACTPS Conflict of Interest Policy	Prepared by: Assistant Director, Industrial Relations and Public Sector Employment, Workforce Capability & Governance, CMTEDD
Policy Number: 2021/10	Feedback to: eba@act.gov.au
Issue Date: 3 June 2021	Review Date: 3 June 2024

Approval Authority

Dr Damian West
Deputy Director-General
Workforce Capability and Governance Division
Chief Minister, Treasury and Economic Development Directorate
On behalf of the Head of Service
June 2021

Attachment A – Conflict of Interest Disclosure Form

ACT Government

Conflict of Interest Disclosure Form

Instructions

1. Complete this form in accordance with the ACT Public Service Conflict of Interest Policy and associated documents.
2. Once completed by the employee and their supervisor/manager, the form should be kept as a record within the business unit. A copy of the form should also be sent to your directorate HR area (or as required by your directorate/agency policy/guidelines.
3. At the time of review (if applicable) a new Conflict of Interest Disclosure form should be completed and attached to the original form.

Part 1: Employee Details	
Name:	Date:
Position:	Classification:
Directorate: Select Directorate	Supervisor name:
Branch:	Subunit:
Conflict of Interest / Circumstances	
1. 2.	
Duties affected by the Conflict / Circumstances	
1. 2.	
Conflict of Interest was last reviewed on (if applicable)	Date:
Part 2: Manager to complete the following section:	
The conflict of interest has been identified as (please tick the appropriate box)	
Actual ☐ / Perceived ☐ / Potential ☐	
Pecuniary/financial ☐	Non-pecuniary ☐
The risk of the conflict of interest has been identified as (please tick the appropriate box)	
High ☐ / Medium ☐ / Low ☐	
Management Strategy (please tick the appropriate box)	
Register ☐ / Restrict ☐ / Recruit ☐	
Remove ☐ / Relinquish ☐ / Resign ☐	
Details of restrictions and strategies implemented	

1. 2.		
Conflict of Interest to be reviewed on this date (if required):		
Review Complete (New form to be completed and attached)		
Date Review was completed:		
Employee Acknowledgement		
I, **[employee name],** declare that the above details are correct to the best of my knowledge and I make the conflict of interest declaration in good faith. **The agreed management strategy will, to the best of my knowledge, address the disclosure made.**	**Signature:** _____	**Date:**
Supervisor/Manager Acknowledgement		
I, **[supervisor/manager name],** declare that the above details are correct to the best of my knowledge and acknowledge my role in overseeing the management strategy of the conflict of interest as declared. As part of this, I will monitor the effective implementation and management of the agreed strategy (if applicable).	**Signature:** _____	**Date:**

From: "Potter, Morgan" <Morgan.Potter@act.gov.au> on behalf of "ACDLO" <ACDLO@act.gov.au>
Sent: 11/11/2022 3:48 PM
To: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: RE: Draft - Shane Rattenbury Response to Mr Carden ACTG comments
Attachments: ShaneRattenbury-reponse to Mr Carden ACTG comments.docx

OFFICIAL: Sensitive - Legal Privilege

OFFICIAL: Sensitive - Legal Privilege

Hi Matt,

Please find updated version – the changed sentence is highlighted in yellow (please note this change was done by GSO).

Morgan Potter | Directorate Liaison Officer | Access Canberra
Phone: Sch 2.2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: Potter, Morgan **On Behalf Of** ACDLO
Sent: Friday, 11 November 2022 2:58 PM
To: Georgeson, Matthew <Matthew.Georgeson@act.gov.au>
Subject: RE: Draft - Shane Rattenbury Response to Mr Carden ACTG comments

OFFICIAL: Sensitive - Legal Privilege

Correct – it went through GSO – it's there comments within the letter.

From: Georgeson, Matthew <Matthew.Georgeson@act.gov.au>
Sent: Friday, 11 November 2022 2:55 PM
To: ACDLO <ACDLO@act.gov.au>
Subject: Re: Draft - Shane Rattenbury Response to Mr Carden ACTG comments

OFFICIAL: Sensitive - Legal Privilege

Thanks - just checking - i assume the debate that says December 2022 should say December 2021?
Did this also go through GSO?

From: Potter, Morgan <Morgan.Potter@act.gov.au> on behalf of ACDLO <ACDLO@act.gov.au>
Sent: Friday, November 11, 2022 2:09:59 PM
To: Georgeson, Matthew <Matthew.Georgeson@act.gov.au>
Subject: Draft - Shane Rattenbury Response to Mr Carden ACTG comments

OFFICIAL: Sensitive - Legal Privilege

Hi Matt,

Response for consideration.

Josh R is happy to discuss

Morgan Potter | **Directorate Liaison Officer | Access Canberra**
Phone: Sch 2.2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

Shane Rattenbury MLA
Attorney-General
Minister for Consumer Affairs
Minister for Water, Energy and Emissions Reduction
Minister for Gaming

Member for Kurrajong

Darren Carden
Eastwoods Legal
darren@eastwoodslegal.com.au

November 2022

Dear Mr Carden

I refer to your correspondence of 7 November 2022, in which you indicate you are acting on behalf of your clients 86 Candles Pty Limited (ACN 607 264 586) and Ms Louise Curtis. I also refer to your subsequent correspondence and emails of 9 November 2022. Your intemperate and unprofessional approach to me is both inappropriate and unhelpful.

Sch 1 1.4

I am advised that the Access Canberra investigation under the *Fair Trading (Australian Consumer Law) Act 1992* ('the Act') into the conduct of 86 Candles Pty Limited was completed in 2019.

The Territory is not aware of any current legal proceedings involving those parties and the Territory.

The only legal proceeding I am aware of is *86 Candles Pty Limited v Commissioner for Fair Trading and Ors (XD 1027/2021)* filed in the ACT Civil and Administrative Tribunal ('the ACAT'). I am informed that the name of the second respondent was supressed by orders dated 16 November 2021. Further, I am informed that the matter was subsequently dismissed by ACAT on 3 December 2022.

In relation to your enquiries relating to ACT Public Service employees, I have sought advice from the Acting Head of Access Canberra and I can confirm the following.

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601
+61 2 6205 0005 rattenbury@act.gov.au
@ShaneRattenbury shanerattenburymla shanerattenbury

From: "Georgeson, Matthew"
Sent: 11/11/2022 4:05 PM
To: "ACDLO" <ACDLO@act.gov.au>
Subject: Re: Draft - Shane Rattenbury Response to Mr Carden ACTG comments
Attachments: ShaneRattenbury-reponse to Mr Carden ACTG comments.docx

Got it, thanks. I'll change that 3 December 2022 date to say 3 December 2021 as well?

On 11 Nov 2022, at 3:48 pm, ACDLO <ACDLO@act.gov.au> wrote:

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OFFICIAL: Sensitive - Legal Privilege

Hi Matt,

Please find updated version – the changed sentence is highlighted in yellow (please note this change was done by GSO).

Morgan Potter | **Directorate Liaison Officer | Access Canberra**
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To: ACDLO <ACDLO@act.gov.au>
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Sent: Friday, November 11, 2022 2:09:59 PM
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Morgan Potter | Directorate Liaison Officer | Access Canberra
Phone: Sch 2.2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: "Georgeson, Matthew"
Sent: 20/10/2022 2:37 PM
To: "RATTENBURY" <RATTENBURY@act.gov.au>
Cc: "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>
Subject: Re: Fair Trading Commissioner

Ok thanks Amy

Shane FYI, the advice comes from GSO/directorate for the issues relating to a legal claim to continue going through the directorate.

Matt

On 20 Oct 2022, at 2:05 pm, RATTENBURY <RATTENBURY@act.gov.au> wrote:

FYI – Ms Curtis' response

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Thursday, 20 October 2022 2:02 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Re: FW: Fair Trading Commissioner

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Dear Shane (and Team)

Thanks for your response - so is the Directorate going to respond to me? Have you passed on my queries? This has absolutely nothing to do with my claim and has everything to do with an incompetent, complacent and dare I say it, untrustworthy government. I cannot ask Sarah Arthur to respond, because her mitts are all over this as well - Ms Arthur surely knew of the Snowden/Cubin connection before allowing Ms Cubin to attend a meeting with me - and also, as recent as 14 days ago responding in relation to Ms Cubin's instructions?

How absurd that I am now filing in the Supreme Court to be afforded procedural fairness/natural justice - and how absurd that you think suggesting because this is in the hands of the ACT Government Insurer (yes, the ACT Government Insurer - run by the ACT Government) I should have no concerns. If, at any point in this entire debacle had any person who wasn't part of the ACT Government been involved from your end - we wouldn't be here. Closing ranks to protect each other is only going to get you so far.

I understand there is a political shit storm brewing here Shane and you want no part of it, but rest assured, as before, I'm not letting this go.

Kind regards

Louise Curtis

louise.curtis@lollypotz.com.au

louiselollypotz@gmail.com

0475 605 862

On Thu, Oct 20, 2022 at 1:40 PM RATTENBURY <RATTENBURY@act.gov.au> wrote:

Dear Ms Curtis

Your questions are related to the conduct of a legal claim and your concerns can be addressed in that context. It is more appropriate that these questions are responded to by the Directorate.

Kind Regards,

Office of Shane Rattenbury MLA
ACT Greens Member for Kurrajong
Attorney-General; Minister for Consumer Affairs; Minister for Gaming;
Minister for Water, Energy and Emissions Reduction
t: (02) 620 50005 | e: Rattenbury@act.gov.au
Follow Shane on Facebook and Twitter

We acknowledge the Traditional Custodians of the Australian Capital Territory and across Australia, and pay respects to their Elders, past, present and future.

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Friday, 14 October 2022 8:00 AM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Fair Trading Commissioner

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Hi again Shane,

Apologies for being a thorn in everybody's side.

Attached is letter received just one week ago from the ACTGS referring to the Commissioner of Fair Trading as 'her'. I think it's fair to assume 'her' is Derise Cubin., who it would appear is providing the instructions.

So I take it, as of one week ago Ms Cubin hadn't disclosed her conflict in this matter as she was still providing instructions to the ACTGS?

Im happy to walk away from this conflict issue if somebody just comes clean on it, as it is far from clean at present. It has zero impact on my claim, and I am in no way involving your office in my claim, but it goes to the continuous misconduct of ACT Government employees and you are the Minister responsible.

I will await your response to this and my earlier emails, perhaps including a copy of the Declaration as to Conflict.

Warm regards

Louise

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From: "Georgeson, Matthew"
Sent: 20/10/2022 2:40 PM
To: "RATTENBURY" <RATTENBURY@act.gov.au>; "ACDLO" <ACDLO@act.gov.au>
Subject: Re: Fair Trading Commissioner

Thanks. Morgan, just a reminder can we please get the information from AC for the minister about the claim related to a July meeting.
Matt

On 20 Oct 2022, at 2:05 pm, RATTENBURY <RATTENBURY@act.gov.au> wrote:

FYI – Ms Curtis' response

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Thursday, 20 October 2022 2:02 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Re: FW: Fair Trading Commissioner

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Attorney-General; Minister for Consumer Affairs; Minister for Gaming;
Minister for Water, Energy and Emissions Reduction
t: (02) 620 50005 | e: Rattenbury@act.gov.au
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Louise

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From: "Georgeson, Matthew"
Sent: 07/11/2022 2:55 PM
To: "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>; "Bunt, Carol" <Carol.Bunt@act.gov.au>
Subject: RE: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

One further update on this. I spoke to the integrity commission (Sch 2.2(a)(ii) advised that

- They don't talk about whether is a complaint or not Sch 1 1.1B)
- If we think there are matters that should be looked at, we can also refer the matter to the integrity commission
- Regardless of whether there is a complaint or not, the Minister can respond to questions/correspondence etc about the matter of complaint in whatever way he chooses ie we are not restrained and DO NOT have to say things like "as this is a subject of investigation in the integrity commission I cannot comment" etc.

Matt

From: Georgeson, Matthew
Sent: Monday, 7 November 2022 2:20 PM
To: Rattenbury, Shane <Shane.Rattenbury@act.gov.au>; Bunt, Carol <Carol.Bunt@act.gov.au>
Subject: FW: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

FYI. There have been several messages from Ms Curtis over the last several days, and today this request from her lawyer.

Ms Curtis / her lawyer have also made a complaint to the integrity commission regarding the claimed conflict of interest. I have contacted the integrity commission to ask for advice about protocols in terms of responding to questions about an issue that is the subject of a complaint and investigation. I haven't yet heard back.

Sch 1 1.2

As noted last week Shane, I have sought information from Access Canberra (via Josh Rynehart) about the conflict of interest concerns that have been raised. The verbal response was that Access Canberra's approach was appropriate because the conflict did not become relevant until the legal action was lodged, and at this stage it was declared (ie as the initial discussion was a 'without prejudice' discussion it was not inappropriate for Derise Cubin to attend). I also received the additional attached written information, which I reattach now.

Matt

From: RATTENBURY <RATTENBURY@act.gov.au>
Sent: Monday, 7 November 2022 1:02 PM
To: ACDLO <ACDLO@act.gov.au>; Georgeson, Matthew <Matthew.Georgeson@act.gov.au>
Subject: FW: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

Noting that this was also sent to the CMO and we have accepted referral

From: Darren Carden <darren@eastwoodslegal.com.au>
Sent: Monday, 7 November 2022 12:10 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Cc: BARR Reception <BARR@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>
Subject: Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin

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Dear Mr

Rattenbury,

Please see **attached** correspondence and attachments of even date for your urgent attention and action.

Kindest regards,

Darren Carden
Lawyer I Principal
REIA 2018 Awards for Excellence Solicitor of the Year

Email: darren@eastwoodslegal.com.au I Website: www.eastwoodslegal.com.au

Phone: 02 6100 6553 I Fax: 02 6100 6568 I Post: PO Box 3487, Manuka, ACT 2603

Level 1 – Suite 61 – Manuka Professional Suites – 18 Flinders Way, Manuka, ACT



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We use virus checking software but we cannot warrant that this email is error or virus free.

From: "Potter, Morgan" <Morgan.Potter@act.gov.au> on behalf of "ACDLO" <ACDLO@act.gov.au>
Sent: 13/10/2022 5:41 PM
To: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: RE: Please provide explanation - Commissioner for Fair Trading
Attachments: Standard operating procedure relating to special arrangements for Acting Commissioner for Fair Trading.pdf, Response to Louise Curtis - 13 October 22.docx

OFFICIAL

Hi Matt,

Please find attached response and SOP (please note this SOP isn't for distribution other than Minister and advisors)

Morgan Potter | **Directorate Liaison Officer | Access Canberra**
Phone: Sch 2.2(a)(ii) | Email: acdlo@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.accesscanberra.act.gov.au

Minister for Business and Better Regulation
Minister for Consumer Affairs
Minister for Planning and Land Management

From: Georgeson, Matthew <Matthew.Georgeson@act.gov.au>
Sent: Tuesday, 11 October 2022 11:05 AM
To: Pryce, David <David.Pryce@act.gov.au>
Cc: ACDLO <ACDLO@act.gov.au>
Subject: FW: Please provide explanation - Commissioner for Fair Trading

David, please see below – could you advise on this matter?
Thanks
Matt

From: Louise Curtis <louiselollypotz@gmail.com>
Sent: Sunday, 9 October 2022 5:58 PM
To: RATTENBURY <RATTENBURY@act.gov.au>
Subject: Please provide explanation - Commissioner for Fair Trading

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I was shocked by this news and my lawyers and I are trying to come to terms with how we deal with this revelation.

I am keen to understand your perspective on this non-disclosure and I look forward to your urgent response.

Kind regards

Louise Curtis
--

Louise Curtis
M: 0475 605 862

From: "Georgeson, Matthew"
Sent: 11/10/2022 3:55 PM
To: "Pryce, David" <David.Pryce@act.gov.au>
Cc: "ACDLO" <ACDLO@act.gov.au>; "Rynehart, Josh" <Josh.Rynehart@act.gov.au>
Subject: Re: Please provide explanation - Commissioner for Fair Trading

Thanks David, sorry I forgot you were in TCCS - will liaise with Josh.
Matt

On 11 Oct 2022, at 3:49 pm, Pryce, David <David.Pryce@act.gov.au> wrote:

OFFICIAL: Sensitive

Hi Matt,

Thanks for passing this on – we will provide written advice soon.

Note I've included Josh Rynehart as he is also across this issue and is currently performing the COO role within Access Canberra, noting I'm currently relieving in TCCS.

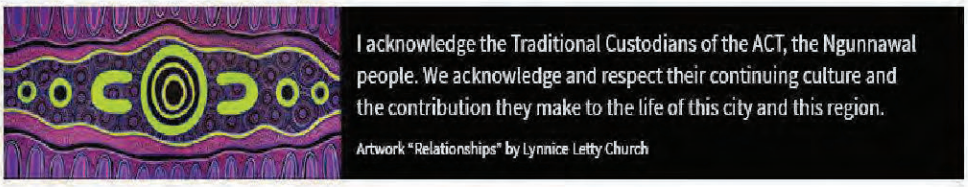
Let me know if you need to discuss further in the meantime.

Regards,

David

David Pryce | Deputy Director-General City Services
Phone 02 6207 4590 | Email: david.pryce@act.gov.au
Transport Canberra and City Services Directorate | **ACT Government**
480 Northbourne Ave, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

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M: 0475 605 862

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Cc: "ACDLO" <ACDLO@act.gov.au>; "Rynehart, Josh" <Josh.Rynehart@act.gov.au>
Subject: RE: Please provide explanation - Commissioner for Fair Trading

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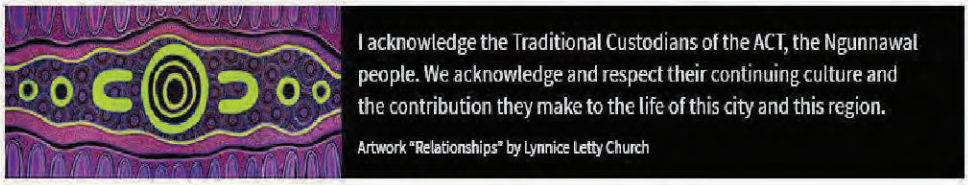
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Regards,

David

David Pryce | Deputy Director-General City Services
Phone 02 6207 4590 | Email: david.pryce@act.gov.au
Transport Canberra and City Services Directorate | **ACT Government**
480 Northbourne Ave, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

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Sent: Tuesday, 11 October 2022 11:05 AM
To: Pryce, David <David.Pryce@act.gov.au>
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Louise Curtis
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Louise Curtis
M: 0475 605 862

From: "Lam, Loi" <Loi.Lam@act.gov.au>
Sent: 11/10/2022 10:25 AM
To: "Pope, Lewis" <Lewis.Pope@act.gov.au>; "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Cc: "RATTENBURY" <RATTENBURY@act.gov.au>
Subject: RE: Please provide explanation - Commissioner for Fair Trading

This sounds like a legal issue for Lewis/JACS, but copying in Matt in case it is for AC who looks after the consumer affairs portfolio

From: Louise Curtis <louiselollypotz@gmail.com>
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Cc: "RATTENBURY" <RATTENBURY@act.gov.au>
Subject: RE: Please provide explanation - Commissioner for Fair Trading
Attachments: Response to Louise Curtis - 13 October 22.pdf

Dear Ms Curtis

Please see attached a letter from the Minister in reply to your email.

Office of Shane Rattenbury MLA

Attorney General; Minister for Energy, Water and Emissions Reduction; Minister for Consumer Affairs; Minister for Gaming
ACT Greens Member for Kurrajong
t: 620 50005 | f: 620 50007 | rattenbury@act.gov.au |

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Louise Curtis
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Louise Curtis
M: 0475 605 862

From: "Georgeson, Matthew"
Sent: 09/11/2022 11:28 AM
To: "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>
Cc: "Bunt, Carol" <Carol.Bunt@act.gov.au>
Subject: Request for advice
Attachments: FW: assurance controls in place, Letter to S Rattenbury MLA dated 7 November 2022.pdf, Correspondence attached to Letter to R Rattenbury dated 7 November 2022.pdf, Eastwoods Legal - Letter to Derise Cubin re Pink Frosting - dated 26 October 2022.pdf, RE: Please provide explanation - Commissioner for Fair Trading, Standard operating procedure relating to special arrangements for Acting Commissioner for Fair Trading.pdf, FW: Please provide explanation - Commissioner for Fair Trading, FW: FW: Fair Trading Commissioner, Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin, FW: Derise Cubin - Conflict of Interest
Importance: High

Shane – as discussed, see below a draft of a letter you can send to the head of service and public service commissioner. We can discuss further.
Matt

ACTPublicSectorStandardsCommissioner@act.gov.au, Kathy.leigh@act.gov.au

Dear Kathy and Ian

Could I please seek your advice on a matter that has been brought to my attention.

I seek your advice on: a) the appropriateness of the alleged conduct in Access Canberra; b) recommended action I should take as the Minister responsible for relevant areas of Access Canberra; and c) the appropriate way to respond to the legal and other questions I am receiving about this matter.

An allegation has been made by Ms Louise Curtis and her legal representatives that a conflict of interest was not dealt with appropriately in Access Canberra. The crux of this allegation is that the current Fair Trading Commissioner inappropriately attended a meeting without declaring that she is married to the former Fair Trading Commissioner, Mr David Snowden. The claim is made in the context of other legal action taken by Ms Curtis against the Commissioner. There is a history of interactions between Ms Curtis and Access Canberra, relating to Ms Curtis' former business, dating back several years. One of Ms Curtis' emails also alleges "doctoring of documents" and "perjury" (without further context).

My summary of action I have taken leading up to this request for further advice is as follows:

- My office received emails from Ms Curtis about the alleged conflict of interest. My office inquired with Access Canberra, and was alerted to the existing conflict of interest protocol that was in place. I received this advice and wrote to Ms Curtis noting this protocol.
- I received further correspondence from Ms Curtis specifying her concern that the protocol was not in place at the time a particular meeting took place (on 6 July 2021). My office sought further advice from Access Canberra about these details. My office received further verbal advice, and subsequent written advice, from Access Canberra, clarifying that the relevant meeting on 6 July 2021 was a "without privilege" meeting, which occurred before legal proceedings had named Mr Snowden, and therefore the Fair trading Commissioner's attendance at the meeting was not inappropriate. The protocol was enacted after legal proceedings were formally commenced.
- On advice from Access Canberra, my office also replied to one of Ms Curtis' emails that her inquiries were best directed to Access Canberra, as they related to a current litigation matter.
- I am informed by Ms Curtis that the matter has also been referred to the ACT Integrity Committee.

I have been cognisant of the fact that the letters from Ms Curtis and her legal representatives relate to live legal proceedings involving the Government. You will also have seen this most recent issue was raised in Annual Reports and subsequently reported in the media.

I have not yet replied to further emails from Ms Curtis and her legal representatives while I seek further advice on the issues.

I have attached for your background: emails from Ms Curtis and letters from her legal representative relating to this specific allegation, information provided to me so far by Access Canberra, and replies that I and my office sent to Ms Curtis.

I would appreciate your advice on this matter. I would like to be satisfied that the actions of Access Canberra have been appropriate. I would also appreciate advice on how to respond to the legal inquiries I am receiving.

Regards
Shane Rattenbury

Matthew Georgeson | Chief of Staff to Shane Rattenbury MLA
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From: "Rattenbury, Shane" <Shane.Rattenbury@act.gov.au>
Sent: 29/11/2022 6:44 AM
To: "Leigh, Kathy" <Kathy.Leigh@act.gov.au>; "ACT Public Sector Standards Commissioner" <ACTPublicSectorStandardsCommissioner@act.gov.au>
Cc: "Georgeson, Matthew" <Matthew.Georgeson@act.gov.au>
Subject: Request for advice
Attachments: FW: assurance controls in place, Letter to S Rattenbury MLA dated 7 November 2022.pdf, Correspondence attached to Letter to R Rattenbury dated 7 November 2022.pdf, Eastwoods Legal - Letter to Derise Cubin re Pink Frosting - dated 26 October 2022.pdf, RE: Please provide explanation - Commissioner for Fair Trading, Standard operating procedure relating to special arrangements for Acting Commissioner for Fair Trading.pdf, FW: Please provide explanation - Commissioner for Fair Trading, FW: FW: Fair Trading Commissioner, Louise Curtis & 86 Candles Pty Limited - conflict of interest - Derise Cubin, FW: Derise Cubin - Conflict of Interest
Importance: High

Dear Kathy and Ian

Could I please seek your advice on a matter that has been brought to my attention.

I seek your advice on: a) the appropriateness of the alleged conduct in Access Canberra; b) recommended action I should take as the Minister responsible for relevant areas of Access Canberra; and c) the appropriate way to respond to the legal and other questions I am receiving about this matter.

An allegation has been made by Ms Louise Curtis and her legal representatives that a conflict of interest was not dealt with appropriately in Access Canberra. The crux of this allegation is that the current Fair Trading Commissioner inappropriately attended a meeting without declaring that she is married to the former Fair Trading Commissioner, Mr David Snowden. The claim is made in the context of other legal action taken by Ms Curtis against the Commissioner. There is a history of interactions between Ms Curtis and Access Canberra, relating to Ms Curtis' former business, dating back several years. One of Ms Curtis' emails also alleges "doctoring of documents" and "perjury" (without further context).

My summary of action I have taken leading up to this request for further advice is as follows:

- My office received emails from Ms Curtis about the alleged conflict of interest. My office inquired with Access Canberra, and was alerted to the existing conflict of interest protocol that was in place. I received this advice and wrote to Ms Curtis noting this protocol.
- I received further correspondence from Ms Curtis specifying her concern that the protocol was not in place at the time a particular meeting took place (on 6 July 2021). My office sought further advice from Access Canberra about these details. My office received further verbal advice, and subsequent written advice, from Access Canberra, clarifying that the relevant meeting on 6 July 2021 was a "without privilege" meeting, which occurred before legal proceedings had named Mr Snowden, and therefore the Fair trading Commissioner's attendance at the meeting was not inappropriate. The protocol was enacted after legal proceedings were formally commenced.
- On advice from Access Canberra, my office also replied to one of Ms Curtis' emails that her inquiries were best directed to Access Canberra, as they related to a current litigation matter.
- I am informed by Ms Curtis that the matter has also been referred to the ACT Integrity Committee.

I have been cognisant of the fact that the letters from Ms Curtis and her legal representatives relate to live legal proceedings involving the Government. You will also have seen this most recent issue was raised in Annual Reports and subsequently reported in the media.
I have not yet replied to further emails from Ms Curtis and her legal representatives while I seek further advice on the issues.

I have attached for your background: emails from Ms Curtis and letters from her legal representative relating to this specific allegation, information provided to me so far by Access Canberra, and replies that I and my office sent to Ms Curtis.

I would appreciate your advice on this matter. I would like to be satisfied that the actions of Access Canberra have been appropriate. I would also appreciate advice on how to respond to the legal inquiries I am receiving.

Regards
Shane

Shane Rattenbury MLA

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I acknowledge the Traditional Custodians of the Australian Capital Territory and across Australia, and pay respects to their Elders, past, present and future.