



ACT
Government


Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

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

FOI Reference: CMTEDDFOI 2021-252

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	N/A
6. Processing time (in working days)	20
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A



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

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

Your details

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

Title:

First Name:

Last Name:

Business/Organisation

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

Request for information

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

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

In relation to Statement provided by Minister Shane Rattenbury in the Legislative Assembly on 20 August 2020 in relation to a company known as "Pink Frosting":- 1. A copy of the advice given to Minister Rattenbury from either the ACT Government Solicitor's office and/or by Mr Rohan Connor of Access Canberra, and/or by Mr David Snowden of Access Canberra - advising the Minister that the Company known as Pink Frosting was in breach of the Australian Consumer Law. 2. A copy of the 53 complaints referred to by Minister Rattenbury in his statement

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

Thank you.
Freedom of Information Coordinator



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI2021-252



FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 24 September 2021.

Specifically, your request stated: *"In relation to Statement provided by Minister Shane Rattenbury in the Legislative Assembly on 20 August 2020 in relation to a company known as "Pink Frosting":- 1. A copy of the advice given to Minister Rattenbury from either the ACT Government Solicitor's office and/or by Mr Rohan Connor of Access Canberra, and/or by Mr David Snowden of Access Canberra - advising the Minister that the Company known as Pink Frosting was in breach of the Australian Consumer Law. 2. A copy of the 53 complaints referred to by Minister Rattenbury in his statement."*

Authority

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

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 25 October 2021.

Decision on access

Searches were completed for relevant documents and two documents have been identified that fall within the scope of your request. I have decided to grant you full access to one document and exempt one document in full.

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

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

Material considered

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

- the Act, in particular Section 1.3(6) Information disclosure of which is prohibited under law, and
- the content of the documents that fall within the scope of your request.

Exemption claimed

In relation to point 2 of your request the identified document is entirely composed of, or contains information that is considered to be contrary to the public interest under schedule 1 of the Act.

Section 1.3(6) Information disclosure of which is prohibited under law

The list of 53 complaints referred to by Minister Rattenbury is entirely composed of information that I consider to be contrary to the public interest under Schedule 1.3(6) of the Act.

Section 54 of the *Fair Trading (Australian Consumer Law) Act 1992* is a secrecy provision which prohibits the release of 'protected information' about someone else. 'Protected Information' for the purposes of the *Fair Trading (Australian Consumer Law) Act 1992* is defined as:

" ... information about a person that is disclosed to, or obtained by, a person to whom this section applies because of the exercise of a function under this Act by the person or someone else".

Having reviewed the information, I am satisfied that the 53 complaints referred to by Minister Rattenbury in his statement falls within the definition provided above. As a result, this information is deemed to be contrary to the public interest in accordance with Schedule 1, section 1.3, of the Freedom of Information Act 2016.

The remaining information is released to you in full.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because the total number of pages to be released to you is below the charging threshold of 50 pages.

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 the document released to you in response to your access application will be published in the CMTEDD disclosure log 3 days after the date of my decision. Your personal contact details will not be published. You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi>.

Ombudsman Review

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

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

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

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

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

Should you have any queries in relation to your request please contact me by telephone on (02) 6207 7754 or by email at CMTEDDFOI@act.gov.au.

Yours sincerely,



Katharine Stuart
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate
25 October 2021



FREEDOM OF INFORMATION REQUEST SCHEDULE

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-3	Email/Attachment	17 Aug 2021	Full release	N/A	Yes
2	N/A	Pink Frosting 53 complaints	N/A	Exempt	Section 54 of the Fair Trading (Australian Consumer Law) Act 1992	No

From: [Cross, Billy](#) on behalf of [Access Canberra Government Business & Coordination](#)
To: [ACDLO](#)
Cc: [Access Canberra Government Business & Coordination](#)
Subject: For MO - QToN Pink Frosting - Due 19 August 2020
Date: Monday, 17 August 2020 4:29:29 PM
Attachments: [QToN - Pink Frosting.obr](#)
[QToN - Pink Frosting.docx](#)
[image001.png](#)

OFFICIAL

Good Afternoon Kim

Please find attached response to QToN Pink Frosting asked by Miss Lawder. This has been cleared by David Snowden.

Can you please finalise with the MO and send us a copy of the final signed response for our records?

Cheers

Billy

Billy Cross | Government Business and Coordination Officer

Phone: 02 6205 1351 | Email: Billy.Cross@act.gov.au

Projects, Governance & Support | Access Canberra | ACT Government

Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158 Canberra ACT 2601 |

www.act.gov.au/accessCBR



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ACT LEGISLATIVE ASSEMBLY QUESTION**Question Taken on Notice****13 August 2020**

1. **MS LAWDER:** My question is to the Minister for Business and Regulatory Services regarding ACT Fair Trading. Well over a year ago, an ACT Fair Trading spokesperson advised that Fair Trading was investigating complaints about a business, Pink Frosting. Minister, what has been the outcome of investigations into the complaints against the large party supplies business, Pink Frosting?

MR RATTENBURY: I will take that question. Responsibility for these matters sits within my portfolio of consumer affairs. I will have to take the question on notice. Investigations on that have been conducted by the commissioner, who operates independently of my ministerial direction and will be undertaking those investigations. I will need to seek advice on the status of that.

2. **MS LAWDER:** Minister, how many complaints did Fair Trading receive on this particular matter, and have all complainants now received a refund?

MR RATTENBURY: I cannot remember, off the top of my head. I will take that on notice and provide the answer to Ms Lawder as soon as practicable.

MINISTER RATTENBURY - The answer to the Member's question is as follows:

1. I am advised that Access Canberra has concluded its investigation of Pink Frosting. While evidence obtained by Access Canberra indicates that Pink Frosting is likely to have breached the Australian Consumer Law, on this occasion a formal enforcement outcome was not pursued since Pink Frosting has ceased its operations and the business is currently being deregistered.

[Type here]

2. Access Canberra has received 53 complaints about Pink Frosting since 2017. Consumers who paid for goods that were not supplied were encouraged to contact their credit card issuer to obtain a chargeback of the purchase price.

Approved for circulation to the Member and incorporation into Hansard.

Shane Rattenbury MLA

Minister for Justice, Consumer Affairs and Road Safety

Date:.....