



**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 2021-253

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)	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



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

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

### **Your details**

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

Title:

First Name:

Last Name:

Business/Organisation

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

### **Request for information**

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

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

In relation to an investigation conducted by Access Canberra into the business known as Pink Frosting. All correspondence between Rohan Connor of Access Canberra and Mr David Snowden of Access Canberra (as Commissioner for Fair Trading). All correspondence between the ACT Government Solicitors office and Rohan Connor of Access Canberra and Mr David Snowden of Access Canberra (as Commissioner for Fair Trading)

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

Thank you.  
Freedom of Information Coordinator



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2021-253



## 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, in which you sought access to correspondence between staff of the ACT Government.

Specifically, your request sought: *"In relation to an investigation conducted by Access Canberra into the business known as Pink Frosting. All correspondence between Rohan Connor of Access Canberra and Mr David Snowden of Access Canberra (as Commissioner for Fair Trading). All correspondence between the ACT Government Solicitors office and Rohan Connor of Access Canberra and Mr David Snowden of Access Canberra (as Commissioner for Fair Trading)".*

### Authority

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

### Timeframes

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

### Decision on access

Searches were completed for relevant documents and 19 documents were identified that fall within the scope of your request. Please note the information held by the ACT Government Solicitor's Office is large and has been grouped together as one document (document 19).

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 15 documents relevant to your request, partial access to two documents and refuse access to two documents as I consider them to be:

- contrary to the public interest information under schedule 1 of the Act; or
- 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, and
- the *Human Rights Act 2004*.

### **Exemption claimed**

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

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

Documents 5, 12 and 19 are composed of, or contain, information that is considered to be contrary to the public interest under schedule 1 of the Act.

Documents 5, 12 and 19 identified as being within the scope of your request are comprised of information that is considered to be contrary to the public interest information under section 1.2 of Schedule 1 of the Act. These documents contain information sent to and from the Office of the ACT Government Solicitor for the purposes of obtaining legal opinion. I consider the advice in these documents is subject to legal professional privilege as it was brought into existence for the dominant purpose of providing a legal opinion. This information can only be released if the parties involved agree to waive that privilege.

Accordingly, I have decided to withhold part of document 5 and the entirety of documents 12 and 19 from release under the Act.

#### 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 non-disclosure.

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.

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'.

Factors favouring disclosure in the public interest:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (xiii) *contribute to the administration of justice generally, including procedural fairness.*

Having considered the factors identified as relevant in this matter, I consider that release of the information contained in the document may contribute to procedural fairness by allowing you to have a copy of the documents that fall within the scope of your request as the matter directly involves you.

Factors favouring nondisclosure in the public interest:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (ii) *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

However, when considering this finding against the factors favouring non-disclosure, I am satisfied that the protection of an individual's right to privacy is a significant factor as the parties involved have provided their personal information (email address, mobile phone number) for the purposes of their employment within the media industry. This, in my opinion, outweighs the benefit which may be derived from releasing the personal information of this individual. These individuals are entitled to expect that the non-public personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy.

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 is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

**Charges**

Pursuant to Freedom of Information (Fees) Determination 2018 processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived in accordance with section 107(2)(b) of the Act.

**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 after 3 days after the date of my decision. Your personal contact details will not be published.

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

### **Ombudsman Review**

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

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

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

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

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

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

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

Yours sincerely



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

25 October 2021



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
In relation to an investigation conducted by Access Canberra into the business known as Pink Frosting. All correspondence between Rohan Connor of Access Canberra and Mr David Snowden of Access Canberra (as Commissioner for Fair Trading). All correspondence between the ACT Government Solicitors office and Rohan Connor of Access Canberra and Mr David Snowden of Access Canberra (as Commissioner for Fair Trading).	CMTEDDFOI2021-253

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Email between DS and RC (out of scope information removed)	6 Dec 2018	Full release	N/A	Yes
2	2-4	Email between DS and RC	13 Jan 2019	Full release	N/A	Yes
3	5-6	Email between DS and RC	14 Jan 2019	Full release	N/A	Yes
4	7-9	Email between DS and RC	14 Jan 2019	Full release	N/A	Yes
5	10-11	Email between DS and RC	6 Mar 2019	Partial release	Schedule 1 – 1.2 Legal Professional Privilege; and 2.2(a)(ii)	Yes
6	12	Email between DS and RC	6 Nov 2019	Full release	N/A	Yes
7	13-35	Email between DS and RC (out of scope information removed) (applicants own information included for context)	25 Nov 2019	Partial release	2.2(a)(ii)	Yes
8	36-37	Email between DS and RC	26 Nov 2019	Full release	N/A	Yes
9	38-41	Email between DS and RC	29 Nov 2019	Full release	N/A	Yes
10	42-43	Email between DS and RC	25 Feb 2020	Full release	N/A	Yes
11	44	Email between DS and RC	10 Jun 2020	Full release	N/A	Yes
12	45-70	Email between DS and RC	12 Jun 2020	Exempt	Schedule 1 – 1.2 Legal Professional privilege	No
13	71	Email between DS and RC	13 Aug 2020	Full release	N/A	Yes

14	72-76	Email between DS and RC	17 Aug 2020	Full release	N/A	Yes
15	77-79	Email between DS and RC	15 Sep 2020	Full release	N/A	Yes
16	80-81	Email between DS and RC	16 Sep 2020	Full release	N/A	Yes
17	82-85	Email between DS and RC	21 Sep 2020	Full release	N/A	Yes
18	86-88	Email between DS and RC	24 Sep 2020	Full release	N/A	Yes
19	N/A	ACT Government Solicitor Documents	Various	Exempt	Schedule 1.2 Information subject to legal professional privilege	No

**From:** "Snowden, David" <David.Snowden@act.gov.au>

**Sent:** 06/12/2018 5:46 PM

**To:** "Connor, Rohan" <Rohan.Connor@act.gov.au>

**Subject:** Re: Meeting to discuss various Investigations, Compliance and Enforcement matters

Tks Rohan. Look forward to it and welcome the initiative.

Cheers

D

Sent from my iPhone

> On 6 Dec 2018, at 4:08 pm, Connor, Rohan <Rohan.Connor@act.gov.au> wrote:

>

> Hi David,

>

> As discussed, we're putting some time aside to review our investigation strategy for the following matters:

> 1. Pink Frosting (ACL)

> Out of Scope

>

>

> The Investigation Strategy Review summary sheets for these matters will be circulated to you shortly.

>

> Out of Scope

>

>

> Regards, Rohan

>

>

> <meeting.ics>

**From:** "Connor, Rohan"

**Sent:** 13/01/2019 11:28 PM

**To:** "Leslie, Nate" <Nate.Leslie@act.gov.au>; "Snowden, David" <David.Snowden@act.gov.au>; "Cubin, Derise" <Derise.Cubin@act.gov.au>

**Cc:** "Warre, Tanja" <Tanja.Warre@act.gov.au>; "Harrison, Wendy Maree" <WendyMaree.Harrison@act.gov.au>

**Subject:** FW: 20190112 - Pink Frosting - Daily Telegraph Article [SEC=UNCLASSIFIED]

**Attachments:** 20190112 - Pink Frosting - Daily Telegraph Article.docx

Hi all,

Attached is the Daily Telegraph article on Pink Frosting that was published online yesterday.

Cheers, Rohan

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**From:** Prescott, Aidan

**Sent:** Monday, 14 January 2019 10:23 AM

**To:** Connor, Rohan <Rohan.Connor@act.gov.au>; Harrison, Wendy Maree <WendyMaree.Harrison@act.gov.au>; O'Rourke, Stephen <Stephen.O'Rourke@act.gov.au>; Azize, Michael <Michael.Azize@act.gov.au>

**Subject:** 20190112 - Pink Frosting - Daily Telegraph Article

Hi all

Please see the attached Pink Frosting article. This was put onto the Daily Telegraph website on 12 Jan 2018.

Thanks

Aidan

## **Pink Frosting party supplies under investigation by Fair Trading after customers complain about orders**

John Rolfe – News Corp Australia Network

January 12 – 2019 – 9.00pm

Exclusive: One of Australia's largest party supplies businesses is under official investigation following claims it has failed to deliver what were meant to be special touches on first-birthday celebrations, baby showers and weddings.

While Pink Frosting argues it's being unfairly accused, many of its gutted customers also say it has been slow to refund — or doesn't at all.

Some have gone public with their experiences to warn others, posting scathing criticisms on leading consumer feedback site [productreview.com.au](http://productreview.com.au).

"Pink Frosting are the worst-rated online-only shop that we have," said ProductReview managing director Elmar Shar. About 500 such stores are tracked on the site.

Pink Frosting has a rating of 1.7 out of five from 1116 reviews. One, defined as "terrible", is the lowest possible rating.

Owner and CEO Louise Curtis described complaining customers as "hysterical".

She also said it was the victim of an alleged "witch hunt" by ProductReview, which Mr Shar denied.

Ms Curtis said her business had been further hampered by its former landlord, which had not fixed storm damage to the Pink Frosting building. She said she was suing.

Ms Curtis said fewer than 180 of the 879 one-star reviews for Pink Frosting were under her ownership, which began in August 2015.

Businesswoman and former business award winner Louise Curtis. Picture: News Corp Australia

A check then showed at least twice that many were. Ms Curtis wouldn't comment other than to say the business "disputes the validity of many of those reviews".

Pink Frosting has a rating of 2.2 out of five from 102 Google reviews; one is the lowest rating.

Three reviewers who have recently given it top marks also rate a Halloween costumes store in California five stars; two who give Pink Frosting a maximum score also do so for a Michigan tool business. Ms Curtis wouldn't comment about the validity of those reviews.

Perth mother Rhonwen Ammendolea's experience typifies many of those who have given Pink Frosting one star on ProductReview. She ordered 70 personalised lollipops in August for her son Jordan's first birthday party in October.

"It seemed like quite a good deal," Ms Ammendolea said.

Rhonwen Ammedolea with her son, Jordan, 1. She had a bad experience with online party supplies business, Pink Frosting, after their failure to deliver custom lollipops for her son's 1st birthday, which were ordered well in advance. Picture: Matthew Poon

But they never arrived and she only got a refund after putting a review on ProductReview. The refund delay was blamed on a "technical error". She tried to alert Pink Frosting's more than 200,000 Facebook followers but customers are not permitted to give feedback there.

"It's just for their advertising," she said.

She also made a complaint to the ACCC, which is assisting in the investigation into Pink Frosting.

Another one-star reviewer, Jess Finos of Adelaide, told News Corp Australia she ordered tablecloths and balloons for a combined birthday party for her one and three-year-olds. She didn't get the items or receive a refund so she posted on ProductReview. Pink Frosting responded on the site by saying sorry and that it would get the refund was processed.

Rhonwen Ammedolea with her son, Jordan, 1. Picture: Matthew Poon

An ACT Fair Trading spokesman said it "is currently investigating a number of complaints" and that "as part of ongoing inquiries, it has been in contact with other Australian Consumer Law regulators throughout Australia". Ms Curtis wouldn't comment beyond saying Pink Frosting had a "productive and open relationship" with authorities.

Ms Curtis said a daily limit had been put on the value of refunds Pink Frosting issues and that the results were being reported to authorities. ACT Fair Trading said it "categorically rejects any suggestions that it instructed Pink Frosting to put a cap on refunds."

Pink Frosting does have one physical store in Canberra. On ProductReview, ACT customers rate Pink Frosting more highly.



**From:** "Connor, Rohan"  
**Sent:** 14/01/2019 4:47 AM  
**To:** "Snowden, David" <David.Snowden@act.gov.au>  
**Subject:** RE: Pink Frosting: Meeting with Access Canberra [SEC=UNCLASSIFIED]

Sounds good, I'll give you a call then

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**From:** Snowden, David  
**Sent:** Monday, 14 January 2019 3:40 PM  
**To:** Connor, Rohan <Rohan.Connor@act.gov.au>  
**Subject:** Re: Pink Frosting: Meeting with Access Canberra [SEC=UNCLASSIFIED]

4pm work for you?

On 14 Jan 2019, at 2:44 pm, Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)> wrote:

Hi David, do you have a moment today to discuss our response to this email from Louise Curtis of Pink Frosting?

Cheers, Roh

**From:** Louise Curtis [<mailto:louiselollypotz@gmail.com>]

**Sent:** Sunday, 13 January 2019 8:28 AM

**To:** Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)>

**Cc:** Prescott, Aidan <[Aidan.Prescott@act.gov.au](mailto:Aidan.Prescott@act.gov.au)>; O'Rourke, Stephen <[Stephen.O'Rourke@act.gov.au](mailto:Stephen.O'Rourke@act.gov.au)>; Harrison, Wendy Maree <[WendyMaree.Harrison@act.gov.au](mailto:WendyMaree.Harrison@act.gov.au)>

**Subject:** Re: Pink Frosting: Meeting with Access Canberra [SEC=UNCLASSIFIED]

Dear Rohan,

It is noted that you provided a Statement to tabloid media, The Daily Telegraph last week in relation to Pink Frosting. This is extremely disappointing, just ten days out from my Court hearing, and has placed significant risk over my outcome in Court.

Mostly extremely disappointing due to my open and honest engagement with your organisation during this year. Your last email to me was about 'having a chat'. Today, in national papers, my Company is under "Official Investigation".

As a result, and in accordance with legal advice, it has been suggested that our meeting be rescheduled until after my Court hearing, and to allow time for my lawyers to attend. We are currently preparing for this Court case and now your Statement has placed myself and my Company in a further precarious position.

You are welcome to suggest another time after 28 January 2019 and I will check availability with my lawyers. In the meantime, if you need to issue any official statement/or take an official line/action with me or my Company, I would prefer you do it directly with me, not via the tabloid press.

I will await to hear from you.

Kind regards,

Louise Curtis

CEO

Lollypotz

Pink Frosting

Hamperesque

[louise.curtis@lollypotz.com.au](mailto:louise.curtis@lollypotz.com.au)

[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)

02 5105 8354 (Lollypotz)

02 5100 7567 (Pink Frosting)

On Wed, Dec 12, 2018 at 9:35 AM Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)> wrote:

Dear Louise,

As previously discussed, Access Canberra and other Australian Consumer Law regulators around Australia have recently received an increase in complaints about Pink Frosting. While the individual circumstances of each complaint varies, a common theme has been the alleged failure of Pink Frosting to supply goods in a reasonable timeframe in contravention of section 36 of the Australian Consumer Law.

Access Canberra has previously engaged with Pink Frosting regarding consumer complaints. We acknowledge that there have been some challenges in operating Pink Frosting, including due to a flood at the Pink Frosting warehouse and subsequent proceedings. Nevertheless, Access Canberra is concerned about the significant uptick in consumer complaints about Pink Frosting in recent months.

We would welcome the opportunity to meet with you in our office on Tuesday or Wednesday next week to discuss our concerns. If you are amenable to this request, could you please nominate a time that is convenient for you. Attending me at the meeting will be my colleagues Aidan and Andrew.

If you have any questions about my email, please call me.

Regards, Rohan

**Rohan Connor**

Manager | Advice, Investigations and Enforcement

(02) 6207 8284 | [rohan.connor@act.gov.au](mailto:rohan.connor@act.gov.au)

**Access Canberra | ACT Government**

GPO Box 158, Canberra City ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)

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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.  
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**From:** "Connor, Rohan"  
**Sent:** 14/01/2019 9:38 PM  
**To:** "Snowden, David" <David.Snowden@act.gov.au>  
**Cc:** "Harrison, Wendy Maree" <WendyMaree.Harrison@act.gov.au>; "Cubin, Derise" <Derise.Cubin@act.gov.au>; "Prescott, Aidan" <Aidan.Prescott@act.gov.au>; "O'Rourke, Stephen" <Stephen.O'Rourke@act.gov.au>  
**Subject:** FW: Pink Frosting: Meeting with Access Canberra [SEC=UNCLASSIFIED]

Hi David,

Please see the email from Louise Curtis below. Out of Scope

Cheers, Rohan

**From:** Louise Curtis [mailto:louiselollypotz@gmail.com]  
**Sent:** Tuesday, 15 January 2019 8:34 AM  
**To:** Connor, Rohan <Rohan.Connor@act.gov.au>  
**Cc:** Harrison, Wendy Maree <WendyMaree.Harrison@act.gov.au>; Prescott, Aidan <Aidan.Prescott@act.gov.au>; O'Rourke, Stephen <Stephen.O'Rourke@act.gov.au>  
**Subject:** Re: Pink Frosting: Meeting with Access Canberra [SEC=UNCLASSIFIED]

Dear Rohan,

In refer to your advice provided to Mr John Rolfe of News Limited last week, that Pink Frosting is under formal investigation by your Department. We have received nothing from you to that effect, which is concerning. I do understand the process of being under 'formal investigation' would include me being advised of that, which at this stage - I have not been. What I am aware of is an invitation from you to a meeting to discuss concerns about an increase in complaints. This would seem to be a far cry from "being under formal investigation", worthy of a full page story in a national newspaper.

You would appreciate an article such as that printed in the national papers on Sunday would cause me personally, and my Company significant financial loss and personal damage to my reputation. It's important from my perspective to understand why you gave the press this information without in the first instance providing this to me.

Please advise what documents you require from us to complete that 'formal investigation'. At this stage, until we receive something confirming the investigation, and engaging us in that investigation, no appointment will be made to meet with you.

My lawyers have obviously been appointed to proceed with defamation proceedings against the Daily Telegraph, and this will no doubt involve your Department and the information you provided News Limited.

I also note you have been subpoenaed in relation to current proceedings.

I reiterate that Pink Frosting is an 'open book', and have invited you to my office (and your Department has attended previously) to review our systems/orders and CRM management system. At all times we have been willing to work with you in an open and trusted relationship. I note that our next meeting was to be held on 14 January, 2019, however I have cancelled same due to the information provided to the press.

I do need to understand however how you have legally provided this information to the press, without first providing it to me and I look forward to your response by 5 pm today.

Kind regards,

Louise Curtis

CEO

Lollypotz

Pink Frosting

Hamperesque

[louise.curtis@lollypotz.com.au](mailto:louise.curtis@lollypotz.com.au)

[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)

02 5105 8354 (Lollypotz)

02 5100 7567 (Pink Frosting)

On Mon, Jan 14, 2019 at 4:39 PM Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)> wrote:

Dear Louise,

We would be pleased to meet with you and your lawyers on any one of the following dates and times:

- Tuesday, 29 January 2019, 10:30 AM
- Wednesday, 30 January 2019, 2:30 PM
- Thursday, 31 January 2019, 2:30 PM

Could you please confirm your preference for the meeting time. Our office is located at Cosmopolitan Centre, 21 Bowes St, Woden ACT 2606.

Regards, Rohan

**Rohan Connor**

Manager | Advice, Investigations and Enforcement

(02) 6207 8284 | [rohan.connor@act.gov.au](mailto:rohan.connor@act.gov.au)

**Access Canberra | ACT Government**

GPO Box 158, Canberra City ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)

**From:** Louise Curtis [mailto:[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)]

**Sent:** Sunday, 13 January 2019 8:28 AM

**To:** Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)>

**Cc:** Prescott, Aidan <[Aidan.Prescott@act.gov.au](mailto:Aidan.Prescott@act.gov.au)>; O'Rourke, Stephen <[Stephen.O'Rourke@act.gov.au](mailto:Stephen.O'Rourke@act.gov.au)>; Harrison, Wendy Maree <[WendyMaree.Harrison@act.gov.au](mailto:WendyMaree.Harrison@act.gov.au)>

**Subject:** Re: Pink Frosting: Meeting with Access Canberra [SEC=UNCLASSIFIED]

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Mostly extremely disappointing due to my open and honest engagement with your organisation during this year. Your last email to me was about 'having a chat'. Today, in national papers, my Company is under "Official Investigation".

As a result, and in accordance with legal advice, it has been suggested that our meeting be rescheduled until after my Court hearing, and to allow time for my lawyers to attend. We are currently preparing for



this Court case and now your Statement has placed myself and my Company in a further precarious position.

You are welcome to suggest another time after 28 January 2019 and I will check availability with my lawyers. In the meantime, if you need to issue any official statement/or take an official line/action with me or my Company, I would prefer you do it directly with me, not via the tabloid press.

I will await to hear from you.

Kind regards,

Louise Curtis

CEO

Lollypotz

Pink Frosting

Hamperesque

[louise.curtis@lollypotz.com.au](mailto:louise.curtis@lollypotz.com.au)

[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)

02 5105 8354 (Lollypotz)

02 5100 7567 (Pink Frosting)

On Wed, Dec 12, 2018 at 9:35 AM Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)> wrote:

Dear Louise,

As previously discussed, Access Canberra and other Australian Consumer Law regulators around Australia have recently received an increase in complaints about Pink Frosting. While the individual circumstances of each complaint varies, a common theme has been the alleged failure of Pink Frosting to supply goods in a reasonable timeframe in contravention of section 36 of the Australian Consumer Law.

Access Canberra has previously engaged with Pink Frosting regarding consumer complaints. We acknowledge that there have been some challenges in operating Pink Frosting, including due to a flood at the Pink Frosting warehouse and subsequent proceedings. Nevertheless, Access Canberra is concerned about the significant uptick in consumer complaints about Pink Frosting in recent months. We would welcome the opportunity to meet with you in our office on Tuesday or Wednesday next week to discuss our concerns. If you are amenable to this request, could you please nominate a time that is convenient for you. Attending me at the meeting will be my colleagues Aidan and Andrew. If you have any questions about my email, please call me.

Regards, Rohan

**Rohan Connor**

Manager | Advice, Investigations and Enforcement

(02) 6207 8284 | [rohan.connor@act.gov.au](mailto:rohan.connor@act.gov.au)

**Access Canberra | ACT Government**

GPO Box 158, Canberra City ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)

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**From:** "Connor, Rohan"  
**Sent:** 06/03/2019 9:38 PM  
**To:** "Snowden, David" <David.Snowden@act.gov.au>  
**Cc:** "Warre, Tanja" <Tanja.Warre@act.gov.au>  
**Subject:** RE: For approval - draft email regarding Pink Frosting [SEC=UNCLASSIFIED]

Thanks David. We'll send this out today.

---

**From:** Snowden, David  
**Sent:** Thursday, 7 March 2019 7:04 AM  
**To:** Connor, Rohan <Rohan.Connor@act.gov.au>  
**Cc:** Warre, Tanja <Tanja.Warre@act.gov.au>  
**Subject:** Re: For approval - draft email regarding Pink Frosting [SEC=UNCLASSIFIED]

Tks Rohan. Ok by me.

Sent from my iPhone

On 6 Mar 2019, at 4:33 pm, Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)> wrote:

Hi David,

As discussed, please find below for your approval the email we propose to send to the owner of Pink Frosting, Louise Curtis. Please note we are suggesting that we provide Ms Curtis with a copy of Access Canberra's full statements to News Limited, given Ms Curtis seems to have some misunderstandings of what we said to News Limited.

Schedule 1 1.2



Please let me know if you have any questions or concerns. Happy to discuss.  
Cheers, Roh

-----  
Dear Louise,

I refer to your emails and our conversation late last week. I understand you are seeking clarification about how Access Canberra responds to media requests, including News Limited's requests regarding Pink Frosting.

In some circumstances, it may be in the public interest for Access Canberra to provide comment on an investigation. Access Canberra takes a range of factors into consideration when considering if making a statement about an investigation is in the public interest and outweighs the possible detrimental effect of public commentary. These factors include, but are not limited to, whether comment is necessary in order to maintain public confidence that Access Canberra is fulfilling its responsibility by investigating issues of public concern and whether making a statement will allay public concern particularly, for example, where there is evidence of a substantial number or concerning trend of complaints regarding a business.

For your reference, I have attached copies of Access Canberra's full statements to News Limited, which were provided in response to two requests for comment about Pink Frosting. The journalist's contact information has been redacted from the statements. The information contained in the statements is consistent with the information previously provided to Pink Frosting, including by email on 12 December 2018 and during a telephone call with you prior to sending the email of 12 December 2018.

Finally, I note that Access Canberra is currently reviewing the information and documents recently provided by Pink Frosting. We will contact Pink Frosting again in due course either to obtain further information and documents (if necessary) or to advise of the outcome of our investigation.

Regards,  
Rohan

---

**From:** Collins, Alexandra

**Sent:** Wednesday, 6 March 2019 3:33 PM

**To:** Warre, Tanja <[Tanja.Warre@act.gov.au](mailto:Tanja.Warre@act.gov.au)>; Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)>

**Subject:** RE: For approval - draft email regarding Pink Frosting [SEC=UNCLASSIFIED]

**ACT GOVERNMENT SOLICITOR**  
(see confidentiality notice below)

Dear Tanja and Rohan

Schedule 1 1.2



Kind regards

Alex

**Alexandra Collins** | Principal Solicitor | ACT Government Solicitor

☎ 02 620 54313 | 📠 02 620 70650 | 📮 DX 5602 Canberra | 📧 PO Box 260 Civic Square ACT 2608

[www.actgs.act.gov.au](http://www.actgs.act.gov.au)

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<Media Response - News Corp - Pink Frosting 09012019.pdf>

<Media Response - News Corp - Follow Up Pink Frosting 09012019.pdf>



**From:** "Connor, Rohan"

**Sent:** 06/11/2019 4:24 AM

**To:** "Snowden, David" <David.Snowden@act.gov.au>

**Cc:** "Pryce, David" <David.Pryce@act.gov.au>; "Potter, Chantel" <Chantel.Potter@act.gov.au>; "Bailey, Kim.P" <Kim.P.Bailey@act.gov.au>; "Pretorius, Dion" <Dion.Pretorius@act.gov.au>; "Burns, Julia" <Julia.Burns@act.gov.au>

**Subject:** For approval: Pink Frosting media points [DLM=Sensitive]

**Importance:** High

Hi David,

The Minister's office would like us to go out by cob today with points to respond to the allegations made by Pink Frosting. We're hoping to get your sign off before we release these points. If we don't hear from you, Chantel will need to clear these points in your absence.

Access Canberra has been in contact with Ms Curtis regarding complaints about Pink Frosting from at least mid-2018. Prior to that time, Access Canberra had been engaging with the former operator of Pink Frosting regarding consumer complaints.

On 12 December 2018, Access Canberra emailed Ms Curtis to notify her of the increase in complaints about Pink Frosting received by consumer protection regulators across Australia, and to request a time to meet with her to discuss these concerns. Prior to sending the email, a representative from Access Canberra telephoned Ms Curtis to notify her of the increase in complaints about Pink Frosting and to inform her that the complaints would be the subject of further review.

On 7 January 2019, News Corp requested a comment from Access Canberra regarding Pink Frosting. Access Canberra confirmed that it was investigating complaints about Pink Frosting, of which Ms Curtis was aware.

Happy to discuss.

Regards,

**Rohan Connor**

Director

Investigations and Enforcement | Fair Trading and Compliance

**Access Canberra | ACT Government**

0459 608 630 | [rohan.connor@act.gov.au](mailto:rohan.connor@act.gov.au)

GPO Box 158, Canberra City ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)



**From:** "Connor, Rohan"

**Sent:** 25/11/2019 9:55 PM

**To:** "Potter, Chantel" <Chantel.Potter@act.gov.au>

**Subject:** FW: Pink Frosting & Louise Curtis [SEC=UNCLASSIFIED]

**Attachments:** Fair Trading Access Canberra 22 november.pdf, Fair Trading response.pdf, Email from Access Canberra regarding Pink Frosting [SEC=UNCLASSIFIED], 2019.11.04 - Media enquiry response - Pink Frosting and Fair Trading - Canberra Times (Draft team response).docx

Hi Chantel,

Just checking if there's any follow up you or David Snowden would like on this one? I'm on leave on Thursday and Friday, but I can work up a response prior to then if needed.

Cheers,

**Rohan Connor**

Director

Investigations and Enforcement | Fair Trading and Compliance

**Access Canberra | ACT Government**

0459 608 630 | [rohan.connor@act.gov.au](mailto:rohan.connor@act.gov.au)

GPO Box 158, Canberra City ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)

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**From:** Potter, Chantel

**Sent:** Sunday, 24 November 2019 1:14 PM

**To:** Snowden, David <David.Snowden@act.gov.au>

**Cc:** Pryce, David <David.Pryce@act.gov.au>; Connor, Rohan <Rohan.Connor@act.gov.au>; Burns, Julia <Julia.Burns@act.gov.au>

**Subject:** FW: Pink Frosting & Louise Curtis

**SENSITIVE LEGAL**

Good afternoon,

Writing to provide you with notice of the attached correspondence sent by PinkFrosting Director Louise Curtis. You will see Minister Rattenbury's office have also been engaged by Ms Curtis with the complaints and allegations contained in this correspondence. Ms Curtis references a possible article by CT, you will recall we confirmed with MO provision of our response to the Canberra Times two weeks ago, and Emily S has backgrounded the journalist on the story (Megan Dougherty) to explain the context of concerns about consumer detriment resulting from this business.

#### Schedule 1 1.2

Relevant to consideration of this correspondence is that these letters do not accurately capture the occasions, nor the substance of our engagement with Ms Curtis throughout our investigation into PinkFrosting. If you would like a brief on the timeframe and the approach we took for this matter to date I'm very happy to provide one on a short turn-around. In short, we provided Ms Curtis the time and opportunity following her explanation of the storm damage incident to rectify business practices through the first half of the year. The explanation she had provided in January indicated changes in supplier would resolve the problems leading to consumer complaints which centred on time taken to deliver the goods which they had ordered online. During the period of February – May complaints about these same issues continued and in June colleagues from other regulators across the country made contact with the ACT about investigating enforcement action as the distribution of products for this business has had a national impact.

I have attached to this email:

The email we provided Ms Curtis in March of this year to explain our response to News Ltd.

The recent media response

Additionally, the court decision about the eviction of the business from the Fyshwick warehouse finding liability against both the defendants and the plaintiffs whom the defendants counter claimed can be found here:

[http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/act/ACTMC/2019/18.html?context=1;query=%2286%candles%22;mask\\_path=](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/act/ACTMC/2019/18.html?context=1;query=%2286%candles%22;mask_path=)

Happy to discuss the approach to the engagement with Minister Rattenbury's office and Ms Curtis in response to these letters, noting that in discussions with the team we recommend any future engagement with Ms Curtis happen exclusively in writing.

Thanks,  
Chantel

---

**From:** Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)>  
**Sent:** Saturday, 23 November 2019 1:44 PM  
**To:** Warden, Catherine <[Catherine.Warden@act.gov.au](mailto:Catherine.Warden@act.gov.au)>; Kent, Melissa <[Melissa.Kent@act.gov.au](mailto:Melissa.Kent@act.gov.au)>  
**Cc:** Potter, Chantel <[Chantel.Potter@act.gov.au](mailto:Chantel.Potter@act.gov.au)>; Burns, Julia <[Julia.Burns@act.gov.au](mailto:Julia.Burns@act.gov.au)>  
**Subject:** Fwd: Pink Frosting & Louise Curtis

Hi all

Please see attached just FYI.

Cheers

Rohan

---

**From:** Louise Curtis <[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)>  
**Sent:** Saturday, November 23, 2019 8:47:05 AM  
**To:** RATTENBURY <[RATTENBURY@act.gov.au](mailto:RATTENBURY@act.gov.au)>; [orangeftc@customerservice.nsw.gov.au](mailto:orangeftc@customerservice.nsw.gov.au) <[orangeftc@customerservice.nsw.gov.au](mailto:orangeftc@customerservice.nsw.gov.au)>; Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)>; O'Rourke, Stephen <[Stephen.O'Rourke@act.gov.au](mailto:Stephen.O'Rourke@act.gov.au)>; Harrison, Wendy Maree <[WendyMaree.Harrison@act.gov.au](mailto:WendyMaree.Harrison@act.gov.au)>  
**Subject:** Pink Frosting & Louise Curtis  
Dear All,

Please find attached correspondence and annexure for your review and response.

Kind regards,

Louise Curtis

[louise.curtis@lollypotz.com.au](mailto:louise.curtis@lollypotz.com.au)

[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)

02 5105 8354

m: 0475 605 862



21 November 2019

Office of Fair Trading  
Attention: Carleen McConnell  
PO Box 2285  
ORANGE NSW 2800

cc. Access Canberra  
[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au); [wendy.harrison@act.gov.au](mailto:wendy.harrison@act.gov.au); [Stephen.orourke@act.gov.au](mailto:Stephen.orourke@act.gov.au)

cc. Mr Shane Rattenbury  
Minister for Access Canberra  
[rattenbury@act.gov.au](mailto:rattenbury@act.gov.au)

Dear All,

**RE: 86 CANDLES PTY LIMITED TRADING AS PINK FROSTING**

Receipt of your recent correspondence in relation to Pink Frosting is acknowledged, with some concern.

It is noted that your office, the office of Access Canberra and the office of Shane Rattenbury, Minister for Access Canberra were recently put on notice of an investigation by The Canberra Times in relation to the manner in which the Pink Frosting business and myself has been dealt with, the consequence of those dealings and the impact on my business and my personal reputation. For the purposes of completeness and ease I will refer to all your offices collectively as “the Regulator”.

Whilst I have requested the Canberra Times to ‘not go to print’ until I give my approval, the article is written, and exposes significant shortcomings of the Regulator in its approach towards myself and my business. The Canberra Times were prepared to investigate this matter given they too were complicit in printing a defamatory article about myself in August, relying only on information provided by the Regulator.

Therefore, it comes as no surprise your letter ‘requesting a meeting’ would suddenly arrive – in what would seem an attempt to further protect the interests of the Regulator and its colleagues in other jurisdictions.

It is further noted that a meeting was requested with Mr Shane Rattenbury 14 days ago, given I know Mr Rattenbury personally, I wanted to give him an opportunity to speak with me before the article was published. Whilst I received a response from his office indicating my email was being addressed, it is now 14 days since that email, and I assume this matter is not to be addressed. I therefore address my concerns in relation to the conduct of the Regulator collectively as follows:-

Information Provided to News Limited in January 2019

- 1.1 The Regulator requested a meeting with me to discuss ongoing complaints with Pink Frosting on 12 December 2018. This meeting was welcomed and scheduled for mid January (there appeared to be no urgency). At no time did the Regulator suggest that I or Pink Frosting was under formal investigation, however acknowledged the well-publicised problems the Company was having due to two significant storm events which impacted the business greatly during 2018. It should also be noted that I encouraged contact with the Regulator during 2018 given the ongoing problems, and I also requested Access Canberra records be subpoenaed during the recent Court case regarding the impact of the storms and subsequent uptick in complaints due to same. At all times (and as email correspondence clearly indicates) my relationship and contact with the Regulator was regular, transparent and honest.
- 1.2 On 7 January, the Regulator provided to News Limited a Statement advising that Pink Frosting was under investigation. This is despite the Company receiving no such notice of an investigation. A request for a meeting does not constitute an 'official investigation', nor does it imply that the Company is about to be exposed through a national media article suggesting wrong-doing. The Regulator was lax in its approach, did not consider the consequences of such a statement to a national tabloid news outlet and further did not consider any reputational damage to Pink Frosting or myself. It is not acceptable to provide a tabloid news organisation with such a statement, without giving the subject of the statement a right of reply. This right of reply (or even notice of an investigation) was not afforded to the Company or myself.
- 1.3 To my knowledge, the Company was not listed on any register indicating suspected wrong-doing.
- 1.4 Following the provision by the Regulator of this Statement, a full page national news article was printed on 9 January declaring Pink Frosting and Louise Curtis were both under official investigation for wrong-doing, citing one customer who had a \$17.00 order for Lollypops but received Jelly Beans in lieu due to a stock issue.



### Contact with the Regulator in January and February 2019

- 2.1 Following the printing of the News Limited article, I contacted the Regulator and demanded an explanation. Between 10 January and 14 February 2019 I wrote to the Regulator five times demanding the Regulator explain why and how it could have given News Limited such a statement. No response was received.

### Impact of Provision of Statement to News Limited in January, 2019

- 2.1 Upon the Regulator's provision of the Statement to News Limited in January I was hounded by photographers. Two photographers camped outside my home in Deakin and followed me to work on two days, whilst a third outside my office, in an attempt to obtain a photo of me getting in and out of my Mercedes Benz vehicle. The AFP were involved, and ultimately I was placed under blankets and removed from my home and office through back doors, laying down in the back of vehicles to avoid the photographers.
- 2.2 During the period 9 January to 25 January 2019 I personally received over 100 vile social media messages declaring me a thief. My Linkedin account was closed, given my professional contacts were also seeing many of these vile messages. A number of further social media campaigns, with pictures of myself, and my children were created, with threatening messages and ex-staff messaging trolls with my personal address – trolls posting where my children went to School etc. The Company's social media pages were disabled. The Company received in excess of 70 vile, defamatory and incorrect emails from trolls.
- 2.3 I was contacted by 4 long term corporate clients of my other business "Lollypotz" and advised that they would not deal with me again, as professionally they couldn't be associated with me. This has had an impact of a loss of over \$100,000 in sales of gift hampers since that time.
- 2.4 The Company received over 40 'merchant chargebacks' on orders during January and February, from customers believing we were running a scam. The majority of these orders had already been fulfilled and these customers had received their product. This came at a cost to the Company of over \$3,000 over a four week period.
- 2.5 I was hospitalized in the week of 16 January due to stress and a suspected heart condition, given the extreme amount of stress I was placed under – I had not been able to sleep, my children were sent away to family interstate and doctors suggested I be placed on 'suicide watch'. I spent four days constantly vomiting due to the extreme stress I was under.
- 2.6 The article was used against me in during Court proceedings against our previous landlord in regards to the storm-damaged building. The Landlord suggested I was a liar and I had made up the whole story, and the proof was in the fact that I was under investigation by the Regulator.

- 2.7 Pink Frosting sales dropped from \$90,000 per month to \$10,000 per month, without our ability to use social media marketing due to the onset of trolls, as well as the constant commentary about the business being a 'scam'.
- 2.8 On 7 March 2019 the Commonwealth Bank cancelled all accounts of Pink Frosting, blacklisted Pink Frosting from all merchant providers without notice citing "large increase of chargebacks in January and February 2019". This was entirely driven by the article, which was entirely driven by your Statement. The consequences of this has ensured that no refunds prior to that time can be facilitated as the Company has no access to it's previous accounts. It has also ensured that Pink Frosting can no longer operate as an online business and take online payments – payments since that time have been made by direct deposit. Effectively, the business which had been operating for 15 years has been destroyed.
- 2.9 Five staff have been retrenched.
- 2.10 Pink Frosting was evicted from it's new premises due to inability to pay rent, due to turnover dropping from \$1.2M per annum to less than \$100K per annum.
- 2.11 I am facing bankruptcy, and am currently being sued in 5 different jurisdictions by suppliers, who just want to be paid.
- 2.12 My marriage has failed and am currently separating from my husband.
- 2.13 My two teenage children are seeking professional psychological help.
- 2.14 I have been hospitalized twice since, once rushed to hospital in an Ambulance where it was established I had blood clots on my lungs as a result of the constant stress I have been placed under.

#### Response from the Regulator 15 February

- 3.1 On 15 January, presumably in response to my five demands for answers, the Regulator provided to Pink Frosting a "Show Cause" letter. This letter refers to 9 orders, which were of concern to the Regulator. It is noted that of those 9 orders, all had been refunded or resolved up to 18 months prior to receipt of the 15 February letter.
- 3.2 It is also noted that those 9 complaints were a reflection of a period where the Company had fulfilled 25,323 orders. None were ongoing complaints, and all had been rectified in an appropriate timeframe. These constitute a minute fraction of the overall performance of the Company during this time. The reality was that the Regulator was now attempting to cover up it's error in providing the statement to News Limited on 7 January. Whilst I accept the Company was not perfect during the period it was impacted by the storm events, the Regulator had absolutely no basis for providing such a statement to News Limited.

- 3.3 On 16 February I provided a ten page response to the Regulator with 104 annexure pages supporting the position of the Company. Whilst the Regulator has acknowledged receipt of this response, ZERO response has been received by me. To assist other jurisdictions and Mr Rattenbury's office, I have attached a further copy of that response. Non-response reflects arrogance, indifference and disregard. Non-response also implies the investigation is over.

#### Ongoing Conduct of the Regulator

- 4.1 Since the provision of the Company's response on 16 February, 2019 I am aware, and have copies of four separate email statements provided by the Regulator to News Limited and The Canberra Times confirming Pink Frosting and myself are continuing to be under investigation. These range in dates from August 2019 to most recently, two weeks ago. This is audacious behavior of the Regulator given the following:-
- 4.1.1 The Regulator has not had the decency or professional respect to respond to me;
  - 4.1.2 The Regulator has not made ANY contact with the Company or myself for 9 months, however feels it can continue to assert we are both under investigation, without details of ANY investigation being forthcoming at any stage within the 9 months.
  - 4.1.3 The Regulator was put on notice by myself in January that its behavior had caused significant loss to the Company and myself and that I would not tolerate this damage to my personal reputation without basis.

Effectively the Regulator, through its ongoing Statements to the media has destroyed the reputation of the business, but more importantly, destroyed me, my other business, Lollypotz, and my family's life.

- 4.2 The most recent article in the Daily Telegraph in August, had photographers waiting at my children's school to take photos of me.
- 4.3. In the most recent email chain between the Regulator and the Canberra Times, it would appear, when faced with the reality that the Canberra Times were now investigating the Regulator, not the perpetrator, panic set in. The Regulator took no time at all to confirm both I and the Company were under investigation (again), but then realised when the real questions were being asked that the behavior of your organisation in the preceding 11 months is beyond questionable and is the crux of the story. I hold the numerous emails between the Regulator, its media department and Mr Rattenbury's office trying to protect its position in destroying my livelihood. The behavior of the Regulator and its associated offices is unconscionable.

### Ongoing Complaints made to the Regulator

- 5.1 Complaints continue of course, given the enormous defamatory, vile commentary that has continued on social media. Pink Frosting currently fulfills about 30 orders a week, successfully, without incident, but we also receive up to 10 cancelled orders a week, after people read the reviews and online trolling. In many instances, customers cancel their order within 24 hours after placing the order, citing these comments.
- 5.2 The Company holds 16 emails from customers during the period 1 March to 19 October 2019 stating "Access Canberra have told me just to dispute the transaction". Of those 16, 5 were for orders already filled. The Regulator's approach in advising customers to dispute the transaction 'regardless' of circumstances is causing further loss to the Company. It is also fueling further social media campaigns where trolls state "Access Canberra just tell you to dispute the transaction – you can even dispute it if you have the goods and just say Access Canberra told me to do it".

It is noted in two of the media statements recently issued, that this is the unequivocal position that the Regulator is taking. This is causing further financial and reputation loss to the Company.

- 5.3 Given the official position of the Regulator is to "dispute the transaction", should a customer advise us that they are making contact with the ACCC/Access Canberra/Department of Fair Trading, or if the customer has advised us that they are cancelling the order due recent media, no refund is provided. This is because your office advises them to dispute the transaction. If we were to refund, they would be refunded twice, and we are not prepared to refund twice. The Regulator, by its actions, is complicit in this problem. The Company is given no opportunity to respond, liaise or negotiate with any customer, and a chargeback is provided immediately, upon your advice.

### Moving Forward

- 6.1 Crawfords, Forensic Accounting services in Sydney have been appointed to establish the losses of the Company, as well as ongoing and recent losses to Lollypotz Pty Limited due to the reputational damage caused by the August Canberra Times article.

Prior to the August article, Lollypotz was somewhat immune, but since that time, has suffered enormous loss. We hold in excess of 1000 documents including emails, social media screenshots, abusive text messages, emails from corporate clients which all support the damage the Regulator has caused.



As a previously, well respected, twice winner of the Telstra Businesswoman of the Year awards, enormous contributor to the Canberra community, by way of Board appointments, donation support to hundreds of community causes in value of over \$300,000 over the past twenty years, employer of disabled staff, driver and founder of the GWS Giant Hearts, weekly contributor to ABC radio in News and Sport, as well as being named as one of 100 Great Canberra Women during the Centenary (I don't need to go on), the Regulator (most particularly – the office of Access Canberra) has destroyed my reputation, my livelihood, and most importantly my family.

Mr Rory Markham from Adero Law has been appointed as my lawyer and my intention is to pursue the ACT Government for these losses. It is anticipated these will be in excess of 3 million dollars.

A perfect analogy for the Regulator to consider is as I have stated previously – you can't place somebody on a full page of a national newspaper and suggest they have murdered somebody without intent, a body and a motive. I have suffered the same fate, after being asked to go to a meeting, I'm still waiting for the investigation to start.

The fact that the Regulator has continued to provide these statements, knowing it has not engaged with me in any conversation or investigation is inexcusable and reprehensible.

You may have been able to persuade a Judge that it was in the community's interest to know about Pink Frosting after the first article, but there is no defence in your continuing to provide these Statements without engagement with me.

6.2 I acknowledge that I am bound by consumer credit laws and as always the door is open for discussion on a way forward. I am more than happy to meet to with you, as you have suggested, but only on the basis that the following people are in attendance at the meeting:-

- A member from the Office of Fair Trading NSW
- Rohan O'Connor and Stephen O'Rourke from Access Canberra
- Mr Shane Rattenbury, Minister for Access Canberra
- Mr Rory Markham/Mr Sean Felthouse, Lawyers, Adero Law (I will arrange)

If this meeting cannot be arranged (or confirmed that it will happen) by Friday 29 November, I reserve my position in terms of the publishing of the Canberra Times article and the commencement of proceedings without further notice.

I will leave it to you all to liaise with one another and look forward to your urgent response.

Kind regards

Louise Curtis



16 February 2019

Mr Stephen O'Rourke  
Senior Investigator  
Access Canberra  
21-23 Bowes St  
WODEN ACT 2601

Dear Sir

**RE: PINK FROSTING**

Thank you for your letter dated 15 February 2019.

Firstly, I apologise for the long-winded nature of this response, however it is important that your Office understands the history of this business. The contents of your letter dated 15 February are dealt with at the foot of the correspondence.

Business History

The writer purchased the Pink Frosting business on 15 August 2015. At the time of purchase the business was in considerable trouble, non-fulfillment of orders (1,200 orders at the time of purchase), as well as considerable refunds not made.

The purchase agreement allowed for the purchase to take place on the basis that the writer fulfilled the 1,200 outstanding orders, and paid refunds of approximately \$60,000 in refunds. This was the consideration paid for the business.

At the time of the purchase, the business had an extremely poor reputation and had 642 x 1 star reviews on the review site known as Productreview.com.au. At the time of purchase the writer was advised that the business had a "Case Officer appointed within the Department of Fair Trading NSW".

At the time of the purchase, the business employed 16 staff and operated from premises at 72 Gladstone Street, Fyshwick.

At the time of the purchase, the business sold in excess of **52,000** items on the basis of dropshipping arrangements from 42 suppliers. It is important to note that of these 52,000 items, the business held in its warehouse only 4,000 of these items available for immediate dispatch.

Once the purchase was completed, and approximately three months into the new ownership, it was established that the Company's position was far worse than disclosed in the business sale agreement. It was established that the outstanding refunds were closer to \$180,000 and outstanding orders were closer to 2,000.

In addition, it was established that in the last three weeks of the previous owner's tenure – virtually no orders were fulfilled, instead, customers received a letter and a "credit note" for their full purchase, to be used after the time of sale of the business. Effectively the previous owner was fraudulently taking the money of the customers and issuing them with a credit note in lieu. This came at a cost to the writer of in excess of \$45,000.

With a view to protecting goodwill and with the intent of turning the business around, the writer paid all refunds of \$205,000 and fulfilled the 2,000 orders and honoured the credit notes provided by the previous owner to ensure customers were not let down, or exposed by the poor operation of the previous owners. (Note: All records of refunds/credit notes paid remain available to your Office to review). Overall, this came as a personal cost to the writer of in excess of \$320,000.00.

The writer has continued to pursue through legal avenues the previous owners of the business, two well-known Canberra businessmen, Gerard Boundy and Andrew Dimoff as well as one woman, Kathryn Porritt. During attempts to pursue these three parties, the writer has received threats on her life and threats on her and her husband's business. The AFP have been involved. The writer has also reported the previous owners' lawyer to the Law Society of the ACT. The Law Society has taken no action. (Note, evidence of all of the above is available for review by your Office).

Effectively, the business sold was completely misrepresented. As new owner however, it is understood that this was the commercial risk one takes in purchasing a business with significant problems and full responsibility and accountability was taken to ensure consumer protection despite the enormous personal financial cost.

### Turning Business Around

The following action was taken to turn the business around immediately:

- Removal off 30,000 items from the website which were purchased from unreliable, slow and expensive off-shore suppliers. This brought the overall offering of the Company back to 22,000 items.
- Sourcing 10,000 of the remaining 22,000 items direct from the writer's sources in China
- Cancelling the "Store Credit" system to ensure no store credits were ever provided again
- Retrenchment of 13 staff who were all trained in what the writer views as an 'inappropriate way to deal with customers;

- Creation of a 'batch' system of ordering from the main party goods supplier, Balloon Agencies. Balloon Agencies had previously had a system of providing Pink Frosting party supplies on the basis of a 21 day turnaround. Realising that this was a problem for consumers, the writer established a batch system, where at the end of each day, Balloon Agencies were provided with a batch order of every item ordered in the preceding 24 hours. Balloon Agencies would then dispatch next day to Pink Frosting all of those items, and Pink Frosting would then be able to disburse these items within 4-5 business days. This system worked well. Balloon Agencies sales of party supplies account for approximately 30% of the Company's income.
- Effectively, within six months of purchase of the business, there had been a complete turnaround. If the business did not have the item in stock, it was able to source the product within 2-3 days, and therefore customers were receiving their products quickly.
- A refund management system was put into place to ensure refunds were provided within a reasonable time frame (7 days). Refunds had reduced to virtually nothing due to the Company's ability to now provide all items quickly.
- 42 suppliers were reduced to 8. Of the 8 suppliers, four remained on dropshipping arrangements.
- Of the 22,000 items sold, every item was listed online with an appropriate "dispatch timeframe" date noted as one of the following depending on supply chain :--
  - Available for Immediate Dispatch
  - 2-5 Days Dispatch (not including delivery time)
  - 7-10 Days Dispatch (not including delivery time)
  - 21 Days Dispatch (not including delivery time)
  - Pre-Order (with an expected date for arrival in our warehouse)
- It should be noted Pre-Order items generally related to wedding and corporate favours that were purchased in bulk, and whilst regular shipments are received from China, when customers are ordering in bulk (500-1500) it is not practicable to hold these in our warehouse – therefore they are listed as pre-order and our supply chain in China generally reflects 6-12 weeks.

#### Period March 2016 – November 2017

During this time, the business had completely turned around, was in a profitable state and operating well.

It is noted that during this time there were very few poor customer reviews, very few customer complaints to your Office and the business was getting on with establishing it's reputation.

In October 2017, the writer was advised by Mr Steve Mawby, the Owner of Balloon Agencies, that he had sold his business to AMSCAN. AMSCAN are an enormous multi-national supplier (largest supplier in the world) of party supplies. AMSCAN were the supplier to Balloon Agencies, and AMSCAN wanted to establish ownership in Australia. AMSCAN own all the licenses for party supplies, such as Disney.

At the time of sale, the relationship with Balloon Agencies and Steve Mawby was excellent, the partnership was operating well. Pink Frosting sold just over 10,000 SKU's of Balloon Agencies product. Whilst sales of their product only represented 30% of Pink Frosting's income, their product occupied 50% of Pink Frosting's online real estate. It was, without doubt, the most important partnership of the business. Pink Frosting annual spend with Balloon Agencies was approximately \$600,000.00 and we had a modest \$20,000 account credit limit on this basis.

On 26 November 2017 a storm occurred in Canberra. The Pink Frosting premises was severely damaged during this storm. The impact of the storm left the Company with:-

- Water pouring through the concrete ceiling, destroying stock;
- Toilet's completely blocked up and raw sewerage all over the premises' warehouse floor;
- 6 cm of water pooled in the business's offices where it housed \$300,000 worth of printing equipment;
- No power, data, phones for a period 10 days.

The Landlord refused to fix any of the defects. The Landlord did not respond to 7 written and verbal desperate plea's for help from the writer.

The business couldn't operate between the period of 27 November and 7 December 2017. 400 orders leading in the busy Christmas period were missed and not able to be fulfilled. This caused enormous customer dissatisfaction, 90 x 1 star reviews on various review sites, a large volume of Complaints with the Department of Fair Trading, and significant refunds.

The Landlord refused to engage with Pink Frosting in relation to the defects and on the 10<sup>th</sup> of December 2017 the writer wrote to the Landlord that the Company had lost hundreds of thousands of dollars, water continued to flow threw the roof, raw sewerage continued to seep from the toilets and no evidence of the wiring rectification was provided – and as a result Pink Frosting refused to pay December 2017 rent (\$6,800) until some action was taken.

The Landlord did not respond to this letter. No rectification works took place.

On Christmas Eve, 2017, Pink Frosting was unlawfully evicted from it's premises by the Landlord, without any notice.

On the same day Pink Frosting commenced proceedings in the Magistrates Court CL/30 of 2017 against Colymea Pty Limited (the landlord) on the basis of the following:-

- Unconscionable, Harsh, and unreasonable behaviour
- Failure to fix plant and equipment
- Failure to allow tenant quite enjoyment of property
- Failure to provide notice of intention to evict resulting in unlawful eviction
- Damages extending from failure to fix the building
- Abatement of Rent

(It is noted your office is aware of proceedings as you have been Subpoenaed in same)

It should be noted the total losses experienced during the incident/subsequent eviction/subsequent move exceed \$800,000. The Court proceedings have been running since this time and a hearing of one week has already taken place, with the final adjournment of the hearing to take place over half a day on 4 March 2019. In addition to the Company's losses, legal costs have exceeded \$90,000.00.

Pink Frosting is expected to be awarded damages, to be ascertained by the Court for the Landlord's behaviour.

Pink Frosting's Insurer, Vero (Suncorp), provided a small amount of approximately \$63,000 for insurance for 'business disruption'. This insurance only became available at the end of February 2018. At the end of February, Vero advised the writer they would not be prepared to support the business any further, as this was not a 'business interruption problem' this was a "Landlord" problem. The business therefore remains over \$700,000 'out of pocket' due to the actions of the Landlord. This has placed considerable financial pressure on the writer, the Pink Frosting business, and the writer's other business, Lollypotz Pty Limited.

#### IMPACT OF STORM EVENT ON THE BUSINESS

- The business has found it difficult to buy large amounts of stock in advance
- The business has struggled to pay refunds within a reasonable timeframe, however continues to pay refunds on a daily basis with all refunds generally paid within 14 days;
- The business has not been able to open the doors of its shopfront due to lack of capital;
- Three Staff have been retrenched.
- The business has not been able to advertise due to lack of capital and therefore the business income has dropped significantly.
- The business has been targeted by poor reviews due to the Court case (see below)

#### IMPACT OF CHANGE OF OWNERSHIP OF BALLOON AGENCIES

At the time of sale of the Balloon Agencies business to AMSCAN, Pink Frosting expected the arrangement to be 'business as usual'.

AMSCAN (still operating under the name Balloon Agencies), did not approve of 'dropshipping' arrangements, providing credit to customers, or having any real ongoing relationship with customers, other than 'you buy our product and you sell it'. The culture of the AMSCAN Company, was extremely harsh, non welcoming, and uncommercial. Pink Frosting's credit account was frozen (as were all others we understand). Dropshipping was no longer approved, and whilst they reluctantly agreed to continue with our 'batch' system, it would only be for a short period of time, as they encouraged us to stock their 10,000 items. This was not going to be possible with Pink Frosting's current financial plight due to the Court case. To purchase these sku's and hold the stock, would have meant a \$600-\$800,000 investment, which the business did not currently have.

The first cracks started to show in March/April 2018, when AMSCAN's service to Pink Frosting dropped significantly. It was apparent that this was how the business was going to force Pink Frosting to stock and sell rather than dropship.

Please find attached and marked with the letter A, a bundle of in excess of 20 emails between the writer and Balloon Agencies. These letters commence from April through to October 2018. You will note the writer's exasperation with the quality of service, the failures of Balloon Agencies to fulfil their part of the deal and the impact on Pink Frosting's customers, and reputation of Pink Frosting. The emails are self explanatory and provide a thorough recount of the problems incurred by the Customers.

This of course resulted in customer dissatisfaction, customer complaints, Fair Trading Complaints and more refunds.

After attempting to resolve the situation with Balloon Agencies over a period of 6 months, it was agreed in a Pink Frosting Shareholder meeting on 25 September 2018 that Pink Frosting could not continue to sell items from AMSCAN/Balloon Agencies due to the consumer problems it was causing. We felt we had given the new ownership six months to get their act in order, and the failures of Balloon Agencies (whether intentional or not), were so bad that our business could not in all good conscious continue to sell these products, if we could not guarantee provision to the consumer.

At the end of September 2018, Pink Frosting commenced the removal of Balloon Agencies/AMSCAN products from our site. What this means to Pink Frosting is that there are no licensed products on our site (ie Mickey Mouse, Transformers, Spiderman etc). This would come at significant financial cost to the business in terms of sales, however the writer was not prepared to jeopardise the Company's reputation any further.

Pink Frosting has subsequently established a relationship with Balloon Agencies' main competitors (Five Star Party Supplies and Meteor Party Supplies), with a view to growing our business and providing customer satisfaction within a respectable (7 day) turnaround. These arrangements are currently working well.

At the time, we sought advice from Google experts as to the best way to remove these items, given the significant SEO links that were connected to the products. It was suggested that we remove 1,500 products per month, not all in one hit, as the damage to the Company's Google ranking and online performance would be significantly damaged. Since end of September 2018 we have removed 8,500 products from our site, with just over 1740 products still to be removed.

The result of this has been that since September 2018 to date, we have still had some orders for Balloon Agencies products. We currently sit with 40 outstanding orders for their products. With no ongoing relationship with Balloon Agencies, Pink Frosting established a relationship with three of its direct competitors, for it's direct competitors to fulfil these orders (at significant loss to Pink Frosting). Attached to this letter and marked with the letter B is a bundle of screenshots confirming orders placed by Pink Frosting with Party Savers, Discount Party Supplies and Shindigs. Our priority has always been to ensure that the Customer receives exactly what they ordered, even if it would come at a significant loss to the Pink Frosting. This was the only way we could protect our online ranking, as well as ensure customer satisfaction, during the transition of removal of products.

ProductReview.com.au

As detailed earlier in this response, the Company had significant poor reviews at the time of purchase on the site known as [www.productreview.com.au](http://www.productreview.com.au). At the time of purchase the writer contacted Product Review and respectfully requested that they remove the bad reviews, as the business was under new ownership. Product Review refused, however did note on their site that the business was under new management from 1 January 2016. The Company was impacted severely by very poor negative reviews from the previous ownership.

During the period January 2016 to November 2017 reviews improved significantly. The star rating was increased from 1.2 stars to 1.9 stars and was moving up.

After the 26 November 2017 storm, and the impact on customers, reviews steadily became worse.

Upon filing of the writer's Affidavit for the current court proceedings (July 2018), where the writer detailed the poor reviews as a contributing factor of the Company's damages claim, the Company suddenly and mysteriously started to receive unverifiable, unknown and incorrect reviews from customers that could not be tracked back to any level of service or any order problem that Pink Frosting could find. Pink Frosting would repeatedly ask Reviewers for order numbers, and no response was received. It was established between the period 1 July 2018 to 30 October 2019 Pink Frosting received 75 1 star reviews, and of those 75 1 star reviews, 42 were fake. It was apparent we were being targeted (and whilst we don't have proof, it was apparent that we were being targeted with a purpose to discredit the business and reduce the amount of damages the Company was seeking).

**It is important to note that the tone of these reviews significantly changed during this time. 50% of the reviews stated: Contact ACCC, Report them to Department of Fair Trading, Ring A Current Affair, They should be shut down etc etc.** The writer is certain it is during the period of August 2018 – December 2019 is when your office received the most complaints, and the writer is certain that you have received many of these complaints due to the undue and unfair influence that these fake reviews have placed on consumers.

It should be noted also that during the recent Court hearing, the Landlord's legal team, only pursued the writer under cross-examination about the Company's history on the site [productreview.com.au](http://productreview.com.au). No other reviews were brought into evidence. It doesn't take a rocket scientist to establish that the only way the Landlord can have any success in this Court case is to have Pink Frosting wound up or shut down. This is why the tone of those reviews changed significantly. The Company has been targeted with a view to encourage people to engage in banter which will destroy the business, and, in turn, end where we are now, responding to your letter dated 15 February.

During this time the writer contacted [Productreview.com.au](http://Productreview.com.au) to advise them of the current proceedings. The writer requested Product Review assist Pink Frosting by ensuring that no fake reviews could be placed on the site. Pink Frosting detailed the fake reviews. Product Review offered little assistance. It is noted that Product Review receives advertising dollars from advertisements sold on the Pink Frosting page of their site. It is also noted that Product Review pays customers \$20.00 for every 4 reviews they place.



After a fairly hostile email exchange Product Review agreed to 'ensure that only verified Pink Frosting Customers could place reviews'. Product Review requested we provide them with a copy of a standard Pink Frosting invoice, and assured Pink Frosting that only those customers with a correct and verified invoice could place a review. Pink Frosting welcomed this initiative.

Bad reviews continued, with no ability to track same. During this time, the writer was contacted by a Queensland firm of lawyers, Shine Lawyers, who advised that they were commencing a class action against Product Review. Shine Lawyers advised that there were 60 small businesses in the same position as Pink Frosting, with incorrect, unverified and fake reviews destroying their business. We advised Shine Lawyers that Pink Frosting would be interested in joining the class action.

Also during this time, the writer contacted 11 of its regular corporate customers and had a discussion with each customer about the issues Pink Frosting was having with Product Review. The writer specifically asked each corporate customer to provide a 5 Star Review on this site, to effectively 'stop the bleeding'. The writer provided each customer with a copy of their most recent order invoice. Each customer obliged, and provided a 5 star review to Pink Frosting, over a period of 4 weeks. Please find attached and marked with the letter "C" a copy of the notifications from Product Review that Pink Frosting had received 11 x 5 star reviews.

Our request to your office is that you now copy the URL from those notifications into your web browser. You will see on each and every one of those 5 star reviews, **Product Review have deleted every single 5 star review that Pink Frosting has received.** Our clients are willing to go on the record to confirm that they provided those legitimate reviews.

Please find attached and marked as Annexure "D" copy of email exchange between the writer and Product Review detailing the writer's disgust in Product Review's approach to the business. You will also note that in this email chain Pink Frosting exposes Product Review's poor business practices and suggests that Pink Frosting will 'prove' during it's current court proceedings that Product Review are acting in an unlawful manner. The writer advised Product Review that she would subpoena Product Review's records to prove the terrible manner in which it was allowing unverified customers destroy businesses. You will note that Product Review stopped communicating with the writer in November 2018.

On 8 January 2019, the writer was contacted by Mr John Rolfe from News Limited. Mr Rolfe advised the writer that he had been 'tipped off' by Product Review, that Pink Frosting needed to be shut down and he was writing a story about it. The writer attempted to have a calm and concise conversation with Mr Rolfe and explain the position the Company was in due to the unprecedented levels of fake reviews and the Court case. Mr Rolfe said that Product Review were adamant that Pink Frosting was a scam and he would be exposing the business and the writer personally. Mr Rolfe advised the writer that Product Review were always a reliable source. Pink Frosting's lawyers were instructed to protect the interests of the business.

It is noted on 9 January, 2019 your office provided a letter to News Limited advising that Pink Frosting was 'under formal investigation'. This is despite Pink Frosting receiving no such notice from your office.

On 9 January 2019, the writer had a journalist and photographer parked outside her home in Deakin. The writer was followed to work in her car. The writer was stalked by two gentlemen over a 3 day period. At one stage the writer sat in her office late in the evening in the dark to avoid these journalists and photographers, hysterically crying as a result of this blatant witch hunt. The Police were called to remove these gentlemen from the business premises.

On Sunday 13 January 2018 a full page article was placed in the national media discrediting the writer and Pink Frosting. The damage this article has caused has been insurmountable, not only to Pink Frosting, but to the writer's other very successful business, Lollypotz.

The article was brought into evidence in the Court case hearing some 11 days later. Fortunately, the Magistrate was sympathetic and understood the background and dismissed it from evidence.

**Most importantly, knowing that fake reviews continued to be placed, and Product Review allowed these to be placed, Pink Frosting conducted it's own investigative process by placing 5 x 1 star reviews on the Product Review site over the period 14 January 10 February. These reviews have been placed with receipts from Bunnings, McDonalds, The Realm Hotel, Coles and Woolworths – confirming that there is absolutely no verification process at all. These reviews remain live. Pink Frosting disclosed this to the Court during the recent hearing to ensure that Product Review was discredited.**

Pink Frosting's lawyers have been instructed to commence action against Product Review. This is in addition to Pink Frosting joining the upcoming Class Action against Product Review.

To be fair to the consumer, it is more than reasonable to say that if anybody read the reviews on Product Review, they would:

- a. Not purchase from Pink Frosting in the first place;
- b. Have no trust in Pink Frosting;
- c. Report Pink Frosting for 'a continued alleged wrongdoing'
- d. Demand refunds

It is virtually impossible for Pink Frosting to fight against this wave of negativity, with the majority of it driven by fake reviews. The Company's back is against the wall before it has any opportunity to provide quality service. With the inability to have 5 star reviews placed on this site, the Company has no way or means of rebuilding it's online reputation.

#### Letter of 15 February 2019

Your letter of 15 February is acknowledged with some concern. It was understood that the information you provided News Limited was on the basis of a very large volume of complaints and problems. I note your letter states 9 issues over an 18 month period. It is also noted that none of these complaints have ever been brought to the Company's attention prior to 15 February 2019. It is unfathomable that this resulted in a full page article in a national newspaper.

Please find attached Annexure "E" detailing a full response to those queries.

Pink Frosting has and continues to act with integrity, honesty and treats customers respectfully, despite enormous challenges thrown in it's path. The writer could not have done any more or acted physically or materially different to protect the business, it's customers, staff, creditors and stakeholders during the past 14 months. It has come at significant cost to the writer's physical and mental well-being to ensure absolute protection of all involved during an extremely stressful time.

The involvement of your office in the News Limited fiasco was extremely disappointing. The fact that I have written to you on five occasions since that event requesting a response, with zero response from you, raises further concerns. The writer has been an 'open book' with your organisation since the events of November 2017.

In the 2018 Calendar year, Pink Frosting delivered 16,000 orders across Australia (which we are happy to verify with you through our CRM system), with the absolute majority in perfect order, condition and timeframe. Even at the very worst (which we were expecting, given the information provided to News Ltd) had you received 100 complaints about our Company in the past 12 months, this would reflect less than 0.01 of a percent of our customer base.

Your suggestion that Pink Frosting may be subject to a fine for these complaints is disappointing, and we respectfully request that consideration is given wholly to the position the Company has been placed in by third parties. The writer personally has paid her dues, by both damage to her personal professional reputation, as well as the financial implications of protecting customers over the period of transition from the previous owner. The annexures provided confirm Pink Frosting's efforts to ensure consumer satisfaction and protection at all times.

As you know, the writer operates other businesses and has done so for a period of 20 years in Canberra, and is a well-respected member and leader of the Canberra business community. You are also aware that you never receive any complaints about Lollypotz or Hamperesque. This must be considered when considering the plight of Pink Frosting.

Moving forward, judgement in Pink Frosting's favour is expected in the current Court proceedings within a matter of weeks. Pink Frosting is currently finalising the negotiation of a new shareholding to the Company which will inject significant capital into the business. The business will launch it's shopfront later in 2018. The writer is extremely positive about a successful outcome for the business and hopes to have the business back on track as she had done during 2016/17.

As always, Pink Frosting remains open for your review of our systems/documents/historical records at every level of the operation.

Yours faithfully,

Louise Curtis

Director

86 Candles Pty Limited

**From:** "Connor, Rohan" <Rohan.Connor@act.gov.au>

**Sent:** 07/03/2019 4:53 PM

**To:** "Louise Curtis" <louiselollypotz@gmail.com>

**Subject:** Email from Access Canberra regarding Pink Frosting [SEC=UNCLASSIFIED]

**Attachments:** Media Response - News Corp - Pink Frosting - Redacted.pdf, Media Response - News Corp - Follow Up - Pink Frosting - Redacted.pdf

Dear Louise,

I refer to your emails and our conversation late last week. I understand you are seeking clarification about how Access Canberra responds to media requests, including News Limited's requests regarding Pink Frosting. In some circumstances, it may be in the public interest for Access Canberra to provide comment on an investigation. Access Canberra takes a range of factors into consideration when considering if making a statement about an investigation is in the public interest and outweighs the possible detrimental effect of public commentary. These factors include, but are not limited to, whether comment is necessary in order to maintain public confidence that Access Canberra is fulfilling its responsibility by investigating issues of public concern and whether making a statement will allay public concern, for example, where there is evidence of a substantial number or concerning trend of complaints regarding a business.

For your reference, I have attached copies of Access Canberra's full statements to News Limited, which were provided in response to two requests for comment about Pink Frosting. Personal information has been redacted from the statements. The information contained in the statements is consistent with the information previously provided to Pink Frosting, including by email on 12 December 2018 and during a telephone call with you prior to sending the email of 12 December 2018.

Finally, I note that Access Canberra is currently reviewing the information and documents recently provided by Pink Frosting. We will contact Pink Frosting again in due course either to obtain further information and documents, if necessary, or to advise of the outcome of our investigation.

Regards,

**Rohan Connor**

Senior Manager | Investigations and Enforcement

**Access Canberra | ACT Government**

0459 608 630 | [rohan.connor@act.gov.au](mailto:rohan.connor@act.gov.au)

GPO Box 158, Canberra City ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)

**Date:** 7 January 2019

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**Issue:** Pink Frosting

**Journalist:** [REDACTED]

**Contact details (email/phone):** [REDACTED]

**Media outlet:** News Corp

Hi [REDACTED], could you please give me a ring about ACT-based business Pink Frosting? It's causing quite a bit of trouble for consumers across Australia. I'm wondering what is being done about it.

---

**Response:**

Access Canberra is currently investigating a number of complaints about the ACT based business Pink Frosting.

While the individual circumstances of each complaint varies, a common concern has been the alleged failure of Pink Frosting to supply goods in a reasonable timeframe, which may raise concerns under the Australian Consumer Law.

As part of ongoing enquiries, Access Canberra has been in contact with other Australian Consumer Law regulators throughout Australia.

Access Canberra urges anyone who is currently experiencing problems with Pink Frosting to contact Access Canberra on 13 22 81.

Fair Trading is part of Access Canberra, the one-stop shop for the ACT Government's customer and regulatory services.

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**Date:** 8 January 2019

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**Issue:** Follow Up: Pink Frosting**Journalist:** [REDACTED]**Contact details (email/phone):** [REDACTED]**Media outlet:** News Corp

As discussed this is what I was told this morning [REDACTED]...

Pink Frosting owner and CEO Louise Curtis says fair trading authorities contacted her at the start of 2018. She has fortnightly conversations with fair trading authorities and "they come to my office every two months". She says her company's problems stem from a storm in November 2017. The landlord did not repair the damage and Pink Frosting has suffered a hit of \$800,000 since. She said she disclosed her company's financial difficulties to ASIC and was advised to attempt to trade out of the poor cash flow situation. She says a "guideline" has been put in place that includes a limit on the dollar-value of refunds processed each day. She has to record and report that. She wouldn't say what the limit was. She said "a lot" of customers seek a refund at the same time as putting in a bank dispute. Those customers are not given refunds because they would be repaid twice, she said.

I'd like to know what Fair Trading says about these claims, especially that she has the ok to put a cap on refunds. I've also asked NSW Fair Trading and am about to ask ASIC.

Regards, [REDACTED]

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**Response:**

Access Canberra understands that Pink Frosting was impacted by a storm that occurred in late 2017.

Access Canberra has visited the business premises of Pink Frosting on one occasion to discuss Australian Consumer Law concerns.

There are no standing guidelines or agreements between Access Canberra and Louise Curtis.

Access Canberra categorically rejects any suggestions that it instructed Pink Frosting to put a cap on refunds.

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**Ministers:** Minister Ramsay  
**Date:** 4 November 2019

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**Issue:** An enquiry about the investigation into Pink frosting by Fair Trading

**Journalist:** Megan Doherty

**Email:** megan.doherty<sup>2.2(a)(ii)</sup>

**Media outlet:** Canberra Times

**Deadline:** 4PM, 5 November 2019

#### **ENQUIRY:**

Just doing a story on the Pink Frosting business at Fyshwick

I have spoken in length with the owner Louise Curtis and seen numerous documents to and from Fair Trading. I had a few questions for the article:

1. Why was Access Canberra aka Fair Trading investigating Pink Frosting?
2. When did you tell Ms Curtis her company was under investigation? Have you told her?
3. She says the first she heard of it was reading comments from Access Canberra in The Daily Telegraph. Do you think that was reasonable or good practice on the part of Access Canberra?
4. I understand Access Canberra was looking into nine complaints against Pini Frosting over a period of time when more than 25,000 orders were issued by Pink Frosting. Is that your understanding? Do you think that is a reasonable reaction from Access Canberra?
5. Ms Curtis says the decision by Access Canberra to tell a Sydney tabloid newspaper that her company was under investigation without telling her or giving her a chance to defend herself was unconscionable? Do you agree?
6. Ms Curtis says Access Canberra has ignored all her attempts to communicate with it and give her input to the investigation since February. Why is this so?
7. Is there any investigation under way into Pink Frosting by Access Canberra or any of its offshoots such as Fair Trading?
8. When will the investigation finish and will the results be made public?

I will need the answers by 4pm Tuesday

#### **RESPONSE**

Access Canberra can confirm that there is an investigation underway into Pink Frosting. Given our investigation is ongoing, Access Canberra is unable to provide any further comment on this matter at this time.

An update and information will be provided in the near future.

Consumers who are experiencing problems dealing with Pink Frosting can contact Access Canberra on 13 22 81.

They can also contact their bank to seek any cash-back arrangements if goods have not been delivered as promised.

Access Canberra is unable to comment on any particular circumstances relating to Pink Frosting and Ms Curtis.

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**BACKGROUND/SENSITIVITIES (not for distribution):**

- Access Canberra has previously publicly confirmed that it is investigating a range of alleged concerns about Pink Frosting, including about the alleged failure to supply goods in a reasonable timeframe, which may raise concerns under the Australian Consumer Law (ACL).
- Access Canberra initially adopted an engage and educate approach with Pink Frosting, however, due to the ongoing nature of complaints moved the matter to an investigation for possible enforcement action.
- Access Canberra has on multiple occasions raised concerns with Pink Frosting. This engagement has included seeking information and documents from Pink Frosting.
- Access Canberra takes alleged contraventions of the ACL seriously, particularly where there are allegations of widespread consumer detriment over a sustained period of time.

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**Action officer: Dion Pretorius****Cleared by (Business Unit Head):****Date:** 4 November 2019**Cleared by (COO):**

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**From:** "Connor, Rohan"

**Sent:** 26/11/2019 2:26 AM

**To:** "Snowden, David" <David.Snowden@act.gov.au>; "Potter, Chantel" <Chantel.Potter@act.gov.au>

**Cc:** "Burns, Julia" <Julia.Burns@act.gov.au>; "Turnbull, John" <John.Turnbull@act.gov.au>

**Subject:** FW: Your email regarding Pink Frosting [SEC=UNCLASSIFIED]

FYI

**Rohan Connor**

Director

Investigations and Enforcement | Fair Trading and Compliance

**Access Canberra | ACT Government**

0459 608 630 | [rohan.connor@act.gov.au](mailto:rohan.connor@act.gov.au)

GPO Box 158, Canberra City ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)

**From:** Louise Curtis [mailto:[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)]

**Sent:** Tuesday, 26 November 2019 1:07 PM

**To:** Connor, Rohan <Rohan.Connor@act.gov.au>; RATTENBURY <RATTENBURY@act.gov.au>; O'Rourke, Stephen <Stephen.O'Rourke@act.gov.au>; Harrison, Wendy Maree <WendyMaree.Harrison@act.gov.au>

**Subject:** Re: Your email regarding Pink Frosting [SEC=UNCLASSIFIED]

Dear Rohan,

This matter is urgent - as your office stated to the press three weeks ago "you were waiting for me to attend a meeting".

I stated in my previous correspondence, if a meeting is not locked in by the end of this week (as you are all aware I previously requested this meeting over two weeks ago with the Minister), I will be taking whatever action I deem necessary.

It is not acceptable for you to request more time. Your last correspondence to me personally was on 7 March 2019 advising you would come back to me shortly (you never did, but you proceeded instead to destroy my business and reputation), so I'm sorry, I have little faith in anything you have to say. You have destroyed lives, not just mine, but many of my suppliers who relied on my business for their own survival, not to mention my shareholders and staff).

I will await an immediate response as to a time for a meeting, my lawyers are currently preparing the relevant pleadings, so I would suggest from your perspective, time is of the essence.

I look forward to hearing from you

Warm regards,

Louise Curtis

[louise.curtis@lollypotz.com.au](mailto:louise.curtis@lollypotz.com.au)

[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)

02 5105 8354

On Tue, Nov 26, 2019 at 12:50 PM Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)> wrote:

Dear Louise,

Thank you for your email of 23 November 2019, copying Access Canberra on your letter dated 21 November 2019 to NSW Fair Trading.

I understand NSW Fair Trading requested a voluntary meeting with you to discuss the complaint levels about Pink Frosting and provide some general information to you. I note NSW Fair Trading has clarified that it has embarked on a proactive campaign to discuss complaint levels that it has received, and that the purpose of the proposed meeting was to discuss broad consumer issues and how to reduce complaints escalating to NSW Fair Trading. NSW Fair Trading has indicated that its letter and proactive compliance program has no bearing on enquiries made by other Australian Consumer Law regulators, including Access Canberra.

I confirm that Access Canberra is currently reviewing the additional material you provided about your business and personal circumstances by way of copying us on your correspondence, and will be in touch with you again next week regarding your request to meet with us.

If you have any questions in the meantime, please do not hesitate to contact me on 0459 608 630.

Best regards,

**Rohan Connor**

Director

Investigations and Enforcement | Fair Trading and Compliance

**Access Canberra | ACT Government**

0459 608 630 | [rohan.connor@act.gov.au](mailto:rohan.connor@act.gov.au)

GPO Box 158, Canberra City ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)

**From:** Louise Curtis [mailto:[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)]

**Sent:** Saturday, 23 November 2019 8:47 AM

**To:** RATTENBURY <[RATTENBURY@act.gov.au](mailto:RATTENBURY@act.gov.au)>; orangeftc@customerservice.nsw.gov.au; Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)>; O'Rourke, Stephen <[Stephen.O'Rourke@act.gov.au](mailto:Stephen.O'Rourke@act.gov.au)>; Harrison, Wendy Maree <[WendyMaree.Harrison@act.gov.au](mailto:WendyMaree.Harrison@act.gov.au)>

**Subject:** Pink Frosting & Louise Curtis

Dear All,

Please find attached correspondence and annexure for your review and response.

Kind regards,

Louise Curtis

[louise.curtis@lollypotz.com.au](mailto:louise.curtis@lollypotz.com.au)

[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)

02 5105 8354

m: 0475 605 862

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**From:** "Snowden, David" <David.Snowden@act.gov.au>  
**Sent:** 29/11/2019 2:11 AM  
**To:** "Potter, Chantel" <Chantel.Potter@act.gov.au>  
**Cc:** "Connor, Rohan" <Rohan.Connor@act.gov.au>  
**Subject:** Re: Re Louise Curtis

Tks. Yes, we should meet with Ms Curtis and her legal rep. Yesterday you flagged whether a facilitator be engaged. I'm not in favour of having an independent facilitator given she has legal representation.  
David

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**From:** Potter, Chantel <Chantel.Potter@act.gov.au>  
**Sent:** Friday, November 29, 2019 12:48:00 PM  
**To:** Snowden, David <David.Snowden@act.gov.au>  
**Cc:** Connor, Rohan <Rohan.Connor@act.gov.au>  
**Subject:** FW: Re Louise Curtis

FI David. Over to you about whether we accept this position from her or extend an invitation. She had said we had until COB to offer her the chance to meet us.

---

**From:** Connor, Rohan <Rohan.Connor@act.gov.au>  
**Sent:** Friday, 29 November 2019 11:57 AM  
**To:** Potter, Chantel <Chantel.Potter@act.gov.au>; Burns, Julia <Julia.Burns@act.gov.au>  
**Cc:** Banks, Helen <Helen.Banks@act.gov.au>  
**Subject:** Fwd: Re Louise Curtis  
Below FYI

---

**From:** Sean Felthouse <[sean.felthouse@aderolaw.com.au](mailto:sean.felthouse@aderolaw.com.au)>  
**Sent:** Friday, November 29, 2019 11:33:18 AM  
**To:** Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)>; [wendy.harrison@act.gov.au](mailto:wendy.harrison@act.gov.au) <[wendy.harrison@act.gov.au](mailto:wendy.harrison@act.gov.au)>; [Stephen.orourke@act.gov.au](mailto:Stephen.orourke@act.gov.au) <[Stephen.orourke@act.gov.au](mailto:Stephen.orourke@act.gov.au)>; RATTENBURY <[RATTENBURY@act.gov.au](mailto:RATTENBURY@act.gov.au)>  
**Subject:** Re Louise Curtis

Dear All

We act for Louise Curtis, 86 Candles Pty Limited t/as Pink Frosting and Lollypotz Pty Limited.

We are instructed to provide the following correspondence.

Our client has directed that she has been unsuccessful in her attempts to arrange an informal meeting with the Minister and Access Canberra in relation to the treatment she has received from Access Canberra and the impact on her personal reputation as well as financial loss to her businesses.

Please note that all future correspondence should be sent to Adero Law.

Our client has instructed that she does not intend to engage with Access Canberra directly and expects that all future correspondence will be sent direct to the ACT Government Solicitor, who she assumes you have briefed in this matter.

Regards

**Sean Felthouse**  
Lawyer

**ADERO** 

Direct Line: 0415 088 779  
General: (02) 6189 1022  
[www.aderolaw.com.au](http://www.aderolaw.com.au)

5 Torrens Street,  
Braddon, ACT, 2612

**From:** "Connor, Rohan"

**Sent:** 25/02/2020 2:57 AM

**To:** "Snowden, David" <David.Snowden@act.gov.au>; "Rynehart, Josh" <Josh.Rynehart@act.gov.au>

**Subject:** FW: Pink Frosting v Access Canberra [SEC=UNCLASSIFIED]

Just FYI

**Rohan Connor**

Director

Investigations and Enforcement | Fair Trading and Compliance

**Access Canberra | ACT Government**

0459 608 630 | [rohan.connor@act.gov.au](mailto:rohan.connor@act.gov.au)

GPO Box 158, Canberra City ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)

**From:** Louise Curtis [mailto:[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)]

**Sent:** Tuesday, 25 February 2020 1:43 PM

**To:** Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)>

**Cc:** Harrison, Wendy Maree <[WendyMaree.Harrison@act.gov.au](mailto:WendyMaree.Harrison@act.gov.au)>; O'Rourke, Stephen <[Stephen.O'Rourke@act.gov.au](mailto:Stephen.O'Rourke@act.gov.au)>; Darren Carden <[darren@eastwoodslegal.com.au](mailto:darren@eastwoodslegal.com.au)>

**Subject:** Re: Pink Frosting v Access Canberra [SEC=UNCLASSIFIED]

Rohan,

Any correspondence in relation to operational matters, which would include your purported investigation (as I suggested above) should be referred to Darren Carden who acts for 86 Candles Pty Limited, trading as Pink Frosting - sorry I thought that was clear.

The Defamation proceedings are being handled by Sidnie Sarang at O'Brien lawyers who will be in contact with you shortly. O'Brien lawyers are not instructed to act in relation to any purported investigation that you may have recently commenced, they are specifically acting in relation to the statements given to the media in August of 2019 to the Daily Telegraph and the Canberra Times, more specifically relating to Access Canberra's failure to respond to correspondence from 86 Candles Pty Limited trading as Pink Frosting dated **16 February 2019**.

Therefore if you would like to deal with a lawyer, Darren is your man.

Warm regards

Louise Curtis

[louise.curtis@lollypotz.com.au](mailto:louise.curtis@lollypotz.com.au)

[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)

0475 605 862

On Tue, Feb 25, 2020 at 1:34 PM Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)> wrote:



Thank you for your response, Ms Curtis.

Could you please confirm who at O'Brien Solicitors we should direct our communication to regarding our investigation.

Regards,

**Rohan Connor**

Director

Investigations and Enforcement | Fair Trading and Compliance

**Access Canberra | ACT Government**

0459 608 630 | [rohan.connor@act.gov.au](mailto:rohan.connor@act.gov.au)

GPO Box 158, Canberra City ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)

**From:** Louise Curtis [mailto:[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)]

**Sent:** Tuesday, 25 February 2020 1:23 PM

**To:** Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)>

**Cc:** Harrison, Wendy Maree <[WendyMaree.Harrison@act.gov.au](mailto:WendyMaree.Harrison@act.gov.au)>; O'Rourke, Stephen <[Stephen.O'Rourke@act.gov.au](mailto:Stephen.O'Rourke@act.gov.au)>; Darren Carden <[darren@eastwoodslegal.com.au](mailto:darren@eastwoodslegal.com.au)>

**Subject:** Re: Pink Frosting v Access Canberra [SEC=UNCLASSIFIED]

Dear Rohan,

Thank you for your email.

Settlement of the sale is yet to take place, once it has the website will be updated.

In the meantime, any correspondence in relation to operational matters should be sent to Darren Carden, Eastwoods Legal, he is cc'd on this email. Darren is acting for 86 Candles Pty Limited in relation to the sale.

Matters relating to the defamatory proceedings referred to in previous correspondence will be handled by a separate Sydney firm, O'Brien Solicitors. You should expect to hear from them in the near future. We are waiting on the Ombudsman's advice as to Access Canberra's failure to provide any information under Freedom of Information Act.

Kind regards,

Louise Curtis

[louise.curtis@lollypotz.com.au](mailto:louise.curtis@lollypotz.com.au)

[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)

0475 605 862

On Tue, Feb 25, 2020 at 1:14 PM Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)> wrote:

Dear Ms Curtis,

I understand Sean Felthouse of Adero no longer holds instructions to represent Pink Frosting.

I refer to your email of 21 January 2020, in which you indicated that Pink Frosting has been sold to a Melbourne business.

I note that the Pink Frosting website continues to display the Fyshwick ACT address and the [info@pinkfrosting.com.au](mailto:info@pinkfrosting.com.au) email address. Further, the business name "Pink Frosting" continues to be registered with you as the organisational representative, and there has been no recent changes in directors at 86 Candles Pty Limited.

Accordingly, could you please advise the name and the ABN of the purchaser of the Pink Frosting business, and when the sale was (or will be) finalised. This information may impact on the future scope and direction of the Access Canberra investigation.

Regards,

**Rohan Connor**

Director

Investigations and Enforcement | Fair Trading and Compliance

**Access Canberra | ACT Government**

0459 608 630 | [rohan.connor@act.gov.au](mailto:rohan.connor@act.gov.au)

GPO Box 158, Canberra City ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)

**From:** Louise Curtis [mailto:[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)]

**Sent:** Tuesday, 21 January 2020 9:17 AM

**To:** Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)>; Harrison, Wendy Maree

<[WendyMaree.Harrison@act.gov.au](mailto:WendyMaree.Harrison@act.gov.au)>; O'Rourke, Stephen <[Stephen.O'Rourke@act.gov.au](mailto:Stephen.O'Rourke@act.gov.au)>;

[Barbara.MORDINI@dmirs.wa.gov.au](mailto:Barbara.MORDINI@dmirs.wa.gov.au); OrangeFTC <[orangeftc@customerservice.nsw.gov.au](mailto:orangeftc@customerservice.nsw.gov.au)>; RATTENBURY <[RATTENBURY@act.gov.au](mailto:RATTENBURY@act.gov.au)>

**Subject:** Pink Frosting v Access Canberra

Dear All,

Please be advised that the Pink Frosting business has been sold to a competitor in Melbourne. Feel free to contact [info@pinkfrosting.com.au](mailto:info@pinkfrosting.com.au) which will continue to be directed to myself for any complaints received for orders placed up to today. The email address will be operational indefinitely. Notwithstanding the sale of the business, both I and 86 Candles Pty Limited, intend to continue to pursue the office of Access Canberra and the ACT Government for defamation and subsequent losses caused due to information provided by Access Canberra to News Limited and the Canberra Times. I note that we are waiting for the ACT Government to provide documentation under the Freedom of Information ACT and expect that the ACT Government will find a way not to provide those documents, so once we have that advice, we will commence proceedings and subpoena the documentation we require.

Now that the business has been sold, the losses caused by the behaviour of staff at Access Canberra have been crystallised and our formal claim can commence.

Kind regards,

Louise Curtis

[louise.curtis@lollypotz.com.au](mailto:louise.curtis@lollypotz.com.au)

[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)

0475 605 862

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**From:** "Connor, Rohan"  
**Sent:** 25/02/2020 2:17 AM  
**To:** "Snowden, David" <David.Snowden@act.gov.au>  
**Cc:** "Rynehart, Josh" <Josh.Rynehart@act.gov.au>  
**Subject:** FW: Pink Frosting v Access Canberra [SEC=UNCLASSIFIED]

Hi David, note we have emailed Ms Curtis (below), which is likely to trigger further contact with the minister's office.

**Rohan Connor**

Director  
Investigations and Enforcement | Fair Trading and Compliance  
**Access Canberra | ACT Government**  
0459 608 630 | [rohan.connor@act.gov.au](mailto:rohan.connor@act.gov.au)  
GPO Box 158, Canberra City ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)

---

**From:** Connor, Rohan  
**Sent:** Tuesday, 25 February 2020 1:15 PM  
**To:** Louise Curtis <louiselollypotz@gmail.com>  
**Cc:** Harrison, Wendy Maree <WendyMaree.Harrison@act.gov.au>; O'Rourke, Stephen <Stephen.O'Rourke@act.gov.au>  
**Subject:** RE: Pink Frosting v Access Canberra [SEC=UNCLASSIFIED]

Dear Ms Curtis,

I understand Sean Felthouse of Adero no longer holds instructions to represent Pink Frosting.

I refer to your email of 21 January 2020, in which you indicated that Pink Frosting has been sold to a Melbourne business.

I note that the Pink Frosting website continues to display the Fyshwick ACT address and the [info@pinkfrosting.com.au](mailto:info@pinkfrosting.com.au) email address. Further, the business name "Pink Frosting" continues to be registered with you as the organisational representative, and there has been no recent changes in directors at 86 Candles Pty Limited.

Accordingly, could you please advise the name and the ABN of the purchaser of the Pink Frosting business, and when the sale was (or will be) finalised. This information may impact on the future scope and direction of the Access Canberra investigation.

Regards,

**Rohan Connor**

Director  
Investigations and Enforcement | Fair Trading and Compliance  
**Access Canberra | ACT Government**  
0459 608 630 | [rohan.connor@act.gov.au](mailto:rohan.connor@act.gov.au)  
GPO Box 158, Canberra City ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)

**From:** Louise Curtis [<mailto:louiselollypotz@gmail.com>]  
**Sent:** Tuesday, 21 January 2020 9:17 AM  
**To:** Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)>; Harrison, Wendy Maree <[WendyMaree.Harrison@act.gov.au](mailto:WendyMaree.Harrison@act.gov.au)>; O'Rourke, Stephen <[Stephen.O'Rourke@act.gov.au](mailto:Stephen.O'Rourke@act.gov.au)>; [Barbara.MORDINI@dmirs.wa.gov.au](mailto:Barbara.MORDINI@dmirs.wa.gov.au); OrangeFTC <[orangeftc@customerservice.nsw.gov.au](mailto:orangeftc@customerservice.nsw.gov.au)>; RATTENBURY <[RATTENBURY@act.gov.au](mailto:RATTENBURY@act.gov.au)>  
**Subject:** Pink Frosting v Access Canberra

Dear All,

Please be advised that the Pink Frosting business has been sold to a competitor in Melbourne.

Feel free to contact [info@pinkfrosting.com.au](mailto:info@pinkfrosting.com.au) which will continue to be directed to myself for any complaints received for orders placed up to today. The email address will be operational indefinitely.

Notwithstanding the sale of the business, both I and 86 Candles Pty Limited, intend to continue to pursue the office of Access Canberra and the ACT Government for defamation and subsequent losses caused due to information provided by Access Canberra to News Limited and the Canberra Times. I note that we are waiting for the ACT Government to provide documentation under the Freedom of Information ACT and expect that the ACT Government will find a way not to provide those documents, so once we have that advice, we will commence proceedings and subpoena the documentation we require.

Now that the business has been sold, the losses caused by the behaviour of staff at Access Canberra have been crystallised and our formal claim can commence.

Kind regards,

Louise Curtis

[louise.curtis@lollypotz.com.au](mailto:louise.curtis@lollypotz.com.au)

[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)

0475 605 862



**From:** "Snowden, David" <David.Snowden@act.gov.au>

**Sent:** 10/06/2020 6:31 AM

**To:** "Connor, Rohan" <Rohan.Connor@act.gov.au>; "Cubin, Derise" <Derise.Cubin@act.gov.au>; "Lind, Lauren" <Lauren.Lind@act.gov.au>

**Cc:** "Springett, Emily" <Emily.Springett@act.gov.au>

**Subject:** investigations catch up

UNCLASSIFIED

Hi Rohan,

Noting the media inquiry today, (I think Emily cleared) on the Pink Frosting matter and that Julia Byrnes is off work, grateful if Derise, You and I can discuss.

I'd appreciate also if we can get an update on all matters currently under investigation.

Lauren- can you see if you can get some time in the diary over the coming days- 30 mins will suffice.

Tks

David

David Snowden | Executive Group Manager, Regulatory Compliance

Phone: 0478 309 676 | Email: [david.snowden@act.gov.au](mailto:david.snowden@act.gov.au)

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

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**From:** "Snowden, David" <David.Snowden@act.gov.au>

**Sent:** 13/08/2020 7:48 AM

**To:** "Access Canberra Government Business & Coordination" <AccessCanberraGBC@act.gov.au>; "McPherson, Alex" <Alex.McPherson@act.gov.au>; "Connor, Rohan" <Rohan.Connor@act.gov.au>

**Cc:** "Cubin, Derise" <Derise.Cubin@act.gov.au>; "Access Canberra Government Business & Coordination" <AccessCanberraGBC@act.gov.au>; "Quinn, Michael" <Michael.Quinn@act.gov.au>; "Short, Rachael" <Rachael.Short@act.gov.au>; "Lind, Lauren" <Lauren.Lind@act.gov.au>; "ACDLO" <ACDLO@act.gov.au>

**Subject:** Re: QToN - Pink Frosting - Due to GBC Monday 17 August 2pm

Tks Cath. I understand that the MO don't require a QTB as they have requested a response for the Minister for question time next week.

Kim, can you pls confirm?

Cheers

David

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**From:** Matthews, Catherine <Catherine.Matthews@act.gov.au> on behalf of Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>

**Sent:** Thursday, August 13, 2020 5:46 pm

**To:** McPherson, Alex; Connor, Rohan

**Cc:** Cubin, Derise; Snowden, David; Access Canberra Government Business & Coordination; Quinn, Michael; Short, Rachael; Lind, Lauren

**Subject:** QToN - Pink Frosting - Due to GBC Monday 17 August 2pm

OFFICIAL

Hi all

Please find attached Objective template for the Question Taken on Notice regarding the Fair Trading investigation into Pink Frosting this afternoon during Question Time in the assembly.

Could I please have a response prepared using the attached template, and returned to GBC and cleared by Derise by **2pm Monday 17 August** at the very latest?

The Minister intends to respond to this at the end of Question Time on Thursday 20 August, therefore we will not have much time to obtain clearances and get to the Minister's Office in time for review.

Cheers

Billy

**Billy Cross | Government Business and Coordination Officer**

Phone: 02 6205 1351 | Email: [Billy.Cross@act.gov.au](mailto: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](http://www.act.gov.au/accessCBR)



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**From:** "Connor, Rohan"  
**Sent:** 17/08/2020 6:12 AM  
**To:** "Cross, Billy" <Billy.Cross@act.gov.au>  
**Subject:** FW: Late change - Pink Frosting - QTON

OFFICIAL

FYI below – this has been updated

---

**From:** Snowden, David <David.Snowden@act.gov.au>  
**Sent:** Monday, 17 August 2020 4:06 PM  
**To:** Cubin, Derise <Derise.Cubin@act.gov.au>; Connor, Rohan <Rohan.Connor@act.gov.au>  
**Subject:** Re: Late change - Pink Frosting - QTON

Yep, a good pick up  
Tks

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---

**From:** Cubin, Derise <[Derise.Cubin@act.gov.au](mailto:Derise.Cubin@act.gov.au)>  
**Sent:** Monday, August 17, 2020 3:54:19 PM  
**To:** Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)>; Snowden, David <[David.Snowden@act.gov.au](mailto:David.Snowden@act.gov.au)>  
**Subject:** Re: Late change - Pink Frosting - QTON

Thanks

Is fine with me

D

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---

**From:** Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)>  
**Sent:** Monday, August 17, 2020 3:48 pm  
**To:** Cubin, Derise; Snowden, David  
**Subject:** Late change - Pink Frosting - QTON

OFFICIAL

Hi David and Derise,

Sorry for the late change, but before this one goes back to the minister's office, I just wanted to check if you're comfortable with the following tweak:

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 **court-based formal enforcement** outcome was not pursued since Pink Frosting has ceased its operations and the business is currently being deregistered.

On reflection, we can't mention a court-based outcome since we only wrote to Pink Frosting seeking a court enforceable undertaking, not court action, when they told us they were deregistering the business and had closed the website.

Can you please confirm this change is ok and I'll let Billy know.



**From:** "Connor, Rohan"  
**Sent:** 10/09/2020 7:30 AM  
**To:** "Harrison, Wendy Maree" <WendyMaree.Harrison@act.gov.au>; "Burns, Julia" <Julia.Burns@act.gov.au>  
**Subject:** Fwd: URGENT ATTENTION: Email from Louise Curtis.

Just FYI

**From:** Connor, Rohan <Rohan.Connor@act.gov.au>  
**Sent:** Thursday, September 10, 2020 5:26:45 PM  
**To:** Snowden, David <David.Snowden@act.gov.au>; Cubin, Derise <Derise.Cubin@act.gov.au>  
**Subject:** Re: URGENT ATTENTION: Email from Louise Curtis.

Happy to chat when you're both free

**From:** Snowden, David <David.Snowden@act.gov.au>  
**Sent:** Thursday, September 10, 2020 4:52:01 PM  
**To:** Connor, Rohan <Rohan.Connor@act.gov.au>; Cubin, Derise <Derise.Cubin@act.gov.au>  
**Subject:** FW: URGENT ATTENTION: Email from Louise Curtis.

OFFICIAL

Pls see attached.

Rohan- I'd be grateful if Derise, you and me can discuss the finalisation of this matter.

Thanks

David

David Snowden | Executive Group Manager, Regulatory Compliance  
Phone: 0478 309 676 | Email: [david.snowden@act.gov.au](mailto:david.snowden@act.gov.au)  
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government  
GPO Box 158, Canberra ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)



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---

**From:** ACDLO <ACDLO@act.gov.au>  
**Sent:** Thursday, 10 September 2020 4:29 PM  
**To:** Snowden, David <David.Snowden@act.gov.au>  
**Cc:** Pryce, David <David.Pryce@act.gov.au>; Short, Rachael <Rachael.Short@act.gov.au>  
**Subject:** URGENT ATTENTION: Email from Louise Curtis.  
**Importance:** High

OFFICIAL

Hi DS,

Passing along for early awareness – I am waiting to hear what direction the office want us to take and will come back to you.

Kind regards

Kim Bailey

Kim Bailey | Directorate Liaison Officer

Gordon Ramsay MLA | Minister for Business and Regulatory Services  
Mick Gentleman MLA | Minister for Environment and Heritage  
Shane Rattenbury MLA | Minister for Justice, Consumer Affairs and Road Safety  
Suzanne Orr MLA | Minister for Employment and Workplace Safety

Phone: 6205 4007 | Email: [acdlo@act.gov.au](mailto:acdlo@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](http://www.act.gov.au/accessCBR)



---

**From:** RATTENBURY <[RATTENBURY@act.gov.au](mailto:RATTENBURY@act.gov.au)>

**Sent:** Thursday, 10 September 2020 4:17 PM

**To:** Georgeson, Matthew <[Matthew.Georgeson@act.gov.au](mailto:Matthew.Georgeson@act.gov.au)>; ACDLO <[ACDLO@act.gov.au](mailto:ACDLO@act.gov.au)>; Esguerra, Indra <[Indra.Esguerra@act.gov.au](mailto:Indra.Esguerra@act.gov.au)>

**Subject:** FW: URGENT RESPONSE REQUIRED - MEDIA INVOLVED

---

**From:** Louise Curtis <[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)>

**Sent:** Thursday, 10 September 2020 5:23 AM

**To:** RATTENBURY <[RATTENBURY@act.gov.au](mailto:RATTENBURY@act.gov.au)>

**Subject:** URGENT RESPONSE REQUIRED - MEDIA INVOLVED

**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.

Good morning Shane,

Please see attached email received on Tuesday from the Daily Telegraph.

I find it incredibly distressing that you utilised the words "LIKELY to have breached", relying on your parliamentary privilege, and knowing that statement to be entirely incorrect and dishonest.

You have utilised this phrase despite the Commissioner for Fair Trading, The ACT Government and the ACT Government's Solicitor failing to provide ANY evidence in this regard.

You have also failed to note you are on notice of being sued by me over this botched investigation which has cost me millions of dollars, destroyed my family and nearly ended my life.

During the course of this botched 'investigation', both I, and my lawyers requested on more than six occasions evidence, order numbers, customer numbers - or anything that suggested wrongdoing on my part. Nothing has been provided. Your Department was repeatedly invited to my office to review our CRM, files, everything and I was ignored. **YOUR DEPARTMENT HAS PROVIDED NOTHING**

In fact, I complied with their investigation, and provided 2,000 pages of documentation, which were delivered to the Department and confirmed receipt by Australia Post, and your Department LOST THE FILE. I was then forced to compile the 2,000 documents again.



You have suggested 53 Complaints over a 4 year period, at a time when over those four years the business fulfilled 47,000 orders. That is a complaint rate of less than 0.0001%. I don't know who these complaints are from as they haven't been referred to me. You also failed to mention that the majority of those complaints likely came as a result of a damaged building where our business couldn't operate for a period of 4 weeks. A situation that you are fully aware of, and have been on notice of for twelve months. In fact, in the first contact from your Department they 'acknowledged the challenges caused by the storm'.

On 10 August 2020 The Commissioner for Fair Trading provided a letter requesting I sign a Court enforced Undertaking, citing clauses that were contained in the 'Pink Frosting' website of the previous owner of the business (2004-2016). In early 2016 we engaged consultants for a complete overhaul of the business website and removal of these offending clauses. In fact, the Notice provided by the Commission for Fair Trading referred to a completely different operating Company (Pink Frosting ACT Pty Limited - which is not owned by me, nor do I have now or have I ever had any control of). The Pink Frosting operating company for the period 2016-2020 under my control was 86 Candles Pty Limited. Unfortunately for you the rocket scientists within your Department failed to realise this error before sending the notice. My lawyer immediately brought this error to the Department's attention explaining that your notice was flawed and incorrect. Our letter was ignored.

We have utilised a "Wayback Machine" to confirm that in fact your office was relying on old screenshots and documentation. The Court will be very interested to see this.

You also stated that the business had been closed down. This is not correct. The business was sold, as advised to your office repeatedly. A simple search of the Pink Frosting URL will find the business is now operating under a competitor "Chocablock Chocolates", in Melbourne.

Today there will likely be another full page story in the Daily Telegraph (the fifth of it's kind, based on your Department's conduct) destroying me, my other business and my family based on your comments and your comments alone. My lawyers have done their best over the past 24 hours to discredit your statements, but the Daily Telegraph does not care, they will 'print your comments in full'. I can't understand why this is even newsworthy, but hey, a pile of men destroying a successful businesswoman's career appears to be enjoyable fodder.

Late last year, when the Canberra Times sought to protect their position by printing the truth, provided me with the attached email from your office to the Canberra Times, confirming I was 'never under formal investigation'. Unfortunately instead of dropping the file and moving on, your office doubled down and decided to launch an investigation, 14 months after the original advice was given to the media, 3 months after you were put on notice that you would be sued and 2 months after the business was sold. Obviously I was not meant to see this email, but the Canberra Times are one of a number of organisations who are seeking not to be sued for Defamation, so they were working with me. I note that the attached email wasn't forthcoming in the FOI request I lodged earlier in the year. Interesting.

I made contact with Ms Lawder yesterday, and she has confirmed that she was made aware of the investigation by a party who I am currently suing for defamation.

You have until 3 pm today to resolve this in some form or another - by Statement or retraction. If you fail to retract or make contact with me to resolve this by that time you will leave me with no alternative but to provide the entire file, including all evidence of the botched investigation by your Department and your Office to the Liberal Party, to the Media and the ACT Integrity Commission. This will include my medical records for what the ACT Government has done to me.

I've had enough and I expect an urgent response. I have a right to defend myself against corruption. Shane, this is not going away.

Regards,

Louise Curtis

[louise.curtis@lollypotz.com.au](mailto:louise.curtis@lollypotz.com.au)

[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)

0475 605 862

**From:** "Snowden, David" <David.Snowden@act.gov.au>  
**Sent:** 15/09/2020 11:09 PM  
**To:** "ACDLO" <ACDLO@act.gov.au>  
**Cc:** "Cubin, Derise" <Derise.Cubin@act.gov.au>; "Pryce, David" <David.Pryce@act.gov.au>; "Connor, Rohan" <Rohan.Connor@act.gov.au>  
**Subject:** Re: Pink Frosting

Thank you Kim.

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**From:** ACDLO <ACDLO@act.gov.au>  
**Sent:** Wednesday, September 16, 2020 8:56:33 AM  
**To:** Snowden, David <David.Snowden@act.gov.au>  
**Cc:** Cubin, Derise <Derise.Cubin@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>; Connor, Rohan <Rohan.Connor@act.gov.au>  
**Subject:** Pink Frosting

OFFICIAL

Morning DS,

Additional correspondence from Louise Curtis to the Minister.

Kind regards  
Kim Bailey

Kim Bailey | Directorate Liaison Officer

Gordon Ramsay MLA | Minister for Business and Regulatory Services  
Mick Gentleman MLA | Minister for Environment and Heritage  
Shane Rattenbury MLA | Minister for Justice, Consumer Affairs and Road Safety

Phone: 6205 4007 | Email: [acdlo@act.gov.au](mailto:acdlo@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](http://www.act.gov.au/accessCBR)



---

**From:** RATTENBURY <RATTENBURY@act.gov.au>  
**Sent:** Wednesday, 16 September 2020 8:29 AM  
**To:** Rattenbury, Shane <Shane.Rattenbury@act.gov.au>; ACDLO <ACDLO@act.gov.au>; Georgeson, Matthew <Matthew.Georgeson@act.gov.au>; Esguerra, Indra <Indra.Esguerra@act.gov.au>  
**Subject:** FW: Pink Frosting

---

**From:** Louise Curtis <[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)>  
**Sent:** Wednesday, 16 September 2020 5:06 AM  
**To:** RATTENBURY <[RATTENBURY@act.gov.au](mailto:RATTENBURY@act.gov.au)>  
**Subject:** 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.



Good morning Shane,

I'm sorry to send this email, however I need to put further matters of concern on the record, as matters are now heading for the ACT Integrity Commission.

On Monday, I sent to your office, and only to your office a Chronology of Events, to assist you in assessing the behaviour/timeline of relevant parties concerned with the bullying of me and the demise of my business. I have maintained throughout the past 20 months that I have been targeted by Access Canberra/Daily Telegraph/Product Review - and as both I and my lawyer have stated, I have been subject to significant harm and loss. We haven't yet been able to ascertain where the connection is, but know there is a connection, and I will find it.

One of the parties named as a perpetrator in that document was [www.productreview.com.au](http://www.productreview.com.au).

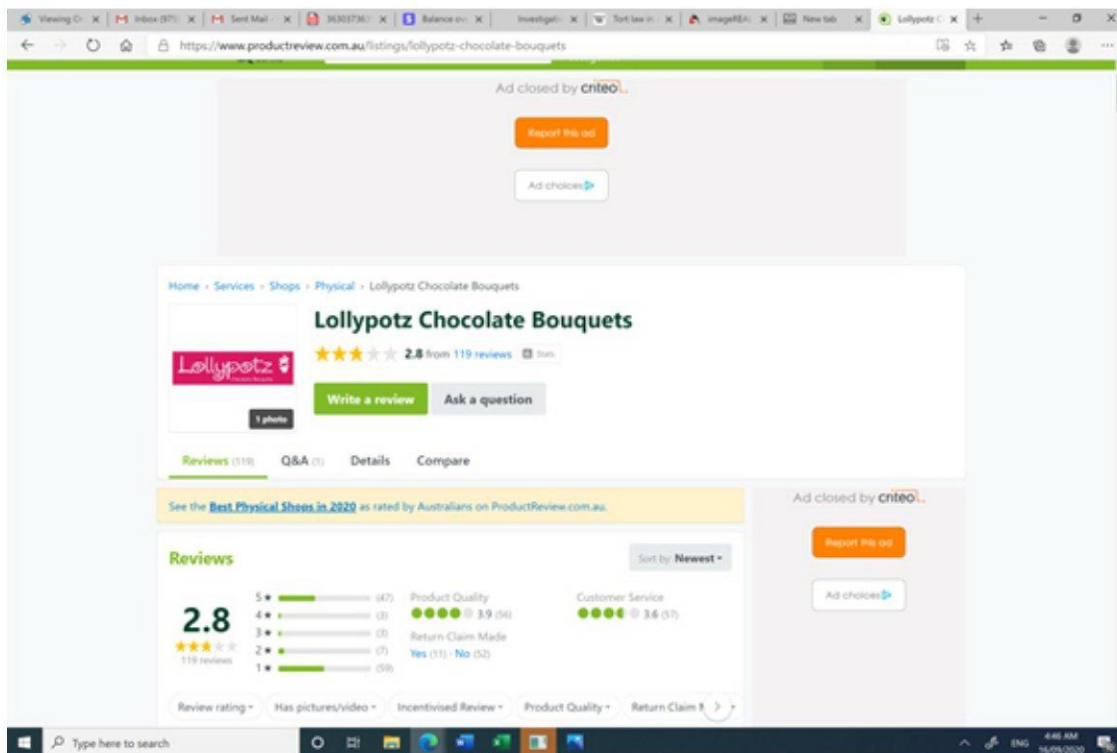
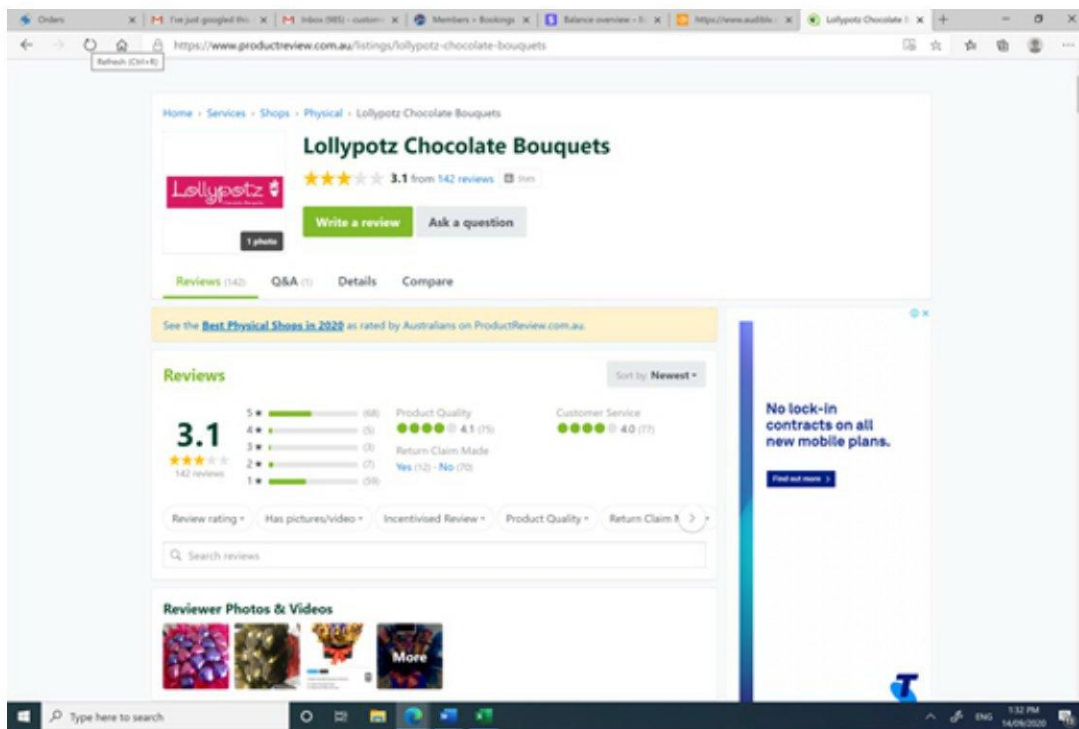
After being targeted by trolls over the past two years, my other business, Lollypotz, has spent significant time and money on repairing our reputation, and have kept immaculate records. We would send each and every customer a request for a review following their purchase and we would follow up their reviews with a thank you card (Reviews were placed on numerous review sites). We kept screenshots of every review, given the history with this company (it is as if somehow I saw this coming). It has seemed to help significantly and our reviews (which had dropped to 1.5 stars out of 5 stars during the significant period of trolling) was slowing growing to 3.1/5 and moving upward quickly. This has been reflected in sales. For all intents, we had moved on, minding our own business and getting on with life, until the events of last week.

On Tuesday morning (see screenshot below), we had 3.1 reviews, with 68 x 5 star reviews (noting we had obtained 39 new 5 star reviews over the past 5 months on this platform). By Tuesday afternoon, 21 five star reviews and 2 four star reviews had been removed, significantly damaging our overall rating. We have contacted the customers who placed the reviews, and they haven't removed them.

Whilst I'm sure you and your office are rolling your eyes at this, let me be clear. I am being targeted by numerous sources who are protecting their position and as I have stated numerous times, I APPROACHED ACCESS CANBERRA REPEATEDLY (all in writing, all on the record) before this rubbish started, stating I was being trolled by this organisation and Access Canberra did nothing other than give Statements to the Press stating I am under investigation. The Press have confirmed that one of their sources is Product Review.

And now, somehow in the last 48 hours, Product Review is on notice of me taking action - why/how would our reviews suddenly disappear? Product Review is not responding. I'd be interested to know who has seen my Chronology. This is a blatant, continual attempt to present me as a 'dodgy' business and disrespected business owner and I will not tolerate this.

Feel free to ignore this email as you do others, it is now on the record.



Warm regards,

Louise Curtis

[louise.curtis@lollypotz.com.au](mailto:louise.curtis@lollypotz.com.au)

[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)

0475 605 862

**From:** "Snowden, David" <David.Snowden@act.gov.au>  
**Sent:** 16/09/2020 11:55 PM  
**To:** "Connor, Rohan" <Rohan.Connor@act.gov.au>; "Cubin, Derise" <Derise.Cubin@act.gov.au>  
**Subject:** Fwd: Pink Frosting - Additional Corro

Fyi

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**From:** Hodshon, Gerard <Gerard.Hodshon@act.gov.au> on behalf of ACDLO <ACDLO@act.gov.au>  
**Sent:** Thursday, September 17, 2020 9:43 am  
**To:** Snowden, David; Pryce, David  
**Cc:** Short, Rachael; Lind, Lauren; AC Ministerial  
**Subject:** Pink Frosting - Additional Corro

OFFICIAL: Sensitive

Good morning

For noting pls.

Gab, can this be added to Ms Curtis's folder pls.

Regards

Gez (Kim is under the weather)

---

**From:** RATTENBURY <RATTENBURY@act.gov.au>  
**Sent:** Thursday, 17 September 2020 9:30 AM  
**To:** ACDLO <ACDLO@act.gov.au>; Rattenbury, Shane <Shane.Rattenbury@act.gov.au>; Georgeson, Matthew <Matthew.Georgeson@act.gov.au>; Esguerra, Indra <Indra.Esguerra@act.gov.au>  
**Subject:** FW: Pink Frosting

---

**From:** Louise Curtis <[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)>  
**Sent:** Thursday, 17 September 2020 5:26 AM  
**To:** RATTENBURY <[RATTENBURY@act.gov.au](mailto:RATTENBURY@act.gov.au)>  
**Subject:** Pink Frosting

Good morning Shane,

Please find attached copy receipt for proceedings lodged today in the ACT Administrative and Civil Claims Tribunal against [Productreview.com.au](http://Productreview.com.au) Pty Limited.

As advised yesterday, miraculously, earlier this week, after we put your office on notice and provided 'perpetrators' details in relation to the ongoing harassment, bullying and demise of my business, [Productreview.com.au](http://Productreview.com.au) Pty Limited removed 30% of Lollypotz five star reviews, ensuring that Lollypotz, to the outsider is seen in a poor light. So here we go, all the desperate companies and persons trying to cover their backside are now going after my other business.

Yesterday, when I met with my lawyer to go through all of this, he asked me if "I was afraid". He stated: "this is so disturbing on so many levels".

Let me explain how this is going to roll from here. Whilst you and your office remain silent, you remain complicit in this matter - you are Minister for the Department of Fair Trading and you are the Minister for Mental Health and you are allowing this to continue.



I intend to drag every single person and organisation who is doing this to me through the Court System, and I will prove the connections and will prove guilt. This includes your office if you remain silent on the matter. I am well supported in this endeavour both financially and emotionally.

I have been complaining to the Department of Fair Trading (Access Canberra) for three years about the conduct of [Productreview.com.au](http://Productreview.com.au) and have been ignored. All in writing, all ignored. In all I believe the Department has received in excess of 100 documents detailing their behaviour. During the botched so called 'investigation' I repeatedly drew to the attention of your Department what I was subject to from this Company, and was ignored. I have tolerated more bullying, abuse, public embarrassment and trolling than anybody can imagine - based on the reviews and conduct of [Productreview.com.au](http://Productreview.com.au) Pty Limited (and their pseudo employee, Mr John Rolfe). Your Department has done nothing, but doubled down and made me look like the criminal.

What I can't actually believe is that ten days ago I had moved on and was at peace. Your comments in Parliament have done this.

Please ensure we receive the 53 complaints today. We've been waiting 20 months for them and you have stated that I am 'likely' guilty as a result of the complaints - surely I'm entitled to see them and have an appropriate right of reply. In most jurisdictions, a person is entitled to a presumption of innocence until proven guilty, apparently not in the ACT.

ACT Courts and Tribunal  
Batch Lodgment Processing

Validate Document → Process Payment → Lodge Document → Confirmation

**Lodgment status update...**

17 Sep 04:21:34 AM Validating document

17 Sep 04:21:37 AM Please provide your credit card payment details

17 Sep 04:21:53 AM Starting document lodgment processing using the provided document and payment details

17 Sep 04:21:57 AM Processing payment by credit card

17 Sep 04:21:59 AM Payment processing completed successfully with reference number **Payment Succeeded**

17 Sep 04:21:59 AM Document lodgment in-progress, creating lodgment receipt and rendering lodged document \*\*

17 Sep 04:22:33 AM Document lodgment completed successfully.

You can download the following receipt and document by clicking **Download Receipt and Documents** below. \*

Receipt Number: **ACAT64465** (Please quote this number when making any queries about this lodgment)

Matter: **CAT/CAN/XD/985/2020 Lollypotz Pty Limited v ProductReview.com.au Pty Limited**

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Online Forms version 3.2.83.0



Warm regards,

Louise Curtis

[louise.curtis@lollypotz.com.au](mailto:louise.curtis@lollypotz.com.au)

[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)

0475 605 862

**From:** "Connor, Rohan"

**Sent:** 21/09/2020 11:34 PM

**To:** "Snowden, David" <David.Snowden@act.gov.au>; "Cubin, Derise" <Derise.Cubin@act.gov.au>

**Subject:** Re: Pink Frosting

Hi David, I've requested a copy from Sarah and will forward to you shortly.

**From:** Snowden, David <David.Snowden@act.gov.au>

**Sent:** Tuesday, September 22, 2020 8:58:54 AM

**To:** Connor, Rohan <Rohan.Connor@act.gov.au>; Cubin, Derise <Derise.Cubin@act.gov.au>

**Subject:** FW: Pink Frosting

Fyi- do we have the final letter sent by GSO?

David Snowden | Executive Group Manager, Regulatory Compliance

Phone: 0478 309 676 | Email: [david.snowden@act.gov.au](mailto:david.snowden@act.gov.au)

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

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**From:** ACDLO <ACDLO@act.gov.au>

**Sent:** Tuesday, 22 September 2020 8:50 AM

**To:** Pryce, David <David.Pryce@act.gov.au>; Snowden, David <David.Snowden@act.gov.au>

**Cc:** Short, Rachael <Rachael.Short@act.gov.au>

**Subject:** FW: Pink Frosting

Morning,

Passing along for information.

Kind regards

Kim Bailey

Kim Bailey | Directorate Liaison Officer

Gordon Ramsay MLA | Minister for Business and Regulatory Services

Mick Gentleman MLA | Minister for Environment and Heritage

Shane Rattenbury MLA | Minister for Justice, Consumer Affairs and Road Safety

Phone: 6205 4007 | Email: [acdlo@act.gov.au](mailto:acdlo@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](http://www.act.gov.au/accessCBR)



---

**From:** RATTENBURY <[RATTENBURY@act.gov.au](mailto:RATTENBURY@act.gov.au)>

**Sent:** Tuesday, 22 September 2020 8:27 AM

**To:** Rattenbury, Shane <[Shane.Rattenbury@act.gov.au](mailto:Shane.Rattenbury@act.gov.au)>; ACDLO <[ACDLO@act.gov.au](mailto:ACDLO@act.gov.au)>; Georgeson, Matthew <[Matthew.Georgeson@act.gov.au](mailto:Matthew.Georgeson@act.gov.au)>; Esguerra, Indra <[Indra.Esguerra@act.gov.au](mailto:Indra.Esguerra@act.gov.au)>

**Subject:** FW: Pink Frosting

---

**From:** Louise Curtis <[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)>

**Sent:** Tuesday, 22 September 2020 7:06 AM

**To:** RATTENBURY <[RATTENBURY@act.gov.au](mailto:RATTENBURY@act.gov.au)>; Darren Carden <[darren@eastwoodslegal.com.au](mailto:darren@eastwoodslegal.com.au)>

**Subject:** Re: 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.

Hi Shane,

I appreciate you responding - I don't believe you have an 'agenda' but you are responsible for this fiasco - you have been on notice of it for at least twelve months and it has had a significant bearing on my life.

My complaints are based on the following:-

1. There was no 'conclusion', 'finding' or any such result as you have suggested. You cannot say somebody is **LIKELY** guilty of something without me being at least presented with a fact. I get that you were reading a Statement from Access Canberra, but Access Canberra cannot give you a statement stating a lie.
2. I have not been presented with one complaint, one piece of evidence or one request to advise about any matter whatsoever. A 'conclusion' cannot be based on matters which are not produced in evidence, nor if somebody is not given an opportunity to respond to a matter put before them.
3. The Notice provided by the Commissioner is completely flawed, referred to the previous owner of the business and does not refer to one specific matter.

I repeat to you as I have done over the past two weeks, until I receive an apology and a retraction from you, this will not stop.

We gave your Department an opportunity to end this last week by producing the complaints. They have now locked them down under some cock and bull secrecy legislation - it just gets worse and worse for them.

Shane, blind freddie can see what's going on here - and I'm not really interested in throwing you in it, but unless you produce the evidence, this continues - and you can count on 3 complaints being lodged with the Integrity Commission - one against Rohan Connor, one against the Commissioner and sadly one against you, because you are knowingly not doing anything about this.

If you want it to end, show me the 53 complaints, PLEASE.

Regards,

Louise Curtis

[louise.curtis@lollypotz.com.au](mailto:louise.curtis@lollypotz.com.au)

[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)



On Tue, Sep 22, 2020 at 6:42 AM RATTENBURY <[RATTENBURY@act.gov.au](mailto:RATTENBURY@act.gov.au)> wrote:

Dear Louise

In response to your emails of last week, I am very sorry to hear that the Question Time process in the Assembly has been so distressing for you, and also the continuing issues that are arising for you. As I said in my previous response, I would like to re-emphasise that there is no agenda on my part regarding you or your businesses. I believe the same is true for Access Canberra, who undertook an investigation, made a conclusion, communicated with you, and has closed the matter. This is the information I provided in the Assembly in response to the question I received from Ms Lawder.

If you believe there is an issue of corruption in the ACT Government you are entitled to complain to the ACT Integrity Commission, a process that is also independent of government.

Regards  
Shane

-----  
Shane Rattenbury MLA

Minister for Climate Change and Sustainability; Minister for Justice, Consumer Affairs and Road Safety;  
Minister for Corrections and Justice Health; Minister for Mental Health  
ACT Greens Member for Kurrajong  
t: 620 50005 | f: 620 50007 | [rattenbury@act.gov.au](mailto: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](mailto:louiselollypotz@gmail.com)>  
**Sent:** Thursday, 17 September 2020 5:26 AM  
**To:** RATTENBURY <[RATTENBURY@act.gov.au](mailto:RATTENBURY@act.gov.au)>  
**Subject:** Pink Frosting

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business, [Productreview.com.au](http://Productreview.com.au) Pty Limited removed 30% of Lollypotz five star reviews, ensuring that Lollypotz, to the outsider is seen in a poor light. So here we go, all the desperate companies and persons trying to cover their backside are now going after my other business.

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<image001.png>  
Warm regards,

Louise Curtis

[louise.curtis@lollypotz.com.au](mailto:louise.curtis@lollypotz.com.au)

[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)

0475 605 862

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**From:** "Connor, Rohan"  
**Sent:** 24/09/2020 1:36 AM  
**To:** "Arthur, Sarah" <Sarah.Arthur@act.gov.au>  
**Subject:** Fwd: Pink Frosting - Fraud

FYI

**From:** Snowden, David <David.Snowden@act.gov.au>  
**Sent:** Thursday, September 24, 2020 10:34:33 AM  
**To:** Connor, Rohan <Rohan.Connor@act.gov.au>; Cubin, Derise <Derise.Cubin@act.gov.au>  
**Subject:** Fwd: Pink Frosting - Fraud

Pls see below-

Rohan, appreciate a call on the analysis of Ms Curtis suggest later today if possible.

Tks

David

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**From:** ACDLO <ACDLO@act.gov.au>  
**Sent:** Thursday, September 24, 2020 8:54 am  
**To:** Snowden, David; Pryce, David  
**Cc:** Short, Rachael  
**Subject:** FW: Pink Frosting - Fraud

OFFICIAL

Good morning,

Passing along for awareness.

Kind regards  
Kim Bailey

Kim Bailey | Directorate Liaison Officer

Gordon Ramsay MLA | Minister for Business and Regulatory Services  
Mick Gentleman MLA | Minister for Environment and Heritage  
Shane Rattenbury MLA | Minister for Justice, Consumer Affairs and Road Safety

Phone: 6205 4007 | Email: [acdlo@act.gov.au](mailto:acdlo@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](http://www.act.gov.au/accessCBR)



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**From:** RATTENBURY <RATTENBURY@act.gov.au>  
**Sent:** Thursday, 24 September 2020 8:43 AM  
**To:** Rattenbury, Shane <Shane.Rattenbury@act.gov.au>; Georgeson, Matthew <Matthew.Georgeson@act.gov.au>; Esguerra, Indra <Indra.Esguerra@act.gov.au>; ACDLO <ACDLO@act.gov.au>  
**Subject:** FW: Pink Frosting - Fraud



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**From:** Louise Curtis <[louiselollypotz@gmail.com](mailto:louiselollypotz@gmail.com)>

**Sent:** Thursday, 24 September 2020 5:49 AM

**To:** RATTENBURY <[RATTENBURY@act.gov.au](mailto:RATTENBURY@act.gov.au)>

**Subject:** Pink Frosting - Fraud

**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.

Dear Shane,

It appears that you are going to continue to ignore me, so I will continue to feed you with information, which you can ignore, and then I will feed these email chains to the Integrity Commission (and media).

Incidentally, on your advice, I spoke with the Ombudsman's office yesterday - they advised that as you have been put on notice some time ago and were 'involved' and 'implicated' due to your non action - they can't assess the file. I'm not sure of the protocol, but Minister involvement means they can't get involved?

We have run some numbers. You're probably not aware of this, but Pink Frosting did the best part of no business in Canberra - we were an online business servicing NSW, QLD and VIC in that order, with the ACT taking a mere fraction of the business - no passing trade, for all intents we didn't exist in the ACT. Bizarre, but true.

In the past four years during a time when you have stated that Access Canberra received 53 Complaints (2017-2020), Pink Frosting had 242 customers in the ACT. We have viewed every single one of these orders, checked their delivery dates and any 'out of stock items' - Of those 242, 231 of them were filled 'perfectly', on time and no changes to stock or out of stock issues. That leaves us with 11 potential complaints. Of those 11 potential complaints, 3 were refunds, which were carried out in a respectable timeframe. That leaves us with 8. Of those 8, 4 couldn't be fulfilled due to overseas supplier issues and were either refunded or provided with a substituted product. That leaves us with 4. Those 4 could potentially have been disgruntled, but we are pretty sure they didn't lodge complaints with Access Canberra - Three of the 4 were provided with stock that wasn't exactly what they ordered, but email chains show we worked with them to get them sufficient product for their event, albeit a different brand or style, but they got their products. That leaves us with 1 - we have identified one customer in the ACT who has lodged a complaint with Access Canberra - and notified us of same. Her complaint was that she required a full refund, because the Pink Unicorn pinata was light pink instead of hot pink. We refused to give her a refund, but offered to exchange the item.

So we have identified 11 potential ACT disgruntled customers since 2017, but probably only 1 or at best 4?.

Note also that Access Canberra and ACT Government Solicitor were both invited REPEATEDLY to view our CRM which details all of this information - as you know they haven't made contact with me for 20 months, despite these invitations.

Since the first Statement to the press, I have advised your office, the Commissioner, the ACT Government Solicitor and Access Canberra REPEATEDLY that we were being targeted. We know this for a fact, we have the evidence and we have proceedings lodged against these people for Fake Reviews, Fake Complaints, Fake comments on social media.

This is not a joke. Two of them will be heard in ACAT in the next two weeks - file numbers XD683/2020 Curtis v Phillips - and XD 635/2020 Curtis v Madaffari. There are another 6 more we are waiting on dates for. This is real - it is factual and it is happening NOW.

I get your Government is in the business of protecting it's position - but as I have stated to you REPEATEDLY this is fraud and you are now ignoring it.

Again I state to you - come clean, show us the 53 complaints. If your office can prove to us that these are real, I will stop, but until that time, you can count on this getting worse and worse. Once I have one judgment next week against these jokers, this matter is going to explode.

Thanks Shane, look forward to hearing from you and receipt of a copy of the 53 complaints.

Kind regards,

Louise Curtis

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