



**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 2021-254

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

**From:** [REDACTED]  
**To:** [ACTREG.FOI](#)  
**Subject:** Freedom of Information request  
**Date:** Friday, 24 September 2021 8:31:03 AM

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

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

### Your details

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

Title: [REDACTED]  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Business/Organisation: [REDACTED]  
Address: [REDACTED]  
Suburb: [REDACTED]  
Postcode: [REDACTED]  
State/Territory: [REDACTED]  
Phone/mobile: [REDACTED]  
Email address: [REDACTED]

### 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 by Access Canberra in connection with the business known as Pink Frosting:- 1. All email correspondence between Rohan Connor of Access Canberra and Nate Leslie, Alexandra Gillett, Emily Springett and Anita Perkins or any other party within the ACT Government Communications and Media division (noting that some or all of the above persons may be referred to in each email) between the period 1 January 2019 and 30 March 2019.

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 2021-254



## 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 within CMTEDD Media.

Specifically, your request sought: *“In relation to an investigation by Access Canberra in connection with the business known as Pink Frosting:- 1. All email correspondence between Rohan Connor of Access Canberra and Nate Leslie, Alexandra Gillett, Emily Springett and Anita Perkins or any other party within the ACT Government Communications and Media division (noting that some or all of the above persons may be referred to in each email) between the period 1 January 2019 and 30 March 2019”*.

### 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 16 documents were identified that fall within the scope of your request.

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

I have decided to grant access in full to three documents and partial access to 13 documents relevant to your request as documents I consider them to contain:

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

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

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

### **Statement of Reasons**

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

- the Act,
- the content of the documents that fall within the scope of your request, 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

Part of document 15 contains information that is considered to be contrary to the public interest under schedule 1 of the Act.

The information identified as being within the scope of your request is comprised of information that is considered to be contrary to the public interest information under section 1.2 of Schedule 1 of the Act. This document contains 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 15 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 corresponding with the ACT Government. 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

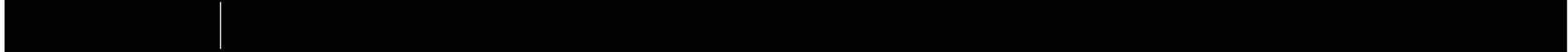
Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
All email correspondence between Rohan Connor of Access Canberra and Nate Leslie, Alexandra Gillett, Emily Springett and Anita Perkins or any other party within the ACT Government Communications and Media division (noting that some or all of the above persons may be referred to in each email) between the period 1 January 2019 and 30 March 2019.	CMTEDDFOI2021-254

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-3	Email - Media	7 Jan 2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
2	4-5	Email - Media	7 Jan 2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
3	6-7	Email - Media	7 Jan 2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
4	8-10	Email - Media	8 Jan 2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
5	11-12	Email - Media	8 Jan 2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
6	13-14	Email - Media	8 Jan 2019	Full release	N/A	Yes
7	15-18	Email - Media (out of scope information removed)	8 Jan 2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
8	19-20	Email - Media	8 Jan 2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
9	21-22	Email - Media (out of scope information removed)	8 Jan 2019	Full release	N/A	Yes
10	23-25	Email - Media	8 Jan 2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
11	26-29	Email - Media (out of scope information removed)	8 Jan 2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
12	30-32	Email - Media	8 Jan 2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
13	33-39	Email - Media	9 Jan 2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes

14	40-42	Email – Media	4 Mar 2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
15	43-48	Email – Media	3 Mar 2019	Partial release	Schedule 1 1.2 Sch 2 s2.2 (a)(ii)	Yes
16	49-51	Email - Media	7 Mar 2019	Full release	N/A	Yes



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

**Sent:** 07/01/2019 4:45 PM

**To:** "Leslie, Nate" <Nate.Leslie@act.gov.au>

**Cc:** "CMTEDDMedia" <CMTEDDMedia@act.gov.au>; "Springett, Emily" <Emily.Springett@act.gov.au>; "Harrison, Wendy Maree" <WendyMaree.Harrison@act.gov.au>; "Azize, Michael" <Michael.Azize@act.gov.au>; "Prescott, Aidan" <Aidan.Prescott@act.gov.au>; "O'Rourke, Stephen" <Stephen.O'Rourke@act.gov.au>

**Subject:** RE: Media Enquiry: Sunday Herald Sun - Pink Frosting [SEC=UNCLASSIFIED]

Hi Nate,

Here's some suggested wording:

Access Canberra is currently investigating a number of 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, which has the potential to contravene the Australian Consumer Law. As part of our ongoing enquiries, Access Canberra has been in contact with other Australian Consumer Law regulators throughout Australia.

Given this is an ongoing investigation, there isn't much more that we can say. I'm happy to provide you with more context for your own information, if that'd help.

Regards,

Rohan

---

**From:** Leslie, Nate

**Sent:** Monday, 7 January 2019 4:36 PM

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

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

**Subject:** Media Enquiry: Sunday Herald Sun - Pink Frosting [SEC=UNCLASSIFIED]

Hi Rohan,

Please find below a media enquiry we have received from the Sunday Herald Sun.

I accidentally emailed Rohen Connors in EPSDD (my bad).

Please let me know your thoughts as soon as possible.

Thanks,

Nate

---

**From:** Leslie, Nate

**Sent:** Monday, 7 January 2019 4:29 PM

**To:** Conners, Rohen <[Rohen.Conners@act.gov.au](mailto:Rohen.Conners@act.gov.au)>; Nowlan, Andrew <[Andrew.Nowlan@act.gov.au](mailto:Andrew.Nowlan@act.gov.au)>

**Cc:** CMTEDDMedia <[CMTEDDMedia@act.gov.au](mailto:CMTEDDMedia@act.gov.au)>; Springett, Emily <[Emily.Springett@act.gov.au](mailto:Emily.Springett@act.gov.au)>

**Subject:** Media Enquiry: Sunday Herald Sun - Pink Frosting [SEC=UNCLASSIFIED]

Hi Rohan and Andrew,

We have received a media enquiry about the ACT business called Pink Frosting. Are we investigating this organisation? If so, what for? What has been reported to us etc?

I'll be in touch shortly.

Thanks,

Nate

**Nate Leslie | Senior Strategic Communications and Media Officer, Access Canberra**

Phone: 6207 0280 | Mobile: 0409 605 979 | [nate.leslie@act.gov.au](mailto:nate.leslie@act.gov.au)

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

Level 5, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)



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**From:** Springett, Emily

**Sent:** Monday, 7 January 2019 4:23 PM

**To:** Leslie, Nate <[Nate.Leslie@act.gov.au](mailto:Nate.Leslie@act.gov.au)>; CMTEDDMedia <[CMTEDDMedia@act.gov.au](mailto:CMTEDDMedia@act.gov.au)>

**Subject:** Fwd: Media inquiry from the Sunday Telegraph, Sunday Herald Sun etc

FYI

Rohan Connors in Fairtrading & Andrew Nolan your Contacts for this one

Begin forwarded message:

**From:** "Rolfe, John" <[john.rolfe@news.com.au](mailto:john.rolfe@news.com.au)>

**Date:** 7 January 2019 at 4:13:01 pm AEDT

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

**Subject:** Media inquiry from the Sunday Telegraph, Sunday Herald Sun etc

Hi Emily, 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.

Regards,

**JOHN ROLFE**

Cost of Living Editor and Public Defender columnist



2.2(a)(ii)

E [john.rolfe@news.com.au](mailto:john.rolfe@news.com.au) W [NewsCorpAustralia.com](http://NewsCorpAustralia.com)

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

**Sent:** 07/01/2019 5:33 PM

**To:** "Leslie, Nate" <Nate.Leslie@act.gov.au>

**Cc:** "CMTEDDMedia" <CMTEDDMedia@act.gov.au>; "Springett, Emily" <Emily.Springett@act.gov.au>; "Harrison, Wendy Maree" <WendyMaree.Harrison@act.gov.au>; "Prescott, Aidan" <Aidan.Prescott@act.gov.au>; "O'Rourke, Stephen" <Stephen.O'Rourke@act.gov.au>; "Azize, Michael" <Michael.Azize@act.gov.au>

**Subject:** RE: For Review: Media Enquiry - Pink Frosting [SEC=UNCLASSIFIED]

**Attachments:** Media Response - News Corp - Pink Frosting - (RC).docx

Hi Nate,

On review, I've made a few changes to my wording, please see attached.

Happy for you to accept/reject as you please. I don't need to see this again before it goes up the line.

As always, grateful if you could email us the final approved version for our records.

Ta, Rohan

---

**From:** Leslie, Nate

**Sent:** Monday, 7 January 2019 5:22 PM

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

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

**Subject:** For Review: Media Enquiry - Pink Frosting [SEC=UNCLASSIFIED]

Hi Rohan,

As per our previous emails, I have put together the attached response using your notes.

Please take a look and let me know any of your thoughts, I will then forward it on for approvals one I have heard from you.

Thanks,

Nate

**Nate Leslie | Senior Strategic Communications and Media Officer, Access Canberra**

Phone: 6207 0280 | Mobile: 0409 605 979 | [nate.leslie@act.gov.au](mailto:nate.leslie@act.gov.au)

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*Date:* 7 January 2019

---

**Issue:** Pink Frosting

**Journalist:** John Rolfe

**Contact details (email/phone):** john.rolfe@2.2(a)(ii)

**Media outlet:** News Corp

Hi Emily, 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 Pink Frosting.

While the individual circumstances of each complaint varies, a common theme concern has been the alleged failure of Pink Frosting to supply goods in a reasonable timeframe, which has the potential to contravene 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 has had is currently experiencing problems in their dealings with Pink Frosting to contact Access Canberra.

---

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

Nil.

---

**Action officer:** Nate Leslie

**Cleared by (Business Unit Head):**

**Date:**

**Cleared by:**

---

**From:**"Leslie, Nate" <Nate.Leslie@act.gov.au>

**Sent:**07/01/2019 5:22 PM

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

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

**Subject:**For Review: Media Enquiry - Pink Frosting [SEC=UNCLASSIFIED]

**Attachments:**Media Response - News Corp - Pink Frosting.docx

Hi Rohan,

As per our previous emails, I have put together the attached response using your notes.

Please take a look and let me know any of your thoughts, I will then forward it on for approvals one I have heard from you.

Thanks,

Nate

**Nate Leslie | Senior Strategic Communications and Media Officer, Access Canberra**

Phone: 6207 0280 | Mobile: 0409 605 979 | [nate.leslie@act.gov.au](mailto:nate.leslie@act.gov.au)

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

Level 5, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 |

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



**Date:** 7 January 2019

---

**Issue:** Pink Frosting

**Journalist:** John Rolfe

**Contact details (email/phone):** john.rolfe@2.2(a)(ii)

**Media outlet:** News Corp

Hi Emily, 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 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, which has the potential to contravene 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 has had problems in their dealings with Pink Frosting to contact Access Canberra.

---

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

Nil.

---

**Action officer:** Nate Leslie

**Cleared by (Business Unit Head):**

**Date:**

**Cleared by:**

---

**From:** "Harrison, Wendy Maree" <WendyMaree.Harrison@act.gov.au>  
**Sent:** 08/01/2019 11:45 AM  
**To:** "Connor, Rohan" <Rohan.Connor@act.gov.au>  
**Subject:** FW: For Review: Media Enquiry - Pink Frosting [SEC=UNCLASSIFIED]  
**Attachments:** Media Response - News Corp - Pink Frosting.docx

---

**From:** Leslie, Nate  
**Sent:** Tuesday, 8 January 2019 10:22 AM  
**To:** Harrison, Wendy Maree <WendyMaree.Harrison@act.gov.au>  
**Cc:** CMTEDDMedia <CMTEDDMedia@act.gov.au>; Springett, Emily <Emily.Springett@act.gov.au>  
**Subject:** For Review: Media Enquiry - Pink Frosting [SEC=UNCLASSIFIED]

Hi Wendy,

Further to Rohan's email yesterday, I have updated the media response.

Would you please be able to take a quick look?

Once I have your feedback I will proceed with approvals.

Kind regards,

Nate

**Nate Leslie | Senior Strategic Communications and Media Officer, Access Canberra**  
Phone: 6207 0280 | Mobile: 0409 605 979 | [nate.leslie@act.gov.au](mailto:nate.leslie@act.gov.au)  
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[www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)



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**From:** Connor, Rohan  
**Sent:** Monday, 7 January 2019 5:34 PM  
**To:** Leslie, Nate <[Nate.Leslie@act.gov.au](mailto:Nate.Leslie@act.gov.au)>  
**Cc:** CMTEDDMedia <[CMTEDDMedia@act.gov.au](mailto:CMTEDDMedia@act.gov.au)>; Springett, Emily <[Emily.Springett@act.gov.au](mailto:Emily.Springett@act.gov.au)>; Harrison, Wendy Maree <[WendyMaree.Harrison@act.gov.au](mailto:WendyMaree.Harrison@act.gov.au)>; 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)>; Azize, Michael <[Michael.Azize@act.gov.au](mailto:Michael.Azize@act.gov.au)>  
**Subject:** RE: For Review: Media Enquiry - Pink Frosting [SEC=UNCLASSIFIED]

Hi Nate,

On review, I've made a few changes to my wording, please see attached.

Happy for you to accept/reject as you please. I don't need to see this again before it goes up the line.

As always, grateful if you could email us the final approved version for our records.

Ta, Rohan

---

**From:** Leslie, Nate  
**Sent:** Monday, 7 January 2019 5:22 PM  
**To:** Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)>  
**Cc:** CMTEDDMedia <[CMTEDDMedia@act.gov.au](mailto:CMTEDDMedia@act.gov.au)>; Springett, Emily <[Emily.Springett@act.gov.au](mailto:Emily.Springett@act.gov.au)>  
**Subject:** For Review: Media Enquiry - Pink Frosting [SEC=UNCLASSIFIED]

Hi Rohan,

As per our previous emails, I have put together the attached response using your notes.

Please take a look and let me know any of your thoughts, I will then forward it on for approvals one I have heard from you.

Thanks,

Nate

**Nate Leslie | Senior Strategic Communications and Media Officer, Access Canberra**  
Phone: 6207 0280 | Mobile: 0409 605 979 | [nate.leslie@act.gov.au](mailto:nate.leslie@act.gov.au)  
**Access Canberra | Chief Minister, Treasury and Economic Development Directorate | ACT Government**  
Level 5, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 |  
[www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)



*Date:* 7 January 2019

---

**Issue:** Pink Frosting

**Journalist:** John Rolfe

**Contact details (email/phone):** john.rolfe@2.2(a)(ii)

**Media outlet:** News Corp

Hi Emily, 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.

---

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

Nil.

---

**Action officer:** Nate Leslie

**Cleared by (Business Unit Head):**

**Date:**

**Cleared by:**

---

**From:** Rolfe, John [mailto:[john.rolfe@news.com.au](mailto:john.rolfe@news.com.au)] 2.2(a)(ii)  
**Sent:** Tuesday, 8 January 2019 12:45 PM  
**To:** Leslie, Nate <[Nate.Leslie@act.gov.au](mailto:Nate.Leslie@act.gov.au)>  
**Subject:** Re: Media Enquiry: Pink Frosting [SEC=UNCLASSIFIED]

As discussed this is what I was told this morning Nate...

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, John

**JOHN ROLFE**

Cost of Living Editor and Public Defender columnist



2.2(a)(ii)

E [john.rolfe@news.com.au](mailto:john.rolfe@news.com.au) W [NewsCorpAustralia.com](http://www.news.com.au)

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On Mon, 7 Jan 2019 at 16:50, Rolfe, John <[john.rolfe@news.com.au](mailto:john.rolfe@news.com.au)> wrote:

Thanks Nate. I'm surprised action hasn't been taken already, to be honest.

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2.2(a)(ii)

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On Mon, 7 Jan 2019 at 16:46, Leslie, Nate <[Nate.Leslie@act.gov.au](mailto:Nate.Leslie@act.gov.au)> wrote:

Hi John,

I hope this email finds you well.

Just to let you know I have commenced follow up on your Pink Frosting enquiry, I will be in touch when I have followed up with our business area.

Kind regards,

Nate

**Nate Leslie | Senior Strategic Communications and Media Officer, Access Canberra**

Phone: 6207 0280 | Mobile: 0409 605 979 | [nate.leslie@act.gov.au](mailto:nate.leslie@act.gov.au)

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

**Sent:** 08/01/2019 3:48 PM

**To:** "Leslie, Nate" <Nate.Leslie@act.gov.au>; "Harrison, Wendy Maree" <WendyMaree.Harrison@act.gov.au>

**Cc:** "CMTEDDMedia" <CMTEDDMedia@act.gov.au>; "Springett, Emily" <Emily.Springett@act.gov.au>; "Harrison, Wendy Maree" <WendyMaree.Harrison@act.gov.au>; "Nicholas, Andrew" <Andrew.Nicholas@act.gov.au>; "Prescott, Aidan" <Aidan.Prescott@act.gov.au>; "O'Rourke, Stephen" <Stephen.O'Rourke@act.gov.au>

**Subject:** RE: Media Enquiry: Pink Frosting - Follow Up [SEC=UNCLASSIFIED]

Thanks Nate. Wendy and I are happy for this to go up the line for approval.

Cheers, Roh

---

**From:** Leslie, Nate

**Sent:** Tuesday, 8 January 2019 3:27 PM

**To:** Connor, Rohan <Rohan.Connor@act.gov.au>; Harrison, Wendy Maree <WendyMaree.Harrison@act.gov.au>

**Cc:** CMTEDDMedia <CMTEDDMedia@act.gov.au>; Springett, Emily <Emily.Springett@act.gov.au>; Harrison, Wendy Maree <WendyMaree.Harrison@act.gov.au>

**Subject:** Media Enquiry: Pink Frosting - Follow Up [SEC=UNCLASSIFIED]

Hi Rohan & Wendy,

Thanks for your assistance so far with this enquiry.

I have added your responses to a second response template, rather than including it in the original enquiry. I have titled it "Follow Up".

Rohan, I haven't altered your words as I think they address the key things we need to address from John's statement.

Once I have your feedback, I will send it on for further approvals.

Thanks again,

Nate

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**Subject:** RE: Media Enquiry: Pink Frosting [SEC=UNCLASSIFIED]

Hi Nate,

As discussed, please find suggested responses below.

Please note these responses have not been reviewed by management.

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**Subject:** RE: Media Enquiry: Pink Frosting [SEC=UNCLASSIFIED]

Hi Wendy and Rohan,

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- Is Access Canberra aware of the circumstances following the storm?

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

- Does Access Canberra visit her every two months?

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

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Also, do we have colleagues we could talk to at NSW just to ensure that we are all on the same page?

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**Subject:** FW: Media Enquiry: Pink Frosting [SEC=UNCLASSIFIED]

Hi Wendy & Rohan,

Further to the enquiry I just got off the phone with the journalist, who has told me the following:

Are you able to clarify this with me? They are following up with NSW and ASIC.

Please give me a call on 0409 605 979 when you have a chance.

Thanks,

Nate

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**From:** Rolfe, John [<mailto:john.rolfe@act.gov.au>]

**Sent:** Tuesday, 8 January 2019 12:45 PM

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

**Subject:** Re: Media Enquiry: Pink Frosting [SEC=UNCLASSIFIED]

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Regards, John

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Cost of Living Editor and Public Defender columnist



2.2(a)(ii)

E [john.rolfe@act.gov.au](mailto:john.rolfe@act.gov.au) W [NewsCorpAustralia.com](http://www.news.com.au)

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Cost of Living Editor and Public Defender columnist



2.2(a)(ii)

[E john.rolfe](#) [W NewsCorpAustralia.com](#)

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Hi John,

I hope this email finds you well.

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Kind regards,

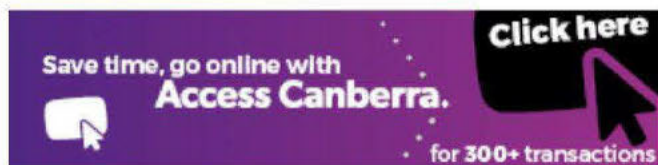
Nate

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**From:** "Leslie, Nate" <Nate.Leslie@act.gov.au>  
**Sent:** 08/01/2019 4:44 PM  
**To:** "Connor, Rohan" <Rohan.Connor@act.gov.au>  
**Subject:** FW: Pink Frosting Enquiry [SEC=UNCLASSIFIED]

FYI – This is NSW's Fair Trading response. It is consistent with our messaging which is good.

Best,

Nate

---

**From:** Louisa Bourke [mailto:Louisa.Bourke@2.2(a)(ii)]  
**Sent:** Tuesday, 8 January 2019 4:40 PM  
**To:** Leslie, Nate <Nate.Leslie@act.gov.au>  
**Subject:** RE: Pink Frosting Enquiry

Hi Nate,

Please see approved response which we will send on to the journo

**On background:**

NSW Fair Trading generally does not provide statistical information on individual traders or products. However, the NSW Fair Trading Complaints Register does provide information about businesses that are the subject of 10 or more complaints to Fair Trading in a calendar month.

Under the Australian Consumer Law, it is an offence for a business to accept payment for goods if:

- it does not intend to supply the goods or services at all
- it intends to supply materially different goods or services
- it should have known that it could not provide the goods or services within the specified time or a reasonable time.

Fair Trading's advice to customers who are dissatisfied in their dealings with Pink Frosting is to contact the trader and try to resolve the matter in the first instance. Customers who are unable to resolve their issues with the trader are advised to lodge a written complaint with Fair Trading at [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au). Where customers have paid by credit or debit card, they should contact their credit provider and make enquiries about applying for a credit card chargeback. A time limit for chargebacks may apply.

**To be attributed to a spokesperson for Fair Trading NSW:**

NSW Fair Trading is aware of the trader. Access Canberra is in contact and liaising with Australian Consumer Law regulators, including NSW Fair Trading, and are currently investigating a number of complaints in relation to the alleged failure by the trader to supply goods within a reasonable time.

Louisa Bourke

2.2(a)(ii)

Media Unit 24/7: 0438 108 797

Corporate Affairs | NSW Department of Finance, Services & Innovation

[Louisa.Bourke@finance.nsw.gov.au](mailto:Louisa.Bourke@finance.nsw.gov.au) | [www.finance.nsw.gov.au](http://www.finance.nsw.gov.au)

**From:** Louisa Bourke  
**Sent:** Tuesday, 8 January 2019 3:05 PM  
**To:** 'nate.leslie@act.gov.au' <[nate.leslie@act.gov.au](mailto:nate.leslie@act.gov.au)>  
**Subject:** Pink Frosting Enquiry

Hi Nate,

Thank you for calling earlier. I will send you through approved response when I have it. From what I can see so far it looks like Fair Trading has not taken much action once Access Canberra took the lead. So will show you what we will give to the journo and likely refer him on to you for further questions?

Speak soon.

Regards,

Louisa Bourke  
2.2(a)(ii)  
Media Unit 24/7: 0438 108 797  
Corporate Affairs | NSW Department of Finance, Services & Innovation  
[Louisa.Bourke@finance.nsw.gov.au](mailto:Louisa.Bourke@finance.nsw.gov.au) | [www.finance.nsw.gov.au](http://www.finance.nsw.gov.au)



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\*\*\*\*\*

**From:** "Connor, Rohan"  
**Sent:** 08/01/2019 4:57 AM  
**To:** "Leslie, Nate" <Nate.Leslie@act.gov.au>  
**Subject:** RE: Media Enquiry: Pink Frosting - Follow Up [SEC=UNCLASSIFIED]

FYI, I was speaking with the ACCC and they have also been contacted by JR for comment on PF.

---

**From:** Leslie, Nate  
**Sent:** Tuesday, 8 January 2019 3:27 PM  
**To:** Connor, Rohan <Rohan.Connor@act.gov.au>; Harrison, Wendy Maree <WendyMaree.Harrison@act.gov.au>  
**Cc:** CMTEDDMedia <CMTEDDMedia@act.gov.au>; Springett, Emily <Emily.Springett@act.gov.au>; Harrison, Wendy Maree <WendyMaree.Harrison@act.gov.au>  
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Hi Rohan & Wendy,

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I have added your responses to a second response template, rather than including it in the original enquiry. I have titled it "Follow Up".

Rohan, I haven't altered your words as I think they address the key things we need to address from John's statement.

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Thanks again,

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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, John

**JOHN ROLFE**

Cost of Living Editor and Public Defender columnist



2.2(a)(ii)

E [john.rolfe@](mailto:john.rolfe@news.com.au) [W NewsCorpAustralia.com](http://www.news.com.au)

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On Mon, 7 Jan 2019 at 16:50, Rolfe, John <[john.rolfe@news.com.au](mailto:john.rolfe@news.com.au)⊃> wrote:

Thanks Nate. I'm surprised action hasn't been taken already, to be honest.

**JOHN ROLFE**

Cost of Living Editor and Public Defender columnist



2.2(a)(ii)

E [john.rolfe@](mailto:john.rolfe@news.com.au) [W NewsCorpAustralia.com](http://www.news.com.au)

Proudly supporting [1 degree](#), A News Corp Australia initiative.



On Mon, 7 Jan 2019 at 16:46, Leslie, Nate <[Nate.Leslie@act.gov.au](mailto:Nate.Leslie@act.gov.au)> wrote:

Hi John,

I hope this email finds you well.

Just to let you know I have commenced follow up on your Pink Frosting enquiry, I will be in touch when I have followed up with our business area.

Kind regards,

Nate

**Nate Leslie | Senior Strategic Communications and Media Officer, Access Canberra**

Phone: 6207 0280 | Mobile: 0409 605 979 | [nate.leslie@act.gov.au](mailto:nate.leslie@act.gov.au)

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---

**From:** Connor, Rohan

**Sent:** Tuesday, 8 January 2019 3:02 PM

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

**Cc:** CMTEDDMedia <[CMTEDDMedia@act.gov.au](mailto:CMTEDDMedia@act.gov.au)>; Springett, Emily <[Emily.Springett@act.gov.au](mailto:Emily.Springett@act.gov.au)>; Harrison, Wendy Maree <[WendyMaree.Harrison@act.gov.au](mailto:WendyMaree.Harrison@act.gov.au)>; 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)>; Nicholas, Andrew <[Andrew.Nicholas@act.gov.au](mailto:Andrew.Nicholas@act.gov.au)>

**Subject:** RE: Media Enquiry: Pink Frosting [SEC=UNCLASSIFIED]

Hi Nate,

As discussed, please find suggested responses below.

Please note these responses have not been reviewed by management.

Happy to help further as directed.

Regards, Rohan

---

**From:** Leslie, Nate  
**Sent:** Tuesday, 8 January 2019 12:55 PM  
**To:** Harrison, Wendy Maree <[WendyMaree.Harrison@act.gov.au](mailto:WendyMaree.Harrison@act.gov.au)>; Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)>  
**Cc:** CMTEDDMedia <[CMTEDDMedia@act.gov.au](mailto:CMTEDDMedia@act.gov.au)>; Springett, Emily <[Emily.Springett@act.gov.au](mailto:Emily.Springett@act.gov.au)>  
**Subject:** RE: Media Enquiry: Pink Frosting [SEC=UNCLASSIFIED]

Hi Wendy and Rohan,

So to thrash this out a bit further, I think our key questions are:

- Is Access Canberra aware of the circumstances following the storm?

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

- Does Access Canberra visit her every two months?

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

- Are there any standing guidelines or agreements between Access Canberra and Louise Curtis?

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

- Did Access Canberra advise to put a cap on refunds?

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

Also, do we have colleagues we could talk to at NSW just to ensure that we are all on the same page?

Thanks,

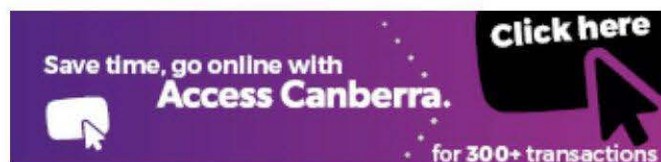
Nate

**Nate Leslie | Senior Strategic Communications and Media Officer, Access Canberra**

Phone: 6207 0280 | Mobile: 0409 605 979 | [nate.leslie@act.gov.au](mailto:nate.leslie@act.gov.au)

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---

**From:** Leslie, Nate  
**Sent:** Tuesday, 8 January 2019 12:48 PM  
**To:** Harrison, Wendy Maree <[WendyMaree.Harrison@act.gov.au](mailto:WendyMaree.Harrison@act.gov.au)>; Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)>  
**Cc:** CMTEDDMedia <[CMTEDDMedia@act.gov.au](mailto:CMTEDDMedia@act.gov.au)>; Springett, Emily <[Emily.Springett@act.gov.au](mailto:Emily.Springett@act.gov.au)>  
**Subject:** FW: Media Enquiry: Pink Frosting [SEC=UNCLASSIFIED]

Hi Wendy & Rohan,

Further to the enquiry I just got off the phone with the journalist, who has told me the following:

Are you able to clarify this with me? They are following up with NSW and ASIC.

Please give me a call on 0409 605 979 when you have a chance.

Thanks,

Nate

**Nate Leslie | Senior Strategic Communications and Media Officer, Access Canberra**

Phone: 6207 0280 | Mobile: 0409 605 979 | [nate.leslie@act.gov.au](mailto:nate.leslie@act.gov.au)

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**From:** Rolfe, John [<mailto:john.rolfe> 2.2(a)(ii)]  
**Sent:** Tuesday, 8 January 2019 12:45 PM  
**To:** Leslie, Nate <[Nate.Leslie@act.gov.au](mailto:Nate.Leslie@act.gov.au)>  
**Subject:** Re: Media Enquiry: Pink Frosting [SEC=UNCLASSIFIED]

As discussed this is what I was told this morning Nate...

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, John

**JOHN ROLFE**

Cost of Living Editor and Public Defender columnist



2.2(a)(ii)

E [john.rolfe](mailto:john.rolfe) W [NewsCorpAustralia.com](http://NewsCorpAustralia.com)



On Mon, 7 Jan 2019 at 16:50, Rolfe, John <[john.rolfe@news.com.au](mailto:john.rolfe@news.com.au)> wrote:

Thanks Nate. I'm surprised action hasn't been taken already, to be honest.

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Cost of Living Editor and Public Defender columnist



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E [john.rolfe@news.com.au](mailto:john.rolfe@news.com.au) W [NewsCorpAustralia.com](http://news.com.au)



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Hi John,

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Just to let you know I have commenced follow up on your Pink Frosting enquiry, I will be in touch when I have followed up with our business area.

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**From:** "Leslie, Nate" <Nate.Leslie@act.gov.au>

**Sent:** 08/01/2019 12:55 PM

**To:** "Harrison, Wendy Maree" <WendyMaree.Harrison@act.gov.au>; "Connor, Rohan" <Rohan.Connor@act.gov.au>

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

**Subject:** RE: Media Enquiry: Pink Frosting [SEC=UNCLASSIFIED]

Hi Wendy and Rohan,

So to thrash this out a bit further, I think our key questions are:

- Is Access Canberra aware of the circumstances following the storm?
- Does Access Canberra visit her every two months?
- Are there any standing guidelines or agreements between Access Canberra and Louise Curtis?
- Did Access Canberra advise to put a cap on refunds?

Also, do we have colleagues we could talk to at NSW just to ensure that we are all on the same page?

Thanks,

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Phone: 6207 0280 | Mobile: 0409 605 979 | [nate.leslie@act.gov.au](mailto:nate.leslie@act.gov.au)

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**Sent:** Tuesday, 8 January 2019 12:48 PM

**To:** Harrison, Wendy Maree <WendyMaree.Harrison@act.gov.au>; Connor, Rohan <Rohan.Connor@act.gov.au>

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

**Subject:** FW: Media Enquiry: Pink Frosting [SEC=UNCLASSIFIED]

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**Nate Leslie | Senior Strategic Communications and Media Officer, Access Canberra**

Phone: 6207 0280 | Mobile: 0409 605 979 | [nate.leslie@act.gov.au](mailto:nate.leslie@act.gov.au)



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Regards, John

**JOHN ROLFE**

Cost of Living Editor and Public Defender columnist



2.2(a)(ii)

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On Mon, 7 Jan 2019 at 16:50, Rolfe, John <[john.rolfe@act.gov.au](mailto:john.rolfe@act.gov.au)] 2.2(a)(ii)> wrote:

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Cost of Living Editor and Public Defender columnist



2.2(a)(ii)

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W [NewsCorpAustralia.com](http://NewsCorpAustralia.com)

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On Mon, 7 Jan 2019 at 16:46, Leslie, Nate <[Nate.Leslie@act.gov.au](mailto:Nate.Leslie@act.gov.au)> wrote:

Hi John,

I hope this email finds you well.

Just to let you know I have commenced follow up on your Pink Frosting enquiry, I will be in touch when I have followed up with our business area.

Kind regards,

Nate

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Phone: 6207 0280 | Mobile: 0409 605 979 | [nate.leslie@act.gov.au](mailto:nate.leslie@act.gov.au)

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**From:** "Leslie, Nate" <Nate.Leslie@act.gov.au>

**Sent:** 09/01/2019 10:14 AM

**To:** "Connor, Rohan" <Rohan.Connor@act.gov.au>; "Harrison, Wendy Maree" <WendyMaree.Harrison@act.gov.au>

**Subject:** FW: Media Response: Pink Frosting [SEC=UNCLASSIFIED]

**Attachments:** Media Response - News Corp - Pink Frosting 09012019.pdf, Media Response - News Corp - Follow Up Pink Frosting 09012019.pdf

FYI – the responses are unchanged since you last saw them.

Best,

Nate

---

**From:** Leslie, Nate

**Sent:** Wednesday, 9 January 2019 10:14 AM

**To:** 'Rolfe, John' <john.rolfe2.2(a)(ii)>

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

**Subject:** Media Response: Pink Frosting [SEC=UNCLASSIFIED]

Hi John,

As discussed, please find attached responses to your enquiries.

You may attribute the comments to an Access Canberra spokesperson.

Kind regards,

Nate Leslie

**Nate Leslie | Senior Strategic Communications and Media Officer, Access Canberra**

Phone: 6207 0280 | Mobile: 0409 605 979 | [nate.leslie@act.gov.au](mailto:nate.leslie@act.gov.au)

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**Date:** 7 January 2019

---

**Issue:** Pink Frosting

**Journalist:** John Rolfe

**Contact details (email/phone):** john.rolfe@act.gov.au 2.2(a)(ii)

**Media outlet:** News Corp

Hi Emily, 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.

---

*Date:* 8 January 2019

---

**Issue:** Follow Up: Pink Frosting

**Journalist:** John Rolfe

**Contact details (email/phone):** john.rolfe@act.gov.au (2.2(a)(ii))

**Media outlet:** News Corp

As discussed this is what I was told this morning Nate...

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, John

---

**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.

---

**From:** "Connor, Rohan"  
**Sent:** 09/01/2019 10:58 PM  
**To:** "Leslie, Nate" <Nate.Leslie@act.gov.au>  
**Subject:** RE: Out of Scope [SEC=UNCLASSIFIED]

Thanks Nate. We're meeting with the trader next Wednesday, so keen to keep across any press.

---

**From:** Leslie, Nate  
**Sent:** Thursday, 10 January 2019 9:58 AM  
**To:** Connor, Rohan <Rohan.Connor@act.gov.au>  
**Subject:** RE: Out of Scope [SEC=UNCLASSIFIED]

No word, but I am bracing.

The journalist didn't even respond to our responses.

I think something will surface over the weekend/early next week as his hard deadline was Friday.

I'll keep you posted if anything comes across my desk.

Best,

Nate

---

**From:** Connor, Rohan  
**Sent:** Thursday, 10 January 2019 9:51 AM  
**To:** Leslie, Nate <Nate.Leslie@act.gov.au>  
**Subject:** RE: Out of Scope [SEC=UNCLASSIFIED]

Also, any word on Pink Frosting? Have been keeping an eye on the news.

---

**From:** Leslie, Nate  
**Sent:** Thursday, 10 January 2019 9:44 AM  
**To:** Connor, Rohan <Rohan.Connor@act.gov.au>  
**Subject:** Out of Scope [SEC=UNCLASSIFIED]

Hi Rohan,

Out of Scope

I am happy to catch up next week, so we can get stuck into it.

Let me know.

Best,

Nate

**Nate Leslie | Senior Strategic Communications and Media Officer, Access Canberra**

Phone: 6207 0280 | Mobile: 0409 605 979 | [nate.leslie@act.gov.au](mailto:nate.leslie@act.gov.au)

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**From:** "Connor, Rohan"  
**Sent:** 01/03/2019 4:36 AM  
**To:** "Leslie, Nate" <Nate.Leslie@act.gov.au>  
**Subject:** RE: Media Enquiry: Sunday Herald Sun - Pink Frosting [SEC=UNCLASSIFIED]

Hi Nate,

We're waiting on Pink Frosting to provide us with requested documents. We expect to hear back from them early next week.

Cheers, Roh

---

**From:** Leslie, Nate  
**Sent:** Friday, 1 March 2019 3:12 PM  
**To:** Connor, Rohan <Rohan.Connor@act.gov.au>  
**Subject:** RE: Media Enquiry: Sunday Herald Sun - Pink Frosting [SEC=UNCLASSIFIED]

Hey,

Whatever happened with our friends at Pink Frosting?

Best,

Nate

---

**From:** Leslie, Nate  
**Sent:** Monday, 7 January 2019 5:02 PM  
**To:** Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)>  
**Subject:** RE: Media Enquiry: Sunday Herald Sun - Pink Frosting [SEC=UNCLASSIFIED]

Thanks Rohan,

I will take this and draft up our response, I will forward it to you shortly to get the approval cycle started.

Thanks,

Nate

---

**From:** Connor, Rohan  
**Sent:** Monday, 7 January 2019 4:45 PM  
**To:** Leslie, Nate <[Nate.Leslie@act.gov.au](mailto:Nate.Leslie@act.gov.au)>  
**Cc:** CMTEDDMedia <[CMTEDDMedia@act.gov.au](mailto:CMTEDDMedia@act.gov.au)>; Springett, Emily <[Emily.Springett@act.gov.au](mailto:Emily.Springett@act.gov.au)>; Harrison, Wendy Maree <[WendyMaree.Harrison@act.gov.au](mailto:WendyMaree.Harrison@act.gov.au)>; Azize, Michael <[Michael.Azize@act.gov.au](mailto:Michael.Azize@act.gov.au)>; 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)>  
**Subject:** RE: Media Enquiry: Sunday Herald Sun - Pink Frosting [SEC=UNCLASSIFIED]

Hi Nate,

Here's some suggested wording:

Access Canberra is currently investigating a number of 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, which has the potential to contravene the Australian Consumer

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

Given this is an ongoing investigation, there isn't much more that we can say. I'm happy to provide you with more context for your own information, if that'd help.

Regards,

Rohan

---

**From:** Leslie, Nate  
**Sent:** Monday, 7 January 2019 4:36 PM  
**To:** Connor, Rohan <[Rohan.Connor@act.gov.au](mailto:Rohan.Connor@act.gov.au)>  
**Cc:** CMTEDDMedia <[CMTEDDMedia@act.gov.au](mailto:CMTEDDMedia@act.gov.au)>; Springett, Emily <[Emily.Springett@act.gov.au](mailto:Emily.Springett@act.gov.au)>  
**Subject:** Media Enquiry: Sunday Herald Sun - Pink Frosting [SEC=UNCLASSIFIED]

Hi Rohan,

Please find below a media enquiry we have received from the Sunday Herald Sun.

I accidentally emailed Rohen Connors in EPSDD (my bad).

Please let me know your thoughts as soon as possible.

Thanks,

Nate

---

**From:** Leslie, Nate  
**Sent:** Monday, 7 January 2019 4:29 PM  
**To:** Conners, Rohen <[Rohen.Conners@act.gov.au](mailto:Rohen.Conners@act.gov.au)>; Nowlan, Andrew <[Andrew.Nowlan@act.gov.au](mailto:Andrew.Nowlan@act.gov.au)>  
**Cc:** CMTEDDMedia <[CMTEDDMedia@act.gov.au](mailto:CMTEDDMedia@act.gov.au)>; Springett, Emily <[Emily.Springett@act.gov.au](mailto:Emily.Springett@act.gov.au)>  
**Subject:** Media Enquiry: Sunday Herald Sun - Pink Frosting [SEC=UNCLASSIFIED]

Hi Rohan and Andrew,

We have received a media enquiry about the ACT business called Pink Frosting. Are we investigating this organisation? If so, what for? What has been reported to us etc?

I'll be in touch shortly.

Thanks,

Nate

**Nate Leslie | Senior Strategic Communications and Media Officer, Access Canberra**  
Phone: 6207 0280 | Mobile: 0409 605 979 | [nate.leslie@act.gov.au](mailto:nate.leslie@act.gov.au)  
**Access Canberra | Chief Minister, Treasury and Economic Development Directorate | ACT Government**  
Level 5, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)



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**From:** Springett, Emily  
**Sent:** Monday, 7 January 2019 4:23 PM  
**To:** Leslie, Nate <[Nate.Leslie@act.gov.au](mailto:Nate.Leslie@act.gov.au)>; CMTEDDMedia <[CMTEDDMedia@act.gov.au](mailto:CMTEDDMedia@act.gov.au)>  
**Subject:** Fwd: Media inquiry from the Sunday Telegraph, Sunday Herald Sun etc

FYI

Rohan Connors in Fairtrading & Andrew Nolan your Contacts for this one

Begin forwarded message:

**From:** "Rolfe, John" <[john.rolfe@news.com.au](mailto:john.rolfe@news.com.au)>  
**Date:** 7 January 2019 at 4:13:01 pm AEDT  
**To:** <[emily.springett@act.gov.au](mailto:emily.springett@act.gov.au)>  
**Subject:** Media inquiry from the Sunday Telegraph, Sunday Herald Sun etc

Hi Emily, 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.

Regards,

**JOHN ROLFE**  
Cost of Living Editor and Public Defender columnist



2.2(a)(ii)

E [john.rolfe@news.com.au](mailto:john.rolfe@news.com.au) W [NewsCorpAustralia.com](http://NewsCorpAustralia.com)

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**From:** "Leslie, Nate" <Nate.Leslie@act.gov.au>

**Sent:** 04/03/2019 10:22 AM

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

**Subject:** FW: Media Response: Pink Frosting [SEC=UNCLASSIFIED]

**Attachments:** Media Response - News Corp - Pink Frosting 09012019.pdf, Media Response - News Corp - Follow Up Pink Frosting 09012019.pdf

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**From:** Leslie, Nate

**Sent:** Wednesday, 9 January 2019 10:14 AM

**To:** 'Rolfe, John' <john.rolfe<sup>2.2(a)(ii)</sup>>

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

**Subject:** Media Response: Pink Frosting [SEC=UNCLASSIFIED]

Hi John,

As discussed, please find attached responses to your enquiries.

You may attribute the comments to an Access Canberra spokesperson.

Kind regards,

Nate Leslie

**Nate Leslie | Senior Strategic Communications and Media Officer, Access Canberra**

Phone: 6207 0280 | Mobile: 0409 605 979 | [nate.leslie@act.gov.au](mailto:nate.leslie@act.gov.au)

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

Level 5, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | 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:** John Rolfe

**Contact details (email/phone):** john.rolfe@act.gov.au 2.2(a)(ii)

**Media outlet:** News Corp

Hi Emily, 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:** John Rolfe

**Contact details (email/phone):** john.rolfe@act.gov.au (2.2(a)(ii))

**Media outlet:** News Corp

As discussed this is what I was told this morning Nate...

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, John

---

**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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**Date:** 7 January 2019

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**Issue:** Pink Frosting

**Journalist:** John Rolfe

**Contact details (email/phone):** john.rolfe@act.gov.au 2.2(a)(ii)

**Media outlet:** News Corp

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*Date: 8 January 2019*

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**Journalist:** John Rolfe

**Contact details (email/phone):** john.rolfe@act.gov.au (2.2(a)(ii))

**Media outlet:** News Corp

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## 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:**07/03/2019 5:31 AM

**To:**"McClelland, Seamus" <Seamus.McClelland@act.gov.au>

**Subject:**FW: Media Response: Pink Frosting [SEC=UNCLASSIFIED]

**Attachments:**Media Response - News Corp - Follow Up Pink Frosting 09012019\_Redacted.pdf, Media Response - News Corp - Pink Frosting 09012019\_Redacted.pdf

*Date: 8 January 2019*

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**Issue:** Follow Up: Pink Frosting

**Journalist:** John Rolfe

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

**Media outlet:** *News Corp*

As discussed this is what I was told this morning Nate...

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*Date:* 7 January 2019

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**Issue:** Pink Frosting

**Journalist:** John Rolfe

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

**Media outlet:** *News Corp*

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