



**ASIC**

Australian Securities & Investments Commission

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Our Reference:  
Your Reference:

3 May 2013



**Request Under the Freedom of Information Act 1982  
For Access to Documents**

I refer to your request under the Freedom of Information Act 1982 (FOI Act) received by this office on 9 April 2013 in which you sought access to:

- 1 *The document of ASIC's investigation finding of where the missing Trio Capital fund money ended up.*
- 2 *The documentation detailing the action taken by ASIC to track down the Trio Capital missing money.*
- 3 *In regards to clawing back the Trio Capital monies, please provide documentation showing that the Confiscation of Proceeds of Crime Act 1989 was or was not utilized.*
- 4 *The applicant seeks from the respondent all documentation concerning ASIC's intention to pursue or not pursue Florissa Villavert and Charles Provini (who both had worked in pivotal positions within the Trio Capital fund).*
- 4 *The documentation detailing ASIC's policy to "in the public interest" for the period 2009 to 2010.*

Please note that I have interpreted "Trio Capital fund money" and "Trio Capital missing money" as being a reference to the Astarra Strategic Fund, a managed investment scheme for which Trio Capital Ltd (in liquidation) was responsible entity.

I note that the Statement of Facts concerning Shawn Richard's criminal conduct is available from the Supreme Court of New South Wales Registry. This document may be of interest to you.

I am the authorised decision-maker for the purposes of section 23 of the Act.

I have identified the documents which come within the terms of your request. These are listed in the Schedules to this letter.

### **Relevant Legislation**

Section 37 of the FOI Act provides:

- (1) A document is an exempt document if its disclosure under this Act would, or could reasonably be expected to:*
  - (a) prejudice the conduct of an investigation of a breach, or possible breach, of the law, or a failure, or possible failure, to comply with a law relating to taxation or prejudice the enforcement or proper administration of the law in a particular instance;*
  - (b) disclose, or enable a person to ascertain, the existence or identity of a confidential source of information, or the non-existence of a confidential source of information, in relation to the enforcement or administration of the law; or*
  - (c) endanger the life or physical safety of any person.*
- (2) A document is an exempt document if its disclosure under this Act would, or could reasonably be expected to:*
  - (a) prejudice the fair trial of a person or the impartial adjudication of a particular case;*
  - (b) disclose lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures; or*
  - (c) prejudice the maintenance or enforcement of lawful methods for the protection of public safety.*

Section 42(1) of the FOI Act provides:

- (1) A document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.*

Section 33 of the FOI Act provides:

*A document is an exempt document if disclosure of the document under this Act:*

- (a) *would, or could reasonably be expected to, cause damage to:*
  - (i) *the security of the Commonwealth;*
  - (ii) *the defence of the Commonwealth; or*
  - (iii) *the international relations of the Commonwealth; or*
- (b) *would divulge any information or matter communicated in confidence by or on behalf of a foreign government, an authority of a foreign government or an international organization to the Government of the Commonwealth, to an authority of the Commonwealth or to a person receiving the communication on behalf of the Commonwealth or of an authority of the Commonwealth.*

Section 25(1) and (2) of the FOI Act provides:

- (1) *Nothing in this Act shall be taken to require an agency or Minister to give information as to the existence or non-existence of a document where information as to the existence or non-existence of that document, if included in a document of an agency, would cause the last-mentioned document to be:*
  - (a) *an exempt document by virtue of section 33 or subsection 37(1) or 45A(1); or*
  - (b) *an exempt document to the extent referred to in subsection 45A(2) or (3).*
- (2) *If a request relates to a document that is, or if it existed would be, of a kind referred to in subsection (1), the agency or Minister dealing with the request may give notice in writing to the applicant that the agency or the Minister (as the case may be) neither confirms nor denies the existence, as a document of the agency or an official document of the Minister, of such a document but that, assuming the existence of such a document, it would be:*
  - (c) *an exempt document by virtue of section 33 or subsection 37(1) or 45A(1); or*
  - (d) *an exempt document to the extent referred to in subsection 45A(2) or (3).*

## **Section 22**

Section 22 of the FOI Act provides that where an agency or Minister decides not to grant access to a document on the grounds that it is an exempt document or that to grant access to a document would disclose information that would reasonably be regarded as irrelevant to the request: and, "it is possible for the agency....to make a copy of the document with such deletions that the copy ....would not be an exempt document: and ..would not disclose such information....and it is reasonably practical for the agency or Minister, having regard to the nature and extent of the work involved in deciding on and making those deletions and resources available for the work, to make such a copy...the agency or Minister shall, unless it is apparent from the request or as a result of consultation by the agency or Minister with the applicant,

that the applicant would not wish to have access to such a copy, make and grant access to such a copy".

### **Decision**

**Item 1:** *The document of ASIC's investigation finding of where the missing Trio Capital fund money ended up.*

I advise that I have decided not to release the documents marked "Exempt" in the attached Schedule, under your request, on the grounds that the documents are exempt from release for the following reasons:

- release of the documents would prejudice the conduct of an investigation of a breach or possible breach of the law;
- release of documents would divulge information communicated in confidence to the Commonwealth by a foreign agency.

I have considered whether, pursuant to section 22 of the FOI Act, access should be granted to part of the aforementioned exempt documents. For the reasons above, explaining the basis of the exemptions applied in respect to the documents, I find that the documents are "exempt documents" as defined by the FOI Act. I further find that it would not be possible to make a copy of these exempt documents with such deletions that the documents would not be exempt documents.

**Item 2:** *The documentation detailing the action taken by ASIC to track down the Trio Capital missing money.*

I advise that I have decided to release the documents marked "Release" on the attached Schedule, identified as Schedule 2.

I advise that I have decided not to release the documents marked "Exempt" in the attached Schedule, under your request, on the grounds that the documents are exempt from release for the following reasons:

- release of the documents would prejudice the conduct of an investigation of a breach or possible breach of the law;
- release of documents would divulge information communicated in confidence to the Commonwealth by a foreign agency.

I have considered whether, pursuant to section 22 of the FOI Act, access should be granted to part of the aforementioned exempt documents. For the reasons above, explaining the basis of the exemptions applied in respect to the documents, I find that the documents are "exempt documents" as defined by the FOI Act. I further find that it would not be possible to make a copy of these exempt documents with such deletions that the documents would not be exempt documents.

Where however a document is listed in the schedule as being "partially exempt", I have determined that it is possible to make a copy of the document with deletions such that the documents would not be an exempt document.

The balance of the charge to be paid for the process of your request (ie: items 1 to 4) is \$40.00. Access to the documents marked "release" or "partially release" will only be granted upon receipt of this payment in full.

**Item 3:** *In regards to clawing back the Trio Capital monies, please provide documentation showing that the Confiscation of Proceeds of Crime Act 1989 was or was not utilized.*

I advise that I have decided to release the documents marked "Release" on the attached Schedule, identified as Schedule 3.

I advise that I have decided not to release the documents marked "Exempt" in the attached Schedule, under your request, on the grounds that the documents are exempt from release for the following reasons:

- documents are subject to legal professional privilege as they are requests for legal advice or the advice provided;
- release of the documents would prejudice the conduct of an investigation of a breach or possible breach of the law;
- release would reveal the existence or identity of a confidential informant, or the absence of a confidential source of information in relation to the enforcement or administration of the law;
- release of documents would divulge information communicated in confidence to the Commonwealth by a foreign agency;

I have considered whether, pursuant to section 22 of the FOI Act, access should be granted to part of the aforementioned exempt documents. For the reasons above, explaining the basis of the exemptions applied in respect to the documents, I find that the documents are "exempt documents" as defined by the FOI Act. I further find that it would not be possible to make a copy of these exempt documents with such deletions that the documents would not be exempt documents.

Where however a document is listed in the schedule as being "partially exempt", I have determined that it is possible to make a copy of the document with deletions such that the documents would not be an exempt document.

The balance of the charge to be paid for the process of your request (ie: items 1 to 4) is \$40.00. Access to the documents marked "release" or "partially release" will only be granted upon receipt of this payment in full.

**Item 4(a):** *The applicant seeks from the respondent all documentation concerning ASIC's intention to pursue or not pursue Florissa Villavert and Charles Provini (who both had worked in pivotal positions within the Trio Capital fund)*

I note that there are two "item 4" in your request.

In relation to what I will refer to as item 4(a), where you request all documents concerning ASIC's intention to pursue or not pursue Florissa Villavert and Charles Provini, pursuant to section 25 of the FOI Act I neither confirm nor deny whether such a document exists.

I also note that in the event that any such document did exist it would be exempt by virtue of section 37 of the FOI Act, in particular release of the document would or could reasonably be expected to:

- prejudice the conduct of an investigation of a breach or possible breach of the law.

**Item 4(b):** *The documentation detailing ASIC's policy to "in the public interest" for the period 2009 to 2010.*

In relation to what I will refer to as item 4(b), documents dealing with ASIC's policy about "in the public interest" for the period 2009 to 2010, ASIC has no documents fitting this description.

Please see my response of 23 April 2013, where I advised that ASIC does not have a policy (referred to as Regulatory Guides) specifically on "public interest".

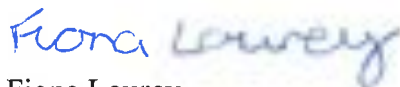
#### **Review Rights**

I provide you with the following information as required by section 26 of the FOI Act.

In the event that you are dissatisfied with the decision:

1. You may, within 30 days after the day on which you have been notified of this decision, apply in writing to ASIC for a review of my decision by another ASIC officer under section 54B of the FOI Act. This request should be addressed to me or to the Senior Manager, Administrative Law GPO Box 9827 SYDNEY or by email to [foirequest@asic.gov.au](mailto:foirequest@asic.gov.au)
2. You may apply in writing to the Australian Information Commissioner for a review of my decision under section 54N of the FOI Act. Correspondence should be addressed to the Office of the Australian Information Commissioner at GPO Box 2999 Canberra ACT 2601 OR GPO Box 5218 Sydney NSW 2001.
3. You may lodge a complaint to the Australian Information Commissioner in respect to the conduct of ASIC in the handling of this request. Correspondence should be addressed to the Office of the Australian Information Commissioner - GPO Box 2999 Canberra ACT 2601 OR GPO Box 5218 Sydney NSW 2001 GPO Box 5218 Sydney NSW 2001.

Yours faithfully



Fiona Lourey

(Authorised decision-maker under subsection 23(1) of the FOI Act)  
for the Australian Securities and Investments Commission

## Schedules of Documents

### Schedule 1

No	Description of document	Date	No of folios	Decision on access	Relevant section
1	ASIC work product: Investments into Underlying Funds by DPA	No date		Exempt	S 37(1)(a)
2	ASIC work product: Deposits to Bank Account	No date		Exempt	S 37(1)(a)
3	ASIC work product: Investments into Fund by Trio Managed Funds	No date		Exempt	S 33
4	ASIC work product: Astarra Strategic Fund Investments into Underlying Funds by DPA	No date		Exempt	S 37(1)(a)
5	ASIC work product: Payments to Specified Person	No date		Exempt	S 37(1)(a)
6	ASIC work product: Fund – Summary of Derivatives Investment	No date		Exempt	S 33
7	ASIC work product: Specified company	No date		Exempt	S 33
8	ASIC work product: Loans from Specified Entity: 4 May 2009 – 26 May 2009	No date		Exempt	S 37(1)(a)
9	ASIC work product: Loans from Specified entity: 20 Oct 2008 – 13 Nov 2008	No date		Exempt	S 37(1)(a)
10	ASIC work product: Loans from Specified entity: 1 July 2008 – 30 June 2009	No date		Exempt	S 37(1)(a)
11	ASIC work product: Records of deposits from offshore accounts	No date		Exempt	S 37(1)(a)
12	ASIC work product: List of payments from specified entity	No date		Exempt	S 33
13	ASIC work product: Records of deposits by specified entity from 6 Nov 2006 (by date)	No date		Exempt	S 37(1)(a)
14	ASIC work product: Records of deposits by specified entity from 6 Nov 2006 (by payer)	No date		Exempt	S 37(1)(a)

15	ASIC work product: Records of deposits by specified entity from 1 July 2008 to 30 June 2009	No date		Exempt	S 37(1)(a)
16	ASIC work product: about a specified entity	No date		Exempt	S 33
17	ASIC work product: about a specified fund	No date		Exempt	S 33
18	ASIC work product: about a specified fund	No date		Exempt	S 33
19	ASIC work product: about a specified fund	No date		Exempt	S 33

## Schedule 2

No	Description of document	Date	No of folios	Decision on access	Relevant section
1	Notice ASICA 33 to National Australia Bank Ltd – requesting bank statements for Astarra entities including Absolute Alpha Pty Ltd	12 Nov 2009		Partially Exempt	S 37(1)(a)
2	Notice ASICA 33 to National Australia Bank Ltd – requesting bank statements for entities including Pacific Continental Securities and Zetland Group	12 Nov 2009		Partially Exempt	S 37(1)(a)
3	Notice ASICA 33 to ANZ Banking Group Ltd – requesting bank statements for a series of accounts	12 Nov 2009		Partially Exempt	S 37(1)(a)
4	Notice ASICA 33 to Commonwealth Bank of Australia – requesting bank statements for entities including EMA Ltd	12 Nov 2009		Partially Exempt	S 37(1)(a)
5	Notice ASICA 33 to ANZ Banking Group Ltd – requesting bank statements of ANZ as custodian for Astarra Capital Ltd.	16 Nov 2009		Partially Exempt	S 37(1)(a)
6	Notice ASICA 33 to National Australia Bank Ltd – requesting bank statements for NAB as custodian for Astarra Capital Ltd	16 Nov 2009		Partially Exempt	S 37(1)(a)
7	Notice ASICA 33 to Commonwealth Bank of Australia – requesting bank statements for named individual	24 Nov 2009		Partially Exempt	S 37(1)(a)
8	Notice ASICA 33 to St George Bank Ltd – requesting bank statements for specified account	20 Nov 2009		Partially Exempt	S 37(1)(a)



9	Notice ASICA 33 to St George Bank Ltd – requesting trace documents for transactions from an Astarra Asset Management Account	26 Nov 2009		Partially Exempt	S 37(1)(a)
10	Notice ASICA 33 to National Australia Bank Ltd – request for details of transfers to an account held by EMA Ltd	27 Jan 2010		Partially Exempt	S 37(1)(a)
11	Notice ASICA 33 to St George Bank Ltd – request for bank statements of Absolute Alpha Pty Ltd as manager of Tailwind fund	15 Feb 2010		Partially Exempt	S 37(1)(a)
12	Notice ASICA 33 dated 16/02/2010 to Citigroup Pty Ltd – bank statements for an interactive brokering accounts	16 Feb 2010		Partially Exempt	S 37(1)(a)
13	Notice ASICA 33 to St George Bank Ltd – trace documents for a particular payment.	18 Feb 2010		Partially Exempt	S 37(1)(a)
14	Notice ASICA 33 to St George Bank Ltd – requesting bank statements for Wright Global Investment	26 Feb 2010		Partially Exempt	S 37(1)(a)
15	Notice ASICA 33 to St George Bank Ltd – requesting bank statements for Astarra Asset Management Pty Ltd	21 Oct 2009		Partially Exempt	S 37(1)(a)
16	Notice ASICA 33 to St George Bank Ltd – requesting bank statements for Astarra Asset Management Pty Ltd	23 Oct 2009		Partially Exempt	S 37(1)(a)
17	Notice ASICA 33 to St George Bank Ltd - requesting bank statements for Astarra Asset Management Pty Ltd	9 Feb 2010		Partially Exempt	S 37(1)(a)
18	Notice ASICA 33 to St George Bank Ltd – trace documents for transactions involving Astarra Asset Management Pty Ltd	9 Feb 2010		Partially Exempt	S 37(1)(a)
19	Notice ASICA 33 to Westpac Banking Corporation – requesting bank statements for named entity.	11 Feb 2010		Partially Exempt	S 37(1)(a)
20	Notice ASICA 33 to Westpac Banking Corporation – trace details for a deposit into a given account	4 March 2010		Partially Exempt	S 37(1)(a)
21	Notice ASICA 33 to Westpac Banking Corporation – request for broking accounts for a period 1 Aug 2008 – 30 April 2009	4 March 2010		Partially Exempt	S 37(1)(a)

22	Notice ASICA 33 to Westpac Banking Corporation – request for bank statements for Wright Global Investments	5 March 2010		Partially Exempt	S 37(1)(a)
23	Notice ASICA 33 to Citigroup Pty Ltd – request for statements for interactive brokering account	5 March 2010		Partially Exempt	S 37(1)(a)
24	Notice ASICA 33 to Westpac Banking Corporation – request for statements for broking account	5 March 2010		Partially Exempt	S 37(1)(a)
25	Notice ASICA 33 to Westpac Banking Corporation – request for trace details of a transaction from Wright Global Investment's account	17 March 2010		Partially Exempt	S 37(1)(a)
26	Notice ASICA 33 to Commonwealth Bank of Australia – request for bank account statements for a given account	26 March 2010		Partially Exempt	S 37(1)(a)
27	Notice ASICA 33 to Westpac Banking Corporation – request for trace documents for transactions from Astarra Asset Management account	18 May 2010		Partially Exempt	S 37(1)(a)
28	Notice ASICA 33 to St George Bank Ltd – request for books and records for accounts associated with given parties	13 Nov 2009		Partially Exempt	S 37(1)(a)
29	Notice ASICA 33 dated 13/11/2009 to Westpac Banking Corporation – request account statements for named entities	13 Nov 2009		Partially Exempt	S 37(1)(a)
30	Notice ASICA 33 dated 19/11/2009 to National Australia Bank Ltd – request for accounts linked to named entities including Bella Donna	19 Nov 2009		Partially Exempt	S 37(1)(a)
31	Notice ASICA 33 to Westpac Banking Corporation – request bank statements for named persons	19 Nov 2009		Partially Exempt	S 37(1)(a)
32	Notice ASICA 33 to ANZ Banking Group Ltd – request for bank statements for entities including EMA	19 Nov 2009		Partially Exempt	S 37(1)(a)
33	Notice ASICA 33 to Commonwealth Bank of Australia – request for bank statements for entities including EMA	19 Nov 2009		Partially Exempt	S 37(1)(a)
34	Notice ASICA 33 to Macquarie Bank Ltd – requesting bank statements for named entity	19 Nov 2009		Partially Exempt	S 37(1)(a)

35	Notice ASICA 33 to Westpac Banking Corporation - requesting bank statements for named perso	20 Nov 2009		Partially Exempt	S 37(1)(a)
36	Notice ASICA 33 to Westpac Banking Corporation - requesting bank statements for specified accounts	20 Nov 2009		Partially Exempt	S 37(1)(a)
37	Notice ASICA 33 to Westpac Banking Corporation – request for books and records for Wright Global Investments account	1 Dec 2009		Partially Exempt	S 37(1)(a)
38	Notice ASICA 33 to Westpac Banking Corporation - requesting bank statements for named person	22 Oct 2009		Partially Exempt	S 37(1)(a)
39	Notice ASICA 33 to Westpac Banking Corporation – requests for books concerning brokerage account	23 Oct 2009		Partially Exempt	S 37(1)(a)
40	Notice ASICA 33 to ASX Settlement and Transfer Corporation – request details for any holdings for specified persons	6 Nov 2009		Partially Exempt	S 37(1)(a)
41	Notice ASICA 33 to ANZ Banking Group Ltd – request account statements for named entity	8 April 2010		Partially Exempt	S 37(1)(a)
42	Notice ASICA 33 to Commonwealth Bank of Australia - deposits from Astarra Asset Management into an account	16 April 2010		Partially Exempt	S 37(1)(a)
43	Notice ASICA 33 to ANZ Banking Group Ltd - requesting bank statements for named persons	16 April 2010		Partially Exempt	S 37(1)(a)
44	Notice ASICA 33 to National Australia Trustees Ltd – request for statements for custodian account for Astarra Capital Ltd	8 Oct 2009		Partially Exempt	S 37(1)(a)
45	Notice ASICA 33 to ANZ Banking Group Ltd – requesting statements for accounts held by Astarra Capital Ltd	16 Oct 2009		Partially Exempt	S 37(1)(a)
46	Notice ASICA 33 to Mercer Investment Nominees Ltd – books relating to shares held in certain fund	26 May 2010		Partially Exempt	S 37(1)(a)
47	Notice ASICA 33 to ANZ Banking Group Ltd – requesting details for transfers of funds offshore by Astarra Capital Ltd	5 Feb 2010		Partially Exempt	S 37(1)(a)

48	Notice ASICA 33 to St George Bank Ltd – requesting documents concerning transactions from Astarra Asset Management's account	5 Feb 2010		Partially Exempt	S 37(1)(a)
49	Notice ASICA 33 to National Australia Trustees Ltd – request for books concerning a number of Astarra Capital Ltd funds including Astarra Strategic Fund	22 Oct 2009		Partially Exempt	S 37(1)(a)
50	Notice ASICA 33 to ANZ Banking Group Ltd - request for books concerning a number of Astarra Capital Ltd funds including Astarra Strategic Fund	3 Nov 2009		Partially Exempt	S 37(1)(a)
51	Notice ASICA 33 to National Australia Bank Ltd - request for books concerning a number of Astarra Capital Ltd funds including Astarra Strategic Fund	5 Nov 2009		Partially Exempt	S 37(1)(a)
52	Notice ASICA 33 to EMA International Ltd – requesting documents concerning investments made by Astarra Strategic Fund	18 Nov 2009		Partially Exempt	S 37(1)(a)
53	Notice ASICA 33 dated 3/12/2009 to Permanent Trustee Australia Ltd - request for books concerning a number of Astarra Capital Ltd funds including Astarra Strategic Fund	3 Dec 2009		Partially Exempt	S 37(1)(a)
54	ASIC MMOU Request to Foreign Regulator	15 Oct 2009		Exempt	S 37(1)(a)
55	ASIC MMOU Request to Foreign Regulator	15 Oct 2009		Exempt	S 37(1)(a)
56	ASIC MMOU Request to Foreign Regulator	15 Oct 2009		Exempt	S 37(1)(a)
57	ASIC MMOU Request to Foreign Regulator	16 Oct 2009		Exempt	S 37(1)(a)
58	ASIC MMOU Request to Foreign Regulator	16 Oct 2009		Exempt	S 37(1)(a)
59	ASIC MMOU Request to Foreign Regulator	16 Oct 2009		Exempt	S 37(1)(a)
60	ASIC MMOU Request to Foreign Regulator	23 Oct 2009		Exempt	S 37(1)(a)

61	Email chain: James Hogan to Foreign Regulator	6 Nov 2009 at 5.03 pm		Exempt	S 37(1)(a)
62	Email chain: James Hogan to Foreign Regulator	10 Nov 2009 at 1.55 pm		Exempt	S 37(1)(a)
63	Email chain: James Hogan to Foreign Regulator	12 Nov 2009 at 12.09 pm		Exempt	S 37(1)(a)
64	Email: Glen Unicomb to Foreign Regulator	30 Nov 2009 at 5.59 pm		Exempt	S 37(1)(a)
65	Attachment: List of documents to Foreign Regulator	Not dated		Exempt	S 37(1)(a)
66	Email chain: James Hogan to Foreign Regulator	2 Dec 2009 at 4.45 pm		Exempt	S 37(1)(a)
67	Email chain: James Hogan to Foreign Regulator – prioritising requests for assistance	2 Dec 2009 at 7.31 pm		Exempt	S 37(1)(a)
68	ASIC MMOU Request to to Foreign Regulator	2 Dec 2009		Exempt	S 37(1)(a)
69	ASIC Request to to Foreign Regulator	14 Dec 2009		Exempt	S 37(1)(a)
70	ASIC MMOU Request to Foreign Regulator	28 Jan 2010		Exempt	S 37(1)(a)

71	ASIC MMOU Request to Foreign Regulator	24 June 2010		Exempt	S 37(1)(a)
72	ASIC MMOU Request to Foreign Regulator	28 June 2010		Exempt	S 37(1)(a)
73	ASIC MMOU Request to Foreign Regulator	7 Sept 2010		Exempt	S 37(1)(a)
74	ASIC MMOU Request to Foreign Regulator	9 Sept 2010		Exempt	S 37(1)(a)
75	ASIC MMOU Request to Foreign Regulator	23 Feb 2011		Exempt	S 37(1)(a)
76	ASIC MMOU Request to Foreign Regulator	10 March 2011		Exempt	S 37(1)(a)
77	ASIC MMOU Request to Foreign Regulator	24 Aug 2012		Exempt	S 37(1)(a)
78	ASIC MMOU Request to Foreign Regulator	11 Oct 2012		Exempt	S 37(1)(a)
79	Email: Tony Wright to AUSTRAC – request for AUSTRAC Searches	19 Nov 2009 at 3.37 pm		Exempt	S 37(1)(a)
80	Email: Tony Wright to AUSTRAC – request for AUSTRAC Searches	19 Nov 2009 at 3.37 pm		Exempt	S 37(1)(a)

**Schedule 3**

No	Description of document	Date	No of folios	Decision on access	Relevant section
1	Email chain – David Lusty to Joe Kouper and James Hogan  Re: CDDP and POCA	16/07/2012  01:54 PM		Exempt	S 42
2	Email – David Lusty to Joe Kouper and Fiona Lourey  Re: Obtaining Tax Return for possible POCA	03/11/2010  03:47 PM		Release	
3	Email chain – James Hogan to David Lusty  Re: CDPP and POCA	15/11/2010  12:30 PM		Exempt	S 42
4	Email chain – James Hogan to David Lusty  Re: CDPP and POCA	15/11/2010  12:39 PM		Exempt	S 42
5	Email – David Lusty to Muir Tom  Re: CDPP and POCA	16/11/2010  10:19 PM		Exempt	S 42
6	Email – David Lusty – Muir Tom  Re: CDPP and POCA	23/11/2010  03:44 PM		Exempt	S 42
7	Email – David Lusty – James Hogan  Re: CDPP and POCA	23/11/2010  03:58 PM		Exempt	S 42
8	Email attached with letter - David Lusty to Nicoll Steve  Re: CDPP and POCA	23/11/2010  06:36 PM		Exempt	S 42
9	Email chain – David Lusty to David McGuinness and Glen Unicomb  Re: Trio Capital – AFP and POCA in respect of Flader – does Flader have assets in Australia	01/02/2011  06:19 PM		Partially Exempt	S 37(1)(a)

10	Email chain – Glen Unicomb to Joe Kouper Re: Trio Capital – AFP and POCA	01/02/ 2011 – 06:49 PM		Partially Exempt	S 37(1)(a)
11	Email chain – Glen Unicomb to Joe Kouper Re: Trio Capital – AFP and POCA	02/02/ 2011 – 06:49 PM		Partially Exempt	S 37(1)(a)
12	Email – Felicity Minzlaff to Joe Kouper Re: bank accounts – tracing information	04/10/ 2012 – 04:59 PM		Exempt	S 37(1)(a)  S 37(1)(b)
13	Email Chain – Felicity Minzlaff to Joe Kouper Re: Trio fortnightly meeting	09/10/ 2012 – 09:29 AM		Exempt	S 37(1)(a)
14	Email Chain – Joe Kouper to Felicity Minzlaff Re: Trio fortnightly meeting	09/10/ 2012 – 09:31 AM		Partially Exempt	S 37(1)(a)
15	Email chain – Felicity Minzlaff to Joe Kouper Re: POCA – using the Mutual Assistance Process	11/10/ 2012 10:02 AM		Partially Exempt	S 37(1)(a)
16	Email chain – Felicity Minzlaff to Joe Kouper Re: Discussion with David Lusty	11/10/ 2010 11:07 AM		Exempt	S 37(1)(a)
17	Email chain – Felicity Minzlaff to Joe Kouper Re: Discussion with David Lusty	11/10/ 2010 11:30 AM		Exempt	S 37(1)(a)
18	Email chain - Joe Kouper to Emman Farroukh Re: POCA Enforcement	11/10/ 2012 02:30 PM		Exempt	S 42
19	Email chain - Emman Farroukh to Joe Kouper Re: POCA Enforcement	11/10/ 2012 03:00 PM		Partially Exempt	S 42



20	Email – Emman Farroukh to Susie Williamson Re: Request for advice on POCA	12/10/ 2012 05:49 PM		Exempt	S 42
21	Email – Penny Beck to Joe Kouper and Felicity Minzlaff Re : Request for advice on POCA	25/10/ 2012 05:39 PM		Exempt	S 42
22	Email – Emman Farroukh to Joe Kouper Re: Legal advice in respect of POCA	26/10/ 2012 04:38 PM		Exempt	S 42
23	Email – Joe Kpuper to Felicity Minzlaff Re: Conflicting views about POCA	30/10/ 2012 09:53 AM		Exempt	S 42
24	Email – Felicity Minzlaff to Joe Kouper RE: Conflicting views about POCA	30/10/ 2012 10:20 AM		Exempt	S 42
25	Email – Joe to Kouper to Felicity Minzlaff Re: Conflicting views about POCA	30/10/ 2012 11:02 AM		Partially Exempt	S 42
26	Email chain – Joe to Kouper to Felicity Minzlaff Re: Legal advice in respect of POCA	30/10/ 2012 11:03 AM		Exempt	S 42
27	Email – Felicity Minzlaff to Joe Kouper Re: Legal advice in respect of POCA – next steps	30/10/ 2013 02:04 PM		Exempt	S 42
28	Email – Felicity Minzlaff to Penny Back Re: Legal research – POCA	05/11/ 2013 03:59 PM		Release	
29	Email – Felicity Minzlaff to Penny Beck and Joe Kouper Re: Potential POCA Proceedings	06/11/ 2012 04:36 PM		Exempt	S 42
30	Email – Joe Kouper to David Lusty Re: Potential POCA Proceedings	07/11/ 2012 10:21 AM		Exempt	S 42

31	Email – Joe Kouper to David Lusty Re: Potential POCA Proceedings	07/11/ 2012 03:27 AM		Exempt	S 42
32	Email – Joe Kouper to David Lusty Re: Potential POCA Proceedings	08/11/ 2012 09:59 AM		Exempt	S 42
33	Email – David Lusty to Joe Kouper Re: Potential POCA Proceedings	08/11/ 2012 03:09 AM		Exempt	S 42
34	Email– David Lusty to Joe Kouper Re: Potential POCA Proceedings	07/12/ 2012 10:13 AM		Partially Exempt	S 42
35	Email– Joe Kouper to Felicity Minzlaff Re: Potential POCA Proceedings	07/12/ 2012 10:33 AM		Partially Exempt	S 42
36	Email – Joe Kouper to David Lusty Re: Trio Issues –POCA advice	11/12/ 2012 11:39 AM		Exempt	S 42
37	Email chain– David Lusty to Joe Kouper Re: Trio Issues – POCA advice	11/12/ 2012 12.00 AM		Exempt	S 42
38	Email – Joe Kouper to Penny Beck Re: Trio Issues – POCA advice	11/03/ 2013 12:03 PM		Partial Exempt	S 42
39	Email– David Savundra to Joe Kouper Re: Possible action on POCA	07/03/ 2013 08:41 PM		Exempt	S 37(1)(a)
40	Email– David Lusty to Chris Savundra , Joe Kouper and Penny Beck Re: Possible action on POCA	08/03/ 2013 11:30 PM		Exempt	S 37(1)(a)
41	Email– Joe Kouper to David Lusty and Chris Savundra Re: Possible action on POCA	08/03/ 2013 12.:25 PM		Exempt	S 37(1)(a)

42	Email– David Lusty to Joe Kouper and Penny Beck Re: Consultation with CDPP about POCA in 2010	08/03/ 2013 12.:25 PM		Exempt	S 42
43	Email– Penny Beck to Joe Kouper and Fiona Lourey Re: Possible action on POCA	08/03/ 2013 12:53 PM		Exempt	S 37(1)(a)
44	Email– Penny Beck to Chris Sauvndra RE: Possible action on POCA	12/03/ 2013 10:47 PM		Exempt	S 37(1)(a)
45	Email– Joe Kouper to Penny Beck and Fiona Lourey Re: Possible action on POCA	13/03/ 2013 09:53 AM		Partially Exempt	S 37(1)(a)
46	Trio Capital Phone Conference Re: POCA Calendar Entry	13/03/ 2013		Release	
47	Trio Capital Phone Conference Re: POCA Calendar Entry	13/03/ 2013		Release	
48	Trio Capital Phone Conference Re: POCA Calendar Entry	13/03/ 2013		Release	
49	Trio Capital Phone Conference Re: POCA Calendar Entry	13/03/ 2013		Release	
50	Handwritten file note: discussions with AFP on POCA	13/03/ 2013		Exempt	S 37(1)(a)
51	Email – Penny Beck to Chris Savundra Re: ASF Key message to PJC	14/03/ 2013 02:39 PM		Release	
52	Attachment: briefing document	No date		Redact  Exempt	S 37(1)
53	Email- Joe Kouper to Penny Beck and David Lusty Re: Trio : AFP request for assistance POCA	25/03/ 2013 11:19 AM		Exempt	S 33(b)