



Administrative Appeals Tribunal

FOI ref: 2022/0026

26 April 2022

Ginger Midget

C/- Gene Liu

Email: foi+request-8674-7268049b@righttoknow.org.au

Dear Mr Midget,

Notice of request consultation process – Freedom of information request no. 2022/0026

I refer to your request for access to documents under the *Freedom of Information Act 1982* (FOI Act) received on 31 March 2022. I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

I am writing to clarify your request and advise that I intend to refuse your request on the basis that it does not adequately identify the documents you seek. This is a “practical refusal reason” under section 24AA(1)(b) of the FOI Act.

However, before I make a final decision, you have an opportunity to revise your request. This is called a “request consultation process” under s 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

Revising your request means narrowing the scope and/or explaining in more detail the documents you wish to access. You have requested access to:

documents and correspondence related to documents which were discussed in a meeting between ASIC investigators Glen Unicomb, Tony Wright, AllyGroup senior consultant Joe Kouper (who may have been working as a contractor for the ATO, ASIC or in a private capacity), Shawn Richard and Kosta Green (either as Shawn Richard's lawyer or as a representative of Empyreal Investments or its Parent entity).

In particular, you provided the following description of the requested documents:

#S02039572

Power point presentation for the Huntleigh Investment Fund with WGI as the investment manager including individuals and their biographies.

S#02067156

This was described as a copy of a check written for 7.85 Million HKD for the purchase of Trio Capital. It was shown to Shawn Richard by AllyGroup employee

Joe Kouper to rebut his claim that Jack Flader or Mathew Littauer funded the transaction.

Why I intend to refuse your request

As it stands, your request does not adequately identify the documents you seek. As explained in my previous letter, using the phrase in the subject line of your email, “*Evidence not raised in Trio Capital cases heard by Senior Member Jan Redfern*”, I have identified the following case on the AAT’s electronic case management system which may be relevant to your request: *Liu and Australian Securities & Investments Commission (ASIC)*; case number 2013/0608; decided by Senior Member Redfern on 31 October 2014.

Before I can proceed to locate the documents you have requested, **you must confirm whether the documents are related to the proceeding in AAT case number 2013/0608 (*Liu and ASIC*)**. If not, you must confirm to which AAT case(s) your request relates.

Further, this case contains personal and business information that is confidential. Before I can proceed, **you must confirm your relationship to the case – in particular, whether you were a party to the proceeding, for example the Applicant**. I appreciate that this is private information. Therefore, you may wish to contact us directly at foi@aat.gov.au.

If you were not a party to the *Liu and ASIC* proceeding (or any other proceeding to which your request relates), I will need to consult with the parties to invite them to make submissions about the release of any documents containing personal information (s 27A of the FOI Act) or business information (s 27 of the FOI Act) before I can make a decision on whether to release the documents to you.

Request consultation process – what you need to do

Within 14 days after the day you receive this notice, you must do one of the following, in writing:

- withdraw your request
- revise your request
- tell me that you do not wish to revise your request.

During the 14-day period, you are welcome to contact me for assistance with revising your request. If you do not contact me or provide written notice within the 14-day period, your FOI request will be taken to have been withdrawn under s 24AB(7) of the FOI Act.

The 30-day statutory timeframe for processing your FOI request is suspended from the date you receive this letter, and will resume on the day you revise your request or indicate that you do not wish to revise your request.

If you have any questions, please contact me on 02 9391 2413 or at foi@aat.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Charles M". The signature is written in a cursive style with a large, prominent 'C' and 'M'.

Charles M
Authorised FOI Officer (APS6)