

**Australian Transaction Reports
and Analysis Centre**

Level 2
4 National Circuit
Barton ACT 2600
Telephone +612 6120 2600



Australian Government
AUSTRAC

Correspondence
AUSTRAC
C/- Attorney-General's Department
3-5 National Circuit
Barton ACT 2600
Australia
Facsimile +612 6120 2601
www.austrac.gov.au

Our ref: 13/1769

12 September 2013

Dear [REDACTED]

RE: Freedom of Information Request Decision – Paul Raymond Matters – FOI number 141

The Australian Transaction Reports and Analysis Centre (AUSTRAC) refers to your Freedom of Information request (FOI request) that was received on 30 July 2013, in which you, acting on behalf of Victims of Financial Fraud Inc., requested access to documents, under the provisions of the *Freedom of Information Act 1982* (FOI Act) that you understand to be held at AUSTRAC.

The scope of your request is as follows:

We now submit a new FOI request (number 141) and seek from AUSTRAC the Trio Capital transactions beyond the period of our first request which had focused on April 2008 to April 2010. Now we wish to expand our request and seek all transactions from 2006 up till today but not including the documents we already received. see list:

28 May 2008
07 August 2008
12 November 2008
08 December 2008
31 December 2008
26 March 2009
09 April 2009
18 June 2009
07 August 2009

A search of the databases administered by AUSTRAC was conducted using the following search parameters:

Names	Trio Capital, Trio Capital Fund, Trio Capital Ltd, Astarra Capital Ltd
Address	Level 1, 540 Swift Street, ALBURY NSW 2640
Australian Business Number	Trio Capital Ltd - 33001277256
Date Range	2006 to 30 July 2013

These searches for the requested documents revealed **10 (ten) documents** that fall within the scope of the request and the finding was confirmed by AUSTRAC's Monitoring and Analysis Unit.

I have examined the documents and decided to:

- release **8 (eight)** documents in full; and
- exempt **2 (two)** documents in full under subsection 7(2) of the FOI Act.

Section 26 of the FOI Act requires AUSTRAC to provide a statement of reasons, in support of a decision. My reason for this decision is set out in the statement of reasons, below.

Please find enclosed a copy of the schedule and the documents released in accordance with the FOI Act.

If you are dissatisfied with the decision, the FOI Act provides the following avenues of review:

Internal Review

Sections 54 and 54A of the FOI Act give you the right to apply for an internal review of the decision refusing to grant and granting access to documents respectively in accordance with this request. An application for a review of the decision must be made in writing within 30 days of receipt of this letter. No particular form is required; however, it would assist the Decision Maker if the application grounds on which it is considered that the decision should be reviewed were set out.

Applications for review of the decision should be addressed to:

Freedom of Information Officer
AUSTRAC
C/-Attorney General's Department
3-5 National Circuit
BARTON ACT 2600

It is not necessary but preferred to seek internal review with AUSTRAC before seeking review of the decision by the Australian Information Commissioner.

Australian Information Commissioner

Under sections 54L and 54M of the FOI Act an application for review may be made to the Australian Information Commissioner (Commissioner). The Commissioner has the power to review FOI decisions made by AUSTRAC and may affirm, vary or set aside the decision and make a new decision. Applications for review to the Commissioner must be made within 60 days of being notified of the outcome of the internal review. Where an application is made directly from the original decision, the application must be made within 60 days of being notified of the original decision.

An appeal to the Commissioner may also be made if you have not been informed of the outcome of the internal review within 30 days of the application being received by AUSTRAC.

Administrative Appeals Tribunal

An application may be made to the Administrative Appeals Tribunal (AAT), which has broad powers and may overturn a decision where appropriate. A review by the AAT is possible after the Commissioner has made a decision. The AAT may also review a decision by the Commissioner not to undertake a review. An application must be submitted to the AAT within 60 days of being notified of the review by the Commissioner. An appeal to the AAT may also be made if you have not been informed of the outcome of the

internal review within 30 days of the date of his/her application. A fee of \$816.00 may be payable to make application to the AAT. The Administrative Appeals Tribunal can be contacted on 1300 366 700.

Complaints

The Commissioner also has the power to investigate complaints relating to the handling of FOI requests. Section 70 of the FOI Act allows a complaint to be made to the Commissioner about an action taken by AUSTRAC in the performance of functions or exercise of its powers under the FOI Act. A complaint must be made in writing and must identify AUSTRAC as the agency that made the decision. There is no particular form required to make a request to the Commissioner, however, a request should set out the grounds on which it is considered the action taken in relation to the FOI request should be investigated. The Office of the Commissioner can be contacted on 1300 363 992.

Online : <http://www.oaic.gov.au/freedom-of-information/making-a-complaint>
Email : enquiries@oaic.gov.au
Post : GPO Box 2999, Canberra ACT 2601
In person: Level 3, 175 Pitt Street, Sydney NSW 2000

More information about the Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <http://www.oaic.gov.au/freedom-of-information/foi-resources/freedom-of-information-fact-sheets/foi-factsheet-12-your-review-rights>.

While the Commonwealth Ombudsman retains power to investigate complaints about FOI matters (section 89F of the FOI Act) these complaint investigation powers run concurrently to those of the Commissioner. In order to avoid duplication of resources, the Commonwealth Ombudsman will decline to investigate matters that can be investigated by the Commissioner and the Commonwealth Ombudsman will transfer any complaints they receive to the Commissioner under section 6C of the Ombudsman Act 1976.

While complaints should be made to the Commissioner in the first instance, the Commonwealth Ombudsman also has the power to investigate action taken by AUSTRAC in relation to your application. The Ombudsman can be contacted on 1300 362 072.

If you have any questions or require further information, please contact the writer on telephone +61 (2) 6120 2631 or by email at INFO_ACCESS@austrac.gov.au if you wish to discuss this matter further.

Yours sincerely,



Suzie Alympic
Authorised Decision Maker
AUSTRAC

Statement of Reasons for the decision – Paul Raymond Matters - FOI number 141

I, Suzie Alympic, am an officer authorised under subsection 23(1) of the FOI Act to make a decision in relation to your request.

The following is my decision and the reasons for that decision.

Overview

A total of **10 (ten) documents** have been identified to fall within the scope of your request.

I have examined the documents and decided to:

- release **8 (eight)** documents in full; and
- exempt **2 (two)** documents in full under subsection 7(2) of the FOI Act because the documents contain details which relate to a document which is specified in Part 11 of Schedule 2 of the FOI Act therefore, AUSTRAC is prevented from releasing them.

Reasons for exempting 2 (two) documents in full under subsection 7(2) of the FOI Act

Subsection 7(2) of the FOI Act

The persons, bodies and Departments specified in Part II of Schedule 2 are exempt from the operation of this Act in relation to the documents referred to in that Schedule in relation to them.

EVIDENCE/MATERIAL ON WHICH MY FINDINGS WERE BASED

In reaching my decision, I relied on the following documentary evidence:

- *Freedom of Information Act 1982*;
- the scope of the request received by AUSTRAC from you on 30 July 2013;
- responses from the third party consultations; and
- the documents identified to be within the scope of the request.