



**ASIC**  
Australian Securities &  
Investments Commission

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and Investments Commission**

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16 January 2024

Geronimo Bob

By email: [foi+request-11007-d1808460@righttoknow.org.au](mailto:foi+request-11007-d1808460@righttoknow.org.au)

Dear Geronimo Bob,

**Freedom of Information Request No. 003-2024**

**Request consultation process (s 24AB) due to existence of a practical refusal reason**

I refer to your email received on 9 January 2024, in which you seek access to the following under the *Freedom of Information Act 1982* (Cth) (**FOI Act**):

*I am requesting documents about Zoe Viellaris, the current Communications director of the Australian Securities and Investments Commission and her involvement with Trio Capital.*

*1. Documents related to her involvement with Trio Capital, Financial Wealth, Astarra or other entities related to ASIC's investigation of Trio Capital and the assistance requested of foreign regulators.*

*2. Documents related to the review of any of this evidence prior to her employment with ASIC in 2022. S02218536 Witness statement of Zoe Marie Viellaris dated 12 September 2011.*

I am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to FOI requests.

I advise that your request does not satisfy the requirement in s 15(2)(b) of the FOI Act to provide such information concerning the documents as is reasonably necessary to enable me to identify them. Section 15(2)(b) states that a request must 'provide such information concerning the document as is reasonably necessary to enable a responsible officer of the agency to identify it'. This is called a 'practical refusal reason' under s 24AA(1)(b) of the FOI Act. As s 15(2)(b) has not been met ASIC may, in accordance with s 24(1)(b) of the FOI Act, refuse your request after undertaking a request consultation process.

On this basis, it is my intention to refuse access to your request. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under s 24AB of the FOI Act.

**Why I intend to refuse your request**

The second sentence of the second part of your request refers to the witness statement of Ms Viellaris dated 12 September 2011. However, this is not phrased as a request for access, but appears as a distinct sentence with no context or explanation.

It is therefore unclear as to whether you seek access to the witness statement of Ms Viellaris, or something else.

Therefore, I am uncertain how to interpret your request and require further information to enable the identification of the documents you are seeking.

In view of the above, I invite you to provide further information about the types of documents you may be seeking in relation to your request.

You have **14 days** to respond to this notice in one of the ways set out below.

### **Request consultation process**

You now have an opportunity to revise your request to enable it to proceed.

Revising your request can mean explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, ASIC will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

The consultation period runs for **14 days** and starts on the day after you receive this notice. Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request;
- make a revised request;
- indicate that you do not wish to revise your request.

During this period, you are welcome to seek assistance from me to revise your request. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, I will recommence processing it. (Please note that the time taken to consult with you regarding the scope of your request is not taken into account for the purposes of the 30 day time limit for processing your request).

If you do not do one of the three things listed above during the consultation period or you do not consult me during this period, your request will be taken to have been withdrawn.

### **Contact officer**

If you would like to revise your request or have any questions, please contact me on 03 9280 4416 or by email at [haydar.tuncer@asic.gov.au](mailto:haydar.tuncer@asic.gov.au) for assistance.

Yours sincerely

Haydar Tuncer  
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Australian Securities and Investments Commission  
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