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29 March 2016

The Registrar
NCAT
Level 10 John Maddison Tower
86-90 Goulburn Street
Sydney NSW 2000

Dear Registrar,

Tom Lonsdale v University of Sydney
Review of a decision under Government Information (Public Access) Act 2009
File No. 1510239 and Appeal File No: AP 15/55753

Officers of the court and procedural fairness

Since the Final Hearing of 13 November 2015 and the refusal of leave to appeal of 21 December 2015 new aspects of the Respondent's conduct have come to light by way of ABC TV and radio reports.

These reports and associated documents can be found at:

ABC News, Monday 21 March 2016

<http://mobile.abc.net.au/news/2016-03-21/some-supermarket-cat-food-brands-may-cause-severe-illness-study/7263634>

Lateline, Monday 21 March 2016

<http://www.abc.net.au/lateline/content/2015/s4429328.htm>

ABC News, Thursday 24 March 2016

<http://www.abc.net.au/news/2016-03-24/cat-food-study-leads-to-ethics-overhaul-at-university/7272488>

The World Today, 24 March 2016

<http://www.abc.net.au/worldtoday/content/2016/s4431128.htm?site=sydney>

According to the reported evidence broadcast on 21 March 2016, the University, in 2015, was engaged in researching and publishing details of the damaging effects of some junk pet foods as judged by their own (artificial and unreliable) standards.

Although called upon to reveal the names of products the University knew to be dangerous to pet health the University chose to maintain a cover-up.

In the 24 March 2016 broadcasts it was reported that the University, in 2015, was busy overhauling its corporate sponsorship provisions. Dr Rosanne Taylor, the Dean of the Veterinary Faculty, and Dr Michael Spence, the Vice-Chancellor, declined to be interviewed by the ABC.

You will be aware that the Respondent, throughout the NCAT hearings, steadfastly asserted the probity of its conduct without in any way admitting the shortcomings of junk pet food or the impropriety of the University's secret junk pet-food deals.

In her 13 July 2015 affidavit the University Director of Legal Services, Olivia Alexandria Perks stated:

7. On the basis of my responsibilities and experience within the Office of General Counsel (OGC). I am aware that:

(a) lawyers within the OGC are, first and foremost, officers of the court. They are expected to comply with the ethical and professional standards of conduct required of the legal profession including, relevantly, the obligation to provide independent, honest and professional legal advice to the University.

In my view the evidence placed before the Tribunal and the Appeal Panel by the University did not accurately reflect the true position of the University.

As I suggested throughout the various hearings, I believe that the University's defences to the GIPA application were spurious and without merit. I believe that had legitimate cross-examination of University witnesses and junk pet-food company witnesses taken place a truer picture would have arisen.

In the event the Appeal Panel upheld the University's attempts to prevent cross-examination of University witnesses and junk pet-food company personnel.

Clearly, as revealed by the ABC, there are significant issues of public interest that remain secret. I believe that the public is entitled to full and frank disclosure.

As Applicant before the Tribunal and before the Appeal Panel, I consider that I have been denied natural justice and procedural fairness.

Should you determine to convene further hearings in light of the new evidence, then I advise that I shall not be available during the period 21 April to 29 May 2016.

Thank you for your consideration.

Yours faithfully,



Tom Lonsdale

CC: Heesom Legal
NSW Information Commissioner
Interested parties

