

**IN THE CIVIL AND ADMINISTRATIVE TRIBUNAL
Administrative and Equal Opportunity Division**

File Number: 1510239

**Tom Lonsdale
Applicant**

AND

**The University of Sydney
Respondent**

APPLICANT'S SUBMISSION: Final Hearing 13 November 2015

1.) In August 1991 I submitted a short article to the *Control and Therapy Newsletter* published by the Sydney University Post Graduate Foundation in Veterinary Science entitled Oral Disease in Cats and Dogs. (Annexure L6 13 August 2015). The article set out what amounts to the mass poisoning of pets by vets. In the submitted article I recommended Class Actions against veterinary institutions and junk pet-food companies to help regularise the situation. However, the Director of the Foundation, Dr Douglas Bryden, removed that passage prior to publication of the article in the December 1991 edition.

2.) In December 1992 Dr Bryden visited my practice and was amazed at the clear, unmistakable evidence I provided on the junk pet-food fraud and the health implications for pets.

3.) In January 1993 Dr Bryden commissioned me to write the chapter Preventative Dentistry for his forthcoming Sydney University publication *Veterinary Dentistry*. (Annexure L9 13 August 2015). He published my chapter as submitted without alteration.

4.) The chapter contained the following legal opinion:

My NSW-based solicitor was asked for an opinion and he advised that the following matters may become issues of relevance in the future.

1. *Potential claims by pet owners under various pieces of consumer legislation throughout the States and Territories of Australia.*
2. *In the Federal sphere potential Trade Practices Act claims for false or misleading claims may be made either in relation to advertising or promotional material or labels.*
3. *The new Truth in Labelling activities instituted by the Federal Government.*
4. *Potential problems or claims under the recently introduced Product Liability provisions in Part V of the Trade Practices Act.*
5. *The, as yet, unknown effect of class actions which have been lawful in Australia since the 5th day of March 1992 which may tend to overcome the*

existing drawbacks to actions brought by individual pet owners, namely the high cost of litigation and claims which may amount to only several hundreds of dollars in relation to an individual pet.

The foregoing relates to potential claims against manufacturers, distributors and possibly even retailers of processed pet food. Query what may be the legal problems of veterinarians who fail to consider the issues in this paper or fail to address those issues in advising pet owners who make known to the veterinarian that they rely wholly and solely on processed pet food to supply their pets' diet. Is it too much to suggest that, as pet owners, in common with everyone else in the community become more litigious, veterinarians may some day share top billing on a Writ?

5.) Despite the clear implications known to the University, the University from that date to the present has continued to disregard the evidence and has engaged in what I believe to be a criminal conspiracy with multinational junk pet-food companies.

6.) Clearly this continued activity has had a hugely detrimental effect on the students of the University, pets, pet owners and the wider community. The University's reputation has been trashed by incompetent and in my belief seriously corrupt conduct.

7.) As an aid to understanding the extent of the corruption, in September 2014, I sought information from all seven Australian veterinary schools:

Please supply details of research funds, sponsorships, agreements and contracts between pet food companies and the [named] University, its staff and students.

Where possible please group the contributions into categories:

- a.) Capital contributions for buildings, laboratories, library endowments, etc
- b.) Current account funding for research projects, lecturer salaries, textbooks, etc
- c.) Contributions in kind including student excursions, guest lecturers, product supply, teaching materials, teaching aids, etc

Such agreements will for the most part be with the Veterinary Faculty Other departments of the University may have ties with pet-food companies.

Please supply copies of correspondence, email messages and memoranda that relate to the arrangements entered into by individuals and the University

8.) Despite the inalienable public right to know about such matters, Sydney University refused to provide information except insofar as was trivial and available on their website.

9.) A University internal review and review by the Information Commissioner produced the same deplorable result and accordingly I sought a review by the Tribunal.

10.) At the Planning Meeting 23 June 2015, Senior Member Mr McAteer advised that it was normal, even preferred, that applicants should be self-represented. An applicant's lack of legal training should not adversely affect the experience or the outcome of the proceedings. In respect to serving summonses, Mr McAteer advised that whilst those with legal representation could serve summonses as they chose, in the case of unrepresented applicants the Registrar would decide whether or not to serve summonses. Mr McAteer, at that meeting, indicated that summonses to attend would need to be served at least five days before a hearing.

11.) Mr McAteer, at the Planning Meeting, emphasised that the provisions of the *GIPA Act* were to provide the criteria for deciding the access application. I asked and Mr McAteer agreed that federal legislation, where applicable, takes precedence over state legislation.

12.) Mr McAteer confirmed that under the *GIPA Act* there is a presumption in favour of disclosure of government information.

13.) The Respondent has relied upon *GIPA Act Schedule 1 Section 5 Legal professional privilege*

- (1) It is to be conclusively presumed that there is an overriding public interest against disclosure of information that would be privileged from production in legal proceedings on the ground of client legal privilege (legal professional privilege), unless the person in whose favour the privilege exists has waived the privilege.
- (2) If an access application is made to an agency in whose favour legal professional privilege exists in all or some of the government information to which access is sought, the agency is required to consider whether it would be appropriate for the agency to waive that privilege before the agency refuses to provide access to government information on the basis of this clause.

14.) The documents and parts of documents, purported to be subject of legal professional privilege, have not been seen by me or, I believe, by the Tribunal at this time. I submit that the Respondent needs to provide detailed reasons with names and dates confirming the nature of any purported legal privilege, before the Tribunal gives any credence to such claims.

15.) Even at this late stage the Respondent should consider waiving any legal professional privilege, if any exists, in the interests of proper discourse about the conduct and functions of the University of Sydney in keeping with *GIPA Act 15 Principles that apply to public interest determination*.

16.) The Respondent has relied heavily upon *GIPA Act 14 Public interest considerations against disclosure*

17.) The clauses relied upon by the Respondent are subject to a weighting consideration. I submit that the Respondent's claims should be accorded zero weight in respect to the various clauses.

18.) I submit that the reasons proffered under *GIPA Act Division 2 Section 14* by the Respondent are not the sole or even dominant reasons why they seek to withhold disclosure.

19.) I submit that the long-standing illegal dealings with junk pet-food companies are the main reason why the Respondent seeks to withhold scrutiny of their secret deals.

20.) I submit that the Respondent's Submissions in Reply for the Leave to Appeal hearing 10 November 2015 run to 14 pages and are illustrative of the fact that the Respondent is desperate to keep any disclosure of University corrupt or improper conduct out of the public arena.

21.) I submit that had I been permitted, as per the principles of natural justice and procedural fairness, to serve the summonses dated 10 August, 14 August and 3 September 2015 I would have been better able to demonstrate the depth and breadth of the University's corrupt or improper conduct.

22.) Notwithstanding the NCAT imposed limits on my ability to conduct my case, I believe that my various submissions, affidavit and annexures in the possession of the Tribunal confirm that the Respondent is seriously in breach of the Guiding Principles of the *GIPA Act*, *GIPA Act 12 Public interest considerations in favour of disclosure* and *Administrative Decisions (Judicial Review) Act 1977. 5 Applications for review of decisions* and *6 Applications for review of conduct related to making of decisions*.

23.) By way of further assistance to the Tribunal I annex a CD rough cut compilation of video clips entitled *The Mass Poisoning of Pets by Vets, 1991—2015*

24.) At the 10 November 2015 Leave to Appeal Hearing Acting Judge K O'Connor suggested that the Respondent was at liberty to choose which sections of the *GIPA Act* may apply to its refusal to disclose documents and thus mount its defence accordingly.

25.) At the 10 November 2015 Leave to Appeal Hearing I protested that allowing the Respondent to confine the matter to subsections of the *GIPA Act* appears to be a bizarre interpretation of the Parliament's wishes. I believe that the Tribunal needs to consider all sections of the *GIPA Act* and all sections of the *Administrative Decisions Review Act* as they may apply in this case.

26.) At various times I have informed the Tribunal that I do not believe the University has discovered and declared all of the documents covered by my initial September 2014 *GIPA* application.

27.) I submit that there is an overriding consideration in favour of the University disclosing all of the documents requested September 2014:

Please supply details of research funds, sponsorships, agreements and contracts between pet food companies and the University of Sydney, its staff and students.

Where possible please group the contributions into categories:

- a.) Capital contributions for buildings, laboratories, library endowments, etc
- b.) Current account funding for research projects, lecturer salaries, textbooks, etc
- c.) Contributions in kind including student excursions, guest lecturers, product supply, teaching materials, teaching aids, etc

Such agreements will for the most part be with the Veterinary Faculty and Centre for Veterinary Education. Other departments of the University may have ties with pet-food companies.

Please supply copies of correspondence, email messages and memoranda that relate to the arrangements entered into by individuals and the University

28.) I respectfully submit that the Tribunal has seen enough evidence, has the authority and the responsibility to order the Respondent to make full disclosure of its secret arrangements with junk pet-food companies.

Tom Lonsdale

Applicant

13 November 2015