

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

File Number: 1510239

**Tom Lonsdale
Applicant**

AND

**The University of Sydney
Respondent**

AFFIDAVIT OF TOM LONSDALE, APPLICANT

On _____, I Thomas Lonsdale, 48 Rifle Range Road, Bligh Park, NSW 2756, PO Box 6096 Windsor DC, NSW 2756, say on oath:

- 1.)** I am a general practitioner veterinarian with 43 years' experience since graduating from the Royal Veterinary College, University of London. I am the principal of a three vet small animal clinic in Bligh Park, NSW.
- 2.)** I am currently conducting comparative Freedom of Information research into pet-food company involvement with the seven Australian university veterinary schools.
- 3.)** I believe that the information contained in this affidavit is true and correct.
- 4.)** The following remarks refer to the 13 July 2015 Affidavit of Olivia Alexander Perks Director, Legal Services at the University of Sydney.
- 5.)** Ms Perks writes at **Role of the University's Office of General Counsel (OGC) 7 (a):**

On the basis of my responsibilities and experience within the OGC, I am aware that:

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.

TL It is my contention that the OGC has suffered a catastrophic failure of its fundamental obligations to the University, the Court and the wider community in respect to:

- a.) failing to forewarn the University of the potentially serious legal, ethical and moral implications of the University's arrangements with the junk pet-food makers at the time those arrangements were first contemplated.
- b.) at this time when NCAT is examining the University's arrangements, failing to warn the University regarding the extent of potential legal, ethical and moral implications of its junk pet-food arrangements by reference to several applicable written and unwritten laws.
- c.) instead of warning the University of the potentially serious implications, the OGC has sought to deny the undeniable and to defend the indefensible and thus dig a still deeper hole of the University's own making.

6.) Ms Perks writes at Client Legal Privilege 16:

I am aware that the University has declined to provide access to a number of documents on the grounds of a conclusive presumption against disclosure of information that would be privileged from production in legal proceedings on the ground of client legal privilege (legal professional privilege).

TL However, at Paragraph 21 Ms Perks writes:

The University has considered whether it would be appropriate to waive privilege in those documents, and concluded that it would not. To the best of my knowledge, the University has not waived privilege in those documents.

TL It is my contention that to claim Client Legal Privilege — which could be waived by the University — is a betrayal of the needs of the University, its students, clients and the animals under their care. The University's secret dealings with junk pet-food companies, however they are characterised and however they are surrounded by legal mumbo jumbo and artifice, in my view, are nevertheless in serious breach of the *Administrative Decisions (Judicial Review) Act 1977 5 & 6*

7.) Ms Perks writes at Public interest against disclosure 22:

I am aware that the University has declined to provide a number of documents on the grounds that the information contained in those documents is subject to an overriding public interest against disclosure. During its consultation processes, the University received two letters from Hill's Pet Nutrition Pty Ltd, outlining its views regarding the Applicant's request for access to information.

TL Ms Perks quotes at length letters from junk food maker Hill's (a division of Colgate-Palmolive) as if those self-serving letters somehow provide overriding evidence against disclosure. It's as if Ms Perks thinks that the brazen self-interest of giant multinational corporations somehow coincide with the public interest!

Nowhere do those letters mention the maintenance or enhancement of the University's educational and research programs — the preeminent, essential functions of the University.

As Ms Perks would well know, the Hill's company has a global program devoted to *buying* access to veterinary students and veterinarians (described as 'sponsorship' by Hill's). University vet schools *sell* access.

As can be seen from the following four paragraphs in the 8 January 2015 letter from Hill's to the Archives and Records Management Services, Hill's present themselves as benefactors, but in fact are all about buying access and getting the University to perform services to order at least cost to Hill's. Hill's warn of what they claim to be potential adverse consequences should their schemes be open to public view:

The Schedule (which contain the commercial terms) to the terms and conditions was privately negotiated and agreed, not by public tender. Hill's has a number of sponsorship arrangements with other universities [REDACTED PASSAGE] which are confidential and the disclosure of the terms of one arrangement would have an adverse effect on another arrangement. For example, counterparties would be able to seek terms similar to that obtained by the University.

Revealing the commercial terms of the Hill's sponsorship arrangements would effectively mean that any concessions or favourable terms that Hill's has provided to the University would be available to another university or third party in another bargain (such as whether Hill's sought exclusivity for a particular event and the corresponding price that it paid for those rights). Should this information be revealed to any other party it may also provide an opportunity for a pet food competitor to adopt a more advantageous sponsorship strategy to Hill's and offer terms which are more favourable.

For example, the tax invoices and the Schedule disclose the dollar amounts Hill's pays for certain sponsorship rights which could be used by a third party to outbid Hill's for the same rights or promote a bidding war. Additionally, the Schedule discloses the marketing strategy of Hill's. A third party pet food competitor could, for example, discern which areas Hill's markets and sponsors its products and use this information to unfairly develop a competing strategy (without investing and conducting their own research). Ultimately, third party competitors would obtain a commercial advantage which would prejudice Hill's.

Should the terms be made public the value of the commercial bargain that Hill's has struck with the University would be diminished. Disclosure would devalue the sponsorship arrangement and in the long term Hill's would need to reconsider the value of the arrangement under its sponsorship arrangement with the University. Furthermore Hill's ability to negotiate any sponsorship arrangement in the future with the University or any other university would be prejudiced.

Ultimately disclosure of this information would destroy and/or diminish the commercial value of that information and would not advance the public interest.

Alternatively, the information also concerns the commercial affairs and business interests of Hill's and disclosure would not only prejudice Hill's but it would also prejudice the future collection and supply of Hill's products with the University and the corresponding information and benefits it receives under that arrangement.

Even if a University OGC officer were totally enamoured of junk pet-food products made by the giant multinational conglomerate Colgate-Palmolive, that officer should surely take any opportunity to strike a better deal for the University and indeed for all Australian universities. Under those circumstances a 'bidding war' between giant multinationals would be precisely in the public interest and should be encouraged. It would also be entirely in keeping with the *GIPA Act* presumption in favour of disclosure — disclosure that Ms Perks refuses to allow.

8.) Ms Perks writes at her paragraph 25:

To the best of my knowledge, the information that the University has refused to provide to the Applicant is not in the public domain and remains confidential.

TL 23 June 2015 Ms Sarah Heesom of Heesom Legal the private law firm retained by the University mentioned to me that she had been visiting my website www.rawmeatybones.com. More recently Heesom Legal has written to me complaining about Ms Perks' Affidavit being posted at my website. It seems more than likely Heesom Legal and Ms Perks are aware of the section: [Junk pet-food grease and slime contaminating 7 Australian vet schools](#) where the disclosures (or lack thereof) from all seven vet schools can be found — including the 500 documents released by Murdoch University Vet School.

Hill's 8 January 2015 letter to the University Archives and Records Management Services states: 'Hill's has a number of sponsorship arrangements with other universities . . .' which tends to indicate that their 'sponsorship' is of a generic nature likely utilising a template of terms and conditions, with only the odd detail varying each with the other.

I believe that the information Sydney University is keeping secret may be substantially the same as that already in the public domain as disclosed by the six other universities. These three documents are representative of the general thrust of the information:

L1 [Hill's 2013-2015 proposal for partnership](#)

L2 [Proposal for partnership with Royal Canin](#)

L3 [Murdoch, Hill's Sponsorship Agreement 1/1/13 to 31/12/15](#)

If the information is substantially the same, then it would appear Ms Perks is in error and at best states a partial truth and, under those circumstances, it would appear that Heesom Legal has republished misleading information.

9.) Ms Perks writes at her paragraph 26:

I am aware that the Applicant has published two books promoting a raw food diet for pets. *Raw Meaty Bones: Promote Health* (August 2001) and *Work Wonders: Feed your dog raw meaty bones* (September 2005). Those books are available for purchase on the Internet, including on Amazon and eBooks. Copies of the website pages from those online sources are attached and marked OAP 9.

TL Ms Perks, the OGC and Sydney University generally can be assumed to know the contents of those books and the rave reviews both books receive on Amazon and other online pages. *Raw Meaty Bones* contains 389 pages of peer reviewed evidence of the massive incompetence and corruption afflicting the veterinary profession. Sydney University Vet School is mentioned on pages 206, 222, 289-90.

Work Wonders is hailed as a leading practical text for the feeding of pet dogs for health, vitality and longevity.

In the Respondent's Submission the University writes:

Pursuant to section 63 of the *ADR Act*, when determining an application for an administrative review of a reviewable decision the Tribunal is to decide what the 'correct and preferable' decision is having regard to the material then before it, including any relevant factual material and any applicable written or unwritten law.

The books contain *factual material with reference to written and unwritten laws*. The books represent a significant part of this Affidavit and are appended. (**L4** *Raw Meaty Bones* and **L5** *Work Wonders*) I shall return to a consideration of the books at a later stage. But first I propose to discuss relevant *factual* aspects of the history of veterinary incompetence and corruption in respect to the dealings with junk pet-food companies — the reason for initiating the Freedom of Information research into the seven Australian vet schools and the reason I believe Sydney University now needs to make full disclosure.

10.) In December 1991 the Sydney University Post Graduate Committee in Veterinary Science (PGCVS) published my article **L6** [Oral Disease in Cats and Dogs](#) effectively blowing the whistle on the mass poisoning of pets by vets. The University made no response.

11.) In December 1991 Dr Breck Muir published a letter in the **L7** [Australian Veterinary Association \(AVA\) Newsletter](#) also blowing the whistle on the mass poisoning of pets by vets. The AVA kowtowed to the junk pet-food industry and allowed a response in the same edition of the Newsletter.

12.) 20 August 1992 I made a presentation to the Sydney Metropolitan Practitioners Group of the Australian Veterinary Association entitle Pandemic of Periodontal Disease a Malodorous Condition. I asked the profession to take up the challenge and investigate and resolve the junk pet-food induced Pandemic. Three Sydney University academics were in attendance as were three other academics with close association with the University. The audience were on the whole dismissive, swilled beer and laughed. The Mars junk pet-food representative, Dr

Barbara Fougere congratulated me on my 'bravery' for daring to speak on the subject. **L8** [A video is attached.](#)

13.) Clearly the profession at large and the University in particular had the resources and the responsibility to investigate and resolve the pandemic of severe ill health. However, it was clear to me that they were not prepared to meet their obligations. From that date I resolved to try to fill the void with research and action.

14.) In December 1992 Dr Douglas Bryden AM, Director of the Sydney University PGCVS (subsequently named the Centre of Veterinary Education) visited my practice and was astounded at what he saw. He commissioned me to write **L9** [Preventative Dentistry](#) our protocols for the treatment and prevention of junk pet-food induced dental disease in pets to be published in June 1993 *Proceedings 212 Veterinary Dentistry*.

15.) Besides the theoretical and practical aspects of veterinary dentistry the chapter carried the legal advice:

This paper was written with practitioners in mind. The legal ramifications are a recurring concern for anyone in business. 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?"

16.) Professor Colin Harvey, perhaps the world's leading vet dentist at that time, was lead speaker at the week-long vet dentistry course. He complimented me on my research and writing and subsequently upon his return to the USA wrote:

I enjoyed my stay in Sydney, and the opportunity to meet you. As a result of our discussions, I know that, to a large extent, we agree on the central problem of causation of periodontal disease in companion animals. Our different styles and directions for pursuing this issue will, one day I am sure, be seen to be complimentary rather than at odds.

17.) Professor Harvey proposed a study making the simple comparison between junk food fed dogs and dogs fed a raw meaty bones based diet. **L10** [He invited my help and advice.](#)

18.) Despite the simplicity of the core information to be obtained, I believe that the research proposal was abandoned. I understand that Colgate-Palmolive, makers of Hill's junk food, vetoed the project.

19.) Acting on a resolution of the Australian Veterinary Association AGM a study, at a cost of \$7000, was commissioned into **L11** [Diet and disease in companion animals](#). No original research was to be performed, just a review of the existing literature.

20.) The lead author of the study was Associate Professor David Watson of Sydney University. He was 'assisted' by a junk pet-food company representative and a junk pet-food company sympathiser.

21.) Despite the limited and compromised nature of the study it nevertheless found substantially in favour of natural feeding of pet dogs and cats.

22.) August 2001 Following the recommendations of the world renowned biologist, Professor Lynn Margulis, I wrote *Raw Meaty Bones: Promote Health* .

23.) Mr Oliver Graham-Jones FRCVS, for eleven years a Royal College of Veterinary Surgeons Councillor wrote the Foreword:

Tom Lonsdale has written this book with his hand on his academic heart. He is refreshingly straight forward in his condemnation of convenience foods for pet dogs and cats.

He was a rumbustious, active-minded student. I have cause to recall one occasion while delivering a final summary lecture on the renal system prior to Membership of the Royal College of Veterinary Surgeons finals, due in eight weeks. I had taken enormous trouble to give not only my own views but included many references for student study. The heavily silent worried students listened, but halfway through there was a bang as someone — yes it was T L — slammed down the desk top and said in a shattering bold voice of scepticism: 'I don't believe a word of this.' In the ensuing shocked silence of the other 65 students I asked him: 'Why?' He then

parried by declaring that I had no proof of the veracity of what I was saying, nor of the references.

We have remained friends ever since tho' my career took me through the army in the war, private practice and appointments as Senior Veterinary Officer at London Zoo and senior lecturer Royal Veterinary College, London, where memorably Tom and I first met. It was entirely Australia's gain to acquire such an outstanding practitioner who has never taken anything for granted. Indeed it was this very quality that helped him write these informative common sense observations about pet diets, disputing prepared foods and commending the raw meaty bones philosophy. You will learn much from this book and enjoy so doing.

24.) Dr Tom Hungerford OBE, Founding Director of the Sydney University PGCVS (1968-1987), when 90 years old, wrote:

Thanks for the book – BRAVO

Tell the people who won't review their views that: 'The foolish and the dead never change their opinions.' Maybe that is an overstatement - as the 'brain-dead' may also refuse to revise.

Anyhow there are many who adopt the stance of: 'Don't confuse me with facts, my mind is made up.'

Congratulations on the book.

25.) Dr Douglas Bryden AM Director of Sydney University PGCVS (1987-2000) wrote:

Your book is a testament to your wisdom and your courage, and I am reading it from cover to cover. I have learnt much already which I did not know before and I am recalling some detail from your writing which is focusing my mind in areas where I need to be better informed. I am obtaining new insights and I am sure that there will be segments I will want to read again or to use as a reference when I have finished the book.

My role in the events so far was small; however I am proud to be mentioned in your book and to have been able to be even a minor player. There is of course much still to be done, some of which will flow on naturally from your example. I would like to think that there will be many who will take up the challenge in the future.

Congratulations on the publishing of an important book which, if I may say, has some bite in it. Every graduate and undergraduate veterinarian should read the book for it has the potential to challenge the things they believe to be true, and gives them the wonderful opportunity to step back from themselves and to look more

dispassionately and more deeply at the science they practise and to realise how important it is to listen carefully to others who may have a pearl of wisdom to share.

26.) Dr Michelle Cotton Director PGCVS (2003-2007) published a review in the PGCVS Director's Circular:

Raw Meaty Bones: The Book

Ever since his first contribution to a Control & Therapy (#3128 December 1991) on the subject of feeding dogs and cats raw food I have observed the progress of Dr Tom Lonsdale with great interest.

I remember the effect on me then was comforting, encouraging and supportive. I lived and worked as a practitioner in a developing country. It was a country where man-made pet food was only sporadically available and expensive when it could be found at all. It was important to have someone out there reminding me not to feel completely helpless and, more importantly, useless.

In terms of the advice veterinarians are asked to give, advice on nutrition must be amongst the commonest of topics. As one knows, your advice comes from several sources. It can come as a result of "keeping up to date" with the latest findings on a subject, it can come from attending lectures and courses. Advice can come as a result of wide reading and access to the complete range of opinions on a subject and it can come subliminally through reading the latest journal and flipping past the advertisements.

Over the years many humans have been made to feel inadequate for failing to provide their families or pets with "the best" as decreed by myriad marketing campaigns. In this frenetic age it is so easy to fall into the trap of believing there is only ONE WAY of looking after those you love most. For one reason or another it may not always be possible for people to commit to a total reliance on commercially prepared food.

If nothing else, Tom's philosophy has explained some very practical alternatives to this. I liked to think that many of my clients walked out of my surgery feeling better about their capacity to care for their pets after being told that dogs and cats never cooked their food until humans came along. When Tom Lonsdale came along he made me feel better too!

Tom Lonsdale has now published his book "Raw Meaty Bones" and consequently kept the fires of his passion for this subject burning as brightly as ever. This Don Quixote of Dog Food has kept his quest alive and now stands to enjoy the credit for having had the courage of his convictions.

If you provide nutritional advice to your clients and keep a supply of brochures and client information sheets for them then be consistent and add this book to your shelves. Making this and Dr Ian Billingham's books available for clients to read alongside other nutritional fact sheets emphasises your commitment to encouraging

choice and the dissemination of information. It is a wonderful opportunity to retain the reputation for scientific thought and deed in our profession.

Keep searching, keep probing, keep questioning, keep thinking, keep vigilant.

If, for no other reason, consider reading or purchasing Tom's book because for sure your clients will. Keep up with your clients!

The book is a scientific thriller, set out to encompass the evolution of Dr Lonsdale's theories on animal nutrition and also to describe the reaction of the general public and the Veterinary profession to his early writings.

For other reviews you may visit the following URL:

<http://www.rawmeatybones.com/>

27.) 2004 Dr Richard Malik of Sydney University Centre for Veterinary Education nominated *Raw Meaty Bones* for the **L12** [College Prize of the Australian College of Veterinary Scientists](#) (ACVSc the professional association for vets in academia).

28.) Dr Douglas Bryden AM Director of PGCVS (1987-2000) **L13** [seconded the nomination](#).

29.) Despite the glowing recommendations and that Dr Bryden is a Past President of the ACVSc, nevertheless the Prize was not awarded — even though in 2005 there were no other nominees.

It's symptomatic of the veterinary/junk pet-food secret deals that the ACVSc is beholden to Hill's a division of Colgate-Palmolive. Hill's 'sponsors' the ACVSc annual conference. Hill's Associate Professor Caroline Mansfield, of the University of Melbourne, is President of the ACVSc. I believe Hill's pay her salary and hence the 'Hill's' title.

30.) It is worth contemplating that Mr Oliver Graham-Jones and Drs Hungerford, Bryden, Cotton and Malik have no pecuniary interests in recommending against junk pet-food. It's worth noting that as luminaries of the vet establishment they nevertheless took a principled position in direct opposition to the vet establishment and its shady secret deals.

31.) By contrast the University refused, through its legal advisor Heesom Legal, even to justify fundamental decisions the University uses in justification for promoting junk pet food. The text of those requests are published on the internet at **L14** [Dr Michael Spence Vice-Chancellor Sydney University](#), **L15** [Professor Roseanne Taylor Dean of Vet Faculty](#) and **L16** [Dr Hugh White, Director of the Centre for Veterinary Education](#).

32.) It's also worth considering the conduct of the giant multi-nationals Mars and Colgate-Palmolive. They bombard the populace with simplistic and highly damaging misinformation and falsehoods through vast advertising campaigns. However, deals with Sydney University are to be kept secret. When **L17** [Royal Canin](#) and **L18** [Hill's](#) were asked to supply

information supporting their advertising campaigns and their arrangements with Sydney University they refused.

33.) Judging things from a pet owner/public interest perspective, it is instructive to note that I won the Master Dog Breeders and Associates, Most Supportive Vet of the Year Award in 2014. The profound health, economic and environmental benefits of the raw meaty bones approach are detailed in the **L19 [winning questionnaire](#)** — in stark contradistinction to the suppression of junk pet-food source material and secret deals with Sydney University.

34.) Sydney University is currently accredited by the UK Royal College of Veterinary Surgeons (RCVS). Upon graduation Sydney graduates can apply for registration with the RCVS.

35.) 2015 was my **19th consecutive year of standing for the Council of the RCVS**. 374 eligible veterinarians (about 9% of total vote) supported the call:

Brainwashed students become blinkered practitioners over-servicing a population of junk-food poisoned pets but seldom if ever confronting the key determinants of pet disease and suffering.

Alas a complicit RCVS when '**[Setting Veterinary Standards](#)**' fails to see, hear or speak about the junk pet-food fraud — hypocrisy writ large and sinister manifestation of the rotten callous venal scam.

[In previous years](#) I've called for a full parliamentary inquiry. Now I believe that the RCVS Council should be dismissed and an administrator appointed pending the outcome of that inquiry. I recommend that there be legal proceedings against prominent companies, veterinary institutions and individuals in respect to breach of contract, animal cruelty, theft and deception.

36.) L20 [Three videos from that election campaign](#) asking for 'Help, help stop the mass poisoning of pets by vets' are included as part of this affidavit.

37.) The **L21 [video of the Science Death Experiment](#)** showing the effects of Hill's junk food is included as part of this affidavit.

38.) The **L22 [Sydney University and the Mass Poisoning of Pets](#)** video reveals the devastation arising from the educational policies and practices of Sydney University and the junk pet-food diets sold by its sponsors. Wally Muir the victim featured in the video had been fed predominantly a diet of the Mars Corporation junk food 'My Dog'.

39.) Clearly the University's fiduciary obligations are to its students, clients, patients and the wider public interest.

Attempting to dress up the University's attempted cover-up of gross malfeasance as if it were also in the overriding public interest against disclosure is, I suggest, egregious nonsense.

Attempting to suggest illicit, cruel exploitative deals should be protected from public gaze is an abomination compounding the monstrous failings inherent in the University striking the deals in the first place.

40.) From the foregoing I believe that the Reasonable Man would conclude that the University's conduct fails:

Common sense test

Biological definitions of carnivores test

Elementary logic test

Scientific analysis test

Integrity test

Cruelty test

Laugh test

Further, I believe that the Reasonable Man would conclude that the University has the motive for and is engaged in an expensive deplorable cover-up.

Signature: _____

Sworn at:

Before me: _____