

16 April 2015

Dr Tom Lonsdale

By email: tom@rawmeatybones.com

Dear Dr Lonsdale,

DECISION REGARDING YOUR FREEDOM OF INFORMATION REQUEST

We refer to your application under the *Freedom of Information Act 1982* (Vic) ('Act'), received on 1 October 2014. The request was confirmed as valid under the Act on 24 December 2014.

You confirmed the terms of your request on 24 December 2014 as follows:

Category 1: Contracts and Agreements

All contracts and agreements, including sponsorship agreements, involving any of the pet food companies listed below and the University of Melbourne's Faculty of Veterinary Science, the University's Veterinary Hospital, and the Veterinary Students Society of Victoria.

Category 2: Research Funds

Details of the research funds provided by any of the pet food companies listed below to the University of Melbourne's Faculty of Veterinary Science, the University's Veterinary Hospital, and the Veterinary Students Society of Victoria.

Category 3: Correspondence

Correspondence between any of the pet food companies listed below and the University of Melbourne's Faculty of Veterinary Science relating to the contracts and agreements in Categories 1 and 2.

The list of pet food companies are:

- *Royal Canin, Uncle Bens, the Pet Care Information and Advisory Service (PIAS), Waltham, Pedigree, Mars Petcare, Eukanuba, and Iams. (These are in the Mars group of companies).*
- *The Colgate-Palmolive company Hill's.*
- *Purina and Proplan. (These are in the Nestle group of companies).*

Timeframe: please provide documents created between 1 October 2012 and 1 October 2014.

On 3 February 2015 you informed us that you are not seeking the personal affairs information of other individuals and also that you are willing to accept documents with exempt and irrelevant material redacted. You also advised us at this time that you would prefer to receive the documents via email.

DECISION

In accordance with the Act, the University has undertaken a thorough and diligent search for the documents you have requested.

In total, 94 documents comprising 325 pages were identified.

30 documents are exempt from release under **section 34(1)(b)** of the Act as they contain information acquired by the University from a commercial undertaking and disclosure would be likely to expose that undertaking unreasonably to disadvantage. I am releasing 7 of these documents in redacted form. It was not practicable to redact 23 of these documents so they are unable to be released.

Section 34(1) of the Act states the following:

A document is an exempt document if its disclosure under this Act would disclose information acquired by an agency or a Minister from a business, commercial or financial undertaking and the information relates to—

(a) trade secrets; or

(b) other matters of a business, commercial or financial nature and the disclosure of the information would be likely to expose the undertaking unreasonably to disadvantage.

In assessing whether the release of these documents would be likely to expose the undertaking unreasonably to disadvantage, we have taken into account the fact that the material in these documents that is of a commercial nature would not normally be available to competitors of the undertaking. 23 documents relate to current contracts in the process of being renegotiated. To release these documents would reveal the proposed terms of the undertaking's marketing and sponsorship budgets to its competitors which would unreasonably impact the undertaking's ability to competitively negotiate such terms.

12 documents are exempt from release under **section 34(4)(a)** as they contain information of a commercial nature that, if disclosed, would be likely to expose the University unreasonably to disadvantage. I am releasing 2 of these documents in redacted form. It was not practicable to redact 10 of these documents so they are unable to be released.

Section 34(4)(a) of the Act states the following:

A document is an exempt document if—

(a) it contains—

(i) a trade secret of an agency; or

(ii) in the case of an agency engaged in trade or commerce—information of a business, commercial or financial nature—

that would if disclosed under this Act be likely to expose the agency unreasonably to disadvantage;

In assessing whether the release of these documents would unreasonably expose the University to disadvantage, we have taken into account the fact that the material in these documents is of a commercial nature which would not normally be available to the University's competitors. 10 documents relate to new contracts that are still under negotiation or current contracts being renegotiated. To release these documents would unreasonably impact the University's ability to competitively negotiate the terms of these contracts by exposing the proposed terms of the

contracts to the University's competitors and would therefore likely affect the competitive position of the University within the sector.

Please note that exemptions are not mutually exclusive and more than one exemption can apply to a document or parts of a document.

46 documents contain information that is irrelevant to your request. I am releasing these documents in redacted form.

I am releasing 0 documents in full.

Therefore I am releasing a total of 68 documents (214 pages).

REVIEW RIGHTS OF THE UNDERTAKING

In accordance with section 34(3) of the Act, the University must notify an undertaking where, after consultation, the University has decided to disclose a document contrary to the undertaking's view. In such a case, the University must also notify the undertaking of the right to make an application for review of the decision provided by section 50(3A).

The undertaking will be notified of the University's decision to release the documents and will be provided with 60 days to appeal against the decision with the Victorian Civil and Administrative Tribunal ('VCAT'). Following the 60 day appeal period, the University will release the documents for which there has been no appeal lodged or VCAT ruling made against their release. 22 documents will be withheld until this time period has expired.

FEES FOR ACCESS TO DOCUMENTS

Under the Act, and as provided in the *Freedom of Information (Access Charges) Regulations 2014 (Vic)*, charges apply for access to documents. Charges can be made for search time at \$19.86 per hour or part thereof, and for A4 hard copies at 20 cents per page. Staff spent a total of 37.5 hours searching for documents and 214 pages are to be released. The charge is therefore a total of \$754.70, comprising \$754.70 for search time and \$0.00 for copies of documents, as you have asked to receive the documents in soft copy format.

On 15 January 2015 you paid a deposit of \$198.95 based on the initial estimate of the access charges at \$397.90.

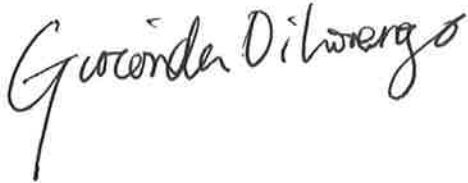
Following consultation with you in accordance with section 22(6) of the Act, on 10 February the University agreed to waive the remaining balance of your access charges and in exchange you agreed to waive the requirement for the University to comply with the time limits specified in section 21 of the Act.

You are therefore no longer required to pay the balance of \$555.75.

REVIEW

Under section 49A of the Act you have a right to apply for a review of the decision regarding exemptions to the Freedom of Information Commissioner (FOIC) within 28 days from the day on which notice in writing of the decision is given. For further details see <http://www.foicommissioner.vic.gov.au/>.

Yours sincerely,

A handwritten signature in black ink that reads "Gioconda Di Lorenzo". The signature is written in a cursive style with a large initial 'G'.

Gioconda Di Lorenzo
University Secretary