



Confidential

19 April 2021

Mr Rory Robertson
Via email: strathburnstation@gmail.com

Dear Mr Robertson

I am writing in response to your email to me of 3 March 2021 and to provide you with the outcome of my consideration of the Australian Research Integrity Committee's (ARIC's) review of the University of Sydney's response to allegations of research misconduct under the *Australian Code for the Responsible Conduct of Research, 2007*, to which you referred.

In your email of 3 March you asked me to publish the ARIC review of the University of Sydney's investigation, instruct a number of groups to stop promoting NHMRC's dietary advice and assemble a panel of experts to write new low-carbohydrate guidelines for NHMRC.

NHMRC's dietary guidelines

You would be aware that the 2013 Australian Dietary Guidelines are currently under review, as occurs periodically for a number of NHMRC's public health guidelines. The full stakeholder consultation plan is available on our website at: <https://www.nhmrc.gov.au/health-advice/nutrition/australian-dietary-guidelines-review>.

As part of the review, NHMRC will establish and appoint members to the Expert Committee to provide advice on the review of the Australian Dietary Guidelines. This committee will review and update the Guidelines to ensure they are supported by the most recent, relevant and high quality evidence. As NHMRC CEO, I will rely on the committee's expert advice and will not be instructing it to write low-carbohydrate guidelines.

We anticipate that targeted and public consultation on the revised Guidelines will occur in the second quarter of 2023. You are welcome to provide input into this review of the Guidelines.

ARIC Review

ARIC has finalised its review and provided me with its Final Report on the matter concerning Professors Stephen Simpson, David Le Couteur and David Raubenheimer, Associate Professor Victoria Cogger, Dr Samantha Solon-Biet and researchers from other institutions.

ARIC is an advisory committee that provides me with advice on how an institution has managed an allegation of potential breaches of the Code and, where relevant, provides recommendations to me on further actions to be taken. ARIC reviews the process followed by an institution in response to an allegation. ARIC does not conduct a merits review.

I have considered ARIC's Final Report on this matter, together with comments from the University and yourself. I note that you provided comments on ARIC's Draft Report on 10 December 2020 and that these comments were considered by ARIC during the preparation of its Final Report.

ARIC acknowledged that your views on its Draft Report included that the report failed to address a range of evidence you provided. ARIC advised that these matters are out of scope of the ARIC review. The evidence to which you referred goes to the merits of the case, which have been dealt with by the University through its initial inquiry and through the University's review.

As noted above, ARIC's remit is to examine whether the University dealt with the complaint in line with the requirements of the Code and with procedural fairness.

I have accepted ARIC's recommendations and have written to the University requesting that it confirm the actions that will be taken to implement the recommendations, in particular to:

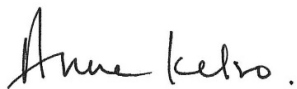
- confirm authorship of the 2014 *Cell Metabolism* paper by ensuring the authors complete an Authorship Agreement Form, notify you of this action and its outcomes, and provide you with a detailed explanation of why this aspect of the complaint did not proceed to a preliminary assessment
- ensure that for future investigations, communications with complainants, including in relation to any requests for meetings or interviews, are thorough and timely, and reflect requirements for procedural fairness under the 2018 Code.

I expect the University to be in contact with you directly about how it will implement the recommendations outlined in the Final Report.

With respect to your request that I publish the ARIC review report, I will not be publishing this ARIC review. All ARIC reports are confidential and NHMRC does not publish any of these reports. Furthermore, as you have not agreed to sign a Confidentiality Deed Poll, I have decided not to provide you with a copy of the Final Report.

Thank you for your active interest and engagement with ARIC's review of this matter.

Yours sincerely

A handwritten signature in black ink that reads "Anne Kelso." The signature is written in a cursive, flowing style.

Professor Anne Kelso AO
Chief Executive Officer