

# AUSTRALIAN FEDERAL COURT BEING ASKED TWO QUESTIONS: ARE COVID-19 DRUGS PROPERLY GMOS; AND IF SO, HAVE PFIZER AND MODERNA BROKEN THE LAW?

## AUSTRALIAN FEDERAL COURT PROCEEDINGS BROUGHT UNDER THE *GENE TECHNOLOGY ACT* 2000

**Case File Number:** [VID510/2023](#) Julian Fidge v. Pfizer Australia Pty Ltd & Anor

**Case Summary:** It is alleged the Covid-19 vaccines (both the monovalent and bivalent products) produced by the Respondents Pfizer and Moderna satisfy the Australian legal definitions for being deemed Genetically Modified Organisms, pursuant to [section 10](#) of the Gene Technology Act.

The relevant definitions are applied in the context of the products containing 'LNP-modRNA complexes'.

Relevantly, the 'LNP-modRNA complexes' fulfill the definition of Organism, namely:

**"organism"** means any biological entity that is:

- (a) viable; or
- (b) capable of reproduction; or
- (c) capable of transferring genetic material.

Firstly, the LNP-modRNA complexes fulfill being '**any** biological entity'.

Secondly, the LNP-modRNA complexes do and are 'capable of transferring genetic material', insofar that the LNP encapsulating the modRNA bio-distributes throughout the human body, and directly assists to transfer (transfect) the modRNA across cell membranes and into the cytoplasm of cells of all organ types and classes, including the brain, heart, kidneys, liver, testes, ovaries, and unborn children. This encapsulation, transport, and transfection using LNPs involves the physical 'transferring of genetic material' throughout the body of recipients.

Having satisfied the above, it then follows, a:

**"genetically modified organism"** means:

- (a) an [organism](#) that has been modified by [gene technology](#);

Where:

**"gene technology"** means any technique for the modification of genes or other genetic material.

The degree of genetic modifications involved in the creation of the modRNA is beyond question and well settled. The finer details of the genetic modifications involved are a matter of evidence to be presented and explained to the court.

The above definitions are not controversial and can be found under European Union legislation, and similar GMO legislation in place in many other countries.

Both Pfizer and Moderna have long been aware of these legal definitions but chose to ignore them when seeking to introduce their C19 products to the Australian market.

AstraZeneca on the other hand did not seek to avoid its legal obligations and properly sought a GMO License from the Australian Office of the Gene Technology Regulator (OGTR) prior to seeking provisional approval from the Australian TGA: see [DIR 180](#).

'Dealing' with a GMO in Australia (like in most other jurisdictions) is a Serious Criminal Offence: see [section 32](#), [section 33](#), and [section 38](#) of the Gene Technology Act.

Pfizer and Moderna in failing to obtain GMO Licences in Australia prior to seeking provisional approval from the TGA, means both companies continue to commit the Serious Criminal Offences described above. The grant of provisional approval by the TGA never cured these ongoing Serious Criminal Offences.

Indeed the TGA should have first consulted (pursuant to [section 30C](#)) with the OGTR about the LNP-modRNA before granting provisional approval. The TGA was instead willfully blind to this issue.

The OGTR has publicly stated that the Pfizer and Moderna C19 products do not contain GMOs.

This position is untenable and ignores the science that has been provided to the OGTR by an Australian law firm seeking to inform the OGTR and its advisory body, the Gene Technology Technical Advisory Committee (GTTAC), showing specifically the LNP-modRNA complexes are involved in:

Nuclear localisation (entry into the nucleus): Sattar et al [2022](#).

Once within the nucleus, reverse-transcription: Alden et al [2022](#).

Reverse-transcription involving genomic integration and inheritance in offspring: Qin et al [2022](#).

The above papers demonstrate modes of action consistent with the worst possible threats to genomic (natural) DNA that GMO legislation is meant to protect the public from being exposed to.

Both Pfizer and Moderna due to their declared expertise, at law, are understood to have known all of the above.

In the event either company seeks to now assert that it was an oversight, is no excuse. At criminal law both companies have also been 'reckless' and/or 'negligent' about properly investigating and verifying the above legal definitions, and the subsequent peer reviewed papers confirming the the destructive effects of their products on the human genome. Where recklessness and/or negligence is shown in experts in a field, those experts are deemed to have always possessed 'knowledge' of their conduct.

In short, Pfizer and Moderna always knew their C19 products are or contain Genetically Modified Organisms.

Compounding the above is the recent discovery by genomics expert Kevin McKernan of [dangerously excessive DNA cell-substrate contamination](#). This discovery has now been [independently verified](#) by other internationally recognised [laboratories](#) using different vials, evidencing gross, pre-existing, and continuing global supply contamination by Pfizer and Moderna.

The synthetic DNA (modDNA) contamination is anywhere between 18-70 times above legal limits.

However this contamination is much worse than contemplated by outdated regulations, as the modDNA is also encapsulated in LNPs, thus ensuring

bio-distribution throughout human bodies, and transfection into cells of all major types of organs, including the brain, heart, ovaries, testes, liver, spleen, eyes, and unborn children.

For the purposes of the Gene Technology Act this excessive contamination also fulfills the legal definitions for being correctly deemed Genetically Modified Organisms, and perhaps the worst type of GMO, as genomic integration with chromosomal DNA does not require reverse-transcription, and some of this modDNA (by Pfizer) has the opportunity of becoming 'replication competent' (self replicating) in certain persons known to be infected with SV40 related viruses.

Perversely, and as a strict matter of law, both Pfizer and Moderna were/are required to possess GMO Licenses to 'deal' with their LNP-modDNA contamination in Australia, though any organisation responsible for such licensure (the OGTR in this instance) would never allow any product into their country that contains this form of GMO contamination. This form of GMO contamination alters the course of humanity, and what it means to be human.

By these proceedings the Applicant (Dr Julian Fidge) together with the legal team who discovered and created the proceedings (Julian Gillespie and Katie Ashby-Koppens), now seek to present the above facts to the court.

In the event the court follows and accepts the evidence of the Respondent's products containing GMOs, and both being seen to be committing ongoing Serious Criminal Offences by dealing with GMOs in Australia without a license, the court should find itself compelled to issue an Injunction under [Section 147](#) preventing Pfizer and Moderna from any further dealings in Australia, which outcome would also require the halt of any further use of the Pfizer and Moderna C19 products in Australia.

The below documents begin to further detail the above facts:

**[Letter to the Registrar, Federal Court of Australia, Re Urgency \(sealed\)](#)**

**[Originating Application](#)** (sealed - to be amended to correct paragraph 4(c) and (d) to reference instead 4.a.i. - iii. And 4.b.i. - ii NOT 5.a.i. - iii. And 5.b.i. - ii)

**[Letter of Demand, Pfizer](#)** - served 4 July 2023 (response - reject GMO allegations - failed to address modDNA contamination)

**[Letter of Demand, Moderna](#)** - served 4 July 2023 (no response/reply)

**[Letter of Demand, TGA](#)** - delivered 4 July 2023 (no response/reply)

**[Letter of Demand, OGTR](#)** - delivered 4 July 2023 (no response/reply)

## Media/Inquiries:

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## Recent Materials

[Club Grubbery interviewed](#) AMPS President Associate Professor Chris Neil, Dr Julie Sladden, and lawyers Katie Ashby-Koppens and Julian Gillespie.

[Good Morning Children's Health Defense \(CHD.TV\)](#) interviewed Katie Ashby-Koppens and Julian Gillespie on the GMO case and synthetic DNA contamination

[The Epoch Times](#) interviewed Kevin McKernan who first discovered the DNA contamination.

[South Carolina Senate](#) hearing received testimony from Professor Phillip Buckhaults confirming the DNA contamination: 14 September 2023.

[South Carolina Senate](#) hearing received testimony from Janci Lindsay PhD discussing the danger from the DNA contamination: 14 September 2023.

[Kevin McKernan](#) article discussing testimony of Dr Buckhaults

[Jessica Rose PhD](#) article discussing testimony of Dr Buckhaults.

[German laboratory](#) confirms Pfizer DNA contamination - [translation](#) of German documents.

[German Dr Kirchner](#) presents synthetic DNA contamination findings to Bundestag, 18 September 2023.

The Daily Sceptic, 23 September 2023:

## [German Whistleblower Finds DNA Contamination Up To 354 Times Recommended Limit in BioNTech-Pfizer Vaccine](#)

German magazine Cicero interviewed Professor Brigitte Konig on the synthetic DNA contamination findings she provided to Dr Kirchner.

[What happens when DNA enters the cell nucleus? \(in German\)](#)

German article on global DNA contamination findings:

[Potentially carcinogenic: Researchers worldwide find DNA residues in Biontech vaccine \(in German\)](#)

[Dystopian Down Under](#): independent journalist Rebekah Barnett on the Australian GMO legal proceedings.

The Brownstone Institute has published two articles co-authored by Dr Julie Sladden & Julian Gillespie:

[The Vax-Gene Files: An Accidental Discovery](#)

[The Vax-Gene Files: Have the Regulators Approved a Trojan Horse?](#)

Spectator Australia article, 25 September 2023 by Rebekah Barnett:

[Scientists 'shocked' and 'alarmed' at what's in the mRNA shots](#)

The Conservative Woman article, 29 September 2023 by Professor Angus Dalglish:

[mRNA 'vaccines' must be banned once and for all](#)

The Epoch Times reproduces the article by Professor Angus Dalglish:

[mRNA 'vaccines' must be banned once and for all](#)

[The Canaries in the Human DNA Mine](#) is a peer reviewed paper by Julian Gillespie showing the European Union as well

as Australian authorities appear to have knowingly ignored these GMOs and failed to inform citizens.

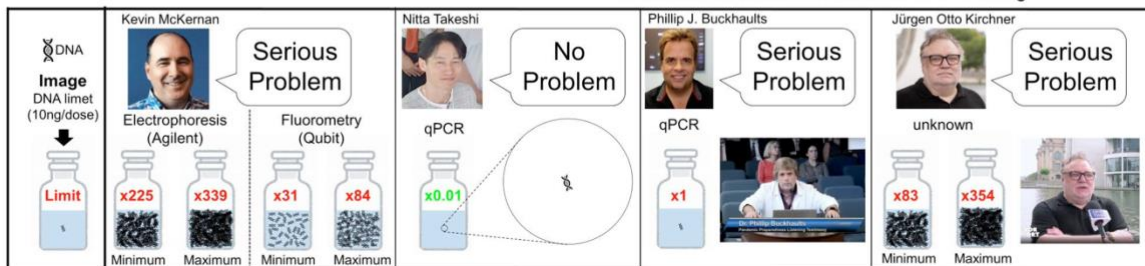
Chart summarising synthetic DNA contamination to 30 September 2023:

## Verification of mRNA Vaccine DNA Contamination in the World

Researcher	Affiliation, Country	Pharma Company	Methods	DNA/dose (limit 10ng)	DNA/RNA ratio (limit 1/3030)	Concerns
McKernan, K.	Medicinal Genomics, US	Pfizer, Moderna	Electrophoresis (Agilent)	2250ng -- 3390ng [1]	1/8 -- 1/2	Adverse events, Gene integration
			Fluorometry (Qubit)	312ng -- 843ng [1]	1/47 -- 1/8	
			qPCR		1/161 -- 1/43	
Nitta, T.	Tokyo Univ, Japan	Moderna	qPCR	0.1ng [2]	1/1,000,000	No Problem
Buckhaults, P. J.	USC, US	Pfizer	qPCR	near to the limit 10ng		Adverse events, Gene integration
Kirchner, J. O.	MMD, Germany	Pfizer, Moderna	Unknown	830ng -- 3540ng		Adverse events, Gene integration

[1] Multiplied the value by 300 for ul

[2] From the description of DNA 44x10fg to mRNA 400ng, the calculation for Moderna 1-dose as mRNA 100ug



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