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6 November 2023

Attorney General
Robert Garran Offices
3-5 National Circuit
BARTON ACT 2600

Attention: Hon Mark Dreyfus KC MP, Attorney-General
and Hon Matt Thistlethwaite MP, Assistant Minister for the Republic

Dear Messrs Dreyfus and Thistlewaite

UPDATED BRIEF OF INFORMATION & EVIDENCE

Alleged Offence: Dealing with genetically modified organisms (GMOs) without a license
Defendants: Pfizer Australia Pty Ltd and Moderna Australia Pty Ltd
Pfizer and Moderna's Covid-19 mRNA products are or contain GMOs

Preface

This is an updated brief of information, to update the brief of information dated 17 August 2023 (**Initial Brief**), that was delivered to your office under cover of letter dated 27 September 2023 from Senator Gerard Rennick.

Since the Initial Brief there are further aspects to inform your office of, namely:

A. Further independent laboratories identify excessive DNA contamination.

B. The AFP having supplied the Initial Brief to the Gene Technology Regulator have declined to investigate.

C. The Gene Technology Regulator has given further evidence at a Senate Estimates Hearing held 26 October 2023 effectively declaring the Covid-19 modRNA vaccines GMOs.

We expand on each under their own heading below.

A. Further laboratories identify excessive contamination in Pfizer and Moderna Covid-19 vials

1. A number of additional laboratories have tested Pfizer and Moderna's Covid-19 vials and identified excessive levels of DNA contamination, namely:

   a) Dr Sin Lee of Connecticut, USA

   b) Phillip Buckhaults, PhD, South Carolina, USA

   c) Professor Brigette Konig, Germany

   d) Dr David Speicher, of Ontario, Canada

   and expand on their findings:

2. **Dr. Sin Lee**, MD, F.R.C.P.(C), FCAP of Milford Molecular Diagnostics designed his own BNT162b2 amplicons targeting longer molecules for PCR and Sanger sequencing. This is an important evaluation and confirms the primers Mr McKernan designed for qPCR detection of the DNA contaminate are appropriate.

3. **Phillip Buckhaults PhD**, Professor and Director of the Cancer Genetics Lab at University of South Carolina. Dr Buckhaults' work led to him giving evidence on 11 September 2023 to the South Carolina Senate to describe his serious concerns about the DNA contamination. Professor Buckhaults states during his interview:

   > *"During the process they chopped them [the DNA plasmids] up to try to make them go away but they actually increased the hazard of genome modification"*

4. This suggests that Pfizer and Moderna both know and knew that the DNA, which is a laboratory tool used in the manufacturing process of these Products, should never be in the Products. This fact further goes towards establishing the 'knowledge' element of the serious criminal offenses under Sections 32 and 33 of the *Gene Technology Act* 2000, which offenses also appear to be aggravated offenses pursuant to Section 38 in light of the unprecedented Adverse Event reports of severe injuries and death

reported to the DAEN system, maintained by the Department of Health and Aged Care.

5. In response to Dr Buckhaults' testimony, the Associate Dean of Medicine and Director of the Cancer Centre at Brown University, Dr Wafik El-Deiry tweeted, stating, Professor Buckhaults:

> *"...explains how pieces of naked DNA allowed in protein vaccines at a certain threshold was not so problematic in a different era but that with encapsulation in liposomes they can now easily get into cells. If they get into cells they can integrate in the genome which is permanent, heritable and has a theoretical risk of causing cancer depending on where in the genome they integrate.*
>
> *There is need for more research into what happens in stem cells and I would add germ-line, heart, brain etc."*

6. Kevin McKernan commented on Dr Wafik's comments stating:

> *"When the Director of the Cancer Center at Brown University takes note [on the Dr Buckhaults' testimony], the FDA should listen."*

7. **Professor Brigitte Konig, of Germany**, has confirmed the same DNA contamination and was then interviewed on 28 September 2023 (in German, which can be translated using Google translate). The results are between 83 and 284 times over the limit of 10ng per dose.

8. This testing was ordered by Dr Kirchner and he presented the findings to the Bundestag on 18 September 2023. A German version of the report prepared by Professor Konig can be viewed within the correspondence sent by Dr Kirchner to the German Health Minister, Professor Lauterbach, dated 16 September 2023. A translated version of the report by Professor Konig has been made available with Google translate, with the correction that the second table should state 'yes' under plasmids and not 'And'.

9. **Dr David Speicher, of Ontario, Canada**, has also conducted testing of 27 vials of the Pfizer and Moderna Products and identified using fluorometry, all vaccines exceed the guidelines for residual DNA set by FDA and WHO of 10 ng/dose by 188 – 509-fold.

10. Further, and this office has been reliably informed by concerned scientists in Japan that vials of the Pfizer product tested there also evidence this excessive DNA contamination, inclusive of the SV40 promoter and enhancer sequences for gaining entry into the nucleus of human cells. These Japanese vials have been securely shipped to Kevin McKernan to undergo Fluorometry analysis to confirm the extent of the contamination above regulatory limits, with results expected in the coming days.

11. The earlier findings of Kevin McKernan were put to Health Canada by the Epoch Times (before the Speicher preprint had been released), with Health Canada confirming Undisclosed Presence of DNA Sequence in Pfizer Shot.

12. On 9 October 2023, an Urgent Expert Hearing on Reports of DNA Contamination in mRNA Vaccines by the World Council for Health to discuss the issues associated with the DNA contamination that was identified.

B. The AFP declined to investigate after providing the Brief of Information to the Gene Technology Regulator

13. On 12 October 2023, Detective Acting Sgt Folkes, wrote:

> Good afternoon Katie,
>
> Thank you for your report to the AFP which was received in correspondence dated 23 August 2023, outlining that you are acting on behalf of Dr Julian Fidge for matters concerning Pfizer Australia Pty Ltd and Moderna Australia Pty Ltd.
>
> Your report contained a request for the AFP to consider an attached Brief of Information and Evidence, and to inform your office of the AFP's decision to institute criminal proceedings in relation to the provided information. It is noted in the provided information that your office instituted civil proceedings in the Federal Court of Australia, (VID510/2023), on 6 July 2023, in relation to the same entities.
>
> In considering relevant factors to make a determination, the AFP liaised with and obtained written advice from the relevant responsible Commonwealth

agency the Department of Health and Aged Care, through the Office of the Gene Technology Regulator. The Office of the Gene Technology Regulator is tasked with the monitoring of dealings under, and compliance with, the *Gene Technology Act 2000*.

Your report was evaluated and the following determination made:

· The AFP will not continue to investigate the matter

· The AFP will not refer the matter to a partner agency

· The AFP is rejecting the matter and no further investigation will be undertaken

I note in your report that you have instructions to institute proceedings pending a determination made by the AFP regarding this matter. I trust that this notification is sufficient to inform your office of the AFP's decision to reject the matter.

Kind regards,

DETECTIVE A/SERGEANT BEN FOLKES
TEAM LEADER - NOSSC CANBERRA
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14. Your office will appreciate the incredible step the AFP has taken to provide the Brief of Information to the very Regulators (Therapeutic Goods Administration (**TGA**) and the Gene Technology Regulator (**OGTR**)) who were highlighted in the Brief to have conducted themselves inconsistently with their duties of office and governing legislation. On this point we make you further aware that the conduct of the OGTR in this matter requires further legal assessment to determine whether the OGTR and/or the Gene Technology Regulator, Dr Raj Bhula, committed the offence of *Complicity and common purpose* under Section 11.2 of the *Criminal Code Act* 1995. The OGTR was made aware of Section 11.2 by Letter of Demand sent from this office to the OGTR on 4 July 2023 (for completeness, to date, no reply has been received from the OGTR to this letter).

15. The AFP decision to now not investigate casts a very dark cloud in circumstances where an agency possibly involved in criminal activity was consulted by the AFP, and the AFP relied upon information from that agency as a basis to discontinue its investigation into other parties alleged to be committing serious criminal offenses with whom the agency is directly connected by the alleged Section 11.2 offense.

C. The further evidence of the Gene Technology Regulator

16. Further to paragraph 43 of the Initial Brief of Information and Evidence provided to your office dated 27 September 2023, the Gene Technology Regulator on 26 October 2023 gave evidence to the Senate Community Affairs Legislation Committee (page 127).

17. In February 2023, the Regulator said:

> "*The mRNA Covid-19 vaccines did not involve any step of genetic modification.*"

18. Ten months later, on 26 October 2023, the Regulator gave evidence that is the complete opposite:

    a) The modRNA products do involve gene technology.

    b) The gene technology is used to genetically modify the products.

    c) Had that manufacturing step taken place in Australia, the products would have needed to be regulated by the OGTR.

19. To clarify the testimony (page 127) given by Dr Bhula, the Gene Technology Regulator has admitted the modRNA Covid-19 products of Pfizer and Moderna fulfill the *Gene Technology Act* 2000 Section 10 definitions for being deemed and properly called Genetically Modified Organisms or GMOs (ie *(a) an organism that has been modified by gene technology*), which require GMO licences. However, Dr Bhula wrongly, incorrectly, and inexplicably went on to assert that GMO licences were not required because the Pfizer and Moderna products were and are manufactured overseas.

20. Turning again to Section 10 and it can be plainly seen that a licence to deal with a GMO is required by a person that intends to deal with the products on Australian soil, where:

> *"**deal with**", in relation to a GMO, means the following:*
>
> *(a) conduct experiments with the GMO;*
>
> *(b) make, develop, produce or manufacture the GMO;*
>
> *(c) breed the GMO;*
>
> *(d) propagate the GMO;*
>
> *(e) use the GMO in the course of manufacture of a thing that is not the GMO;*
>
> *(f) grow, raise or culture the GMO;*
>
> *(g) import the GMO;*
>
> *(h) transport the GMO;*
>
> *(i) dispose of the GMO;*
>
> *and includes the possession, supply or use of the GMO for the purposes of, or in the course of, a dealing mentioned in any of paragraphs (a) to (i).*

21. The legislation clearly requires the Regulator to regulate dealings after the (b) manufacturing phase where dealings involve the importation, transportation and/or disposal of GMOs (items (g)-(i)), irrespective of whether or not the manufacturing occurred overseas. As a consequence both Pfizer and Moderna were required to submit applications for GMO licenses prior to importing and transporting the Products in Australia. Having failed to apply for and be granted said GMO licenses, both companies continue to commit serious criminal offenses under the *Gene Technology Act 2000*.

22. Lastly, and the transportation of GMOs requires a risk assessment to be performed by the OGTR, that in part concerns itself with the *delivery site* for the GMOs at the end point of any transportation, and the risks to the health and safety of humans at the delivery site. In the circumstances of these Products the delivery site for the GMOs was always intended to be the bodies of Australian recipients. The OGTR completely abrogated this duty to assess the risks to the health and safety of Australians receiving these products, from a gene technology perspective, which is specialist knowledge always legally required only from the OGTR, as it specialist knowledge not within the remit nor particularised under the legislation that empowers the TGA. Indeed Section 30C of the Therapeutic Goods Act 1989 requires the Secretary of Health to seek advice from the OGTR where an application for registration involves a good that is or contains a GMO. The Secretary of Health failed to comply with Section 30C in circumstances where the site of manufacture is irrelevant to the performance of the duty prescribed by the section.

This office remains committed to meeting with you to discuss matters further.

Kind regards

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Together with:

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