

**MEDIA RELEASE**

*FOR IMMEDIATE RELEASE*

**Constitutional complaint brought against Federal Court Judge for concealing pharma connections**

SYDNEY, AUSTRALIA, 22 March 2024: A complaint filed with the Federal Court Chief Justice Debra Mortimer today alleges that Federal Court judge, her Honour Justice Helen Rofe, concealed her connections to Pfizer and the pharmaceutical industry before dismissing a case, to Pfizer's advantage.

The complaint was filed by law firm PJ O'Brien & Associates.

Katie Ashby-Koppens is instructing solicitor on the case [VID510/2023](#), which Justice Rofe dismissed on the matter of standing in a decision handed down on 1 March 2024.

The applicant, Dr Julian Fidge, sought an injunction to prevent Pfizer and Moderna from distributing their mRNA Covid vaccines. Dr Fidge alleges the vaccines contain unlicensed genetically modified organisms (GMOs), which is a criminal offence in Australia under the Gene Technology Act 2000.

If the action were successful, it would carry serious financial and reputational damage to both Pfizer and Moderna. As respondents, Pfizer and Moderna stood to benefit from Justice Rofe's dismissal of the case.

The complaint against Justice Rofe alleges serious misconduct possibly rising to misbehaviour by the failure to disqualify herself or disclose her significant prior relationship with Pfizer.

Justice Rofe was appointed to the Federal Court on 12 July 2021 after being called to the Bar in 2001. When at the Bar, Justice Rofe directly and indirectly represented Pfizer on at least five occasions between the years 2003-2006 (see page 8 of linked complaint for the detailed list).

Additionally, Justice Rofe has substantial affiliations and associations with the pharmaceutical and scientific research industry.

Her Honour's extended family established the Grimwade family pharmaceutical fortune and later ran leading Australian biomedical research organisation the Walter and Eliza Hall Institute (WEHI).

The WEHI has received funding of hundreds of millions in taxpayer dollars and over US\$30 million from the Bill & Melinda Gates Foundation.

Professionally, Justice Rofe sat on the Bolton Clarke Human Research and Ethics Committee for 10 years. Bolton Clark received significant provisions of grant money from her Honour's cousin, Sir Andrew, in his role as Chairman of the Felton Bequests Committee. Sir Andrew served a period as the honorary President of the WEHI for 14 years, serving on the Board from 1963 to 1992.

In view of these allegations, PJ O'Brien & Associates is calling on the Upper and Lower Houses of Parliament to investigate Justice Rofe's conduct, as is their prerogative under Section 72(2) of the Constitution.

Section 72(2) of the Constitution provides that a judge can be removed from the bench when the Parliament determines that proved misconduct has taken place.

The last time a Parliamentary investigation into potential misbehaviour of a judge was established under Section 72(2) of the Constitution was in the case of Justice Lionel Murphy, in May 1986. The investigation was discontinued when Justice Murphy announced that he had received a terminal cancer diagnosis. Justice Murphy passed away in October 1986.

### **Quotes attributed to Katie Ashby-Koppens, instructing solicitor, PJ O'Brien & Associates**

"Judges are duty bound to disclose not only potential conflicts, but also perceived conflicts. Failing to disclose this information is not just a breach of common courtesy, but is a breach of the judicial obligations of a sitting judge."

"There are 17 judges who sit on the Federal Court Melbourne Registry. Justice Rofe was not the only judge available to hear the matter."

"Justice Rofe's dismissal of our case should be voided and our matter should be heard by a judge with no presenting conflicts, as should all matters in the Australian judicial system."

“We have asked Chief Justice Mortimer to investigate our complaint. Additionally, we call on the Parliament of Australia to investigate allegations of misbehaviour of a sitting judge. If the allegations of misbehaviour are proven, the Parliament may remove Justice Rofe from the bench.”

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Read the complaint against Justice Rofe: [HERE](#)

Summary of the GMO case VID510/2023: <https://amps.redunion.com.au/australian-court-covid19-drugs-gmo-pfizer-moderna-law>