

NOTICE OF FILING

Details of Filing

Document Lodged: Applicant's Genuine Steps Statement - Form 16 - Rule 8.02
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 26/04/2023 1:20:10 PM AEST
Date Accepted for Filing: 26/04/2023 3:13:44 PM AEST
File Number: NSD349/2023
File Title: ANTHONY LEITH ROSE & ORS v THE SECRETARY OF THE
DEPARTMENT OF HEALTH AGED CARE, BRENDAN MURPHY & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Applicant's Genuine Steps Statement

No. _____ of 2023

Federal Court of Australia
District Registry: NSW
Division: General

ANTHONY LEITH ROSE and others

Applicants

THE SECRETARY OF THE DEPARTMENT OF HEALTH AND AGED CARE, BRENDAN MURPHY and others

Respondents

This genuine steps statement is required by section 6 of the *Civil Dispute Resolution Act 2011*.

STEPS TAKEN TO TRY TO RESOLVE THE ISSUES IN DISPUTE

The following steps have been taken to try to resolve the issues in dispute between the applicant and the respondent in the proceeding:

1. On 18 November 2021, Dr Melissa McCann wrote to:
 - a. the Honourable Greg Hunt MP (Minister for Health and Aged Care);
 - b. the Therapeutic Goods Administration ("**the TGA**");
 - c. the State, Territory, and Commonwealth Chief Health Officers;
 - d. the National Health Practitioner Ombudsman;
 - e. Adjunct Professor John Skerritt (copied in),

noting her concerns that the TGA's adverse event data as reported in the Database of Adverse Event Notifications ("**the DAEN**") indicated higher rates of adverse events than in the early clinical trials for Covid-19 Vaccines. She requested "*urgent expert investigation of the DAEN reports of adverse events be undertaken as the highest priority, and suspension of the vaccination program whilst this occurs.*"

Filed on behalf of	The Applicants, Anthony Leith Rose and others	
Prepared by (name of person/lawyer)	Natalie Strijland	
Law firm (if applicable)	NR Barbi Solicitor Pty Ltd	
Tel (07) 3358 5800	Tel	(07) 3358 5800
Email	natalie@nrbarbisolicitor.com.au	
Address for service	Suite 15, 900 Brunswick Street, New Farm QLD 4005	

2. Dr McCann sent a further letter to Adjunct Professor Skerritt on 20 November 2021. Dr McCann called on the professor's office to "*immediately halt the vaccination program*" and report to the profession and public the results of adverse event investigations.
3. Dr McCann received a response from Adjunct Professor John Skerritt on 22 November 2021 denying Dr McCann's concerns and defending the TGA's continuing vaccine rollout.
4. On 10 March 2022, Dr McCann wrote to Minister Hunt, Adjunct Professor Skerritt, Doctor Jane Cook, and Professor Allen Cheng expressing ongoing concerns about the safety of the vaccination program and providing scientific evidence to support her concerns. Dr McCann stated, "*continued approval of these pharmacologicals represents negligence and derelict duty of care resulting in serious harm, disability and death, as well as being likely to seriously undermine patient confidence in the TGA regulation competence and to lead to distrust in vaccinations more generally with generational catastrophic outcomes in addition to the adverse events from the Covid 19 vaccines themselves.*"
5. Dr McCann received a response on 7 April 2022 from Adjunct Professor Skerritt defending the Covid-19 vaccination program's safety and efficacy.
6. On 6 May 2022, Dr McCann wrote to Doctor Anne Tonkin, Chair of the Medical Board of Australia. The letter expressed concerns regarding the Australian Health Practitioner Regulation Agency ("**AHPRA**") and Medical Board of Australia's position statement of 9 March 2022 in relation to Covid-19 vaccination for health workers. Dr McCann noted that she had observed growing mistrust and confusion from the public regarding the safety of Covid-19 vaccines. Dr McCann requested the Medical Board to:
 - a. Re-evaluate its position statement and provide further guidance for the medical profession; and
 - b. Consider releasing a position statement that acknowledges the unique challenges that Covid-19 vaccination has created and encourages thorough investigation for practitioners of possible adverse events.
7. Dr McCann did not receive a response from Doctor Tonkin.
8. On 26 August 2022, Dr McCann wrote to the Honourable Mark Butler MP, requesting "*in the strongest possible terms that the provisional approval for these vaccines be suspended pending an urgent review of the safety issues.*" Dr McCann requested Mr Butler to "*instruct the TGA and its representatives to correct and update the Vaccines Safety Update to ensure that health care providers and patients have access to factual information on which to base informed consent discussions and decisions*".
9. Dr McCann did not receive a response from Minister Butler.
10. On 30 November 2022, Dr McCann lodged an application for review of the TGA's in relation to a number of Dr McCann's Freedom of Information requests by the Administrative Appeals Tribunal. The Tribunal's decision was that it did not have jurisdiction to review the TGA's decision.
11. On 5 January 2023, the Australian Medical Professionals' Society wrote to the TGA and Chief Medical Officer, Professor Brendan Murphy AC, expressing their concerns in

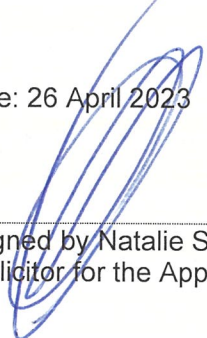
relation to the approval of Covid-19 vaccines for those under four years old. The Society requested:

- a. A meeting with the addressee at their earliest convenience;
 - b. Recognition of the Society's interest in safeguarding the lives of Australian people; and
 - c. A proposal from the addressee within 14 days as to how scientific evidence and data should be disseminated to the public.
12. Professor Murphy responded on 16 January 2023 but did not meet the Society's three requests.
 13. On 4 January 2023, Ms Emma McArthur corresponded with the Respondents seeking clarification regarding statements made by Minister Greg Hunt that the Covid-19 Vaccine rollout was a clinical trial. On 6 February 2023, Ms McArthur received a response from Rhada Khiani, Director of the Vaccine Policy and Transition Branch. The response stated that the Minister's statements were factually incorrect.
 14. On 16 January 2023 Senator Gerard Rennick wrote to Minister Butler expressing concerns about the alarming Proportional Reporting Ratio ("**PPR**"), which he alleged warranted reassessment of Covid 19 vaccine safety. On 8 February 2023, Chief of Staff Nick Martin responded. In the response, Mr Martin denied Senator Rennick's concerns on the basis that the PPR was not a measure of causality.
 15. On 1 February 2023, Ms Elizabeth Hart wrote to Professor Skerritt asking whether Covid-19 vaccines could produce more virulent variants of the virus. On 14 July 2021, Deputy Secretary of the Health Products Regulation Group Tracey Duffey responded to Ms Hart's letter.
 16. On 25 February 2023, Ms Rebekah Barnett submitted a Freedom of Information request for supporting documentation for a health claim, namely regarding the various Covid-19 vaccines interaction with DNA. The TGA responded on 17 March 2023 that did not address Ms Barnett's concerns.
 17. On 23 March 2023, Dr McCann received correspondence from Adjunct Professor Robyn Langham AM, Chief Medical Advisor for the Therapeutic Goods Administration, conveying their concerns about Dr McCann's speeches at 'Covid-19 Vaccine Conferences' and alleging that Dr McCann was spreading misleading information.
 18. On 24 March 2023, Dr McCann addressed the Chief Medical Advisor's letter by return correspondence and, among other matters:-
 - a. requested the Chief Medical Advisor to consider discussing with the Therapeutic Goods Administration legal team a meeting with Dr McCann's legal team to further discuss the proposed action;
 - b. requested the Chief Medical Advisor to let Dr McCann know if they would be prepared to further discuss a mediation regarding the proposed legal action with Dr McCann's legal team;

- c. stated that *"an outcome that avoids a lengthy legal action would ensure these patients receive more timely access to the care they need, whilst mitigating the significant loss of public trust that would attend the hearing of these matters in a court room"*.

19. Dr McCann did not receive a response to this letter.

Date: 26 April 2023



Signed by Natalie Strijland
Solicitor for the Applicant