

Summons: Summary Criminal Felony Proceedings

No. _____ of 2021

Federal Court of Australia

District Registry: CANBERRA ACT

Division: Federal Crime and Related Proceedings NPA

Glenn Floyd

Plaintiff

Brett Sutton Chief Health Officer

Accused.

To the Accused

You are required to appear before the Federal Court of Australia at the time, date and place shown in the Notice of Filing and Hearing. The court will notify you of when application is accepted for filing, to answer the charge the Applicant makes against you, as set out in the attached Information.

If you do not appear before the Court at the time and place specified below, a warrant may be issued for your arrest.

Notes

1. **Service:** At least 5 days before the return date for a summons to which an information is attached, the applicant must serve the accused personally with a stamped copy of the summons and information: (CP Rule 2.01(6)). See Part 7 of the CP Rules for rules about service.
2. If the accused does not appear before the Court on the return date for the summons, the Court may proceed to hear the matter in the absence of the accused as alternative to issuing an arrest warrant. (CP Rule 2.03(1))
3. If the accused appears before the Court and does not enter a plea of guilty when directed by the Court to enter a plea, the Court may: (a) give any necessary orders for the conduct of the prosecution and defence; and (b) fix a day for hearing or for the Court to give further orders. (CP Rule 2.03(2))

Prepared by Glenn Floyd Applicant 0407861056 floydaubrey@bigpond.com Address for service 42 Main Street Maldon 3463 Victoria

The plaintiff applies for the relief set out in Part I below on the grounds set out in Part II below

STATEMENT OF CLAIM: Made Under Federal Court ([Criminal Proceedings](#)) Rule [2.01\(1\)\(a\)](#). Without Prejudice, ALL charges, statements, inferences, and claims made herein by plaintiff Glenn Floyd of criminal felony unlawful acts by Chief health Officer Brett Sutton are Prima Facie, and allegations only, until heard in a court of law and held and determined as felonies as claimed. The relief sought is or includes: Writs for Criminal Felony Indictment via committal hearing and writs of Mandamus, Prohibition, Certiorari and Quo Warranto as cited and detailed herein.

PRELIMINARY:

FUNDAMENTAL GLOBALLY ACCEPTED INFECTIOUS DISEASE SCIENCE:

1. For any 'alleged' PANDEMIC, a virologist, epidemiologist, or as Chief Human Biosecurity Officer for Victoria, Brett Sutton knew or should have known, that he must provide scientific evidence of a known, new, or novel virus 'existing' in the community; and must demonstrate this virus causes an infectious disease.
2. RT-PCR 'test' kits used, cannot and do not reveal 'any' COVID 'INFECTIONS' exist.
3. 'Cases' declared by Sutton as existing, ARE NOT INFECTIONS, and do not prove 'any' COVID INFECTIONS exist.
4. Numbers of 'Cases' declared as existing by Sutton, do 'not' prove a PANDEMIC exists.
5. A pandemic is only ever measured by infectious disease infections, and consequent mortality.
6. The Australian Federal government did not declare a PANDEMIC, the Federal government 'only' declared a Pandemic 'POTENTIAL'.
7. Only Sutton falsely and repeatedly declared a PANDEMIC exists; and provided no scientific evidence, as lawfully obliged; to prove a PANDEMIC, or MASS-INFECTIONS were occurring, or increasing or decreasing.
8. Sutton, (as the [Chief Human Biosecurity Officer for Victoria](#)), under the Federal Government Declared 'POTENTIAL-PANDEMIC' National Pandemic Emergency Declaration, had a Federal legal, overriding obligation mandated by the [Federal Biosecurity Act no. 61, 2015 Compilation No. 8, 25 March 2020, Part 4 -Principles affecting decisions to exercise certain powers, 31, To exercise power, only if exercising the power is likely to be effective in, or to contribute to, achieving the purpose for which the power is to be exercised, is appropriate and adapted for its purpose, and is no more restrictive or intrusive than is required](#).

9. Sutton (in this [Federal Government Declared 'Potential' National Pandemic Emergency](#)), **had a Federal overriding legal obligation mandated by the [Australian Health Management Plan for Pandemic Influenza](#), to conduct scientific-epidemiological-pandemic studies to prove a pandemic and catastrophic death-risk exists or does not exist or is in control or out of control; and he conducted none of these legal obligations.**

Sutton's breaches of the [lawfully binding Pandemic Plan Obligations](#) are as follows:

The Chief Health Officer is lawfully bound to implement:

- i. **The use of existing systems and governance mechanisms**, particularly those for seasonal influenza.
- ii. **Evidence-based** decision making.
- iii. **Monitor the emergence of diseases with pandemic potential** and investigating outbreaks if they occur.
- iv. **Identify and characterise the nature of the disease.**
- v. **Ensure a proportionate response.**

FACTUAL BASIS FOR CHARGES:

PRIMA FACIE CRIMINAL ACTS ALLEGED AS CONDUCTED BY C.H.O. BRETT SUTTON, OF DELIBERATE PROVISION OF FALSE AND MISLEADING INFORMATION, AND MISREPRESENTATION OR CONCEALMENT OF IMPORTANT FACTS UPON WHICH THE VICTIMS IN FACT RELY, THAT CAUSED HARM TO THE VICTIMS:

The public authority, (herein described as Chief Health Officer Brett Sutton), uses RT-PCR 'test' kits (two types), to allege medical diagnoses of confirmed COVID-19 'CASES'.

(i) The public authority has no proof of Covid infection from any positive, negative, or indeterminate, results from the said RT-PCR 'test' kits.

Prima facie, this gross failure is criminal False and Misleading Information and criminal deliberate Misrepresentation or Concealment.

(ii) The public authority relies upon no peer-reviewed published scientific papers for its claims as to the existence of the alleged SARS-CoV-2 viral contagion; this failure is criminal False and Misleading Information and criminal deliberate Misrepresentation or Concealment.

(iii) The public authority does not even know what it is testing for, by using the said RT-PCR 'test' kits. Prima facie, this failure is criminal False and Misleading Information and criminal deliberate Misrepresentation or Concealment.

The plaintiff applies for the relief set out in Part I below on the grounds set out in Part II below

Part I: relief sought of:

1. A writ for criminal indictment via committal hearing, of Victorian Chief Health Officer Brett Sutton to stand trial for **indictable offences of criminal False and Misleading Information and criminal deliberate Misrepresentation or Concealment and violations against the statute laws cited, and the people of the Commonwealth, listed hereunder:**
2. A writ of Mandamus, compelling Brett Sutton as the SOLE Victorian AUTHORITY decision maker, to perform mandatory duties correctly, of providing testable scientific evidence of the ‘FACTUAL’ Covid-19 existence, clinically shown by the RT-PCR ‘test’, where results definitively prove the Isolation and Purification and Characterisation of ‘ANY’ SARS-COV2 Virus which caused a Covid-19 infection in ANY human existing anywhere in Australia. Or admit, no such proof or evidence can be shown.
3. A Writ of Prohibition, compelling Brett Sutton as the SOLE Victorian AUTHORITY decision maker to IMMEDIATELY cease and desist making unlawful acts of False and Misleading Information and Reports and making criminal deliberate Misrepresentations or Concealments in falsely declaring there exists a SARS-COV-2 and/or COVID-19 PANDEMIC in existence anywhere in Australia, based upon alleged ‘CASES’, (or RT-PCR ‘tests’); which are NOT infections, whereas there are no definitive science studies released anywhere to prove with any evidence; that cases are viral infections on or at any level or scale at any time.
4. A Writ of Certiorari Volumus, compelling Brett Sutton as the SOLE Victorian AUTHORITY decision maker to IMMEDIATELY show (the Federal Court of Australia) with definitive scientific authoritative evidence proof, ‘other’ than ‘CASES’, in his false and misleading DECLARATION that there exists a high-risk dangerous, or hazardous SARS-COV-2 and/or COVID-19 PANDEMIC in existence in Australia; whereas there are no definitive science studies released anywhere to prove with any evidence that ‘CASES’ are evidence of either any infection or any PANDEMIC.
5. A Writ of Quo Warranto, compelling Brett Sutton to demonstrate by what authority he has for claiming and exercising the right, power, or franchise he claims to hold, whereby he falsely and misleadingly declares that there was/is any global scientific-virology-medical-scientific papers produced, describing the Isolation and Purification and Characterisation of ‘ANY’ SARS-COV2 Virus from ANY human being anywhere in the world with an ALLEGED Covid-19 infection.

This is a LAWFUL obligation upon ANY Chief Health Officer and failure is a Criminal Act of commission and omission as cited; of producing criminal False and Misleading Information and criminal deliberate Misrepresentation or Concealment.

PRIVATE CRIMINAL INDICTMENT AUTHORITY: Under the Commonwealth CRIMES ACT 1914 - SECT 13 (a) **Institution of proceedings in respect of offences:** Unless the contrary intention appears in the Act or regulation creating the offence, **any person may:** (a) **institute proceedings for the commitment for trial of any person in respect of any indictable offence against the law of the Commonwealth.**

The following private criminal felony indictment is applied for by Glenn Floyd following failure and refusal by Vincent Rizzo Detective Senior Constable 40491 Moreland Crime Investigation Unit Victoria Police Australia, to conduct criminal investigation of Brett Sutton Chief Medical Officer Victoria ; on evidence presented as requested. This was formally and officially requested on repeated occasions including but not limited to Brief of Evidence informed to him on [Thursday, 24 June 2021 2:25 PM](#) and constitutes police misconduct to be heard in this hearing.

This private criminal felony indictment charge application includes information or other processes setting out the offences with which Defendant Brett Sutton is to be officially examined as committing before the court, seeking conviction of the offences cited.

The criminal acts of indictable felony offences shown herein against the Constitution and statute law cited herein and people of the Commonwealth, committed by Brett Sutton include, but are not limited to:

- **Providing False and Misleading Reports and Information, Criminal Code Act 1995 Division 137—False or misleading information or documents, 137.1 False or misleading information, 137.1A, Aggravated offence for giving false or misleading information, 137.2 False or misleading documents. Penalty: Imprisonment for 12 months.**
- **Direct and coerced Interference with the exercise or performance of an Australian democratic or political right or duty; and the Constitution or a law of the Commonwealth. Penalty: Imprisonment for 3 years. Criminal Code Act 1995: 83.4 Interference with political rights and duties. (1) A person commits an offence if: (a) the person engages in conduct; and**

(b) the conduct involves the use of **force** or violence, **or intimidation, or the making of threats of any kind**; and (c) **the conduct results in interference with the exercise or performance, in Australia by any other person, of an Australian democratic or political right or duty; and (d) the right or duty arises under the Constitution or a law of the Commonwealth, (namely the Criminal Code Act 1995: 83.4.)** Penalty: Imprisonment for 3 years.; AND

- **Direct and coerced UNLAWFUL forced Civil Conscription of the a Medical Service (Face-Masks and other measures), which impermissibly contravenes the provisions of the [COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 51\(xxiiiA\)](#).**
- **Several breaches of the [Federal Biosecurity Act no. 61, 2015 Compilation No. 8, 25 March 2020](#), of ultra vires **exercising of powers more restrictive or intrusive than is required**. Including offences under [Section 60 \(2\)](#), of **unlawfully imposing human biosecurity control orders on individuals which may only be imposed** if the officer is satisfied that: (a) the individual has one or more **signs or symptoms of a listed human disease**; or (b) the individual has been exposed to: (i) a listed human disease; or (ii) **another individual who has one or more signs or symptoms of a listed human disease**, (NB. A person may RT-PCR ‘test’ positive or negative is not a symptom and both can be shown when Asymptomatic).**
- **Misfeasance In Public Office, in tortious ‘statutory wrong’ acts of misfeasance in an unauthorised and ultra vires exercise of government powers or functions including ‘(i) **invalid or unauthorised acts forbidden by law of both illegal conduct (eg fabrication of evidence, forgery, and cover-ups)** and technical instances of illegality as understood in judicial review proceedings citation of: [NORTHERN TERRITORY OF AUSTRALIA AND OTHERS v. ARTHUR JOHN MENGEL AND OTHERS 1995 HCA](#). Viz.

 - a. **Brennan J: held** (at 8.) “[T]he purported exercise of power must be invalid, either because there is no power to be exercised or **because a purported exercise of the power has miscarried by reason of some matter which warrants judicial review and a setting aside of the administrative action**.”
 - b. **Deane J held** (at 370-371) “that the mental element for misfeasance of public office could be established where the relevant act was done with one of the following mental states: (i) “**with knowledge of invalidity or lack of power and with knowledge that it would cause or be likely to cause such injury**”;**

or (ii) “with reckless indifference or deliberate blindness to that invalidity or lack of power and that likely injury.

Absent such an intention, **such knowledge and such reckless indifference or deliberate blindness, the requirement of malice will not be satisfied”.**

Citizens are entitled to inestimable damages awards for direct personal injury as a result of negligence or fault that are governed by the provisions of the [Wrongs Act 1958 \(VIC\)](#), where Part VBA of the Wrongs Act ALSO allows for the recovery of damages for non-economic loss, including pain and suffering, loss or enjoyment of life or loss of amenities of life.

Part II: The grounds of the application are that Brett Sutton Victorian Chief Health Officer, committed/commits continuous criminal acts (of commission and omission), of criminal False and Misleading Information and criminal deliberate Misrepresentation or Concealment in publicly declaring that a RT-PCR ‘tests’ positive/negative result proves Covid-19 coronavirus exists, or a RT-PCR ‘tests’ pandemic exists whereby the evidence therefrom being RT-PCR ‘tests’ showing ‘CASES’ as definitive scientific proof.

And where no such cause and effect is substantiated proof by such false and misleading, and misrepresenting and concealing methods, schemes or processes.

There is no global scientific-virology-medical-scientific paper ‘WHATSOEVER’ produced anywhere in the world, describing or proving the [Isolation and Purification and Characterisation of ‘ANY’ SARS-COV2 Virus from ANY human being anywhere in the world with an ALLEGED Covid-19 infection.](#)

“The Victorian Chief Health Officer Brett Sutton SOLELY, deliberately falsely relies upon the flawed RT-PCR ‘test’ where the numbers of cycles have never been recorded for any RT-PCR ‘test’ by any public health officer in Tasmania, or by any of the public authority’s servants or agents anywhere in Australia relative to the alleged COVID-19 pandemic.

If this ‘numbers of cycles’ test is not done, no pathogen can be said to exist.

The definitive FOI Requests from the Tasmanian government as follows, verifies the numbers of cycles have never been recorded for any RT-PCR ‘TEST’ by any Public Health Officer in Tasmania, or by any of the public authority’s servants or agents anywhere in Australia relative to the alleged covid-19 pandemic:

i. <http://www.vaxrisk.org/FLOYD-CROTHERS-INDICTMENT-PCR.pdf> and,

ii. <http://www.vaxrisk.org/FLOYD-CROTHERS-INDICTMENT-FOI.pdf>

DUAL CRIMINAL FELONY ACTS BY CHIEF HEALTH OFFICER BRETT SUTTON:

1. There was/is no global scientific-virology-medical-scientific paper produced 'ANYWHERE WHATSOEVER', describing [the Isolation and Purification and Characterisation of 'ANY' SARS-COV2 Virus from ANY human being anywhere in the world with an ALLEGED Covid-19 infection.](#)

This is a LAWFUL obligation upon ANY Chief Health Officer and failure are Criminal Felony Acts of Commission and Omission as cited, of producing False and Misleading Information and Reports and criminal deliberate Misrepresentation or Concealment.

2. THE USE OF THE RT-PCR TEST TO DELIBERATELY PROVIDE CRIMINAL FALSE AND MISLEADING INFORMATION AND CRIMINAL DELIBERATE MISREPRESENTATION OR CONCEALMENT:

NO RT-PCR 'test' will NEVER find a virus at all. This flawed process is NOT a test, it is DELIBERATELY chosen BECAUSE it can only detect A UNIQUE VIRAL 'FRAGMENT' THEREOF, and repeatedly (up to 95% of cycles) reveals 'FALSE' positives.

Governments intentionally and deliberately chose to obscure the scientific FACT of no observable-definitive actual virus (and NOT just a virus fragment) found. They are scientifically DELIBERATELY falsifying and concealing and misrepresenting by stating the RT-PCR 'test' proves an infection of SARS-COV-2 or Covid-19 exists.

Of greater DELIBERATE fundamental scientific criminal Falsifying and Misleading and criminally Misrepresenting or Concealing the truth, the RT-PCR 'test' cannot report anything about the 'CAUSE' of 'ANY' disease, which is the crux of the criminal Falsifying and Misleading and criminally Misrepresenting or Concealing acts constantly perpetrated.

This required definitive scientific declaration that a single infection OR A PANDEMIC infection results from any RT-PCR 'test' result, can only be achieved if the RT-PCR 'test' is run under strict laboratory 'In Vitro' protocols; AND THIS IS 'NEVER' DONE BY 'ANY' HEALTH AUTHORITY.

ALL RT-PCR 'TEST' RESULTS DECLARED AS 'CASES', ARE FALSELY CLASSIFIED AS COVID INFECTIONS, AND ARE DELIBERATELY SCIENTIFICLY CRIMINALLY FALSIFIED, AND ARE ACTS OF CRIMINALLY MISLEADING AND MISREPRESENTING OR CONCEALING FACTS.

In the ABSENCE of a unique 'primer' for the RT-PCR 'test', (i.e. the genetic sequence of a fragment of virus or a unique protein associated with it the 'primer'), it is NOT possible for the RT-PCR 'test' to detect virus presence. Such a primer can only be obtained from a purified isolate of the alleged pathogen from which the genetic sequence of the fragment can be ascertained, and they do 'not' do this, which are criminal acts of falsifying and misleading and misrepresenting or concealing science facts.

More damningly, as shown; no purified isolate of the alleged SARS-CoV-2 'virus' HAS EVER BEEN REPORTED IN ANY SCIENTIFIC LITERATURE IN THE WORLD. So there is no scientific basis to any of the claims made for detection of SARS-COV-2 in any alleged COVID-19 infected patient.

The ONLY scientific methodology there is to definitively PROVE SARS-COV-2 and caused COVID-19 exists in ANY patient is 'In Vitro' testing, performed or taking place in a test tube, culture dish, or elsewhere outside a living organism; and this is NEVER done. This failure to take this mandatory 'science-evidence' test is DELIBERATE, because it would reveal SARS-COV-2 and COVID-19 has NEVER been shown to exist in ANY patient on earth via this FRAUDULENT RT-PCR 'test'.

Furthermore, the PCR is not QUANTITATIVE, it is only QUALITATIVE and cannot say anything about 'viral load'.

It can only say that after n cycles there is 2^n times the original amount produced by the RT-PCR 'test' - which is merely just an amplifier and not a definitive evidence base. And if the number of cycles run on the RT-PCR 'test' is not recorded then the report on RT-PCR 'test' output is worthless. In addition, it is accepted science that high numbers of cycles run, renders the RT-PCR 'test' report utterly worthless.

In summary: no purified isolate of the alleged SARS-CoV-2 has ever been reported in ANY scientific literature, consequently, there is no possibility for a genetic sequence of it, or any fragment of it having ever been determined; as a result, there is no valid RT-PCR primer available to the RT-PCR 'test'.

In Australia it is apparent that the number of cycles has NEVER been recorded for any 'alleged' RT-PCR 'test' by any public health authority, be the outcome positive or negative, so ALL reports of positive or negative are, again, criminally BLATANTLY FALSE. The Australian departments of health do not even know what primer is being used in any of the RT-PCR 'test' kits they are using, so yet again, all their claims of positive or negative COVID-19 'tests' are blatantly false.

Of ‘profound importance globally in this RT-PCR ‘test’ fraud, is the ‘definitive statement from the [12/01/2020 USA Centers for Disease Control AND Prevention \(CDC\) report \(page 40 refers\)](#) that: QUOTE: “**Detection of viral RNA may not indicate the presence of infectious virus or that 2019-nCoV is the causative agent for clinical symptoms**”

ENDQUOTE. It is a Criminal Felony act to declare any RT-PCR ‘test’ Detection of viral RNA, is a Covid Infection OR that ANY CASE declared by the test is a Covid Infection.

Further evidence of Brett Sutton’s failure will be submitted when ‘Discovery’ subpoenas are issued in conjunction with this Writ of Summons application, which will confirm (as the [Tasmanian Government 12 May 2021 FOI response reveals](#)), no legitimate-appropriate-authoritative RT-PCR 'test' have ever been done in Australia.

“The Victorian Chief Health Officer Brett Sutton, therefore, has failed at science, has FUNDAMENTALLY failed at medicine, has failed at widespread health management and protection obligations responsibility, has failed at law; and these gross failings are prima facie criminal felony acts as described herein.

Part III: Reasons why the application should not be remitted to another court are:

1. There are no more destructive criminal felony acts perpetrated upon a living population in the history of Australia, or the world and these felony crimes must be examined in the Federal Court and High Court of Australia. The massive damage is major economic, widespread social-disruption, resulting in death, injury and civil-society collapse from utterly unnecessary police-enforced curfews, lockdowns, quarantines, face-mask-wearing, and the like, all are hideous ultra vires destructive OVERREACH.
2. Chief Health Officer Brett Sutton by issuing False and Misleading Information and Reports by **DELIBERATE acts of commission, and omission in knowing that the information is false or misleading, or omits any matter or thing without with, the information is misleading commits criminal felony acts.**
3. The Honourable David Hurley AC DSC, Governor-General of the Commonwealth of Australia **DID NOT DECLARE A PANDEMIC in Australia; he merely decreed a pandemic ‘POTENTIAL’ exists.** The Governor General Hurley’s pronouncement was decreed [18 March Biosecurity \(Human Biosecurity Emergency\) \(Human Coronavirus with Pandemic Potential\) Declaration 2020](#) which ‘explicitly’ lawfully decrees three important factual conditions exist such as: (1) A Human Coronavirus with **Pandemic ‘Potential’**, (2) **It is fatal in some cases**, (3) **It is a severe and immediate threat to human health on a nationally significant scale.**

The consequence of this decree was that the factual evidence of any PANDEMIC existing, and its thorough management; was placed lawfully upon State Chief Health Officers such as Sutton. Furthermore, this heavy responsibility was directly governed by each State Chief Health Officer under the Federation where States administer ALL health programs.

4. There is only ONE Federal overriding legal obligation upon Sutton in a national PANDEMIC emergency, and that is MANDATED by [the Australian Health Management Plan for Pandemic Influenza](#). THIS LEGAL OBLIGATION, DEMANDS that Sutton devise science-based medical responses where he is obliged to do scientific-epidemiological-pandemic studies to PROVE A PANDEMIC & CATASTROPHIC DEATH-RISK EXISTS OR IS IN CONTROL OR OUT OF CONTROL.

He did none!

BRETT SUTTON BREACH OF LAWFUL OBLIGATIONS ARE AS FOLLOWS:

The Chief Health Officer is lawfully bound (and failed) to implement, the following actions under the Australian Health Management Plan for Pandemic Influenza:

- ✚ **the use of existing systems and governance mechanisms**, particularly those for seasonal influenza.
- ✚ **evidence-based** decision making.
- ✚ **monitor the emergence of diseases with pandemic potential and investigating outbreaks if they occur.**
- ✚ **identify and characterise the nature of the disease.**
- ✚ **ensure a proportionate response.**

ALL of these lawful obligations are violated by Sutton; and no such definitive scientific-epidemiological-medical studies to PROVE a pandemic & catastrophic death-risk exists, have been conducted by Sutton as lawfully required. Furthermore, ANY epidemiological-health risk and/or pandemic now, and particularly truer in January-March 2020, when this ‘alleged’ risk and pandemic was merely inferred, then and now; THERE WAS/IS:

- i. no [RT-PCR (test) proven] ‘Hard-evidence’ of Mass-scale actual lethal pathogen existence, such as new/novel Ebola, Cholera, Bubonic Plague etc. OR lethal NEW/NOVEL alleged Corona Virus:
- ii. no [RT-PCR (test) proven] ‘Hard-evidence’ of Mass-scale exponential growth of pathogens.

- iii. no [RT-PCR (test) proven] ‘Hard-evidence’ of exponential growth of mass-contagions,
- iv. no [RT-PCR (test) proven] Hard-evidence’ of exponential growth of mass-virulence,
- v. no [RT-PCR (test) proven] Hard-evidence’ of exponential growth of mass-infections,
- vi. no [RT-PCR (test) proven] ‘Hard-evidence’ of exponential growth of mass-deaths,
- vii. no [RT-PCR (test) proven] ‘Hard-evidence’ of exponential growth of mass-decline in recoveries recorded at all.

Part IV: The factual background to the writs application is that the Chief Health Officer not only DID NOT EVER conduct definitive EVIDENCE-BASED scientific-medical tests or processes (including the MANDATORY regime he was lawfully bound to test, a breach of his obligations under the [Australian Health Management Plan for Pandemic Influenza](#)), but he utterly failed the MANDATORY appropriate RT-PCR ‘test’ regime completely. This devastating failure is that the numbers of cycles have never been recorded for any RT-PCR ‘test’ by any public health officer in Tasmania, or by any of the public authority's servants or agents anywhere in Australia relative to the alleged COVID-19 pandemic. If this ‘numbers of cycles test, is not done; no pathogen can be said to exist.

The definitive FOI Requests from the Tasmanian government as hereunder follows, verifies the numbers of cycles have never been recorded for any RT-PCR ‘test’ by any public health officer in Tasmania, or by any of the public authority's servants or agents anywhere in Australia relative to the alleged COVID-19 pandemic:

- i. <http://www.vaxrisk.org/FLOYD-CROTHERS-INDICTMENT-PCR.pdf> and,
- iii. <http://www.vaxrisk.org/FLOYD-CROTHERS-INDICTMENT-FOI.pdf>

Part V: The plaintiff’s arguments in support of the application are the MATERIAL FUNDAMENTAL STATEMENTS OF FACTS of any/all science in viral or epidemiological control or medicine; Viz.

1. The Victorian Chief Health Officer, Brett Sutton, relies SOLELY upon use of some RT-PCR ‘test’ amplifier kit application, thereof falsely referred to publicly as a medical diagnostic ‘test’, either explicitly or implicitly; and applied to a ‘patient’ swab sample.

In this sample, the numbers of cycles in application thereof, have NEVER BEEN RECORDED for any RT-PCR 'test' by the department of Health Tasmania (following Right to Information Act application shown above), or by any of the public health authorities or their servants or agents anywhere in Australia employing PCR kits relative to the alleged COVID-19 pandemic.

In the absence of recorded numbers of cycles for each and every alleged 'test', be the PCR return alleged positive or negative, all such alleged returns are scientifically worthless and all such said 'test' result claims are false and misleading representations, and scientific criminally falsified and misleading and misrepresenting or concealing acts.

2. The Victorian Chief Health Officer, Brett Sutton, relies upon no peer-reviewed published scientific papers that prove purified isolation of the alleged SARS-CoV-2 virus. Without a purified isolate of the alleged virus, it is NOT possible to ascertain genetic sequence of any fragment of the alleged virus, and therefore, not possible to prime any RT-PCR 'test' amplifier for sensitivity thereto.

Without the MANDATORY required 'primer', all claims for negative or positive to COVID-19 infection are scientifically worthless and consequently all claims of positive or negative 'test' outcomes are false and misleading representations.

3. Without the necessary primer for the RT-PCR amplifier, the Victorian Chief Health Officer, Brett Sutton, does not even know what the public authority, its servants or agents are testing for by using RT-PCR kits. Consequently, all claims for negative or positive to COVID-19 infection ARE SCIENTIFICALLY BASELESS AND WORTHLESS.

And consequently, all claims of EITHER positive or negative 'test' outcomes, are:

- Criminal acts, under statute [Criminal Code Act 1995 Division 137—False or misleading information or documents, 137.1 False or misleading information, 137.1A, Aggravated offence for giving false or misleading information, 137.2 False or misleading documents.](#)
- Criminal acts, under statute [Criminal Code Act 1995: 83.4 Interference with political rights and duties,](#)
- Criminal acts of direct and mandatory UNLAWFUL forced Civil Conscription of the a Medical Service (Face-Masks and other measures) which impermissibly contravenes the provisions of the [COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 51\(xxiiiA\),](#)

- Criminal acts of breaches of the [Federal Biosecurity Act no. 61, 2015](#) [Compilation No. 8, 25 March 2020](#), of ultra vires exercising of powers more restrictive or intrusive than is required. Including offences under [Section 60 \(2\)](#), of unlawfully imposing human biosecurity control orders on individuals
 - Criminal acts of Tortious Misfeasance In Public Office as cited.
4. ANY epidemiological-health risk and/or pandemic stated as existing now, and particularly truer in January-March 2020, when this ‘alleged’ risk and pandemic was merely inferred, (THEN AND NOW); with this failed RT-PCR 'test' used; THERE WAS/IS:
- no [RT-PCR (test) proven], ‘Hard-Evidence’ of Mass-scale actual lethal pathogen existence, such as new/novel Ebola, Cholera, Bubonic Plague etc. OR lethal NEW/NOVEL alleged Corona Virus or Covid-19 virus or disease:
 - no [RT-PCR (test) proven], ‘Hard-Evidence’ of Mass-scale exponential growth of pathogens.
 - no [RT-PCR (test) proven], ‘Hard-Evidence’ of exponential growth of mass-contagions,
 - no [RT-PCR (test) proven], ‘Hard-Evidence’ of exponential growth of mass-virulence,
 - no [RT-PCR (test) proven], ‘Hard-Evidence’ of exponential growth of mass-infections,
 - no [RT-PCR (test) proven], ‘Hard-Evidence’ of exponential growth of mass-deaths,
 - no [RT-PCR (test) proven], ‘Hard-Evidence’ of exponential growth of mass-decline in recoveries recorded at all.
5. Victorian Chief Health Officer, Brett Sutton knows current (7 July 2021 W.H.O. reported) global human Covid-19 deaths, demonstrate that 99.96% of ALL covid infected fully recover and is acknowledged evidence a 99.96% full recovery rate CANNOT be classified as a PANDEMIC.
6. Victorian Chief Health Officer, Brett Sutton knows current (7 July 2021 W.H.O. reported) global human Covid-19 infections, demonstrate that 99.93% of ALL covid infected experience MILD-FLU symptoms and fully recover and is acknowledged evidence MILD-FLU infection rates CANNOT be classified as a PANDEMIC.

7. Victorian Chief Health Officer, Brett Sutton knows current (7 July 2021 W.H.O. reported) global human Covid-19 deaths demonstrate that the 0.04% of ALL covid death rates is acknowledged evidence that such a miniscule known pathogen death rate (of four-hundredths of 1%) CANNOT be classified as a PANDEMIC.
8. Victorian Chief Health Officer, Brett Sutton knows current (7 July 2021) that U.K. prime Minister Boris Johnson revoked hundreds of fraudulent Covid regulations of social distance, lockdowns, masks etc. and makes England the most unrestricted society in Europe. This monumental truthful acknowledgement that this Covid-Hoax is ONLY a mild-flu and that the U.K. 40,000 new CASES per day was LIED about as being infections when it NEVER was, and the 68 MILLION U.K. population is at far greater severe risk from fraudulent response measures that were NEVER needed and had no impact whatsoever on this Corona virus mild-flu.
9. Under 59 Freedom Of Information responses from Global Chief Health Officers, (including Tasmania cited, [(1) <http://www.vaxrisk.org/FLOYD-CROTHERS-INDICTMENT-PCR.pdf> & <http://www.vaxrisk.org/FLOYD-CROTHERS-INDICTMENT-FOI.pdf>]; there is no global scientific-virology-medical-scientific paper produced 'WHATSOEVER', describing the Isolation and Purification and Characterisation of 'ANY' SARS-COV2 Virus from ANY human being anywhere in the world with an ALLEGED Covid-19 infection.
10. Victorian Chief Health Officer, Brett Sutton knows current (7 July 2021 Australian reported three deaths cases in the past eight-months (in our 25MILLION population which is 0.000012%)), demonstrates that three single death cases in eight months, is acknowledged evidence that such a miniscule known death rate (of one-hundred-thousandths of 1%) CANNOT be classified as a PANDEMIC.

Part VI: The reasons why an order for costs should not be made in favour of the defendant in the event that the application is refused, are there has been no more destructive act in Australia's history to our social cohesion, businesses our economy, our daily existence by Sutton by his deliberate criminal acts.

There have been no more destructive Ultra Vires criminal acts by governments globally in response to their (Sutton-decreed) Covid Pandemic Falsehood and it sits paramount as a historical Public Interest case that MUST be heard and taken to the High Court of Australia with no cost barriers to the aggrieved plaintiff who acts for ALL Australians.

These Criminal Indictable Felony Offences must be examined ultimately by the Full Bench of the High Court of Australia because they also breach the Australian Constitution. Moreover, Brett Sutton by his criminal felony acts, has totally destroyed the business of the plaintiff where 2020/2021 TOTAL INCOME has been completely OBLITERATED, and ALL profits DESTROYED; and whose full business losses amount to \$8,208 from life savings for the 2021 financial year.

Part VII: The list of authorities on which the plaintiff relies:

- c. [Criminal Code Act 1995 Division 137—False or misleading information 137.1, False or misleading information 424, 137.1A, Aggravated offence for giving false or misleading information 425, 137.2 False or misleading documents.](#)
- d. [COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 98 Trade and commerce](#) includes navigation and State railways.
- e. [Biosecurity Act 2015 No. 61, 2015 Compilation No. 8 25 March 2020](#)
- f. [COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 51\(xxiiiA\)](#)
- g. [COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 109 Inconsistency of law.](#) When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.
- h. [Criminal Code Act 1995: 83.4 Interference with political rights and duties.](#)
- i. [Public Health and Wellbeing Act 2008 and Public Health and Wellbeing Act 2008/9](#)
Viz. [VICTORIA 2019-2020 fines and penalties for Public Health and Wellbeing Act 2008 and Public Health and Wellbeing Act 2009](#) **Viz.**

210 False or misleading information (1) (c) - A person **must not** - produce a document that is false or misleading in a material particular - to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information - Natural person

<u>210 False or misleading information</u> (1) (c) - A person <u>must not</u> - produce a document that is false or misleading in a material particular - to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information - Body corporate.
<u>210 (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading - Natural person</u>
<u>210 (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading - Body corporate</u>
<u>211 Destroying or damaging records - Natural person</u>
<u>211 Destroying or damaging records - Body corporate</u>

Part VIII: The statutory and constitutional provisions, applicable to the questions the subject of the application sets out verbatim are:

- i. [COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - 1901](#)
 - ii. [Criminal Code Act 1995 Division 137—False or misleading information 137.1, False or misleading information 424, 137.1A, Aggravated offence for giving false or misleading information 425, 137.2 False or misleading documents.](#)
 - iii. [COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 109 Inconsistency of law.](#) When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.
 - iv. [Criminal Code Act 1995: 83.4 Interference with political rights and duties.](#)
 - v. [Public Health and Wellbeing Act 2008 and Public Health and Wellbeing Act 2008/9](#)
- Viz. [VICTORIA 2019-2020 fines and penalties for Public Health and Wellbeing Act 2008 and Public Health and Wellbeing Act 2009](#) **Viz.**

<u>210 False or misleading information</u> (1) (c) - A person <u>must not</u> - produce a document that is false or misleading in a material particular - to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information - Natural person
<u>210 False or misleading information</u> (1) (c) - A person <u>must not</u> - produce a document that is false or misleading in a material particular - to the Secretary, a Council, the Chief

Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information - Body corporate
<u>210 (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading - Natural person</u>
<u>210 (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading - Body corporate</u>
<u>211 Destroying or damaging records - Natural person</u>
<u>211 Destroying or damaging records - Body corporate</u>

Dated 7 July 2021



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Plaintiff

To:

The Defendants: Brett Sutton **First Defendant**

Vincent Rizzo **Second Defendant**

TAKE NOTICE: Before taking any step in the proceeding you must, within **14 DAYS** from service of this application enter an appearance and serve a copy on the plaintiff.

The plaintiff is self-represented.