

## Dr. Judy Wilyman's Response to Peter Bruce McIntyre's Comments

24 September 2018

I have provided here the reasons why Peter McIntyre's submission should be considered ineligible for the [REDACTED] court proceedings. This report provides the false and misleading information that Peter McIntyre has provided about my qualifications and research in his sworn affidavit and in the media article in the Sydney Morning Herald (SMH) (23 September 2018) that included quotes from my affidavit that had been leaked to the journalist before this case has been heard in court.

The first knowledge that the respondent had of the inclusion of a submission from Peter McIntyre was from the mainstream media (published on 23 September 2018) seven weeks after the case was set to be heard in the Federal Circuit Court (1 August 2018).

I became aware from the SMH article that the ex-director of the government's NCIRS of 20 years (7 as deputy-director and 13 as director), Peter McIntyre, had been drafted to submit an affidavit for the applicant in these court proceedings. I was away on a long-weekend when the journalist contacted me (21 September 2018) about his intentions to write an article about my affidavit that he published on the 23 September 2018.

My affidavit for the respondent was submitted on 12 July 2018 and these proceedings were due to be heard in the Federal Circuit Court on 1 August 2018. The hearing was postponed until December 2018 due to the applicant's solicitor being sick.

I heard about Peter McIntyre's late submission in the court proceedings in a derogatory article about my research in the Sydney Morning Herald (SMH) published on 23 September 2018. This article was titled '*Anti-vaccination activist turns expert witness in family court immunisation brawl*' yet Peter McIntyre's affidavit was not submitted in the court proceedings until the 24 September 2018.

The SMH journalist, Kylar Loussikian, was quoting from my affidavit in the mainstream media even though this case is still to be heard in the Federal Circuit Court. He also presented quotes from Peter McIntyre that denigrated my research with false information. I was not

given an opportunity to respond to this article before it was published in the mainstream Australian media. This article presented false and misleading information about my research and my qualifications for the sole purpose of attempting to discredit my evidence before this case was heard in court.

On the 26 September 2018 I received an email from the respondent's lawyer providing me with a copy of Peter McIntyre's affidavit and informing me that the leaking of my affidavit to journalists was a breach of Section 121 of the Family Law Act. This may also be considered a criminal offence. It is of concern to me that the author of this affidavit who has been drafted into the court proceedings out of time is quoted in a media article that includes comments from my leaked affidavit.

In the SMH article Peter McIntyre provides false information about my academic qualifications. The article also included inaccurate labels to frame me as an extreme activist instead of an independent academic presenting my research findings on a scientific issue. I will firstly address the false comments that have been used in the SMH article to present me as a non-objective witness in these court proceedings. In the article the journalist referred to me as a 'prominent (militant) anti-vaccination activist' but there is no evidence to support this statement.

I am a teacher and parent presenting that academic literature that shows the serious risks associated with vaccines and the undone science in the government's claims of safety and efficacy of vaccines. I support the right for parents to choose how many vaccines they use in their own and their children's bodies. This makes me someone who has investigated the medical literature and is arguing for choice in vaccination like all other medical procedures *based on the scientific-evidence*.

Kylar Loussikian, the journalist of the SMH article, falsely informed the public that this court case was 'heard before the Federal Circuit Court in Brisbane earlier this year'. He has also provided false information about my qualifications to speak on the topic of vaccination and some of this false and misleading information has been provided by Peter McIntyre which I will address below.

Kylar Loussikian has previously published false and misleading comments by Peter McIntyre in the Australian newspaper two days after my PhD thesis was awarded and published on the

University of Wollongong website (10 January 2016). Loussikian's article appeared in the Australian newspaper and was titled 'WHO expert withdraws offer of advice to anti-vaxer' (13 January 2016). These comments were false and unsupported and there was no attempt by the journalist to determine the accuracy of Peter McIntyre's claims.

Another article has also appeared in the Medical Journal of Australia (MJA) Insight on 8 October 2018 by Jane McCredie that re-states Peter McIntyre's false comments about my qualifications. This journalist also adds her own unsupported comments about my research and she has also written previous inaccurate articles about my university research. This article by McCredie is titled '*Academic Sanction of Immunisation Claim has lasting Consequences*'. She claims that there was no oversight of my research by scientists before it was examined in the field of social sciences (social medicine). On the contrary, my thesis was sent to several scientists in the field of public health and vaccination science before it was examined by international academics in the field of social science. This is why the University of Wollongong is standing by this research.

The claim by Peter McIntyre and Jane McCredie that my thesis is a 'highly selective and poorly informed review of the literature' is false and unsupported. The focus of my thesis is on the undone science in government vaccination policies not a selective review of the literature. Specifically it investigated the rigor in the clinical trials used to claim that vaccines are safe and effective. I investigated the design of the safety trials to see if they were properly designed using an inert placebo in the unvaccinated trial group. These properly designed causality studies must be performed in statistically powerful clinical trials over an appropriate time period before governments can claim that vaccines are 'safe'.

My research found that clinical trials using a true inert placebo do not exist. Vaccines are not tested using a true inert placebo in the unvaccinated group. Vaccines are tested using the aluminium adjuvant that is in the vaccine or they use a previously marketed vaccine as the placebo in the clinical trials. Most clinical trials also do not monitor adverse health outcomes for longer than days or weeks after vaccination. Hence the trials do not include the latent adverse health effects from vaccines that are known to develop months or years after receiving the vaccine.

Whilst there can be legitimate reasons for using these substances as placebos they cannot be used as placebos in clinical trials to prove 'safety' of the vaccine. This is because they are

known to be reactive in the human body and they do not give a true comparison of the health outcomes from vaccinated and unvaccinated trial groups. Further, Peter McIntyre admitted in 2013 that there are no clinical trials in statistically powerful human or animal studies that have tested the entire schedule of vaccines recommended by the government for safety. The absence of this study is critical to the determination of the safety of the government's national immunisation program.

If the government cannot produce evidence that vaccines are trialled using an inert placebo in statistically powerful clinical trials over a time period of 5-10 years then it is not possible for governments to claim that the vaccine schedule is safe in all infants in genetically diverse populations. The government is not using evidence-based medicine for this claim but an absence of evidence to make this claim.

My affidavit for this case requests that the government provides this hard scientific evidence if the Federal Circuit Court decides to recommend that the applicant vaccinate his children *in their best interest*.

My PhD research has been scrutinised by the most rigorous experts in the world because it is openly available on the UOW website and UOW is standing by this research. The criticisms that Peter McIntyre has made in his affidavit are an attack on my academic credentials with false and misleading information. He also does not produce the properly designed causality studies and the evidence of children's health that would prove that the government's vaccination program that mandates 16 vaccines is a 'protective' health program.

Professor Peter McIntyre, ex-director/deputy of the NCIRS (20 years), has provided false information about my qualifications obtained at the University of Wollongong. He claims that all of my research 'was conducted outside Health Sciences and Public Health'. This is not correct.

I completed my Master of Science degree (Population Health) whilst enrolled in the School of Public Health and the Faculty of Health Sciences at UOW. I received my Master of Science degree with Distinction with a Major Research Project on the use of whooping cough vaccine in Australia (High Distinction) in 2007. The fact that it was performed in the Health Sciences at UOW is verified on the cover page of the [publication of my major research project](#).

Here are some facts about the completion of my PhD degree at UOW:

1. When I completed this degree, Professor Heather Yeatman was the head of the School of Public Health (as she still is today) and I asked to continue my public health research with a PhD investigating the government's vaccination program in the School of Public Health.
2. Professor Heather Yeatman informed me that I would have to do this research in the School of Social Sciences because the control of infectious diseases is a political topic.
3. The control of infectious diseases is described as social medicine. Infectious diseases were controlled in the early 20th century by economic and political decisions regarding the installation of public health infrastructure to change environmental and lifestyle characteristics. These factors are determinants in the outbreaks of infectious diseases in communities. In 2014 the UOW moved the School of Public Health into the Faculty of Social Sciences where it is today.
4. Peter McIntyre has attempted to denigrate my research and teaching in the Environmental Science Department at Murdoch University (2008-2010) by associating my work with events that happened to Dr. Peter Dingle. These events were irrelevant to my PhD research that was carried out from 2011-2015 at the University of Wollongong. This was supervised by Emeritus Professor Brian Martin.
5. I am not made aware of any academics in my field of research who complained to Peter McIntyre about 'inadequate supervision' or 'poor practices around research evidence'. Please request that he provide you with any evidence for this claim.
6. In 2009 I sent a summary of my [whooping cough vaccine research](#) to the Public Health Association of Australia (PHAA) for publication in their newsletter. The PHAA drafted Peter McIntyre to write a response to my article and both were published (side-by-side) in the PHAA newsletter April 2009. My article was fully referenced. However, this PHAA newsletter does not require references and Peter McIntyre did not provide me with a fully referenced copy of the claims he made in his response article. To date I have not seen references that support his claims that were published in 2009. This is important because any references used to support his claims that are published *after* 2009 can be designed from an apriori position.
7. At this time (2009) Peter McIntyre asked me to attend the NCIRS to present my research. He said he would ask his secretary to make a time and date for this to occur.

However, I did not receive any notification of a date or time from his secretary. This was witnessed by academics at Murdoch University. Please ask him to provide evidence that I turned down this opportunity as I was grateful to receive such an invitation but he never provided me with a date or time for this to occur.

8. Please also ask him for the evidence that 'JW was not willing to take part in any objective scrutiny of the evidence.' My PhD thesis describing the evidence I have presented is published on the UOW repository with open access for this purpose. In contrast Professor Peter McIntyre did not give permission for his 1994 PhD on the HIB vaccine to be published in open access in the University of Sydney repository when I requested this in July 2016 (Appendix 1). Peter McIntyre's PhD thesis is only accessible to students who request the thesis via document delivery and not to the general community for open scrutiny of the science.
9. Further Peter McIntyre, along with ~45 other government and public health officials, declined to attend a public forum at the [University of Technology, Sydney](#) in October 2015 to debate the science in the government's vaccination policies. This evidence supports the conclusion that it is Peter McIntyre who is not willing to take part in objective scrutiny of the science.
10. Peter McIntyre admits in his affidavit to being the author of a letter presented by the lobby group, the Friends of Science in Medicine, to the University of Wollongong that requested the removal of my PhD in January 2016. This letter questioned the quality and validity of acceptance of my PhD by UOW. This was done in January 2016 - one week after my thesis was published on the UOW website and this did not allow time for these activists to have read or debated the scientific arguments in my PhD thesis. Please note that Peter McIntyre's request to remove the PhD failed because all the correct procedures were followed for the assessment of my PhD and because the scientific arguments I have presented are supported by academics at both national and international universities.
11. PM's claim in his affidavit that my expertise is confined to 'consideration ...of deficiencies about how policy is made' is false. Not only does Peter McIntyre agree that there are deficiencies in this area but he makes false assertions about the focus of my investigation into vaccination policies. My PhD investigates the undone science in government vaccination policies and not a 'presentation of pre-conceived notions with selective citation of references' as Peter McIntyre has inaccurately claimed.

12. As described in my affidavit presented in this case, it is the government that is using selective references to support the use of vaccines in mandatory and coercive vaccination policies. Peter McIntyre's claims about my research are made by ignoring the evidence and arguments that myself and many others are presenting.
13. The reference in PM's affidavit to Wikipedia and to the UOW website to claim that these official channels are disputing my scientific arguments is deceptive and inaccurate. This is because powerful industry lobby groups have influence in these official channels for disseminating knowledge. These channels are being misused to educate the public using false and misleading claims about vaccines. This practice is known as agnotology and it is the promotion of cultural ignorance due to the propagation of unsupported claims about vaccines. The evidence for this is provided in my PhD thesis in Chapters 8 and 6.
14. An example of the agnotology that is occurring in the promotion of vaccines is the way in which the University of Wollongong logo is being used to promote the Australian government's claims about vaccines. This promotion of the government's immunisation program was put up one week after my PhD thesis was published on the university website in January 2016. This promotion by UOW Professor Heather Yeatman, the head of the School of Public Health, is titled 'Experts unite behind evidence supporting immunisation' and she was permitted to promote the government's claims of the safety and efficacy of vaccines, even though neither she nor the ~ 60 UOW academics who have signed their names to this promotion, have ever researched vaccination science in-depth or read and debated my PhD thesis. This promotion of vaccination policies on the UOW website is deceiving the public about the safety and efficacy of vaccines because these UOW academics are not experts on vaccination science or policy and they have never investigated the government's claims about vaccines in any published research on this topic. Professor Heather Yeatman's area of expertise is nutrition and this does not entitle her to speak on the topic of vaccine safety and efficacy because this is outside her area of expertise.
15. In 2014 a leader of the Australian Skeptics/SAVN lobby group, Dr. John Cunningham, fabricated allegations of academic misconduct about my whooping cough research (completed in 2006) and submitted an anonymous complaint to the UOW about my research. This complaint was investigated by the University of Wollongong by breaching the university's own complaint procedures. The complaint was investigated even though Dr. John Cunningham did not provide any evidence of

academic misconduct. The UOW apologised to me for the misuse of their complaint procedures (Appendix 2) and provided me with financial compensation for the false information that was provided in the mainstream media by ‘anonymous medical experts’. This was provided to the media before the confidential investigation by UOW was completed.

16. Peter McIntyre has conflicts of interest in government vaccination programs due to his role as the deputy/director of the government NCIRS for 20 years from 1998 – 2017. This role involves his participation in industry-funded safety and efficacy trials of vaccines with research grants provided by GlaxoSmithKline, Merck, and Pfizer. These financial conflicts of interest for Peter McIntyre are listed in the latest Australian Technical Advisory Group on Immunisation (ATAGI) conflict of interest statement (Appendix 3). During his 20 years at the NCIRS he has been influential in recommending vaccines for the national immunisation program (NIP). There is no independent body providing over-sight of the industry-funded science that is being used to recommend vaccines to the NIP and whilst he has retired as director of the NCIRS this year he is still listed as a member of the NCIRS advisory board and the scientific advisory committee in 2018.
17. The NCIRS works with the industry-funded Immunisation Coalition and there is no transparency or accountability in the science used for recommendations to the government vaccination program. Here is an example of the industry-funding of vaccination trials from 2012: Professor Peter McIntyre’s National Centre for Immunisation Research and Surveillance (NCIRS) project for the study of pertussis vaccines for newborns was granted \$1.5 million of which more than \$750,000 in kind was provided by GSK for monovalent vaccine and laboratory testing.

The information above outlines the false and misleading information that Peter McIntyre has provided in his sworn affidavit about my university research and qualifications. His media comments are also associated with the violation of Section 121 of the Family Law Act which involved leaking my affidavit to the media. This has been done for the sole purpose of influencing public opinion on my scientific research with inaccurate information and framing of the issues. It is for these reasons that I recommend that his affidavit that has been submitted out of time is deemed ineligible for the [REDACTED] court proceedings.

Dr. Judy Wilyman