



DOIA 2021-1518

Nigel Gray
fyi-request-14538-ddb3e293@requests.fyi.org.nz

22 March 2021

Dear Nigel

I refer to your request, transferred to MBIE on 15 February 2021, for information under the Official Information Act 1982 (the OIA):

- 1. What due diligence was taken to investigate Pfizer's ethics as a company?*
- 2. Given that Pfizer has successfully been indicted and fined for fraud in the past, what changes to the management of the company were made that reassured you that Pfizer was no longer fraudulent?*
- 3. Were you concerned that Pfizer were so wealthy that any damages caused by their product could simply be seen by the company as a "cost" against their eventual profit and so written off as just "part of the overall cost" for the company? If you were not concerned about this, please explain why not?*
- 4. Please give me a list of the names and positions of those government Ministers and staff who were part of this approval process that enabled Pfizer to gain the contract for providing NZ with Coronavirus or COVID-19 vaccines.*
- 5. Can you please state the reasons as to why NZ Government indemnified Pfizer against damages?*
- 6. What method will NZ government use to deal with harm caused by Pfizer Coronavirus or COVID-19 vaccines to New Zealanders ie. death, permanent disabilities or temporary disabilities?*
- 7. Will ACC be used to pay for damages relating to the above named vaccines?*

I have attached responses to your questions as an annex to this email.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602. Please contact me if you wish to discuss any aspect of your request or this response.

Yours sincerely

Simon Rae
Manager, International Science Partnerships,
Ministry of Business, Innovation and Employment



Annex 1: Responses

- 1. What due diligence was taken to investigate Pfizer's ethics as a company?**
- 2. Given that Pfizer has successfully been indicted and fined for fraud in the past, what changes to the management of the company were made that reassured you that Pfizer was no longer fraudulent?**

Our due diligence focused on assessing the performance and delivery of Pfizer's vaccine. We did not investigate Pfizer's management team or its ethics as a company.

- 3. Were you concerned that Pfizer were so wealthy that any damages caused by their product could simply be seen by the company as a "cost" against their eventual profit and so written off as just "part of the overall cost" for the company? If you were not concerned about this, please explain why not?**

We are satisfied that Pfizer has not been reckless in the development of its vaccine. Medsafe conducted an extensive review of the safety and effectiveness of the vaccine, and granted provisional approval for its use on 3 February 2021. Pfizer's vaccine has now been administered to millions of people globally, and we are confident that it is acceptably safe and effective if used in accordance with the Medsafe approved data sheet.

You can find Medsafe's data sheet here:

<https://www.medsafe.govt.nz/profs/Datasheet/c/comirnatyinj.pdf>

- 4. Please give me a list of the names and positions of those government Ministers and staff who were part of this approval process that enabled Pfizer to gain the contract for providing NZ with Coronavirus or COVID-19 vaccines.**

All advance purchase agreements have been approved by the Joint Ministers authorised by Cabinet. At the time of the October 2020 Pfizer purchase, these were the Prime Minister, the Minister of Finance, the Minister of Health, and the Minister of Research, Science and Innovation. The Minister for COVID-19 Response became a Joint Minister on 7 December 2020.

The Ministry of Business, Innovation and Employment and the Ministry of Health advised Joint Ministers on each purchase. MBIE's Dr Peter Crabtree (General Manager, Science, Innovation and International) and MOH's Maree Roberts (Deputy-Director General, System Strategy and Policy) signed out all briefings related to the Pfizer purchase in 2020.

- 5. Can you please state the reasons as to why NZ Government indemnified Pfizer against damages?**
- 7. Will ACC be used to pay for damages relating to the above named vaccines?**

MBIE advised the Minister of Finance to grant an indemnity to Pfizer on the basis that doing so was in the public interest. It is not unexpected for pharmaceutical companies to seek indemnities from governments in circumstances where clinical trials are restricted, or where a purchase agreement is concluded before full trials are completed.



This assessment was informed by the fact that ACC is designed to cover most significant injuries resulting from any vaccination, regardless of the provision of a contractual indemnity. MBIE assessed the potential liability of claims not covered by ACC to be relatively low-risk.

This is because ACC can provide treatment and support for injuries caused by COVID-19 vaccination if the injury meets the criteria for a 'treatment injury'. This requires the applicant to have experienced a physical injury caused by the vaccination that is not a necessary part or ordinary consequence of the treatment.

For example, temporary inflammation around the site of the injection is common with COVID-19 vaccination (an ordinary consequence) and is unlikely to be covered. Infections due to the vaccination, and anaphylaxis resulting in injury, are not ordinary consequences and are likely to be covered.

6. What method will NZ government use to deal with harm caused by Pfizer Coronavirus or COVID-19 vaccines to New Zealanders ie. death, permanent disabilities or temporary disabilities?

As mentioned above, New Zealand's existing ACC and public health systems are able to cover physical injuries that are not ordinary consequences of vaccination. However, as of 16 March 2021, MBIE is not aware of any deaths or permanent disabilities that were caused by Pfizer's COVID-19 vaccine.

The Immunisation Programme has also been designed to prevent harm before it occurs. Individuals should discuss any safety concerns with their vaccinators (such as if they have experienced allergic reactions to previous vaccines). This may result in the vaccinator advising the person that they are not suitable for vaccination, particularly if they have had a previous allergic reaction to one of the ingredients of the vaccine.

Individuals must also wait at the vaccination site for 20 minutes following vaccination, ensuring that medical staff are able to respond quickly should the person experience an adverse reaction.

You can find more information about Pfizer's vaccine here:

<https://www.medsafe.govt.nz/Consumers/cmi/c/comirnaty.pdf>

You can find more information about the overall vaccination process here:

- <https://www.immune.org.nz/covid-19-vaccination-general-info-faq>
- <https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-vaccines/covid-19-vaccine-resources>