



Athina Andonatonou
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Ref: DOIA 2021-1932

30 March 2021

Dear Athina

I refer to your request, partially transferred to MBIE on 29 March, for information under the Official Information Act 1982 (the OIA):

“What other vaccinations in New Zealand have been granted indemnity?”

Pfizer has a track record of unethical and immoral actions, was this a consideration when deciding to purchase the vaccine from them. If not, why not? And why have they been granted indemnity?”

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

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: MBIE RESPONSES

What other vaccinations in New Zealand have been granted indemnity?

The Minister of Finance has granted indemnities to Pfizer, AstraZeneca, Novavax and Janssen for the supply of their COVID-19 Vaccines.

Statements of Indemnity informing the public of those decisions were provided to the House of Representatives on 11 February 2021. You can find the individual indemnity statements here: <https://www.parliament.nz/en/site-search?term=%22statement+of+indemnity%22&sort=updated&direction=desc>

MBIE is aware of four previous occasions where indemnities were granted to vaccine suppliers:

- A 2016 advanced purchase agreement (APA) with Seqirus Ltd (previously bioCSL and CSL), renewing a 2005 APA with CSL for the supply of H5N1 pre-pandemic vaccine
- A 2009 APA with Baxter healthcare Ltd for supply of pandemic flu vaccine
- A 2007 contract with Baxter Healthcare Ltd for the supply of an H5N1 non-pandemic vaccine

Pfizer has a track record of unethical and immoral actions, was this a consideration when deciding to purchase the vaccine from them. If not, why not?

MBIE did not investigate Pfizer's ethical track record when developing our advice to ministers on the purchase.

Our due diligence process focused on assessing the performance and delivery of Pfizer's vaccine. We are satisfied that Pfizer has not been reckless in the development of its vaccine, and that the purchase was in the public interest through providing access to an effective pandemic vaccine.

This assessment has been reinforced through Medsafe's extensive review of the safety and effectiveness of the vaccine, with Medsafe granting 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>



Why have Pfizer, AstraZeneca, Novavax, and Janssen been granted indemnities for their COVID-19 vaccines?

MBIE advised the Minister of Finance to grant an indemnity to the above companies 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 by ACC.