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Dear ASE

**Ref: 2122-1350**

15 February 2022

I refer to your request of 3 January 2021 for the following information under the Official Information Act 1982 (the OIA):

*“What role did The Ministry of Business, Innovation & Employment have in negotiating supply contracts for COVID-19 “vaccines”, inoculations, or any other preventative treatments (hereinafter referred to as “treatments”)?”*

*Regarding the negotiation of supply contracts and related matters for such treatments; what other persons, boards, councils, committees, subcommittees, organisations, groups, bodies, agencies, ministries, or individuals exerted influence in any capacity?*

*Regarding the negotiation of supply contracts and related matters for such treatments; are there contractual conditions which could expose any party or parties within New Zealand to liability for damages? If so, what are those conditions?*

*Regarding the negotiation of supply contracts and related matters for such treatments; are there contractual conditions which influence messaging about safety and efficacy of such treatments? If so, what are those conditions?*

*Are there any contractual obligations which limit or otherwise exert influence over the reporting or public release of data relating to the administration, safety, and/or efficacy, of such treatments?*

*Has The Ministry of Business, Innovation & Employment contracted, or facilitated, or have any information relating to; any payments to, or on behalf of, any person or persons, as a result of actual or possible injury, resulting from administration of such treatments?*

*Has The Ministry of Business, Innovation & Employment contracted, or facilitated, or have any information relating to; any non-disclosure agreements, confidentiality agreements, or similar instruments in relation to any person or persons, as a result of actual or possible injury, resulting from administration of such treatments?”*



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The Ministry of Business, Innovation and Employment oversaw the acquisition of vaccines and led government negotiations with vaccine suppliers on supply contracts up until the end of December 2020. It did not undertake any role on behalf of the government on the acquisition of COVID-19 treatments other than vaccines.

Acquisition of vaccines was led by an interagency task force comprising senior representatives of the Ministry of Health, MBIE, the Ministry of Foreign Affairs and Trade, PHARMAC, Medsafe, the Department of Prime Minister and Cabinet, the Treasury, the government-funded vaccine research programme Vaccine Alliance Aotearoa New Zealand (VAANZ), and the chair of the Science and Technology Advisory Group. We have provided you with the terms of reference of the Task Force which provide further details on members. Medsafe and the representative of VAANZ provided technical advice to the taskforce only, and did not take part in decisions relating to the purchase of vaccines.

The Task Force was advised by a Science and Technology Advisory Group. We have provided you with the Terms of Reference of this group, which includes information on its membership. Advice on vaccine candidates was provided by a subset of this group, the Science and Clinical Review Panel, in order to manage availability of members and potential conflicts of interest. Members of the Science and Clinical Review Panel are indicated in the Science and Technology Advisory Group terms of reference.

On behalf of the Taskforce, MBIE contracted specialist legal advice to support negotiations with potential vaccine suppliers from Simon Watt of BellGully.

The government provided indemnities to each of the suppliers it agreed to purchase vaccines from. We have provided redacted copies of the business cases provided to Treasury on each of the indemnities MBIE was responsible for. These include the information we are able to provide on the indemnities granted. The specific details of the indemnities are confidential, and are therefore withheld under the following sections of the Act:

s9(2)(ba)(i) in order to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied



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s9(2)(ba)(ii) in order to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest

Details of our contracts with vaccine suppliers are confidential, and are withheld under s9(2)(ba)(ii) of the Official Information Act. However, we note importers and manufacturers of medicines have a range of obligations under the Medicines Act 1981, including on reporting untoward effects arising from the use of a licensed medicine, whether in New Zealand or elsewhere. Detailed information on New Zealand's regulatory processes and requirements can be found on the Medsafe website ([medsafe.govt.nz](http://medsafe.govt.nz)). There are no clauses in our contracts with vaccine suppliers that exempt them from meeting any of Medsafe's regulatory requirements.

ACC is responsible for compensation for vaccine-related injuries. MBIE has made no such payments and does not hold information on any payments made.

MBIE is not aware of any agreements entered into regarding the non-disclosure of vaccine-related injuries. It has not entered into any agreements of this nature itself.

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](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Yours sincerely

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