

Reference: 20240095

8 March 2024

Chris Johnston
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Dear Chris

Thank you for your Official Information Act (OIA) request, received on 15 February 2024. You requested:

I have some follow up questions:

1) Report No: T2021/2212 File Number: SH-1-6-1-3-3-13-1 "Purchasing Pfizer vaccines for September 2021: indemnity requests for bilateral purchases" Dated 4 September 2021 states on Page 3 Item 14:

"We now have more information on ACC claims to date. As of 7 August, ACC had received 201 treatment injury claims related to COVID-19 vaccinations. Of these, 67 have been accepted, 39 declined and 95 are still being decided. The majority of accepted claims are for allergic reactions (predominantly low severity reactions resulting in treatment costs only, with a very small number of more serious claims).

Based on the same data set (7 August [2021]), ACC has paid just under \$20,000 in total for these claims with the vast majority of claims having no costs paid (note that this amount does not include any Public Health Acute Services costs). "

Can you provide a Treasury document (or a document from another Agency in your possession, or that refers to a document in another agency's possession). any update to the figures for:

1a) ACC claims

1b) Public Health Acute Service costs - directly from injection, or indirectly like from increased heart attacks/strokes or other acute circulatory conditions induced by the vaccine

1c) Other Public Health costs - eg anything else mentioned as side effects in the clinical trials - eg neurological issues, chronic conditions, turbo cancers and subsequent treatment

1d) All advice and communication to solicit and acquire the ACC estimate mentioned in the Report above - and the emails or documents received in response.

2) A part of The Treasury's answer to R1 and R2 in my original OIA is to refer to

a previous document release under OIA dated 3 April 2023.

NZ is relatively unique in the world in that we had no discernible effects from COVID itself, were isolated with a closed border, then administered the vaccine in a COVID free environment. So there is a fairly direct line from adverse effects to the vaccine to government liability - with the only other variable being lock downs (also a government action).

With respect:

- i) It is Treasury's job to estimate the evolving nature of financial liabilities*
- ii) This seems to be a rapidly developing area where discoveries about the range of conditions that can be statistically linked back to the administration of the vaccine in NZ to the wider population.*

Could you please provide:

2a) The latest estimate and advice to the government on the estimated liability from the indemnity provisions since 7 August 2021 (excluding the OIA for 3 April 2023 mentioned above).

2b) Forecasts of financial costs in the Health and ACC that factor in the change in burden of disease or rate of death since the administration of the COVID vaccine. These forecasts may or may not have been created or modelled by The Treasury but would have been used in establishing the budget in Health and ACC and the expected future balance sheets.

My additional questions (alongside my Friday email) are:

- Has Health NZ or the Ministry of Health ever been asked by NZ Treasury to provide their estimate of excess deaths or additional illness burden as a result of these injectable products ? Please provide all such communication and responses.*
- Do the numbers in the spreadsheet link above align with NZ Treasuries estimates (eg from ACC or elsewhere - like overseas countries). Eg are they half, double? To answer this question you will need to download and review the spreadsheet model.*
- What is the value put on a life lost/death by NZ Treasury from an indemnity point of view? This figure may have come from ACC and may be more than one number (eg more for a younger person than an older person).*
- Your previous response to this OIA mentioned a \$10m threshold before a certain type of announcement needed to be made. Are there any other thresholds that are relevant in this situation? For example at a compensation value of NZD\$100,000 it would take 100 excess deaths to reach NZD\$10m. If the excess deaths were higher, the compensation higher (NZD\$1m?), or a high illness burden, the \$100m-\$1b becomes possible very quickly. Is \$1b a notifiable event?*
- For any additional thresholds, what are the required actions?*
- When was the Balance Sheet item for this vaccine/injectable product liability last revised? Please provide the documents/model/spreadsheet that supported each revision and the General Ledger entries (or adjustment to the notes).*

Information publicly available

The following information is also covered by your request and is publicly available:

| Item | Date | Document Description | Website Address |
|------|----------------|--|---|
| 1. | 8 January 2024 | COVID-19 Vaccination Claims refresh - January 2024 | https://www.acc.co.nz/assets/oia-responses/covid-19-vaccination-claims-refresh-january-2024.pdf |
| 2. | 1989 | Public Finance Act 1989, Section 65ZD(3) | https://www.legislation.govt.nz/act/public/1989/0044/latest/DLM162971.html |

The Treasury publishes monthly and annual financial statements of Government that provide information on the Government's assets and liabilities:

<https://www.treasury.govt.nz/publications/financial-statements-government>.

Budget information is also available on the Treasury's website:

<https://www.treasury.govt.nz/publications/budgets/current-and-past-budgets>.

Accordingly, I have refused your request for the documents listed in the above under section 18(d) of the OIA, as the information requested is or will soon be publicly available.

Comments in response to specific questions

2a) The latest estimate and advice to the government on the estimated liability from the indemnity provisions since 7 August 2021 (excluding the OIA for 3 April 2023 mentioned above).

As noted in the previous response to you regarding the estimated liability:

"In relation to the Crown's financial liabilities under COVID-19 indemnities, officials considered the total maximum aggregated liabilities to be unquantifiable. However, as the potential maximum exposure of each could exceed \$10 million, the Minister of Finance presented a statement to the House of Representatives when each indemnity was granted under section 7 65ZD(3) of the Public Finance Act 1989."

1d) All advice and communication to solicit and acquire the ACC estimate mentioned in the Report above - and the emails or documents received in response.

This request is refused under section 18(e) of the Act as despite reasonable efforts to locate the communication from August 2021 it cannot be found. However, ACC's treatment data is publicly available as noted in the section above.

- Has Health NZ or the Ministry of Health ever been asked by NZ Treasury to provide their estimate of excess deaths or additional illness burden as a result of these injectable products ? Please provide all such communication and responses.

No.

Your previous response to this OIA mentioned a \$10m threshold before a certain type of announcement needed to be made. Are there any other thresholds that are relevant in this situation?

No. The \$10 million threshold is set out in section 65ZD(3) of the Public Finance Act 1989.

Information to be withheld

The remainder of your request is refused under section 18(e) of the OIA, as the document alleged to contain the requested information does not exist.

Please note that this letter (with your personal details removed) and enclosed documents may be published on the Treasury website.

This reply addresses the information you requested. You have the right to ask the Ombudsman to investigate and review my decision.

Yours sincerely

Jess Hewat
Manager, Health and ACC