

Reference: 20230540



15 January 2024

Chris Johnston
fyi-request-24922-3dc512e7@requests.fyi.org.nz

Dear Chris

Thank you for your request made under the Official Information Act, received on 28 November 2023. You requested:

The NZ Government provided some form of indemnity to the suppliers of the COVID-19 vaccine.

(R1) Can you please provide the value of any liability that has been estimated and/or placed on the government accounts should such indemnity need to be exercised/used.

For example, the NZ Government may need to undertake one or more of the following non exhaustive list of scenarios: (a) fund claims made to ACC that caused it to need to be recapitalised, (b) directly defend or compensate injury victims, or (c) where the suppliers require the NZ Government to defend them in court for claims of negligence, fraud or malfeasance.

(R2) Please provide any Record (eg document/email) that discusses the probability of such a liability clause causing a cost to the NZ Government, and/or any financial estimate of the size of such costs. We can discuss limiting the time period if there are too many documents, but if this discussion is to entered into then you will need to provide a count and/or a list of the document titles from a reasonably undertaken keyword search of your SharePoint or similar system, and provide the keywords used.

(R3) Please provide any advice to the incoming government since the 2023 election night on options and policy recommendations around such a liability. This can include formal documents and notes of Treasury officials in the Ministerial briefings up to the point that this OIA is fulfilled.

I have decided under section 15A of the Official Information Act to extend the time limit for deciding on your request by an additional 10 working days. The new due date for responding to your request is 1 February 2024.

The extension is required because of the consultations needed to make a decision on your request.

This extension will also apply to the time limit for transferring your request, should this become relevant.

Notwithstanding this extension, I undertake to decide on your request as soon as reasonably practicable.

You have the right to ask the Ombudsman to investigate and review this decision.

Yours sincerely

Jess Hewat
Manager, Health and ACC