



15 March 2024

John Armstrong
John Armstrong <fyi-request-25750-9cd75e1c@requests.fyi.org.nz>

45 Pipitea St, Thorndon, Wellington, 6011
PO Box 805, Wellington
Phone +64 4 495 7200
Email: OIA@dia.govt.nz
Website dia.govt.nz

Tēnā koe John

Official Information Act 1982 request (reference OIA2324-0609)

Thank you for your request of 16 February 2023 to Te Tari Taiwhenua | the Department of Internal Affairs (the Department) asking for the following information under the Official Information Act 1982 (the Act), relating to the Royal Commission of Inquiry into COVID-19 Lessons (the Royal Commission):

"Can you please supply all documentation, minutes of meetings, e-mails, risk assessments for Tony Blakely (Commissioner) and John Whitehead (Commissioner) for the COVID-19 Royal Commission role, including;

1/ Does Tony Blakely and John Whitehead have any financial interest with any Pharmaceutical Companies/Corporations currently and in the past? If so, who and what these interests are?

2/ Does Tony Blakely and John Whitehead have any family with financial interest with any Pharmaceutical Companies/Corporations? If so, who and what these interests are?

3/ Does Tony Blakely and John Whitehead currently have, or had in the past, any connection and / or collaboration with Ashley Bloomfield? If so, please supply any and all communications.

4/ Has Tony Blakely and John Whitehead supplied any information to Ashley Bloomfield with regards NZ 's COVID-19 response? If so, please supply any and all such communications.

5/ What salary / package has been offered to Tony Blakely and John Whitehead and how does this compare with similar roles?

6/ If any conflicts of interest were identified then please supply all documentation showing minimisation and /or elimination of the conflicts of interest.

7/ Does Tony Blakely and John Whitehead have any financial and / or commercial interest with Ministry of Health, Medsafe, Pharmac and / or other Government Services (International or NZ)?"

Can you please supply all documentation, minutes of meetings, e-mails, risk assessments for Tony Blakely (Commissioner) and John Whitehead (Commissioner) for the COVID-19 Royal Commission role.

The following documents, which fall within scope of your request, are available on the Department's website at the following link www.dia.govt.nz/Proactive-Releases:

- Cabinet paper: Establishing an inquiry into New Zealand's preparedness for a future pandemic (25 October 2022);
- CAB-22-MIN-0464: Cabinet: Minute of Decision (25 October 2022);
- Cabinet paper: Establishment of the Royal Commission into lessons learned from Aotearoa New Zealand's response to COVID-19 that should be applied in preparation for any future pandemic (5 December 2022); and
- CAB-22-MIN-0552: Cabinet: Minute of Decision (5 December 2022).

Considerations regarding the Royal Commission's membership are set out in the Cabinet paper: Establishment of the Royal Commission into lessons learned from Aotearoa New Zealand's response to COVID-19 that should be applied in preparation for any future pandemic (5 December 2022). Please refer to pages four to five at paragraphs 25 to 34.

Additionally, the following briefings contain information that fall within scope of your request:

- Briefing paper: Inquiry into New Zealand's preparedness for a future pandemic: Ministerial meeting on 8 November 2022 (4 November 2022) on page three, at paragraphs 14 to 15. These paragraphs are attached as **Appendix A**; and
- Briefing paper: Draft Cabinet paper: Establishment of the Royal Commission into New Zealand's COVID-19 response and preparation for a future pandemic (17 November 2022) on page 3, at paragraphs 13 to 14. These paragraphs are attached as **Appendix B**.

There is one further document relating to candidate due diligence and probity checks that falls within scope of your request. It provides:

- Tony Blakely's conflicts of interest disclosure, which is attached as **Appendix C**;
- John Whitehead's conflicts of interest disclosure, which is attached as **Appendix D**¹; and
- Information about Tony Blakely's relationship with Doctor Ashley Bloomfield, which is attached as **Appendix E**.

The Department does not hold any further documentation, minutes of meetings, e-mails, or risk assessments relating to the matters you have raised. This part of your request is refused under section 18(e) of the Act.

¹ Some information is withheld from this conflicts of interest disclosure to protect the privacy of individuals under section 9(2)(a) of the Act. The withholding of this information is not outweighed by other public interest considerations in favour of disclosure.

1) Does Tony Blakely and John Whitehead have any financial interest² with any Pharmaceutical Companies/Corporations currently and in the past? If so, who and what these interests are?

At the time that the Department considered potential appointments to the Royal Commission, Tony Blakely disclosed two potential conflicts of interest relating to research consultancies for Moderna, Australia (**Appendix C** refers). The research projects were as follows:

- Project one: determining the vaccine effectiveness of mRNA vaccines in Victoria, Australia; and
- Project two: effectiveness analyses of vaccine schedules, in the context of other COVID-19 policies.³

John Whitehead did not disclose any financial interest in pharmaceutical companies (**Appendix D** refers).

After the appointment of Tony Blakely and John Whitehead, the Royal Commission has managed its own conflicts of interest. Consequently, the Department does not hold any further information and this part of your request is refused under section 18(g) of the Act.

2) Does Tony Blakely and John Whitehead have any family with financial interest with any Pharmaceutical Companies/Corporations? If so, who and what these interests are?

At the time that the Department considered potential appointments to the Royal Commission, Tony Blakely and John Whitehead did not disclose having family members with financial interests in pharmaceutical companies.

After their appointments, the Royal Commission has managed its own conflicts of interest. Consequently, the Department does not hold any such information and this part of your request is refused under section 18(g) of the Act.

3) Does Tony Blakely and John Whitehead currently have, or had in the past, any connection and / or collaboration with Ashley Bloomfield? If so, please supply any and all communications.

Prior to his appointment to the Royal Commission, Tony Blakely disclosed the following:

- He had provided advice to key policy makers and advisors in New Zealand's pandemic response, including Doctor Ashley Bloomfield; and
- He has close collegial relationships and friendships with many of the key players in New Zealand's pandemic response, including Doctor Ashley Bloomfield (**Appendix E** refers).

Some information is withheld under section 9(2)(a) of the Act. The withholding of this information is not outweighed by other public interest considerations in favour of disclosure.

² We have interpreted 'financial interests' to include fees for contracted services and research funding grants.

³ Project two did not proceed.

Prior to his appointment to the Royal Commission, John Whitehead did not disclose any connection or collaboration with Doctor Ashley Bloomfield.

The Department does not hold any communications between Tony Blakely and Doctor Ashley Bloomfield or John Whitehead and Doctor Ashley Bloomfield. Your request for this information is refused under section 18(e) of the Act.

4) Has Tony Blakely and John Whitehead supplied any information to Ashley Bloomfield with regards NZ 's COVID-19 response? If so, please supply any and all such communications.

As noted in our response to question three above, Tony Blakely disclosed that he provided advice to key policy-makers and advisors in New Zealand's pandemic response, including Doctor Ashley Bloomfield. The Department does not hold any communications between Tony Blakely and Doctor Ashley Bloomfield prior to Tony Blakely's appointment to the Royal Commission. This part of your request is refused under section 18(e) of the Act.

Prior to his appointment to the Royal Commission, John Whitehead did not disclose that he had provided any information to Doctor Ashley Bloomfield in relation to New Zealand's COVID-19 response.

The Department does not hold any communications between the Commissioners and Doctor Ashley Bloomfield which may have arisen during the course of the inquiry. This part of your request is refused under section 18(e) of the Act.

5) What salary / package has been offered to Tony Blakely and John Whitehead and how does this compare with similar roles?

Tony Blakely receives a daily fee of \$1,680 as the Chair of the Royal Commission. John Whitehead receives a daily fee of \$1,620 as a member of the Royal Commission. These fees are 20 percent higher than the daily fees for members of other recent royal commissions, who received a daily fee of \$1,350.

6) If any conflicts of interest were identified then please supply all documentation showing minimisation and /or elimination of the conflicts of interest.

As noted in our response to question one, prior to his appointment to the Royal Commission, Tony Blakely disclosed two potential conflicts of interest relating to research consultancies for Moderna, Australia concerning two separate projects.

For project one, it was agreed that Tony Blakely's involvement was low risk and did not require mitigation. For project two, which did not proceed, it was agreed that Tony Blakely's involvement in the project would be limited to the provision of technical advice on modelling matters (**Appendix C** refers).

7) Does Tony Blakely and John Whitehead have any financial and/or commercial interest with Ministry of Health, Medsafe, Pharmac and/ or other Government Services (International or NZ)?”

Prior to their appointment to the Royal Commission, Tony Blakely and John Whitehead did not disclose any financial, or commercial interest with Ministry of Health, Medsafe, Pharmac, or other government services (international or New Zealand).

After their appointments, the Royal Commission has managed its own conflicts of interest. As a consequence, the Department does not hold any such information and this part of your request is refused under section 18(g) of the Act.

Access to the Ombudsman

You have the right, under section 28 of the Act, to seek a review of my decision by the Office of the Ombudsman. The postal address of the Office of the Ombudsman is PO Box 10152, Wellington. Alternatively, you can phone 0800 802 602 or email info@ombudsman.parliament.govt.nz.

Proactive release of this response

We intend to publish our response to your request on www.dia.govt.nz. This letter, with your personal details removed, will be published in its entirety. Publishing responses increases the availability of information to the public and is consistent with the Act’s purpose of enabling more effective participation in the making and administration of laws and policies and promoting the accountability of Ministers and officials.

Nāku noa, nā



Jeremy Cauchi
Director Ministerial, Monitoring and Capability

Appendix A: Paragraphs 14 to 15 of the briefing paper: Inquiry into New Zealand's preparedness for a future pandemic: Ministerial meeting on 8 November 2022 (4 November 2022).

Membership

14. As directed, the draft Cabinet paper does not refer to a proposed Chair in the section on membership, as the due diligence process and consideration of the Chair are ongoing. The draft Cabinet paper proposes that Hon Hekia Parata, John Whitehead and Professor Antony Blakely are appointed as members of the Royal Commission, and seeks agreement for you to recommend their appointments to the Governor-General.

15. The final draft of the Cabinet paper will need to include a proposed Chair and seek agreement to the fee level for the Chair. The Inquiries Act 2013 [section 7(1)(c)] requires a Chair to be named in the establishment instrument if there is more than one member appointed to an inquiry. Your office may wish to signal this in any messaging that accompanies the circulation of the draft Cabinet paper to your Ministerial colleagues.

Appendix B: Paragraphs 13 to 14 of the briefing paper: Draft Cabinet paper: Establishment of the Royal Commission into New Zealand's COVID-19 response and preparation for a future pandemic (17 November 2022).

Membership matters

13. We have had productive discussions with the three potential candidates for the Inquiry. Ministerial decisions are required at this meeting to progress these discussions, and relate to:

- the preferred Chair; and
- the fee level for the members.

14. Any delay on these decisions poses a risk to our ability to obtain agreement from the potential candidates to be formally considered for appointment to the Inquiry. A delay could also impact our ability to complete due diligence processes within the timeframe required for Cabinet's consideration of the Inquiry's terms of reference, membership and budget on 28 November 2022.

Appendix C: Professor Tony Blakely – possible conflicts of interest disclosed at the time of appointment in 2022

<p>Possible conflicts of interest</p>	<ol style="list-style-type: none"> 1) Professor Blakely has published numerous academic and media articles about COVID-19, including commentary on the NZ government’s response. 2) Professor Blakely is in the process of signing two research consultancies for Moderna, Australia. Project 1: Determining the vaccine effectiveness of mRNA vaccines in Victoria, Australia. Project 2: Cost effectiveness analyses of vaccine schedules, in the context of other COVID-19 policies.
<p>Proposals for conflict management (if applicable)</p>	<p>As discussed between Professor Blakely and staff of DIA, the proposed joint position is:</p> <ul style="list-style-type: none"> - Professor Blakely will continue to provide advice to Project 1 (low risk, retrospective analyses).
	<ul style="list-style-type: none"> - Professor Blakely will only provide technical advice to Project 2 on modelling matters but will stand aside from matters of conceptualising policy packages to assess and interpreting those packages.

Appendix D: John Whitehead – possible conflicts of interest disclosed at the time of appointment in 2022

I am Chancellor (and therefore Chair of the Board) of Hato Hone St John (HHSJ), which is the principal provider of emergency ambulance services (as well as other community health services) in Aotearoa, New Zealand. HHSJ played a part in responding to the Covid-19 Pandemic and has also been impacted by it. If this role does not preclude me from involvement in the Royal Commission, it may be appropriate for me to refrain from participating in aspects that may touch on the St John role.

In addition, [withheld under section 9(2)(a) of the Act], [withheld under section 9(2)(a) of the Act], and [withheld under section 9(2)(a) of the Act] are all involved in the Health sector, [withheld under section 9(2)(a) of the Act]. It seems appropriate to manage this potential conflict by ensuring those closely involved with the Inquiry are aware of these connections.

I note also that the Anglican Church, in which I hold various roles, was a beneficiary of the wage subsidy provided by the Government. I have not received any financial benefit from this policy personally.

Appendix E: Disclosure of Tony Blakely's relationship with Doctor Ashley Bloomfield

During the course of the pandemic, I have provided direct advice to key policy makers and advisors in the NZ response, including: Doctor Ashley Bloomfield, DG of Health till mid-2022; Sir Prof David Skegg, Chair Strategic COVID-19 Public Health Advisory Group; and many other policy makers and commentators.

I have close collegial relationships and friendships with many of the key players in the NZ COVID-19 Policy Response, including Ashley Bloomfield, and Professors Michael Baker and Nick Wilson. I do not believe these relationships will compromise my independence; indeed, Professors Baker and Wilson and I from time to time respectfully disagree on matters.