

Government response to the Petitions Committee Report to the petition of Kirsten Murfitt: Release the Pfizer/BioNTech contract

Presented to the House of Representatives

In accordance with Standing Order 256

Government response to the Petition of Kirsten Murfitt to release the Pfizer/BioNTech contract for the supply of the COVID-19 vaccines

Introduction

1. The Government has carefully considered Kirsten Murfitt's petition to release the Pfizer/BioNTech contract for the supply of the COVID-19 vaccines, along with any subsequent contracts, variations, assignments and/or novation of contract.
2. This response is provided in accordance with Standing Order 380.

Government response

3. The Government acknowledges the petitioner's concerns regarding transparency and accountability in relation to the Pfizer COVID-19 vaccine procurement contract.
4. In 2023, the Ministry of Health (the Ministry) considered similar requests under the Official Information Act 1982 (the Act) and declined them under:
 - a. section 9(2)(b)(ii) - Protect the commercial position of the person who supplied or is the subject of the information
 - b. section 9(2)(ba)(i) - Protect information given in confidence, where disclosure would likely prejudice future supply of similar information
 - c. section 9(2)(c) - Avoid prejudice to measures protecting public health or safety.
5. Complaints against this decision were considered by the Ombudsman who concluded that withholding the full contract was justified under the Act but recommended releasing a summary to address the public interest in transparency.
6. In line with the Ombudsman's recommendation, the Ministry has published summary information about vaccine contracts on its website to provide assurance about the nature of commitments made. You can find the summary here: www.health.govt.nz/information-releases/summary-statement-of-new-zealand-covid-19-vaccine-procurement-process-and-contracts-with-suppliers.
8. The published summary provides information on key aspects of the COVID-19 vaccine procurement process, including risk allocation and indemnities, without disclosing commercially sensitive contractual terms. The Government considers this approach appropriately balances transparency with the need to protect New Zealand's ability to negotiate future procurement agreements.
9. The Government notes that the decisions by the Director-General of Health and Pharmac to refuse the applicant's requests under the Official Information Act 1982. Also, the Ombudsman's decision to decline to investigate the complaints about the decisions made by the Ministry and Pharmac are currently the subject of a challenge in the High Court.
10. The matter is currently before the High Court and has been set down for a substantive hearing in 2026. While the matter remains before the Courts, the Government considers it would be inappropriate to comment further.