

Briefing

Purchasing additional AstraZeneca from Australia

Date due to MO: 15 October 2021

Action required by: 18
October 2021

Security level: IN CONFIDENCE

Health Report number: 20212271

To:

Rt Hon Jacinda Ardern, Prime Minister
 Hon Grant Robertson, Minister of Finance
 Hon Chris Hipkins, Minister for COVID-19 Response
 Hon Andrew Little, Minister of Health
 Hon Nanaia Mahuta, Minister of Foreign Affairs
 Hon Aupito William Sio, Minister for Pacific Peoples
 Hon Dr Ayesha Verrall, Associate Minister of Health
 Hon Peeni Henare, Associate Minister of Health

Contact for telephone discussion

Name	Position	Telephone
Maree Roberts	Deputy Director-General, System Strategy and Policy	9(2)(a)
Allison Bennett	Manager, System Enablers, Public Health System Policy	9(2)(a)

Minister's office to complete:

- | | | |
|---|------------------------------------|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Decline | <input type="checkbox"/> Noted |
| <input type="checkbox"/> Needs change | <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn | |

Comment:

Purchasing additional AstraZeneca from Australia

Security level: IN CONFIDENCE **Date:** 14 October 2021

To: Rt Hon Jacinda Ardern, Prime Minister
Hon Grant Robertson, Minister of Finance
Hon Chris Hipkins, Minister for COVID-19 Response
Hon Andrew Little, Minister of Health
Hon Nanaia Mahuta, Minister of Foreign Affairs
Hon Aupito William Sio, Minister for Pacific Peoples
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Purpose of report

1. This paper seeks your agreement to negotiate with Australia for 100,000 doses of the COVID-19 AstraZeneca vaccine for delivery in 2021, and provides an update on the process to secure these doses as soon as possible.

Key Points

2. s 9(2)(b)(ii) [REDACTED] This means we do not have an alternative vaccine available for those unable or hesitant to receive an mRNA vaccine (Pfizer's vaccine type).
3. As directed, officials have been exploring options to secure a small number of doses of AstraZeneca. We understand that Australia is willing to sell or swap a relatively small volume of AstraZeneca for delivery in early November, potentially earlier.
4. We recommend that New Zealand confirm with Australia and AstraZeneca that New Zealand would like to access 100,000 doses from Australia and proceed to negotiate legal arrangements as soon as possible.
5. To secure these doses over the coming month, New Zealand will need to arrange transport from Australia. This presents some legal, regulatory, and logistical challenges that need to be worked through, in parallel to finalising legal documentation with Australia as soon as possible.
6. If you agree, officials will revert to Vaccine Ministers as soon as possible to seek approval for the Director-General of Health to sign the final contracts on behalf of the Crown. Officials will also seek approval from the Minister of Finance to grant the required indemnities.

Recommendations

- a) **Note** that Vaccine Ministers directed officials to explore options to secure a small number of doses of AstraZeneca from overseas, including from Australia. **Yes/No**
- b) **Note** that Australia and AstraZeneca have indicated they are willing to support New Zealand access to these doses. **Yes/No**
- c) **Agree** that officials will formally request 100,000 doses of AstraZeneca from Australia with the fastest delivery route and progress with agreements. **Yes/No**
- d) **Note** that officials will revert back to Vaccine Ministers next week with advice on whether we should enter into a dose swap or resale agreement. **Yes/No**
- e) **Note** that officials will come back to Vaccine Ministers as soon as possible to seek approval for the Director-General of Health and the Minister of Finance to sign the final agreements on behalf of the Crown. **Yes/No**
- f) **Note** that officials are working through regulatory issues with Medsafe and are seeking legal advice to ensure we are operating inside the boundaries of the legislations and that appropriate steps are taken to enable purchase and delivery. **Yes/No**
- g) **Note** that officials expect an indemnity will be required from the Minister of Finance to AstraZeneca on the same or similar terms as the indemnities offered by Australia and New Zealand to AstraZeneca in their respective Advance Purchase Agreements. **Yes/No**
- h) s 6(a), s 6(b)(i) **Yes/No**
- i) **Note** that officials will provide further advice to the Minister of Finance on granting the required indemnities. **Yes/No**
- j) **Note** that officials are working with AstraZeneca and Australia on a range of issues including delivery timeframes, logistics, regulatory assurance, indemnities, and costs. **Yes/No**

Rt Hon Jacinda Ardern

Prime Minister

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Hon Grant Robertson

Minister of Finance

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Minister for Pacific Peoples

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Hon Dr Ayesha Verrall
Associate Minister of Health

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Hon Peeni Henare
Associate Minister of Health

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Maree Roberts
Deputy Director-General

14/10/2021

PROACTIVELY RELEASED

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Context

7. [REDACTED] s 9(2)(b)(ii) those individuals unable or hesitant to receive an mRNA vaccine (Pfizer's vaccine type) [SWC-21-MIN-0138 refers]. Cabinet considered this especially relevant for those who are required to be vaccinated by the COVID-19 Public Health Response (Vaccinations) Order 2021 (Vaccination Order) or their employer.
8. [REDACTED] s 9(2)(b)(ii)
9. As directed, officials have been working with AstraZeneca [REDACTED] s 9(2)(b)(ii) to explore options for obtaining a limited number of doses in Q4 2021, potentially through re-sale or dose-swap arrangements with other countries.
10. [REDACTED] s 9(2)(b)(ii)
11. Early decisions by Vaccine Ministers to donate our AstraZeneca allocation from our Advance Purchase Agreements (APA) for 2021, [REDACTED] s 9(2)(b)(ii) this paper seeks your agreement to proceed with securing supply from Australia for the AstraZeneca vaccine in 2021.

Update on securing doses through opportunities for resale

12. An inter-agency process is now under way, led by the Ministry of Health and supported by the Ministry of Foreign Affairs and Trade (MFAT) and the Treasury. Independent legal advice is being provided by Bell Gully.
13. Early communications through diplomatic channels suggest that vaccines in Australia would be available for New Zealand to purchase or attain through a dose-swap arrangement. [REDACTED] s 6(b)(i)
14. AstraZeneca has indicated that they will support New Zealand to access doses from another country. [REDACTED] s 6(b)(i)
15. We are working out the detail of the potential exchange mechanisms with Australia, and AstraZeneca. We can either enter into a resale or dose swap arrangement. If entering into a resale agreement, New Zealand would need to pay for the doses [REDACTED] s 6(b)(i)

s 6(b)(i) [REDACTED] If entering into a dose-swap agreement, New Zealand would likely not need to pay for the doses. Officials anticipate that we will need to pay for the transport costs regardless of the mechanism.

16. We are working with Australia and AstraZeneca to build our understanding of these two mechanisms. We will report back with advice on the appropriate mechanism (whether it be resale or dose-swap), and financial implications. s 6(b)(i) [REDACTED]

Securing 100,000 doses of AstraZeneca would provide a stop gap

17. We recommend negotiating with Australia for 100,000 doses of AstraZeneca for delivery in late October/early November 2021. We anticipate that these doses could be used for those unable or hesitant to be vaccinated with an mRNA vaccine, and are seeking advice from the COVID-19 Vaccine Technical Advisory Group (CV-TAG) on potential use cases and limitations. The CV-TAGs recommendations will be reflected into the Decision to Use Cabinet paper which is being drafted in parallel to negotiations

18. We anticipate that if further doses are required of AstraZeneca this year, s 6(b)(i), s 9(2)(b)(ii) [REDACTED]

19. We considered alternative options such as securing 10,000 AstraZeneca doses or more than 100,000 doses, but these options were discounted on the basis of wastage concerns, uncertainty around uptake and s 9(2)(b)(ii) [REDACTED]

Legal and regulatory considerations

20. s 6(b)(i), s 6(a) [REDACTED]

21. Officials will develop a request to the Minister of Finance to grant the required indemnities and will revert with this advice later.
22. The Ministry have requested that AstraZeneca submit their dossier to Medsafe for the Australian manufacturing site to ensure that these doses can be regulated as soon as possible. Officials are also consulting with Medsafe and will engage with Crown Law to manage risks associated with product quality assurance and importation responsibilities to ensure we are operating inside the boundaries of the legislation.
23. Officials anticipate that AstraZeneca will not be willing to hold responsibility for these doses and suspect we may need to invite the Director-General of Health to approve the importation and distribution of these doses under section 32A of the Medicines Act 1981 to enable New Zealand to arrange its own transport to pick the doses up from Australia.

Equity

24. Ongoing access to COVID-19 vaccines is essential to maximise uptake, particularly in a period of increased interest in being vaccinated following the recent outbreak.
25. Providing those who cannot have mRNA vaccines or are hesitant to will enable the COVID-19 Immunisation Programme (CVIP) to progress at as high a rate as possible. This crucial to ensure that vulnerable populations can be protected from COVID-19.

Next steps

26. If you agree to proceed with formal negotiations with Australia for 100,000 doses of AstraZeneca, we will communicate this formally to our Australian counterparts via diplomatic channels and will be report back with advice on the mechanism to securing these doses (resale or dose-swap) next week.
27. s 6(b)(i) [REDACTED] as soon as possible following your decision on the mechanisms for securing these doses.
28. Officials will also look to arrange transport from Australia and will liaise with Medsafe to co-ordinate engagement across both countries' regulators to ensure there can be efficient information exchange, and that the appropriate level of assurance can be provided regarding product quality and other regulatory standards.
29. Officials will revert to Vaccine Ministers as soon as possible to seek approval for the Director-General of Health to sign the final contracts on behalf of the Crown, and to seek drawdowns to pay for securing these doses (if required). Officials will also seek approval from the Minister of Finance to grant the required indemnities.
30. In the meantime, the CVIP will look at options to integrate this vaccine into the programme for those who are unable to have the Pfizer vaccine or are vaccine hesitant.

ENDS.