

6 March 2025

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Wellington, 6011  
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By email: [Tanya.Unkovich@parliament.govt.nz](mailto:Tanya.Unkovich@parliament.govt.nz)

Dear Ms Unkovich,

### **RCOI into COVID-19 Lessons Learned**

Thank you for your letter of 3 March 2025 in which you ask whether submissions received by the Inquiry will be considered if they relate to “vaccine efficacy.” I respond as follows.

One of the most significant issues for the Inquiry is obviously the correct interpretation of our terms of reference. As you will be aware, the term “vaccine efficacy” is not expressly mentioned in our terms of reference, so we are required to consider whether the topic otherwise falls within the scope of the task that has been set for us. As it happens, the meaning of “vaccine efficacy” was considered in the Phase 1 report and was carefully distinguished from the concept of “vaccine effectiveness.” For convenience of reference, I set out below the discussion of this issue on page 18 of the Main Report (emphasis added):

In addition, ‘the specific epidemiology of the COVID-19 virus and its variants’ and ‘vaccine efficacy’ were out of scope. As regards the first exclusion, an analysis of matters such as the detailed structure, immunology and cellular interaction of the SARS-CoV-2 virus is out-of-scope; but widely understood and elementary points like the increasing infectivity and changes in virulence of variants (such as the Delta and Omicron variants) are not excluded from our consideration. Similarly, in medical usage there is a well-established distinction between ‘efficacy’ and ‘effectiveness.’ Simply put, an assessment of efficacy would involve a systematic review, in deep detail, of a vaccine’s ability to provide protection against a virus (and its variants), with laboratory studies and clinical trials (including immunological and specific vaccine safety, side effects and adverse effects). An evaluation of that kind is obviously out-of-scope for present purposes. However, the more general concept of vaccine ‘effectiveness’ is qualitatively different. It includes, for example, how well the Pfizer vaccine performed in reducing transmission and protecting against serious illness and death in Aotearoa New Zealand. We have obviously had to consider issues of that kind as they underpin the rationale for an elimination strategy, the pace at which a country opens up as vaccine coverage increases, and the deployment of vaccine requirements such as mandates, employer vaccine policies and vaccine passes.

We are required to keep an open mind about this distinction and would welcome any submissions on the point. Tentatively, the distinction appears to be a valid one. However, the terms of reference for Phase 2 of the Inquiry are different from the terms of reference for Phase 1 and we are not bound by the same exclusions. While we are not permitted to consider the specific epidemiology of

the COVID-19 virus and its variants, we are required to consider key decisions made in the period under inquiry concerning the use of vaccines in response to COVID-19, and specifically:

- vaccine mandates:
- the approval of specific COVID-19 vaccines:
- vaccine safety, including the monitoring and reporting of adverse reactions.

With these points in mind, our preliminary view is that:

- we are permitted to consider all aspects of vaccine safety, including any scientific or technical evidence that raises (or answers) questions about the likely health effects of any Covid-19 vaccines that were used in NZ in the period under inquiry; but
- we have not been authorised to conduct “a systematic review, in deep detail, of a vaccine’s ability to provide protection against a virus (and its variants), with laboratory studies and clinical trials (including immunological and specific vaccine safety, side effects and adverse effects.”

We emphasise that we are keeping an open mind on the correct interpretation of our terms of reference and would welcome any submissions that participants might care to make on the issue. Because this point is important for clarification purposes, I will be recommending that our exchange of correspondence be disclosed proactively on the Inquiry’s website. Please let me know if you have any concerns in that regard. If you have any further questions or submissions, please email them to: [InquiryintoCOVID-19lessons@dia.govt.nz](mailto:InquiryintoCOVID-19lessons@dia.govt.nz)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G M Illingworth', with a large, sweeping flourish extending to the right.

**G M Illingworth KC**  
**Chair of the Inquiry**