

POST-CABINET PRESS CONFERENCE: MONDAY, 19 AUGUST 2019

PM: Good afternoon, everyone. Heading back into a sitting block with lots of news ahead, but before I move on to the week ahead, I'd just like to recap over some of the things that happened over the course of the recess in terms of Government policy and announcements. Obviously, you will have seen moves to protect our most fertile and versatile land while also making sure we recognise the balance needed to develop land, particularly alongside our housing crisis; unveiling of two new air ambulances for the southern region to boost this critical life-saving service; and there are additional measures to prevent and reduced homelessness, focused on ensuring at-risk individuals and whānau have access to stable housing and continue to stay housed.

You would have seen more work done to help more EVs on the road by installing EV chargers on inter-island ferries and installing charges at more shopping malls and holiday parks. And, of course, on Tuesday, the expansion of Mana in Mahi to help 2,000 young people into work and training. That also included an expansion on some of the criteria and the group of young people we'll be able to reach with that successful programme.

Now for the week ahead. Tomorrow, I will be attending Koroneihana celebrations at Turangawaewae, and on Wednesday I am here in Wellington. On Thursday, I will be making an announcement related to education and the Future of Work. In the evening on Thursday, I will be speaking at Paralympics New Zealand annual Prime Minister's dinner. On Friday, I am in Auckland where I'll be making an announcement regarding Expo 2020, and on Saturday I am speaking at the Islamic Women's Council of New Zealand annual national conference.

I also have one further matter to note. The Deputy Prime Minister attended Cabinet today but will not be attending Parliament for the remainder of this week. He is having a small surgical procedure to address an old leg issue and has been advised, post-procedure, to have some days avoiding travel and not bearing weight on what I believe, or have come to understand, might be an old rugby injury. We wish him well and look forward to his quick return in due course.

Today the Minister of Corrections updated Cabinet on the work being done to strengthen the process of prisoners sending and receiving mail and investigations into updating the grounds under which mail from prisoners can be withheld. You will, of course, recall that last week Corrections chief executive issued an unreserved apology when the accused Christchurch gunman sent mail from his cell which should have been stopped. The victims of the attack and their friends and family deserve better than what has happened in this case. Minister Davis in Cabinet reiterated his disappointment over what has occurred, and also the change in the process of prisoner mail management. He informed Cabinet that Corrections immediately stopped the prisoner from sending or receiving any further mail and put in place changes to the system that means all mail of high-concern prisoners will now be checked centrally and by a single specialist team.

Today, we discussed whether the Corrections Act 2004 is fit for purpose. Under current legislation, prisoners are allowed to send and receive mail, and about 15,000 pieces of mail are sent every week. These letters can be withheld for a range of reasons. At the time the legislation was set in place 15 years ago, the withholding of mail centred around threats to the security of individuals and to meet a range of requirements. We discussed that the current grounds may not take into account mail being published to a wider audience, nor capture broad hate speech, and for the need to ensure that the law, which was, as I said, designed in 2004, is fit for purpose. Corrections had already identified this issue with the Corrections Act and had already begun work. The next steps are for the Minister to progress options for consideration that will be going to a Cabinet committee, and I expect that to happen over the course of this parliamentary session.

The bottom line, though, is that people should be safe from those behind bars, whether that's individual threats or the spread of hatred, and that's why we're taking steps to make sure that that is the case. I'm happy to take questions.

Media: How widespread will those law changes likely be?

PM: At the moment, we're looking at options, as we speak, but I think it's fair to say that if you look at the current legislation, it is drafted very much in the mind with the idea of a prisoner writing directly to a recipient and the impact on that recipient. We live in a digital age. We live in an age where people like the alleged offender in the Christchurch case sought notoriety, and that means trying to publish beyond just an individual who a letter may be sent to. And we need to make sure that the legislation captures that kind of grotesque behaviour.

Media: Given that Corrections was already working on this, shouldn't they have been more vigilant to the fact that they were releasing a letter that was vastly inappropriate?

PM: Yes, yes.

Media: You mentioned they'd already been doing this work. How long had they been doing this work, and do you think they should have stopped him sending letters sooner?

PM: Yeah. Look, I think we should be absolutely clear here. Regardless of the work that is currently under way to make sure that the current law is fit for purpose, actually, those letters should never have been sent anyway. What we need to make sure, however, is that we give the greatest clarity possible for Corrections and ensure that there isn't the ability to contest the decisions that are being made by Corrections at the same time. So there is still room, of course, for this work to be done, even if these letters, under the current rule, should not have been sent.

Media: Should they have stopped them earlier?

PM: Yes. Yes, that's obviously the reason why they have given the unreserved apology that they have, but, at the same time, I do think there is room for us to give much greater clarity in the legislation, because what we don't want is further down the track for individuals to contest some of the decisions that might be being made by Corrections.

Media: How will you balance freedom of speech with hate speech, considering these law changes?

PM: Yeah, and so, of course, what we need to make sure is that, ultimately, we're applying here what people would really see as a common-sense test. And so if you would fall foul of the law by broadcasting something online, for instance, then you would expect that kind of same threshold to apply for mail coming out of our prison system, and so, questions around whether or not the way that the Human Rights Act and some of those hate speech laws should apply in these cases. So that's work that, as I say, I expect will go before Ministers soon, but we do want to make sure that we think about the digital age. This is not about one letter reaching one person; there is the ability for these letters to be broadcast, and, if they are, to do much wider harm if they're not treated properly.

Media: Have you read the letter?

PM: I've heard excerpts of the letter. I haven't read the text in full.

Media: Have you seen the bit that's been pinned as the call to action? Would you have identified that as a call to action?

PM: Look, I think that regardless, actually, there should have been a layer of vigilance for this individual, because it is absolutely clear that the alleged offender here is motivated by notoriety and motivated by sharing a particular ideology. Now, some of the messages that will be sent from groups of that ideology may not be obvious to individuals because they tend to sometimes use coded language that are calls to action, that we may not even recognise, as a lay person. So keeping that in mind as well I think will be critical to getting this legislation right, particularly in the age where people are seeking to spread hateful messages.

Media: You've said that in the next two weeks of the next sitting block you want it to get to a point that it goes to Cabinet committee. Are you expecting it to go through Cab committee and get to Cabinet and actually have an announcement of some sort in the next two weeks—

PM: Of course, my expectation is it will go to Cabinet committee in this session. Of course, if there's not too much alteration at a Cabinet committee, it would then go to the next Cabinet, but, of course, that's up to the committee. They may seek to have additional information or redrafting. So I don't want to pre-empt that process, but, obviously, as I've indicated, in the next two weeks we expect that policy work to be before Ministers.

Media: So you could have a decision made in the next two weeks about what you're going to change?

PM: Within that time line it's possible—however, again, I do want to just make sure I give the ability of Ministers to properly interrogate what's being brought before them by Corrections.

Media: About that coded language, when we were in Paris for the Christchurch Call, media were given a kind of glossary of some of the terms that far-right groups use. Some of it was pretty basic, like “memes” and “troll”, and “snowflake”. Is the Government ill-equipped to identify this kind of language?

PM: Agencies are equipped, but, of course, what we have to make sure is that we're aligning what we're doing here with our wider Human Rights Act legislation, and I think that's what people would expect.

Media: Just on that Christchurch Call, I think you called on the global community to stop spreading hate speech online, and yet under your watch, this very individual who's sparked all this has managed to do it. I mean, how embarrassed and disappointed are you in what's happened?

PM: Oh, this is not about politics; this is about victims, and I wouldn't want anyone to be under any illusion that my concern goes, actually, beyond, first and foremost, the families, the friends, and the Muslim community who have been affected by this. That's my focus; it's not about the politicians in this equation. A mistake has been made, and they deserved our—not only apology but they deserved for us to fix the system so this doesn't happen again.

Media: Does this put into perspective how big of a task the Christchurch Call is if you can't stop one letter getting out from behind bars in a maximum security prison—

PM: I think we, of course, need to acknowledge here that the issue of the screening of 15,000 letters within New Zealand's prison system, of course, is a relevant piece of ensuring that further harm is not done. The issue of the Christchurch Call, of course, is then whether or not we've got the right mechanisms in place to ensure that when people undertake the kind of horrendous terrorist attack that we saw in Christchurch that we have the ability to deal with that as upfront as we can, but also in the aftermath. Again, though, you know, this kind of crime we have not seen in New Zealand. That doesn't mean, though, that our corrections system should not be fit and ready and able to deal with what is hateful ideology being spread more widely.

Media: Prime Minister, can I just ask in terms of responsibility for the mistake—because chief executive Christine Stevenson has seemed to push the blame on to a prison manager. Is that where the responsibility should have sat with this issue, do you think? Or should it have sat with the Minister and the chief executive?

PM: Ultimately, my take would be that where the individual apology comes from—the important thing here would be that there's an absolute acknowledgement here that a mistake was made. No excuses. A mistake has been made, an apology has been issued. Now we need to focus on getting it right. Now, obviously there are those involved in the actual process itself, and Corrections have taken and made the unreserved apology on the basis that they're the ones that have been handling that process. But, actually, I don't think people want to hear lots of time spent on whose fault it was; I think they want us to fix it. So that's what we're

focused on, as well as issuing that unreserved apology to those who are affected the most, and that includes the community in Christchurch.

Media: Labour's Māori MPs were labelled as sell-outs today at Oranga Tamariki's review hui in Auckland. What's your reaction to that?

PM: Of course, I would push back on that. In fact, I would say that they have been at the centre of acknowledging that over the last 30 years, we've known that we need to improve the system of care in New Zealand. As the Children's Commissioner has said, we have an enormous opportunity now, with the reforms that are in place for Oranga Tamariki, to fundamentally change the way that we deal with children who may potentially come into State care. We already have some examples of what that could look like. We have it with Waikato-Tainui, we just need to make sure we spread it.

Media: Will, then, discussions go on about Ihumātao with the Kīngitanga tomorrow?

PM: Yeah, look, I would expect that it would. It's obviously—Kīngitanga is at the centre of trying to help develop a resolution to this situation, and I'll be visiting, so I have every expectation it'll be one of the many topics that we'll discuss.

Media: On the goal of bringing down the Māori prison population so it's in line with the general population, is that goal simply aspirational?

PM: Well, you'll see by the numbers that we have some way to go. But, regardless of that, that shouldn't stop us from putting in place measures and innovative ideas where we can both meet the public expectation that when a crime is committed, that debt to society is repaid, but that we have a system that rehabilitates, that reintegrates, and that tries to stop further reoffending. At the moment, our system hasn't been achieving that. We have to try and do things differently.

Media: Why not put a date on it, though, and make it a proper target?

PM: I think, regardless, the fact is that you're already seeing initiatives that demonstrate that we are serious about this. We are already putting in place initiatives to try and turn those numbers around.

Media: Do you have plans to meet with anyone from SOUL at Tūrangawaewae tomorrow or at all this week?

PM: My focus tomorrow is Koroneihana, and so that's the purpose on which I'm travelling and have been invited to attend. I absolutely expect Ihumātao will be a topic of conversation, and I may well, of course, see those there who have been involved in the discussions at Ihumātao. I've obviously met with members of mana whenua already over the issue, and so if that happens over the course of my visit, then that's not unexpected.

Media: They're obviously planning to march—

PM: On Thursday.

Media: —to your electorate office. So you have no intentions of meeting with them in order to prevent that from happening?

PM: Yeah, look, what I would say to that is two things: firstly, the focus on me visiting Ihumātao tries to place it as being about me. It is not about me. In fact, the most important thing here is that we try and find a resolution, and we as the Crown are absolutely supportive of a process that tries to find a resolution. In fact, we've supported, of course, Kīngitanga's involvement. We were there on 26 July to try and de-escalate by sitting down with mana whenua and with Fletcher's, and bringing about the outcome which meant that there wouldn't be further development until a resolution was found. That's the role that we have to play. Me visiting doesn't get us closer to a resolution. It ultimately needs to come from mana whenua. I haven't ruled out visiting in the future, but right now I see it as a distraction to finding a resolution.

Media: It's a no to visiting before Thursday, is it?

PM: At the moment I'm here in Wellington. I have no planned intention to visit this week. I haven't ruled it out down the track, but, again, ultimately, getting us to a resolution, means being at the table with Kīngitanga. That's where the resolution will be found.

Media: Do you feel bullied into going to Ihumātao?

PM: No, no—look, ultimately I absolutely believe that everyone's hope is to find resolution, and I have the same hope. I want there to be a resolution at Ihumātao, and my job is to find the position for the Crown to help that happen. Me visiting doesn't get us closer to that, and so I'm focused on getting us closer to that.

Media: So you haven't ruled it out in the future. What other circumstances would there be to have you to actually be going to Ihumātao?

PM: I'm hopeful that there will be a resolution, you know, and once that's in place, then that means that all of the energy has rightly been focused on getting us there rather than on a visit which wouldn't get us there.

Media: So you'd only go after there's been a resolution.

PM: No, not necessarily. I just haven't made plans. I don't have plans currently to visit, but I haven't ruled it out in the future, Jason.

Media: Some people think that your presence there could play a part in that resolution—

PM: How so?

Media: Some people are calling for you to go there and play a part in the process.

PM: But how so—the first thing I'd say is I, of course, have.

Media: And it would not help find a resolution at all.

PM: I think the most important thing to date for us to do is to recognise that as long as there was escalation, it made it harder for parties to be around the table, and so on 26 July we played a role in bringing together mana whenua and Fletcher's and ensuring that there was no further action until that resolution was found. Kīngitanga, then, I think, rightfully stepped in and offered a process, and that's what's happening at the moment. So that's where I think the focus should be—on that Kīngitanga-guided process, and I think our role has been to support that and enable that to happen.

Media: The marae's put forward as part of their process at least four new teams of mana whenua—have you been briefed on whether there's been any progress?

PM: I have some knowledge of what's—you know, some of the discussion. I'm not a party to the negotiations. The Crown is not a party in these negotiations. But I do have some knowledge of some of the conversations that are happening.

Media: Have you been approached by anyone at Stuff or NZME in an attempt to win Government backing for a second go-around at a merger?

PM: No.

Media: There was a report out of Australia that NZME may be looking at some sort of lobbying for a legislative change or an exemption that would allow them to bypass the Commerce Commission. What would you think of that as an option? Would that be something that the Government may consider?

PM: I haven't been approached, and I'd rather not discuss a hypothetical.

Media: Scott Morrison departed the Pacific Islands Forum with his Government looking increasingly isolated in its stance on climate change. Are you concerned that that split and Scott Morrison's behaviour during the leaders' retreat, which Frank Bainimarama described as insulting and condescending, could push Pacific nations closer to China?

PM: No. Ultimately, though, of course, you know, the relationship of individual Pacific Island nations with other countries is a matter for them, be it their relationship with New

Zealand or Australia or China. That is always a matter for them. Of course, I've only attended two Pacific Island Forums now, but in both of those meetings there has been good dialogue—there has been robust dialogue—and from what I've read of previous Pacific Island Forums, that has often been on a number of different subjects. So I don't think that is necessarily new.

Media: So you didn't interpret Scott Morrison's behaviour as insulting, as some other leaders did?

PM: Oh, I can only comment as, you know, the representative of New Zealand, but it's not for me to interpret how other individuals interpreted comments. As I've said, coming out of the Pacific Island Forum, I was heartened that we have produced a statement on climate change as a forum that I think can be used to demonstrate the importance we place on climate change as the number one security issue for the Pacific.

Media: Prime Minister, did Kris Faafoi consult with you before he gave TVNZ a green light to not return a dividend?

PM: I would have to probably make sure that I went back on some of my official documentation before I gave you a final clear response on that.

Media: What do you make of the, kind of, response from Media Works to that? There's been a kind of sustained campaign to complain about them not getting any say-back into what TVNZ do.

PM: Look, again, of course, different broadcasters—of course, different mandates, and the mandate for State television, of course, is different. They do play a role in making sure that New Zealand stories are told, and so that of course means that they have different expectations placed upon them as TVNZ. Well, they have in the past, anyway.

Media: On Hong Kong, are you supportive of the pro-democracy movement in Hong Kong?

PM: New Zealand, of course, has to maintain internationally the same focus that it has domestically on the right to protest freedom of expression, and I don't have to tell everyone here, of course, that New Zealand supports people's right to express themselves and to protest peacefully. Of course, though, we would join with other nations in calling for de-escalation, peaceful dialogue, and we would do the same here in the case when it comes to Hong Kong.

Media: Are you worried about some of threats that China seems to be making towards Hong Kong?

PM: Again, our calls have been fairly consistent—de-escalation, peaceful dialogue on all sides, and, of course, a restoration of the “one China but two systems” philosophy that's been in place for a significant period.

Media: Do you feel constrained in what you can say because China is our biggest trading partner?

PM: No, no. Sorry, I'll just make sure I'll capture those who haven't jumped in. Yeah?

Media: Legal experts—

PM: Don't bother with hand-raising; you're just going to shout.

Media: When legal experts say that the accused Christchurch gunman will be able to vote in upcoming local body elections, is that something that the Government has looked into, or would it watch for that happening?

PM: I wouldn't believe that would be the case, actually. I see, you're saying because he's a remand prisoner. I would want to get advice on that before I commented on that, but yeah.

Media: Just the appeals process in terms of the allegations against some Labour Party staffers—are you confident in that process, and what do you make of the suggestion that it

should be run in conjunction with something like a sexual abuse prevention agency to ensure it's victim-led

PM: Of course, that was—we sought advice from such agencies following the summer school and the establishment of the processes that the party put in place the first time. Obviously, that has proven not to be an adequate process because, of course, we have had people, or complainants, raising concerns over that. I think the party was right to allow those who have made the complaints to be able to seek an appeal through someone who is not a part of the New Zealand Council but a third party, and so we've already put in place—you'll know Maria Dew QC. My understanding—I've had it reported to me that the complainants in this case have not sought an alternate process to that, and are now aware of their ability to work through an appeals process through that QC.

Media: The letter that was sent from prison isn't the first time that law enforcement—

PM: No.

Media: —mucked up—

PM: That's my understanding.

Media: Yeah, but also police initially charged the alleged gunman with the murder of someone who was actually alive. There seem to have been myriad botch-ups along the way. How badly has the Government let down the victims of the Christchurch attack?

PM: Again, this is a case where we, rightfully, have seen an apology issued. That was absolutely the right thing to do. That needs to go directly to not only the members of the Muslim community but, obviously, friends and family of victims. But I think they would want us to get this right, particularly given the nature of what has occurred to them and to their city. Last one. Anyone who hasn't?

Media: The Government is still hitting beneficiaries with sanctions if they fail drug tests. What impact do you think this has on their children?

PM: Yeah, well, as we've said before, we have, obviously, removed section 192. Of course, we have also had a concern around making sure that the way that we behave in our benefits system ensures, though, that children are being well supported. If you've got a specific example, though, that you would want us to look into, I would encourage you to take that to the Minister of Social Development directly.

Media: Some bars are concerned they won't be able to show Rugby World Cup games because of licensing issues. Would you support legislation to allow them to stay open?

PM: We, actually, had to deal with this during the last Rugby World Cup. That's an issue that they would really need to go directly to councils—if there's some need for us to try and help facilitate some of that across the country, I'm sure the Minister of Local Government would be willing to help coordinate a process. But this isn't something that's new, so, hopefully, it shouldn't cause as many issues as perhaps we've seen in the past. Alright, thanks everyone.

conclusion of press conference