

POST-CABINET PRESS CONFERENCE: MONDAY, 20 NOVEMBER 2017

PM: Good afternoon, everyone—30 seconds early. Today Cabinet agreed to establish a new, stand-alone Government department, the Pike River Recovery Agency - Te Kahui Whakamana Rua Tekau ma Iwa, otherwise translated into “The Empowering Voice for the Pike 29”. The agency, as you may have heard, will work in close partnership with the Pike River families to plan for decisions on the manned re-entry of the drift of the Pike River mine, and you’ll also know that this was part of our 100-day plan. The agency will be established by Order in Council on 31 January 2018.

In making this announcement today, I want to pay tribute to the families of the 29 miners, whose dedicated advocacy has brought New Zealand and this Government to this point. We are committed to working hand in hand with the Pike River families, involving them at every stage. Any decision to re-enter will be based on a thorough technical assessment of the risks and advice on how the risks can be mitigated. The families know that we will not endanger any more lives, and in fact that has been one of their most important principles.

The purpose of the agency is to gather evidence to better understand what happened in 2010, with an eye to preventing future mining tragedies. It also has the purpose of giving the Pike River families much overdue closure and, if indeed it is possible, peace of mind. We expect and hope to complete the recovery within the drift to be carried out by March 2019.

I’m happy to take any questions on that announcement today. I have with me also the Minister responsible for the Pike River recovery, and the Minister responsible for the Pike River agency, Minister Andrew Little, who each of you will know has had a longstanding engagement with families on this issue, first as a union leader with the EPMU and, of course, in his role as a member of the Labour caucus.

Happy to take questions.

Media: Are you giving the families an absolute guarantee that you will go into the mine?

PM: We’re giving them the commitment we’re going to do everything within our power to try, and that’s all they’ve ever asked of us. Of course, they’ve always had competing evidence against what has been provided by the last Government that told them that an entry was possible. We have committed to establishing an agency to see that through, but what we’ve both committed to together is that safety is a priority, and what we’ve said is if we uncover any information that says that there are problems along the journey to re-entry, we will work it through together.

Media: Sorry, are you promising re-entry by March 2019, or recovery by—

PM: Re-entry by March 2019. Of course, the two sit hand in hand because recovery is one of our ultimate objectives, if it is possible.

Media: Is any level of risk acceptable, if you’re sending humans into the drift?

PM: Yeah, there will be risks. Our job is to mitigate them as far as possible and to weigh up whether there is an acceptable level of risk, but, as I’ve said, there were risks every day that those miners walked into that mine. The risk they took on was an unacceptable level of risk at the hands of the company they worked for. Now, it’s incumbent on us to make the right decision to try and re-enter that drift. But of course we’ve got to do it with all the information—make our best endeavours to re-enter, but, of course, weigh up those risks as we go.

Media: PM, correct me if I’m wrong, but wasn’t an election commitment of yours to re-enter the mine, not—

PM: Yes.

Media: —re-enter it—

PM: And that's what we're doing. That is what our absolute ambition is. But, of course, we've always had to maintain that there may be evidence we're not aware of. There may be expert advice that throws up a counter view. We've committed, alongside the families, if that happens, we will work through that together. That is a major difference between the position of this Government and the past Government. Our endeavour is to re-enter; theirs was not.

Media: How will this agency be structured, and do you have staff or leadership for it at this stage?

PM: Yes, it will be structured as a Government department. Our intention is between now and when it's established by Order in Council. The State Services Commission will undertake the recruitment of a chief executive. It will have a small number of staff, potentially located much closer to the mine than it is here in Wellington, but those are details that we're working through.

Media: Will they be liable for that decision? I mean, the issue, you know, if something was to go wrong if they made that decision—who's accountable?

PM: At the moment we don't believe we need to make any changes to the health and safety legislation to undertake this recovery. But of course this is a Government department who will be undertaking this work.

Do you want to add to that on the liability side?

Hon Andrew Little: Yeah. We have—as the Prime Minister has said, we don't intend to, because we don't see the need to change the legislation. We will go through the normal risk assessment and hazard assessment steps that any business or organisation would go through in a project like this, and in the end, the decision will come back to me as Minister. I'll have the benefit of the advice from the agency. Their advice will have been peer-reviewed, and I will have an independent adviser to me as well as the Minister, so all those checks and balances are provided.

Media: So it's your decision—the final decision—as to whether or not they go in?

Hon Andrew Little: That's correct.

Media: So you'll be the one responsible if something goes wrong?

Hon Andrew Little: The decision on whether or not to re-enter will be mine as the Minister, based on the advice that I get from the agency, which, as I say, will have been peer-reviewed, and there will be independent streaming of advice to me as Minister in any event.

Media: Are you prepared to tell the families, you know, that maybe you can't go in, if you get that advice? I mean, that's going to be a very difficult decision when you've made a promise to go in.

Hon Andrew Little: So we've been very clear about the modus operandi, which is that the families are going to be involved every step of the way. That's a fundamental change to the way that families have been treated up until now, and they have been clear they've felt not even at arm's length. They've felt excluded from the information and from their ability to have a genuine input into what has happened. They have been clear—as the Prime Minister has said, they have been very clear that the top, governing principle of this whole project is the safety of those who would be involved in a re-entry exercise, and, you know, we are not going to put anybody at undue risk.

Media: Is this a backtrack—

PM: No.

Media: —because the position before the election was very clear. You were going in—
“We’ve promised, we made a commitment”—

PM: And that remains—

Media: —and now, you’re saying there’s a safety issue.

PM: No. That remains our position. Absolutely, our commitment is around re-entry—the fact that we’ve established this agency, we’ve committed a budget to it, we’re working closely with the families. They’ve already been involved in the establishment of this agency. But we of course have to factor in that there may be information that we have not had presented to us yet, and even the family acknowledge that may be the case too. What we’re saying is in the event that that happens, the difference between us and the previous Government is that we will face that decision together. We will work it through together, but our starting point is re-entry.

Media: So who will be legally responsible for the risk of re-entering, if and when that does happen?

PM: It’s a Government agency, and of course those risks and liability would fall in the same way.

Media: So at the moment, Solid Energy have to deal with the Crown to enter unmanned. Is that still going ahead or have you—

PM: No. Our view was that the evidence that sat behind that exercise doesn’t stack up and that we should focus our efforts, energy, and resources on a manned re-entry.

Media: So how much will you be spending on this new agency and the process?

PM: You may recall that we did put aside funding in our fiscal plans based on the estimates that we had seen. We have put aside contingency for \$7.6 million per annum over 3 years, up to \$23 million. Our hope is that it will come in under that, but that’s the contingency that’s been made available.

Media: Are you leaving the door ajar to the possibility of changing the health and safety Act in this—presumably in this exceptional circumstance, should that be necessary?

PM: At this point there isn’t any evidence to suggest we need to do that at this point.

Media: But “at this point” sounds like leaving the door ajar.

PM: Well, the evidence we’ve had to date says that we don’t need to.

Media: Who would be legally liable?

PM: I’ve already answered that, but.

Hon Andrew Little: The way the agency will operate is it is there to do the project, and it will discharge all the legal obligations that any organisation would have under the current health and safety at work legislation. So the chief executive of the agency, all those involved in the project—including those who are on the ground—have an obligation to prevent harm to themselves, and so those obligations we fully intend to fulfil.

Media: Given that the tasks won’t be risk-free, what about the employment rights of the workers involved in the recovery tasks? Will they be able to reject the request to participate in this re-entry?

Hon Andrew Little: Yes, they have a lawful right to do so, and that’s why the planning phase is so critical, and why the people involved in putting the plan together will be checking the health and safety requirements at every step of the way. And if we get to the point where we say “Yep, actually, this is feasible. This is possible.”, right down to the day, if people are descending to go into the mine, that health and safety risk assessment must still take place. And under the legislation as it is right now, as it has been for a long time, if they consider they are putting themselves at undue risk, they are entitled to decline to enter.

Media: Do you have a plan for when you would like to get in the mine—start re-entry?

PM: Well, as I've indicated, of course, by Order in Council, we're looking to establish this by January. Planning's already under way, and our hope is March 2018.

Questions? All right—

Media: Do you have a date at this stage for the Half Year Economic and Fiscal Update and Budget Policy Statement?

PM: I said March 2019, instead—excuse me, sorry—

Media: You just said 2019.

PM: I did—I just realised that I said 2018 instead of 2019, excuse me. Do you need that down the barrel again?

Media: So do you want it started by March 2018?

PM: Ah, it will be established—the agency will be established by January, with the goal of re-entry by March 2019.

Media: Right.

PM: Sorry.

Media: Do you have a date for the Budget Policy Statement and Half Year Economic and Fiscal Update at this stage?

PM: Not yet, but as soon as we do we will announce that.

I can also flag that later on this week we're likely to make our first announcements relating to the tax working group—I know you'll want to mark that in your calendars.

Media: Is that appointments, is it—names?

PM: Our first announcements around the tax working group—waiting with eager anticipation, I'm sure.

Media: Do we have any scope or names or—

PM: Our first announcement on the tax working group will be this week.

Media: The road toll is currently travelling towards a 10-year high. How much of a priority is road safety for the new Government?

PM: It is a significant priority, and during the election we did talk in particular around the loss of life on regional roads—an area where we felt that there had been significant under-investment. My understanding is that the Minister Julie Anne Genter has called together a meeting of NZTA officials and police in order for her to work through what some of those black spots and areas where we can make the biggest difference early on might be.

Media: The Spinoff has reported that Trump said to Trudeau—oh, I can't remember what it was.

PM: I've seen those reports, and not all of them are accurate.

Media: It's the quote that The Spinoff has quoted—

PM: As I've said, I've seen those reports and not all of them are accurate. I've given both a short- and long-form version—a very long form version—this morning. I don't intend to go into any further detail on that yarn. I'm going to leave it there.

Media: Have you warned whoever told you of the suspicion they had about what Trump thought, that trouble as in—that you may have got them into trouble?

PM: Have I warned the person that a—that's quite a convoluted question. Do you want to try that again?

Media: The person who told you—have you warned Trudeau that you may have got him into trouble?

PM: No, it's got nothing to do with him, as far as I'm concerned. And also, as far as I'm concerned, it is not a significant issue, nor one that I'm going to trouble anyone else with their time over.

Media: So was Trudeau not the one who said to you—

PM: I see what you're doing there. I'm not troubling anyone else over this matter. It's got nothing to do with him, as far as I'm concerned.

Media: Do you not think it is a serious issue, though, when you are representing New Zealand on the world stage and potentially embarrassing the leader of America?

PM: It's everyone else's interpretation over whether embarrassment has been caused. In my mind it hasn't.

Media: On paid parental leave—

PM: Yes.

Media: —can you run through the merits of National's proposal?

PM: Oh look, they've raised the issue of whether or not in those two-parent households having the available leave, particularly in those early stages, to help support the other parent would be useful, and as I said as soon as I returned to the House, I see merit in that. The issue that we have is that the bill that's gone before Parliament under urgency is there under urgency because that bill's been considered by Parliament before. It's gone through a robust select committee process. That amendment that's been put forward by the Opposition hasn't gone through that process. We think it has got merit, but we just want to do a bit more work on it. I've indicated that we are doing that. I've spoken with the Minister about it, but with a view that if it comes back looking like something that we should pursue, that we will. But doing it within a bill that's already been considered and fully consulted on—we just don't have the time frame to do that properly.

Media: And if you had some advice that some of the changes required might be a bit more technical than what National—

PM: My understanding is that the Minister has received advice along those lines. That isn't going to stop us from looking into it in more detail. I also understand that he reached out to Amy Adams over the amendment at that time. She hadn't made herself available. That may well have changed.

Again, I would make the point that we are looking at this in good faith. As we indicated, it's got merit. It's a shame that when the last changes were made to paid parental leave, the then Government didn't pursue this issue, given they clearly feel very passionately about it.

Media: Mr Little, can I just ask you, when we first interviewed you about Pike River, you said that the re-entry aim was by the third quarter of 2018. What's pushed that back to March 2019?

Hon Andrew Little: I think the Prime Minister has been very clear. The agency will be set up at the end of January 2018. We expect a plan properly considered and peer-reviewed, and what have you, in the first part of next year, and then the re-entry itself, if we get that far, will be somewhere between then and the expected end of the agency, which is March 2019. It simply isn't possible to be specific about a date for re-entry because there's a lot of work that has to be done before we get to that point, and then, even when we have a good, viable, safe plan, there's then timing around a variety of things that will dictate when the job is actually done.

Media: But you were specific about the planned date for re-entry—you said quarter three of 2018. So what advice have you had—

Hon Andrew Little: I think I've said before that I would expect a plan to be pretty much in place by kind of March-April next year, and then the re-entry itself—if we are going to proceed with it—is later in the year. I don't think I've been particularly specific about it because it simply isn't possible to be.

Media: Is it later in the year, or is it March 2019?

PM: By March 2019.

Media: There are a number of substantial applications in front of the Overseas Investment Office, both for the purchase of land and also some company takeovers. Is it your intention to suspend consideration of those until you've reviewed the criteria?

PM: Well, we have a few options there. Of course, one is legislative means. We're working on that as we speak, and as you'll know, we've got a time frame we need to work on based on the potential ratification of TPP. In the interim, there are other tools that can be used to give an indicative direction of travel. We're taking advice and making decisions on that as we speak.

Media: So those applications—and I mean there's some big South Island sheep stations, as I understand it, in front of them at the moment. They are, in effect, not going to go through under the criteria that they would've gone through or been considered under the previous Government?

PM: As I say, we're taking some advice on that as we speak. Legislation is one tool to deal with that. There are others available, but again, it's something that we're taking advice on. Of course there will be applications in train, and we are aware of that.

Media: So would you pull the rug out from those that are in train—

PM: As I've said, we're taking advice on that.

Media: Just a question on defence. Reportedly, Defence Minister Ron Mark has been looking at the feasibility of reinstating the airstrike capacity for our armed forces. Is that likely to be—it's early days yet, but is this likely to be a budgetary priority for your Government?

PM: As I've said several times in the past when asked about defence, we are sticking to within the parameters of the extensive work that was done forward-looking for defence planning, and that included their infrastructure. We're not looking to move outside of those parameters.

Media: [*Inaudible*] got discretion?

PM: That includes the Budget. Everything will come—everything of significant decision of that scale of course will come before Cabinet, but, as I've indicated, we're looking to stick within the context of that significant piece of defence planning.

Media: So there's no return to the Skyhawks and the fighter jets?

PM: We're sticking to that existing plan.

Media: Radio New Zealand just got a much-needed funding increase. Will there be funding increases for Māori broadcasting?

PM: Yeah. We have talked about what we would like to do with Radio New Zealand, but a significant part of that is around public broadcasting generally, and within that, of course, we will want to see an increase in content that spans across a number of areas. We don't want to duplicate the funding that already goes specifically to Māori broadcasting, but we are interested in expanding the ways in which New Zealand and Aotearoa stories are told on multiple different platforms. That's something that, again, we're in the early days of working through, because it is quite a significant piece of work.

Media: What's the purpose of this Friday's half-day caucus?

PM: Oh look, we haven't had the ability to have a caucus together that's outside the usual Tuesday, short timeslot. So it's a way for me to torture my team by bringing them in during a recess week, to have a bit of planning and strategy sessions together.

Hon Andrew Little: We always look forward to our caucus meetings.

PM: We enjoy that extra time together. Bonding, trust exercises—you know, things like that. I'm joking.

All right, thanks everyone.

conclusion of press conference

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