

POST-CABINET PRESS CONFERENCE: MONDAY, 12 NOVEMBER 2018

PM: Good afternoon, everyone. Before I make a formal announcement this afternoon, I'll give you a quick rundown of what I'll be doing for the rest of the week. Tomorrow, I head to Singapore for the East Asia Summit, where we'll be discussing key strategic and security issues in the Asia-Pacific region, including North Korea, maritime security, and climate change. I'll be holding a series of bilateral meetings in Singapore, including my first face-to-face meeting with the Australian Prime Minister, Scott Morrison. Trade will be a focus of the trip. I'll be taking the opportunity to push our progressive trade alliance—trade agenda, and we'll be seeking to advance the RCEP agreement and the Pacific Alliance. It'll also be a chance for me to catch up with young New Zealanders in Singapore, as well as the business community. On Friday, I'll travel to Port Moresby to attend the APEC Economic Leaders' Meeting and will also meet with regional counterparts and attend a meeting with Pacific Island leaders. The focus of the trip is, of course, on strengthening and extending our relationships with the region, and I'll be emphasising, as I've done previously, that now more than ever we should be working collectively to address the global and regional challenges our part of the world faces.

For the formal announcement for this post-Cab, though, I want to invite Minister Tracey Martin and Sir Anand Satyanand to join me at the podiums here. Today I am joined by Minister Tracey Martin and Sir Anand Satyanand to announce the next steps in the royal commission of inquiry into historical abuse in State care. Cabinet has today agreed to extend the scope of the inquiry to include the abuse of children in the care of faith-based institutions.

Extending the scope so the inquiry includes faith-based institutions was one of the most strongly argued issues in the consultation process, and it is important to this Government that we listen to the voices of those victims. The inquiry will now be called the Royal Commission into Historical Abuse in State Care and in the Care of Faith-Based Institutions to reflect its extended scope. Its terms of reference will be released this afternoon. I also want to be clear, though, that in broadening the scope, we remain committed to fulfilling the expectations of those who sought the inquiry into State care. That's why we have asked that the first interim report of the inquiry is focused on State care. That will be reported by the end of 2020. A separate report will then focus on the care of children in faith-based institutions. A final report containing the royal commission's findings and recommendations will be submitted to the Governor-General in January 2023.

Cabinet also confirmed the four other members of the inquiry to serve with the Chair, the Rt Hon Sir Anand Satyanand, and they are Ali'imua Sandra Alofivae, Dr Andrew Erueti, Paul Gibson, and Judge Coral Shaw. The inquiry will have a budget of \$78.85 million over four years, which includes more than \$15 million to help participants by providing counselling and related support. We have also asked the historical claims unit, which processes compensation claims, to work alongside the royal commission.

Before I hand over to Sir Anand to expand on the inquiry's terms of reference and how it will work, I do want to take a moment to acknowledge all those survivors of abuse and, in particular, for whom abuse occurred under the protection of the State. I spoke with many of these survivors while I was an Opposition MP. I know some of them, and I am proud to have played even the smallest part in ensuring this inquiry is a priority for the Government, alongside Minister Martin, who has been a fierce advocate in bringing us to where we are today. Today will mark another milestone along the road to recognition for these individuals. As I said in February, when we kicked off this process, it represents a chance to confront our history and make sure we don't sure we don't make the same mistakes again.

I'd now like to hand over to the Chair, Sir Anand, to make some comments.

Sir Anand Satyanand: Prime Minister, nga Minita, tēna korua. This is a hugely significant day for the royal commission. It's also a day for congratulations to the Government

for its decision, and it's a day to offer congratulations to the survivors of abuse in care, who, as you have said, Prime Minister, have made their submissions and representations for a very long time, which have now resulted in the Government's decision earlier today to commence the royal commission. The key features of the terms of reference, to which there will be reference in due time, are first that it now has a wider scope. It will refer to people who have been in State circumstances for their care, and it will also refer to those who have been in the care of faith-based institutions. Having said even that gives one the idea and understanding that this royal commission is a huge undertaking. It will be the largest royal commission that the country has undertaken.

There are lots of other technical things about discretion as to the dates which will be covered by the royal commission, and the placement of the Treaty of Waitangi and matters of that kind. I'm also particularly pleased to hear, at last, the choice of the four other commissioners, for whom I have been waiting for a long time, to take their places as of this afternoon. They are people with skill sets of different kinds whom I am certain will add value to the work of the commission because of their different experiences and different insights. Dr Erueti, Ali'imuamua Sandra Alofiavae, Judge Coral Shaw, and Paul Gibson all have had different careers which have gone through the sifting process which Minister Martin and her colleagues have undertaken, and the landing has been with four people with very good pedigree to do the job ahead of us.

We are now positioned to commence an orientation programme for the commissioners, and in not too far distant time from now, we will begin to hear the survivor accounts. We will begin the formal hearings of the commission, and we will proceed to making assessments and determinations. Having had this long to prepare, we are really well geared up, in my estimation, to undertake this job efficiently and well. We have a budget which sounds very large when you say the numbers, Prime Minister, but the planning reveals that that is a prudent amount to seek because there are such things as counselling that need to be budgeted for and dealt with. And right from here, from day one, we are projecting ourselves towards the end result and providing for New Zealanders a process of healing, for which the royal commission will be responsible.

That's all I'd like to say at this early juncture, Prime Minister. There may be some opportunity for questions, which I shall do my best to answer, of course.

PM: Thank you, Sir Anand, and I'm happy to take questions, and from either of us.

Media: Prime Minister, why not include faith-based institutions from the outset?

PM: The original request came very clearly from those in State care. The original plea was from them to look at ourselves, to learn from those mistakes of the past and take responsibility, because as the State, we are the ones still undertaking the duty of providing care—particularly, for instance, for children. So there was a real rationale there for why we should look at ourselves, and so that was the origin of the request. There are those who still would like it to just be for State care, but it was very hard to ignore the strength of feeling that came through during the consultation process. I myself am a very strong advocate for it remaining narrow around State care because of that duty of care, that responsibility, that we have, but we had to listen, and we have listened. But, at the same time, the balance is there. The royal commission will report, first, in a separate report around State care, and a separate report on faith-based institutions. We will stay true to that pledge we gave those survivors of abuse in State care.

Media: Will the time frame be extended beyond 1999?

Sir Anand Satyanand: Yes. There is discretion for the focus to be 1950 to 1999, but as the result of the consultation, there is discretion to listen to accounts prior to 1950 and subsequent to 1999.

Media: Is there any indication, with the widening scope, how many more people, how many more cases it will be? Do we have any idea of the numbers that we're talking about?

Hon Tracey Martin: That's very difficult, and that's one of the reasons why what you'll see, once the Cabinet paper ends up in the public domain and once you see the terms of reference—one of the reasons why this is an initial budget. The royal commission will begin its work, and we're very aware that there are people waiting for its work to begin. But the royal commission has the capacity to come back in the future, once we are able to see the number who come forward.

PM: My understanding is we already have several thousand registered.

Sir Anand Satyanand: We have, yes, registrations. Later this afternoon, an interactive website will commence operation, along with a telephone system. We are geared up to receive representations, the precise number of which we don't know at the moment.

Media: So if you have a large number of cases, the budget could increase—

Hon Tracey Martin: Yes.

Media: —and the budget pays for things like travel to—

PM: Yes. Yes.

Media: Accommodation?

PM: Yes. Yes, it's all inclusive of what it would take at this stage to move members of the inquiry around the country; also the secretariat to support the work. It's all inclusive at this stage.

Media: What's the response been from churches and faith-based institutions?

Hon Tracey Martin: At this stage, we haven't had any conversations with the Churches. My office have been written to by the Churches, asking to be included—well, at least two of the major religious organisations—but, at this stage, my job was to create the terms of reference based on the consultation that Sir Anand took part in and on his report, and that is what I did. So I've had no conversation with the Churches directly.

PM: Sir Anand, did you have anything further on the response from the Churches?

Sir Anand Satyanand: There is a statement in the terms of reference saying that there is an expectation that institutions will be encouraged to participate, and the signals that we've had from correspondence and statements in the press are to the effect that at least two of the main Churches have expressed their support for the royal commission and their willingness to work with it, to which of course we will react.

Media: Can I just clarify the extension to the time frame. I think in the original terms of reference, it talked about individuals who were in care prior to that date, but will you be able to look at individuals who were in care after 1999 to date?

Sir Anand Satyanand: Yes.

Hon Tracey Martin: So, in the draft terms of reference, it said that the inquiry had the discretion to actually listen to people prior to 1950, but it had an arbitrary cut-off date at 1999. The terms of reference have now been expanded so that there is the discretion for the inquiry to listen to cases before 1950 and after 1999.

Media: When you say faith-based organisations, does that include religious schools—like Catholic schools and so on?

Hon Tracey Martin: Schools are included inside the inquiry.

Sir Anand Satyanand: Yes.

Media: Prime Minister, on the Budget, if you lay aside the \$15 million for counselling, it's costing more than \$60 million. How do you explain that amount of money to the public?

PM: Yeah, and that's—keeping in mind that's over four years. Also keeping in mind that relative to what the Australian experience has been, this is a much smaller—even taking into account scale—much smaller than what they've undertaken, despite the scope of ours being

wider. Theirs was confined to sexual abuse; ours has a broader terms of reference because that's what a range of survivors asked for. So it takes into account physical abuse, for instance.

Look, the point I would make is, yes, we recognise that this is a sum of money. This is the cost—and we've scrutinised the cost heavily—this is the cost of us hearing thousands of individuals who want to be heard. But not doing this also comes at a cost. People are already carrying the burden of the impact that this has had on their lives and that burden is carried in many different ways, and, actually, we have got a moral duty here.

Media: Does it include organisations such as Gloriavale?

Hon Tracey Martin: The actual definition of a religious-based or faith-based institution is going to be at the discretion of the royal commission. So we have included them, but that is now going to be a piece of work that the royal commission—now that they have got all their members—will finalise.

Media: Could I direct that question to you then, Sir Anand?

Sir Anand Satyanand: The tentative answer is yes. If they wish to come forward and be considered, they will. They are an institution and they are faith-based.

Media: Do you have the power to compel them to appear if they refuse to?

Sir Anand Satyanand: The new Inquiries Act—and this is the first royal commission which is operational under the new legislation—has very widely drawn powers of dealing with hearings, right up to coercion, if that is called for.

Media: So you can subpoena them, presumably?

Sir Anand Satyanand: “Subpoena” is a term that was used in the former Commissions of Inquiry Act. It's not a term that you'll find in the present Inquiries Act, but in today language, there will be the ability to bring people before the commission, should that be warranted.

Media: Did you consider sporting organisations, or any other types of organisations?

Sir Anand Satyanand: Sorry, I didn't quite hear what you said.

PM: It was just whether we considered sporting organisations and other organisations.

Media: Sporting organisations, or any wider than faith-based.

Sir Anand Satyanand: There is a particular section in the terms of reference that gets down to issues such as who is in and who is out. For example, prisons are not in. For example, sports organisations are not in. The focus is upon the State and the various ramifications of the State—excluding prisons and the other exclusionary ones—including faith-based institutions like schools, but also excluding others. It would take 10 minutes to answer your question.

Media: Was it just because it would have become too broad if you started including sporting clubs and that sort of thing. I mean, is that the—

Hon Tracey Martin: Yeah, to be honest with you, that's right. You could go wider and wider and wider, and what would that do for those who actually called for this? We can't lose sight of there must be a purpose. All of this pain that is going to be released by these survivors—there needs to be a purpose to them coming forward, and some of that is through reconciliation—as Sir Anand has said to me on a number of occasions—and others of it is: we must not allow this to happen again. So we must have those that we can control—we need to fix what has gone wrong.

Media: Does the terms of reference look at compensation and provide any limits or prescription about that?

Sir Anand Satyanand: We will be the organisation that considers the question of redress, included among which are things like apology and compensation. The royal

commission will be the architect, if you like, of the pathways towards compensation, but the royal commission will not be the organisation that pronounces compensation itself.

PM: Keeping in mind, of course, we already have the historical claims unit. It's existed within MSD for a number of years. What we're looking at is a way that we can streamline this process, because, of course, the historical claims unit has a process where they work through individual cases. We've asked the claims unit to work alongside the royal commission so that there is a way that we can hasten that process for those individuals as well.

Media: Are you going to act on the findings of the interim report as that comes out, regarding compensation or other recommendations that it makes—will that happen in 2020 or will you wait until the full report is released to make any changes or redress, or actions like that kind of thing?

PM: I wouldn't want to predetermine what the inquiry may wish to say in their interim reports. I think that we have to take those in good faith when they're received.

Media: But if it makes a recommendation of action in the interim report in 2020, will that be taken in 2020, or will you wait until the final report is—

Hon Tracey Martin: It would really depend on what the recommendation is—I mean, could it be done in 2020 or would it take longer to do? So it's a very difficult question to answer.

PM: I'll just take a couple more. I'm just mindful that you might have other questions. Tova.

Media: If the royal commission calls for it, is the Government willing to apologise?

PM: If the inquiry calls for it, yes—absolutely. But our view has always been that, look, these things are hollow, unless you go through the process of allowing people to be heard, and so that's what we're doing here—allowing people to be heard, to tell their stories. And if an apology is what is called for, then it's only right that we do that. *[Interruption]*

Media: How problematic for the—

Hon Tracey Martin: Sorry, can I just say this, though, about an apology. It also depends on how the individual themselves would like to receive that, and that, I think, is something we're got to hear from the royal commission, because some people don't want, you know, a Prime Minister just stand up in front of the podium and do it. So if we're truly about what the survivors want, then we need to listen to them.

Media: Help problematic for the commission's work is the fact that many of the alleged perpetrators will now be deceased, even some of the—we're looking at the 1950s. Many of the alleged victims will be elderly. If we're talking about restorative justice, how can one side of the encounters be fairly heard when the accused are now, in many cases, no longer with us?

Sir Anand Satyanand: We'll just have to see how that plays out. There will be records, there will be accounts, there will be a body of information that will emerge and enable assessments to be made. You point out an obvious problem, and we will just have to deal with whatever comes. Hearing the survivor accounts is a principal task that we have, and that may come to us in a variety of fashions.

PM: One thing that, at least—if we can take any steer from the CLAS reports—is that such a huge motivation for some survivors to come forward, though, was that issue of making sure that the State learnt from its mistakes so that they weren't repeated. So, yes, I think there are issues there around perpetrators and whether or not there's an ability to deal with any of those individual cases, but for many there was also this additional motivation, and we can do something about that. All right everyone, thank you—thank you both.

OK, in the time remaining, any additional issues?

Media: Prime Minister, just on your trip to Singapore this week, as you say, you'll be meeting with your Australian counterpart for the first time. What are you expecting to discuss?

PM: Oh, a whole range of issues. Rolling agenda items for us continue to be issues around citizenship, deportation, the positive elements in our relationship since we last met. We've been progressing issues like e-invoicing, doing some work on exporters moving into the Australian market—so there's some real positives there to talk about, too—and just regional issues—issues of regional security. I don't think we'll run out of things to talk about.

Media: Have you spoken to Shane Jones about his missing 61 meetings?

PM: Look, in general terms, what I—

Media: Did he come to you—

PM: Sorry?

Media: Did he come to you and speak with you about the correction?

PM: No, but I was aware of the correction, and look, what I will say—to put this into context—of course, these were meetings that were in his diary, but, like other Ministers, Minister Jones has had several thousand questions, and from my last check, we've had something like 40,000 questions to this Government in one year. Unfortunately, sometimes administrative errors are occurring. We do our best to weed those out, but, as I say, ultimately, though, those were recorded diary entries.

Media: So did he follow the correct process in terms of his correction and the way he went about that?

PM: Oh look, there have been multiple corrections over the course of multiple successive Governments. Because of the number, particularly for us, we've had a huge number of questions. From time to time, there will be corrections, and that was the same under the last Government.

Media: From Opposition, you would have been putting in the same number of written questions—

PM: That's actually incorrect. From my quick analysis, we've had roughly, I think, 42,000 questions—just off the top of my head—42,000 questions in a year. That's how many we asked in three years.

Media: Are you averse to being held to account?

PM: No—not at all. I'm just giving you a sense of scale.

Media: In terms of, though—from Opposition, would you have expected the Government of the time to go back and correct 20 questions and have missed 61 meetings? Would you find that pretty absurd?

PM: Look, the same administrative error applied to each, so it's obviously something that's had a knock-on effect. The Minister, as I say, had these recorded in the diary, but there's been an administrative error and it's been corrected.

Media: Do you have confidence in the deputy police commissioner Willy Haumaha?

PM: Look, the report that's come out now, as you will have seen, has demonstrated that we can have confidence in the process. What I need to acknowledge is that there is a separate IPCA report that's still under way. My understanding is that we can expect that, I believe, before the end of the year.

Media: But you won't express confidence in him until what you see in the findings—

PM: Well, obviously, there's another key report still under way. But what we can say is that the process that was applied—we can have confidence in that.

Media: Do you still have confidence in the immigration Minister?

PM: Yes, I do.

Media: Has he explained to you any further the amount of due diligence or anything that you—

PM: Look, we've had a number of conversations, but I had already expressed that I didn't have confidence in the process that led up to the decision because of some of the contradictory information that had been put out in the public domain—contradictory to what was available to the Minister. That's why Immigration New Zealand is working pretty diligently on resolving those issues as we speak.

Media: Shouldn't a Minister read, with a decision that he says—that he or she says is the most difficult of [*Inaudible*] career, shouldn't they read the full file, ask all the right questions, and spend longer than an hour making those toughest of decisions?

PM: And, look, I've already expressed that I think that there are things that we can improve about the process, particularly with complex immigration cases.

Media: What about the Minister, though, because it's his or her discretion—it's up to the Minister how long they spend on these things and how deep they delve—

PM: Yes.

Media: —so instead of kicking it to the process, what about your Minister—

PM: And, look, that includes the process. My understanding is that with successive Governments, with successive Ministers, the process has been that they work through a case with immigration officials present, work through the summary, the evidence sits behind it, there's the ability for questions to be asked. I think, for complex cases, there is, I think, room for us to improve that process further, though.

Media: Would you have expected him to take, perhaps, that file home overnight and to spend a bit more time on it than an hour?

PM: Yes, and, as I've pointed out, Heather, this is a process that's been the same for a number of Governments, and—

Media: But it's ministerial discretion, though—right? So they can choose whether or not they spend a bit more time on it than just an hour.

PM: Well, that's one of the questions I've raised with the Minister—the ability to be able to give in that space and time—because they has been, with successive Governments, that expectation that they work through the file with officials, and sometimes there are particular issues where there is an expectation that we not take files away. That's why I've already set out that I think there is work to be done on improving the process we use for these more complex cases, in particular.

Media: So in cases like this, do you believe that maybe it should be extended beyond just the immigration Minister?

PM: Look, I don't want to pre-empt the work we might do on this issue, but my focus has been at this point on getting this case right. I don't want us to be distracted by that—by having officials go off and look at the process right now. We need to work on this, then we'll be asking some of those questions.

Media: At what point did you learn that he hadn't read the full file?

PM: Well, look, I understood, of course—as the Minister outlined—that he had worked through the full brief that Immigration gave him. My understanding is that there is extra supporting evidence that sits behind that.

Media: On the issue of written questions, are you implying that the Opposition is filibustering with the executive?

PM: I'm just giving you sheer numbers and scales for a point of comparison, because I was asked whether it was the same as when we were in office.

Media: On EAS and APEC, are you concerned at all about the kind of China-US geopolitical tensions kind of overshadowing all of those other items that are meant to be on the agenda, or maybe even taking oxygen away from issues New Zealand wants to—

PM: No, look, I think you'll find that, even with EAS and APEC last year, there are always dominant themes that tend to come through, and that you'll find member States really conversing around and repeating messages around—so, look, that's not unusual for there to be particular themes at any given time. I think what you'll find is that New Zealand and the representation we give will be utterly consistent. This will be another opportunity for me to highlight on New Zealand's behalf our belief in the importance of multilateralism, for us maintaining a rules-based order, and for that being incredibly important for things like trade. So it will really be reaffirming principles which I affirmed in the UN General Assembly.

I'll take one final question, just because I noticed the time.

Media: What do you make of the rolling teacher strikes today?

PM: Yeah, look, of course we would prefer to be in a situation where we weren't facing strike action, and I think it's important to point out that teachers haven't had a chance yet to vote on the last offer that was made before this strike action was taken. I hope now they have that chance. This is an almost \$700 million deal. It means that on average, we see teachers who will have a salary increase—on average—of roughly more than \$9,000. I hope they're given the chance to consider that. It's not, as well, just about pay. If you take into account the extra \$270 million into learning support coordinators, it takes it to an over \$900 million deal, and this is all we've got. You know, we have pushed ourselves as far as we can go. The mediator has endorsed the deal and said that it was handsome and competitive. We have tried to listen to what the teachers have asked of us in this deal, and I really do hope that we get to a position where it's accepted.

Media: Do you think it's a bit disingenuous from the union that they've pushed ahead with the strikes after a new deal has been put on the table which they haven't yet taken to their members, and after the ERA have come back and said, "Well, actually, you should just accept a deal."?

PM: I would have liked the chance for teachers to have considered the deal, but that chance now exists. So, really, my plea would be for the teachers to consider the offer we have put. We've put everything we've got on the table, and we hope they'll see in that a Government who's really working hard to listen and hear them on the issues that they've raised. All right—

Media: Just quickly on—

PM: Last one.

Media: Just quickly on Niue and the Cook Islands—are you concerned that they appear to have joined, or moved towards joining, the Belt and Road Initiative?

PM: Yeah, I think, look, they've had diplomatic relations with China since 1997 and 2007. Yes, they're Realm countries, but their foreign policy is for them. We act on their behalf where they request it, and so I think it is important to keep that principle in mind.

All right, thanks, everyone.

conclusion of press conference