

POST-CABINET PRESS CONFERENCE: MONDAY, 4 MARCH 2019

PM: All right, good afternoon. Let me begin by running through the week ahead. Then we'll have some details of an announcement, and then I want to make some proactive statements around the emerging issue of a foreign terrorist fighter who has identified themselves.

Starting with Tuesday, obviously a normal sitting day. Wednesday I will be speaking at Annette King's book launch at the Backbencher. On Thursday I'm in Christchurch to present the first recipients of the Te Uru Rākau forestry scholarships with their awards. I'll also provide an update to a business audience at the Canterbury employers chamber of commerce luncheon. I am back in Wellington on Friday to speak at the Zonta International Women's Day breakfast event at Parliament. The Auckland Arts Festival also opens this week, so on Friday night I'll be speaking at the opening of that.

To begin with I want to make some comments, particularly with my status as the Minister of Arts, Culture and Heritage, alongside Minister Faafoi. Many New Zealanders are being subject to ticketing scams and fraud, including unknowingly buying tickets at inflated prices from unofficial sites. Professional scalpers are using ticket bots to buy up large quantities of tickets online and then resell them at hugely inflated prices. Now, concerns about this practice has already resulted in bots being banned in overseas jurisdictions, the likes of the United States, the UK, and parts of Australia.

Increasingly, New Zealanders have brought to our attention the issue of ticket scalping. Many people have already lost out both financially and on experiences by purchasing tickets for events through unscrupulous ticket sellers and resale websites. Now, I have personally often heard terrible stories. Simply put, consumers aren't getting a fair deal. But I hear equally from artists that they are devastated to hear that people who come to see them are being taken advantage of. Given the issues caused and the manifestly unfair impact ticket scalping has, we are going to do something about it.

I'd like to point out, though, before I hand over to the Minister to share some details, that ticket scalping issues do not only affect large international shows. It also affects our local cultural sector. For example, Te Matatini, the national kapa haka festival that just recently took place in Wellington, had some tickets being listed for \$498. The four-day pass was originally priced at \$100. This is blatantly unfair and not good for consumers, nor the organisers. So, to share measures we plan to enact to protect consumers from ticket scalping, I'm going to hand over to Minister Kris Faafoi.

Hon Kris Faafoi: Thank you, Prime Minister. Just before I start I want to make clear that there is a distinction between who we are targeting here. Many people do on-sell tickets for legitimate reasons—for example, if they can't attend a concert or event anymore, and I think we all agree that there's nothing wrong with that. But as the Prime Minister said, there is a big problem when these tickets are bought specifically to be on-sold to make a profit, and it's a big problem when unscrupulous resale websites are ripping off New Zealanders.

Work undertaken by officials recently has shown that the average ticket resale profit was around \$195 for a recent high-demand concert, and 80 percent of those tickets were resold above the face value, some as much as 205 percent above, with 205 percent profit, though I have heard of mark-ups of up to 400 percent.

Research undertaken by Consumer New Zealand in 2017 showed that 54 percent of people who responded had paid more than face value for tickets, 40 percent were charged hidden fees, and another 40 percent had bought from a website they had understood to be an official seller that wasn't. It also found that 60 percent of consumers purchased a ticket that was fake, and 13 percent had bought tickets that had never arrived. And none of this is fair to consumers as it means they'll likely be left out of pocket and in some cases missing events.

We're committed to better protecting Kiwis when they buy tickets, including a price cap on resale tickets. We also believe there needs to be better information disclosure so you know if you're buying a resale ticket and what the original price was. We also believe that we're ready to address the professional scalpers, who, as the Prime Minister said, are using ticket bots to buy up large quantities of tickets online and then resell them at hugely inflated prices. While Cabinet has agreed our intent to address this issue, we are going to consult on our proposals to ensure there's nothing additional that we need to do here, so we want to get Kiwis about what they think would work best.

While I've had already many productive meetings with the event sector, I want to give them a further opportunity to input into what measures are needed. A consultation will run till April 18. From then legislation will be drafted and I hoped enacted within this parliamentary term, but we have set a clear policy direction.

I know this is an issue that the Commerce Commission is concerned about. They've been pursuing Viagogo through the courts, and while that's still active I can't comment, but I think from most people's experiences, the general message with Viagogo if you want to make sure you get to a concert and pay a fair price, is don't use them.

Media: Given a sense of the scale of the problem, how do you think you're going to beat them?

Hon Kris Faafoi: Look, I think some of that earlier work by Consumer New Zealand—as I say, 6 percent of consumers have purchased fake resale tickets, so those are the stories that we're seeing through the media, when people turn up to events and can't get into events. Thirteen percent have purchased tickets that never arrived; 14 had their credit cards overcharged, and, again, consumers denied at the venue.

So it is a significant problem. There is little or no protection for consumers at the moment, unless it's one of the events under the legislation that is currently there. So this will give broader protection to those consumers who have been caught out by some of these websites.

Media: How do you stop a bot?

Hon Kris Faafoi: Oh, so this is a global problem, and enforcement is an issue, and I think certainly in Australia, where there have been some attempts to try and stop bots selling tickets, they've had some problems. But that's where a lot of the problems with the bulk of tickets are being bought and being on sold, so I don't think we should give up trying to find a solution to the bot problem, because that's how some of the resale sites are getting the quantity of tickets that they're getting.

PM: Particularly when we're not alone, alongside the United States and the likes of the UK in trying to resolve those issues.

Media: So there's no solution at the moment as to how you do that but everyone's working on it.

Hon Kris Faafoi: There's some solutions, to varying effectiveness, but that means we won't give up in trying to ensure that we can stop some of those purchasers buying up large amounts of tickets.

Media: What are some of the solutions?

Hon Kris Faafoi: Well, obviously, we've talked about information disclosure, so making sure that if you are looking at buying a ticket that is being resold, you know what the face value is. A price cap is, again, one of the options. Recently, in New South Wales, and in some other Australian jurisdictions, they've put a 10 percent cap on the face value for what a ticket can be sold. If you look at some of the profit that some people are making off tickets, it's exorbitant, and that is either money that should be staying with the consumer or isn't being passed on to the promoters or the artists, and I think that is a big issue.

Media: Why has this become an issue for the Government rather than a buyer-beware situation?

Hon Kris Fafoi: Because the buyer-beware isn't working.

PM: Yeah, I mean when you see stories of people who have, you know, put their hard-earned money into a gift or an event for a special occasion, and they believe they've bought a ticket legitimately and they have not, or they've put in a huge outlay over and above the original ticket price, it's just not fair. And in some cases they're not even getting entry to the event. Now, it's devastating for those individuals; it's actually devastating for the artists as well when they hear these stories. So I think there's an obligation and a responsibility on us to do something about it.

Media: It's already illegal, right, to sell a fake ticket. Are you going crack down, do more enforcement in that area?

Hon Kris Fafoi: Yeah, so that's where the information disclosure's going to come in. If you're going to sell a ticket or resale a ticket on the likes of TradeMe, you're going to have to disclose, you know, what the original ticket price was; potentially, where the ticket is, the seat and the row, etc., because some people are literally buying tickets sight unseen, and that is a big issue—full disclosure. I went to The Eagles in the weekend, and someone in the line when I was leaving Dunedin said, you know, they bought a ticket for about \$200 over the face value and it wasn't the ticket that they were expecting. So if they had that information they'd be able to be better-informed consumers.

Media: Did you buy your ticket from Viagogo?

Hon Kris Fafoi: Did I?

Media: Yeah.

Hon Kris Fafoi: Ah, no, because my advice to people is not to buy tickets from Viagogo.

Media: It should be easy to get TradeMe to do something like that, but a lot of the stuff would happen on Facebook event pages, right—it would be very informal, person to person. Are you going to be able to crack down on that?

Hon Kris Fafoi: We hope to, because, hopefully, now consumers will know that we're pretty keen on making sure that there will be a set value that you can sell resale tickets at. The consultation period is open til 18 April, and we're hoping to get some feedback from the likes of TradeMe, who we've already met, but also people who might, primarily, look at buying tickets on Facebook, and any problems.

Media: Are you willing to increase the funding for enforcement, because a lot of this is because there's very light-handed regulations.

Hon Kris Fafoi: Not necessarily. I don't think it's necessarily light handed; I think, you know, some of the efforts in the bot domain might mean that we have to seriously look at that, but, again, those policy decisions haven't finally been made, and we're looking forward to making sure we get some consultation and looking at the experience from the likes of Australia, who've just done this recently too.

Media: How much of this falls on the promoter? Should all promoters have a resale option through the original site?

Hon Kris Fafoi: Some of the issues with ticket selling also remain the domain of the ticket provider company, so in amongst some of the consultation, we'll look at the structure of the ticket selling industry as well, because some of them sell them in primary market and also resell in the secondary market so they're having two chunks at getting some profit off some of those tickets. And, again, we don't think that's necessarily fair for consumers.

Media: In terms of a public campaign around this as well, will you increase funding for that sort of stuff?

Hon Kris Fafoi: Well, hopefully, now that this consultation is out there, we want to make sure a lot of people can have their say . We've spoken to the likes of TradeMe, we've spoken to the likes of a lot of promoters, and we understand a lot of the arts community are

very keen to make sure this is happening, because at the moment a lot of consumers and performers are missing out.

Media: Who are [*Inaudible*] by these changes, apart from [*Inaudible*]—if they had been in place?

Hon Kris Fafoi: I don't know.

Media: Did this emerge as a result of issues at the Eminem concert over the weekend?

Hon Kris Fafoi: No, no. It's been on the agenda for a while.

PM: You'll see from the example I used—obviously Te Matatini is but one, and the point that I think we'd really want to make and we used an example in the press statement which is much more localised, this is not just about large-scale international events. It's affecting our local artists and ultimately, regardless of whether it's at large events or small events, people are being adversely affected.

Media: What about TradeMe? I mean, Henry touched on about the Facebook group. So just to be clear, are you looking at targeting the big companies that are selling secondary tickets, like Viagogo, or are you also looking to target everyday New Zealanders who are on-selling some of their tickets?

PM: We differentiate between the two; that's one point that I would make, but, obviously, it's the larger ones, where we see bots being used. But I'll let the Minister comment on the resale versus scalpers.

Hon Kris Fafoi: Yeah, look, in terms of TradeMe, we've spoken to them. I don't think it would be a big issue for them to change the form that people would have to fill in to sell tickets on their website, but, again, as the Prime Minister said, the bulk of the problem is when you're getting large-scale tickets being bought up and being sold on some of these resale websites. Again, Viagogo being one of the biggest issues—they're an issue for regulators around the world, and our regulator is taking action against them in the High Court at the moment so I won't say much more than that, but, again, the general message is if you're thinking of Viagogo, don't go there.

Media: What repercussions would companies like Viagogo expect if they persisted?

Hon Kris Fafoi: Interesting with the Viagogo space, because the regulators around the world are dealing with it and we're in the middle of High Court action at the moment. Some of the issue with Viagogo is that they are claiming to be the official ticket reseller, when they're patently not. So it's those kinds of issues that the Commerce Commission's trying to deal with in the High Court at the moment, but they're trying to get some certainty there, and we're trying to deal with the issue from the other end, in a regulatory sense, too.

Media: Would that be able to be enforced for companies like Facebook and [*Inaudible*]?

Hon Kris Fafoi: Again, that's what I'm saying. You know, Viagogo are an issue for regulators around the world, so our regulator is taking action in the High Court at the moment, and we'll let them do that without us interfering in it.

PM: Right, any other questions on this issue? Right, thank you, Minister Fafoi. I might ask Minister Little to join me for this part of our post-Cabinet briefing.

I want to make some comment on the case of Mark Taylor, who is currently detained by the Syrian Democratic Forces. New Zealand has made it very clear from the outset that New Zealanders should not travel to Syria. Further, it is clear that it is unlawful to join and fight with a terrorist organisation, as Mark Taylor has done. His actions in joining ISIS and travelling to Syria to fight for them has created the potential for legal ramifications in New Zealand.

As with any New Zealand citizen overseas, if they wish to return to New Zealand, then a journey-specific emergency travel document can be issued under section 23 of the Passports Act 1992. However, New Zealand does not have diplomatic representation in Syria, and the ability of the Government to assist New Zealand citizens is severely limited. That is why we

made it very clear from the outset: no New Zealander should travel to Syria. We have consistently told Mark Taylor that we cannot help him obtain a travel document. He would need to make his own way to a country where New Zealand has consular representation, something that in his current situation will be difficult to do.

All New Zealand citizens have rights under international and domestic law. Mr Taylor only holds New Zealand citizenship, and the Government has an obligation not to make people Stateless. While I cannot comment on the specifics of this case, I can assure you that we have long had plans in place in the event that a New Zealand citizen supporting ISIS in Syria were to return. It would involve a comprehensive response and management plan for any individual. The safety of New Zealand and New Zealanders is our priority. Contingency planning has been under way for some time, involving the New Zealand Police and other agencies. I am confident we have the means to keep New Zealanders safe in this case. I reiterate again, while I cannot talk about the specifics of this case, I am confident we have the means to keep New Zealanders safe.

Bringing terrorists to justice is something the Government takes extremely seriously. As I've said before, any New Zealander suspected of association with terrorist groups should expect to be investigated under New Zealand law should they return. The police have powers under a number of Acts and I am assured they will utilise them. Happy to take any questions.

Media: Does Mark Taylor pose a threat to New Zealand?

PM: Look, as I've said, I cannot get into the specifics of this case. It is in the public domain, however, that this individual has associated himself with a designated terrorist organisation. New Zealand has laws in place to deal with those circumstances, and we have contingency in place to deal with those situations. We have the means in this case, and I'm confident we do, to keep New Zealanders safe.

Media: If he does somehow make his way back to New Zealand he would be arrested?

PM: Again, I cannot specifically respond to a question around what the police will do, but I am confident that we have the means, and the ability, in this case to keep New Zealanders safe.

Media: How likely is it that he'll be able to make his way back to New Zealand?

PM: Look, as we've said from the very outset, apart from the fact that obviously individuals, in this case like Mark Taylor, have associated themselves with a designated terrorist organisation, we made very clear travel advice was, "Do not travel to Syria because if you do we cannot help you return." We've made that clear. New Zealand does not have presence in Syria. We have no connection with the forces detaining those currently in Syria. And that is one of the reasons why the advice has been so clear.

Media: Are you saying it's unlikely?

PM: Look, you know, I can't get into hypotheticals, but this is very much one of the issues. We obviously do not have representation in Syria. It would have to require an individual to reach consular support in order for them to then obtain emergency travel documents.

Media: Then he is a New Zealand citizen, surely—

PM: He is.

Media: —we have some sort of cross-accreditation with Syria.

PM: No. No.

Media: Where is the nearest?

PM: Turkey.

Media: Iraq?

PM: Turkey.

Media: So we're not prepared to help a New Zealand citizen ourselves?

PM: We've made—

Media: But it doesn't matter what—the indication you've told New Zealanders not to travel there, but you've just said that he is a New Zealand citizen, so as a citizen shouldn't he be assisted in a time of need?

PM: We've made it absolutely clear that because we do not have a presence in Syria that is why we've advised no one to enter into Syria because we are not equipped to assist those who do and those who directly, particularly, look to join designated terrorist organisations. We could not have been clearer on the advice, for this very set of circumstances.

Look, I do absolutely acknowledge, though, we have obligations around an individual citizenship, and this a New Zealand citizen, but we are limited as to what we can do when someone chooses to travel to a place that we advise them specifically not to go.

Media: So you're telling Mark Taylor, basically, "You're on your own"?

PM: Look, we have made it clear under what circumstances assistance could be given. At this current point in time, it would require him being able to make contact with one of our New Zealand representatives, and in this case it would most likely be in that case Turkey.

Media: Is he the only person on this list?

PM: Recently we had this question at select committee, and you'll recall that Rebecca Kitteridge made reference to, without a specific number, a very small number that are known to us.

Media: Are we talking less than five? Less than ten?

PM: We haven't given specificity, but have said a very small number.

Media: Has he asked for repatriation?

PM: Jump in at any time, Minister, if you want to add any clarification. Sorry, just one at a time if I could.

Media: A question is for Minister Little. The Prime Minister referred to the various Acts under which such an individual could be prosecuted. Could you talk about the penalty regime because I'm aware that Mr Taylor has said he expects to be in jail for a couple of years if he does return.

Hon Andrew Little: I can't get ahead of either decision to prosecute or what the consequences of a prosecution might be. The Terrorism Suppression Act is one piece of legislation. There's the Crimes Act.

Media: What is the penalty regime, speaking in general terms, under that Act?

Hon Andrew Little: I don't have that detail off the top of my head, but it is very clear what happens when you transgress the provisions in that legislation. There's a range of penalty provisions, including imprisonment.

Media: Do you know anything about the conditions of Mr Taylor's detention? Is he being treated humanely or not?

PM: Yeah, look, no I do not, and, again, we have no connections with the forces detaining him, so it's difficult for us to provide that level of information. Obviously there is access for international journalists, so in that regard, really, we'd be reliant on the information that's coming out in that form.

Media: When was the last time New Zealand officials had contact with Mr Taylor?

PM: I can't give that specific detail.

Media: The US have urged its allies to act and to bring these guys home. Are you taking note of that advice; is there any—

PM: Oh, look, I've certainly seen comments in that regard, but we have some limitations, obviously, in the fact that New Zealand has no presence in Syria. We of course follow our obligations in international law regarding ensuring that we do not deem anyone Stateless, but that's quite a different story, again, from us actually having a presence in this conflict zone, which we do not.

Media: But aren't you effectively making him Stateless if you don't do anything to help him?

PM: No; I don't accept that.

Media: If denaturalisation was a path, if he had citizenship—

PM: Sorry, what was that?

Media: If he had another citizenship, would you seek to end his New Zealand citizenship?

PM: Again, we don't have some of the automated legislation that you hear other countries enforcing, and so that's not a provision that exists within New Zealand law, but, currently, my understanding is that even those who have legislation around dual citizenship are not intentionally necessarily seeking to make individuals Stateless, because many of them will be signatories to the same conventions that we are.

Media: Mark Taylor accidentally revealed his exact coordinates in Syria, as well as other member of the Islamic State—I mean, where do you think he sits on that spectrum of a threat to [Inaudible]?

PM: And, look, again, I don't want to get into the specifics of this individual case, because I don't want to be in the position of jeopardising any future case involving this individual. But as I've said right from the outset, regardless; the advice had been very, very clear for any individual considering travelling to Syria: do not travel.

Media: But he's been there for five years. That would precede any warnings this Government might have given about travel to Syria.

PM: I think the advice, as far as I'm advised, has been relatively clear for that entire period.

Media: You said that you have to make contact with people in Turkey from New Zealand. Do you mean just by phone, or do you have to physically—

PM: Again, I'm using the next possible point of contact; it's obviously not limited to that particular form of consular assistance. But in terms of the issuing of a travel document, yes, under usual scenarios that would require someone to be able to be physically present. Again, we are getting into hypotheticals here, but the point is, in terms of there is not the ability for us to provide that documentation into Syria.

Media: Have the forces holding Mr Taylor indicated what they want to happen? Did they want to repatriate him, or are they going to hold him?

PM: Again, I don't want to get into individual details about any given case, but I will reiterate that we have no connection with the forces who are detaining him.

Media: Can you give us any more detail about the contingency planning that you mentioned?

PM: No. I will, however, give the assurance that it exists, and the assurance that I generally want to give to New Zealanders is that their safety is our absolute priority, and so that contingency planning is in place in the event that we have someone who is a New Zealand citizen return—keeping in mind, we are only talking about very, very small numbers here.

Media: Have the family made representations to any Government agency?

PM: I'm not going to get into any specific details around this individual case.

Media: [*Inaudible*] the ABC about regretting not being able to afford a slave—I mean, did you see some of his comments?

PM: I did.

Media: And what's your reaction?

PM: You'll understand that I wouldn't want to be drawn on those comments, because I do not want to be seen to jeopardise any potential case in the future.

Media: If he was able to make it to Turkey, how would he physically get back, because I wouldn't imagine that it would be easy to get on a plane?

PM: Yes, I imagine, and, again—very much hypotheticals—I imagine that that would require some form of facilitation.

Media: So, he'd [*Inaudible*] some assistance. Is that what you mean?

PM: No, not necessarily. But, again, that's not something I want to give too much comment to at this point. But we're clear on what our obligations are. That does not include, for instance, paying for anyone to return to New Zealand. We are not obliged to provide that.

Media: Have any other New Zealand citizens in Syria been in touch or asked for assistance?

PM: Again, I won't get into that level of detail.

Media: Another issue, if it's OK.

PM: Pardon me, can I just check, is there any more questions on this, and then I'll take a couple of more generals. I just don't want to hold the Minister for longer than required.

Media: I just wondered, if he's subject to judicial proceedings offshore, would we feel obliged to provide him with legal support?

Hon Andrew Little: We don't typically do that with people who get into trouble overseas. Consular assistance is to the extent of checking that they are OK, and that is it. We don't provide assistance for legal representation.

Media: Minister, in the UK, they've stripped a couple of Islamic State fighters of their UK citizenship, but am I correct in thinking that New Zealand doesn't have that ability, to strip people of their citizenship?

Hon Andrew Little: In those cases, they are people with dual citizenship and, in this case, Mr Taylor has only New Zealand citizenship and States like ours are obliged not to render people Stateless citizens.

PM: So it's not quite comparing the same situations.

Media: Is there actually a mechanism in New Zealand law, if there was someone who was in dual citizenship, could you tomorrow, if it came up, strip them of their New Zealand citizenship?

PM: There is the Citizenship Act, which is a longstanding Act, but it is very tightly drafted, in terms of the circumstances under which someone could lose their citizenship under this Act. It has not been drafted specifically for these scenarios. I would acknowledge, though, that the cases that we tend to be seeing are around dual citizenship, though, rather than removing someone's single citizenship, which is the case with Mark Taylor.

Media: The Labor Party in Australia has accused the Government there of giving jobs to mates, after Foreign Minister Marise Payne appointed Patricia Forsythe, who's a friend of the Prime Minister, and also a former Liberal MP, as High Commissioner to New Zealand. Do you see that as inappropriate appointment?

PM: You'll obviously expect that I would not and will not comment on the appointments made by another country in terms of their representative in New Zealand. That is entirely a matter for them.

Media: The Green Party have indicated that they would like to implement the 2012 recommendations around MMP change, from the royal commission, without a referendum, ahead of the next election. That includes lowering the threshold for the seat. They say that it recommended that. Is it a view you share?

PM: Yeah, look, I've, alongside the Labour Party, viewed favourably those recommendations from the royal commission, and, obviously, there's a discussion being had as to whether or not that's a decision that should be open to the public, as well. But we're certainly on record as seeing merit in what the royal commission produced.

Media: That was the Labour Party, but as the Government itself, can you rule out any—can you say whether you're going to adopt that?

PM: And, as I've just said, whilst we view the royal commission as having some merit, some discussion as to whether or not that should be a question that we pose to the public.

Media: Are you not ruling that out?

PM: No, I think we're having a discussion as to whether or not that is something that should be put to the public. I'm not going to put a time frame down on that.

Media: Would you be concerned about the perception that you'd be saving two smaller parties in Government if you were to lower the threshold? Would that be a concern?

PM: No, I don't think so, because it obviously was something raised by the royal commission, as opposed to by political parties.

Media: Just a question about Justin Trudeau. Has he shared many of the same goals we have in supporting the rules-based international order?

PM: Oh, look, I haven't analysed every single statement that he's made around trade. But, certainly, when it comes to the progressive trade agenda and trade for all, I certainly know Canada's been supportive of that.

Media: I just wondered whether his resignation, which has been mooted at the moment, because of the scandal back home—would his departure be a setback for our programme in this respect?

PM: It's very much a hypothetical that you'll understand I won't be getting into.

Media: Are you uncomfortable about Dame Jenny Shipley sitting on the board of the New Zealand China Council, in light of the Mainzeal ruling and also the comments that she made to the Chinese media?

PM: Look, ultimately, that is not a matter for Government or Cabinet. That is not an appointment that is made by us.

conclusion of press conference