

POST-CABINET PRESS CONFERENCE: MONDAY, 11 NOVEMBER 2019

FTR 15:34:00

PM: Right, good afternoon, everyone. For the week ahead, this week I am in the House on Tuesday and Wednesday. On Thursday, I head to Palmerston North for two health announcements with Minister Clark, followed by a visit to AgResearch. That evening, I'll present an award at the Vodafone music awards in Auckland. On Friday, I'll speak at a KickStart Breakfast event to celebrate 10 years of these breakfasts in schools, alongside Minister Sepuloni.

Today, though, I'm joined by the Minister of Police, Stuart Nash. Cabinet has agreed to seek public feedback on a plan to further strengthen gun laws to improve public safety through the introduction of firearm prohibition orders, to keep guns out of the hands of those who are criminal offenders. The number of guns stolen in burglaries has increased significantly in the past decade. In 2010, 440 firearms were reported stolen, compared to 771 last year. In the past 15 months, almost 1,050 firearms were stolen. Every month the police turn up to 200 events where guns are involved.

The proposal we're putting up would see police given new powers through FPO's, as they're sometimes known, to ensure that the police in our communities who pose the most threat come nowhere near firearms.

You will know that following 15 March, we banned the most dangerous firearms in our communities, and our second set of changes were to stop firearms falling into the wrong hands, by creating a register and tightening up the licensing system. More than 36,000 guns and more than 132,000 prohibited parts like high-capacity magazines have now been handed in during the buyback and amnesty. We've paid more than \$70 million in compensation to more than 21,000 firearm owners who have taken part.

The buyback, though, sits within a package of work to keep New Zealanders safe, including a record number of police we've put on the front line, and crime prevention measures in our community such as fog cannons in dairies and other small retail businesses. Now we propose to target those who through their actions have proven that they do not deserve the privilege to come into contact with guns—those who operate outside the law. Firearm prohibition orders will be aimed at high-risk individuals outside of the licensing system and, in particular, target those with a history of violent offending, gun crimes, or family harm.

An FPO would stop these individuals from being around others who have firearms, from using them under supervision, or having indirect access to them. They set conditions that people have to follow and, depending on the submissions process and consultation, they give the police varying degrees of powers to monitor conditions and create penalties for breaches.

So, in practice, this may mean a person subject to an FPO could not live or visit a property where firearms are held, even if the firearm owner is licensed, nor travel in a vehicle with a firearm. Now, of course most gun owners are law-abiding citizens. Those aren't a risk to us, and continue, of course, to use their guns safely. These are about a very different group of individuals who have already proven through their criminal offending to have lost the right and privilege of accessing, or being in and around, firearms.

Minister Nash can now tell you more about the guns police have seized from gangs and other offenders this year, and about the consultation document.

Hon Stuart Nash: Thank you, Prime Minister. In the past year or so, police have introduced a new recordkeeping system to better track the incidence of firearms - related events during their ordinary course of policing. Since 1 March, police have seized around 1,600 unlawful firearms from people like gang members, violent offenders, or those found in

possession of certain firearms when they don't have the appropriate firearms licence. These seizures happen during searches of properties and vehicles and persons during routine traffic stops, at scenes of public disorder, and during callouts to family harm incidents. It's estimated that police turn up to 200 events a month where a firearm is involved. Police know there are links between those with a history of offending and others who have firearms. Firearms that end up in the hands of criminals predominantly start out in lawful circulation, and are then stolen from licensed owners.

A firearms prohibition order would offer one more tool for police to monitor and enforce compliance with the law. In effect, it would stop certain high-risk individuals being anywhere near firearms, whether that's in a home, a workplace, a garage, or clubrooms. We have been quite clear in the discussion document that firearms prohibition orders would come at a potential cost to human rights protections such as the right to be secure against unreasonable search. That's why any such regime would need to be carefully balanced. We want to hear from the public where they think that line should be drawn. The consultation document is on the police website, and submissions are open until the new year. Thank you.

PM: Right—happy to take questions on FPOs.

Media: What's the difference between these FPOs and the ones that the National put forward in their member's bill?

Nash: Sure. Well, so the National member's bill was only concentrating on gangs. There was no mention of offending whatsoever. And also it didn't provide the police with any extra powers of search.

Media: Where do you think the line should be drawn in terms of the warrantless searches? Do you think police should be able to do that?

Nash: Well, that's why we're putting this out for consultation. We're really keen to hear what members of our community think in terms of public safety versus human rights, and we're very keen to hear where they think this balance should lie.

Media: I'm just asking if you have a view on where that line should be

Nash: Look, I'm keen to hear what the people of New Zealand have to say, to be honest.

Media: Could it all fall over because of human rights concerns?

Nash: Oh, well, there are human rights concerns, and I think we have been very open about that, and hence the reason why we are putting this out to consultation—because we're very keen to hear from our communities what their views are on human rights versus community safety. And it'll be interesting to see what they come back with.

Media: So this will apply to people with various convictions. There are several options. There's no mention of extremists. Will this apply to extremists?

Nash: No, at this point the options that we're consulting on are, basically, the most violent offenders in our communities who also have, potentially, a firearms conviction as well. So, you know, it may vary between 20 or a couple of hundred per year, depending upon where we land. But, again, we're very keen to hear from members of the public around where they think we should draw the line and how violent someone should be—or someone's history should be—before we say enough is enough; no access to firearms, no matter what the circumstances.

PM: Keeping in mind, you need to, I think, think about this in the context of the other reforms that we've made. We've already determined, as a Government, that the ability to own and utilise a firearm is a privilege, and changes have been made to the licensing regime to capture that, and that will pick up some of the issues that you're raising around someone with extremist views and ideology being picked up there. This is a regime that goes an extra step again of restricting someone even being in the company of someone

else who may have firearms present. It adds a number of police powers. It's another layer again, and, for that, the threshold there will be someone having actually committed offences and having criminal offending already in their history.

Media: If the bill of rights Act analysis finds that this breaches BORA, will you still push ahead with the bill?

PM: And this is something, of course, that we factor in at the point that decisions are made—of course, keeping in mind, as the Minister has said, that there's a number of things being consulted on here, including the number of people that would be captured, based on what level of cruel offending would be captured. And therefore, if you have a very, very narrow number of people, then that may then change some of the analysis. But, ultimately, we're being very open here. There are some issues that we need to grapple with as a community—you know, where do we want the line to exist. We're asking the public for their view, and then the Government will express ours.

Media: There's a big difference between 20 and 200. Are you happy with anything in that range, or do you have sort of an appropriate number?

Nash: No, I don't have an appropriate number at all, but I am keen to hear where the public believe that should be. And when we talk about human rights, I mean, it's actually a breach of someone's human right to pull them over to breathalyse them, but as a community we've decided that that is worth a breach of human rights in order to keep us safe. And so we are keen to see what people have to say. But you're right, it is a wide range, and that's why we're putting this out to public consultation to get feedback from our community.

Media: You didn't announce this at the time that you announced the bulk of the second tranche of the gun reforms. Is that because New Zealand First has put pressure on you or they were getting flaky and you were trying to shore up the Nats?

PM: No.

Media: What's happened that's meant that you're doing it now?

PM: No, not at all. No. Of course, these are in fact entirely separate regimes, so we've had the banning of military-style semi-automatics. We've then had the work that we've done around the licensing regime and the establishment of a register. Then you've got a completely separate issue, again, of creating a separate set of orders that might be handed down, potentially, through the court system. So these are separate pieces of work. This one, of course, we're doing up-front consultation on, so the way it's being worked through is different as well to those other tranches of work. Minister, do you want to add anything there.

Nash: Yeah, Tova, we were actually doing this work earlier this year, and then, of course, 15 March took over and it dropped down the priority list in terms of what we needed to achieve in this space. But this isn't something that's just come out of left field. It has been something that—and also keeping in mind I was on the select committee in 2017 that recommended that we do look at firearm protection orders as well.

Media: It's even odder, then, isn't it, given that you were already doing the work and you didn't announce it when you announced the second tranche of gun reforms?

PM: No.

Nash: No. I think, as the Prime Minister mentioned, this is a completely different regime. The second tranche of gun reforms is for those people who are within the licensing system. This is for the most violent offenders who sit outside the licensing regime.

Media: Do those people have fewer human rights than the people who have not committed violent offences [*Inaudible*]?

PM: Well, we've already acknowledged that we see gun ownership and gun usage and access to guns as a privilege, and one where you constantly have to demonstrate that you can meet the responsibility that comes with accessing guns in New Zealand. And what FPOs acknowledge is that if you've got a history of violent criminal offending, then that is a privilege that you lose.

Media: But the right to not be—

PM: Ah. Yeah, and searches are a flow-on effect from FPOs, and, look, that's an area where, obviously, Australia has gone down this path. We're proceeding with a consultation, because there are constantly things—and this is something Governments always grapple with: constantly trying to make sure that we get that balance right between assuring public safety, but also making sure that we have appropriate constraints and checks and balances around what the police are able to do as well.

Media: Could we just go back to your comment about extremists and whether they would be captured, because in the press release it said this could apply to people who are part of an extremist ideological group? How would you determine if they were part of a group? What would membership look like? How would that happen?

Nash: Again, there's a lot of water to go under the bridge before we come up with a proposal, and I'll leave it at that. But, you know, we talk about fundamental human rights, and I think it's always a question we're asking ourselves: you know, the right of our people to feel safe in their home and their community versus the right for someone to associate with people who have firearms. And this is the balance we're asking our communities to give us advice on, and where they see that balance lying.

Media: But surely you've had some advice from police around this specifically, and how you could capture those people if you're putting it out there as a proposal?

Nash: Oh, sure, I mean, you know, we've talked about—and you'll see in the discussion document that we've talked about gangs, we've talked about the different levels of violent offences, we've talked about a package of offences that could be grouped together to form the basis of an FPO. But at this point, we've landed nowhere. As you will see in the consultation document, we actually don't put a preferred option in place, and that is truly because we are keen to hear what people do have to say on this, you know, quite important topic.

Media: Is it a bottom line that somebody would have to have a criminal conviction to have an FPO, or could it be extended to somebody with mental health disorders, where a member of a gang or a member of a group but maybe they haven't previously had a conviction?

Nash: No, the way we're consulting on this is you do have to have at least a conviction. The National Party's member's bill just limited this to gangs. That was shown to be inappropriate. We think there has to be a history of violent offending and probably a firearms offence and possibly a protection order in place. But, again, in the document we list a range of circumstances and a range of different options, and we are keen to hear what our communities have to say on that and their views.

Media: Do you think people will worry, though, that there'll be creep in this, if it goes through—

PM: No, I think if they look at, I mean, what's being consulted on—option 1: convictions for offending where a firearms was used; option 2: convictions for offending where a firearms was used for a serious violent offence; option 3: convictions for offending where a firearms was used for serious violent offences or for breaching a protection order. So, you know, the criterion that we're looking at is clearly clear—you know, quite clear who's been targeted here, but we're also seeking, of course, the view of the public on whether or not those parameters are the right ones.

Media: Do you think seeking the view of the public on this is a bit odd? I mean, we don't seek the view of the public on whether someone deserves the right to a lawyer. I mean, a lot of people would say that, you know [*Inaudible*] assume that it's not a matter for public consultation.

PM: Oh, well, I mean, even when we, for instance—when you think about some of the orders we've had in the past, like public safety orders, for instance—you know, those are areas where, you know, we have sought views, be it through select committee processes or others, because they are a new debate, a new realm, for us, and I don't think we should shy away from engaging various different groups to seek a representative view before we proceed with a legislative process. That's not uncommon when we're drafting legislation.

Media: As you've gone through this process, have either of you been surprised about the number of undesirable characters in New Zealand who have access to guns? Has that been a bit of an eye opener to either of you personally?

PM: I think if you're going to be surprised, it'll be probably the parameters of our existing framework. That was probably where I was most surprised—the fact that it's very hard for us to get a true handle on the nature and the spread of gun ownership in New Zealand. We can assume it's relatively high, but, actually, to be able to pinpoint that with our current regime.

Nash: I suppose one thing that—I don't know if it surprises me now but it certainly alarms me is how often police are turning up to events where there is a firearm. And, now, since 1 March, as mentioned, they've confiscated nearly 1,600 weapons. What we do know is that criminal organisations in this country are becoming more and more sophisticated, more organised, and a lot more willing to present arms or use arms, and I think what we need to do is ensure that our police have the resources to deal with this, but also our communities need to know that we understand this issue and we're doing whatever it takes to keep them safe.

Media: Do you believe that people subject to an FPO would actually change their behaviour, or is the idea of it just that the police can go after them and get them off the streets?

Nash: Well, that's a very good point. We would hope that if an FPO was put in place, then it comes with a very clear set of conditions upon which that person must abide by. If they don't abide by the terms and conditions set out in the FPO, then there's a very high likelihood they will end up back in jail.

Media: Can I ask a question on something else?

PM: Yeah, absolutely. Anything further for Minister Nash?

Media: Just on a related but slightly different tangent to the Minister: are you comfortable with police pulling over people as part of routine police work, not with high-risk level?

Nash: That was not part of routine police work, if I understand the incident we're talking about. My understanding is the person that the armed response team pulled over had a warrant out for his arrest. He was subsequently arrested, and my understanding is that that person has been charged, but I can't confirm that. But these armed response teams, keeping in mind, are highly trained individuals whose training is basically about de-escalating situations as opposed escalating situations. So the more highly trained police officers we have out there who have training in de-escalating difficult situations, I think our community will be better off.

Media: So you'd be comfortable with armed police officers pulling people over even if there's no knowledge that that person has a weapon?

Nash: Well, keeping in mind that every police vehicle has a locked box with Glocks in it, and the vast majority of police vehicles have Bushmaster rifles in the boot. So police have access to firearms when they're driving around in their vehicles, as it is.

Media: Is this a step, though, towards more general arming of police officers?

Nash: We've been very clear about that—that this is not—

PM: We do not support the general arming of the police.

Nash: —a move towards general arming of police. I think we've been very clear on that.

PM: OK. Good, thank you.

Media: Prime Minister, what's your expectation on the Public Service attempting to access restricted material online?

PM: My expectation is that the Department of Internal Affairs, or indeed the State Services Commission, would respond to you on these queries. They are operational.

Media: What do you expect from public servants? Should they be looking at restrictive material online—

PM: I expect them to follow the Public Service guidelines.

Media: Are you familiar with the case of Johnny O'Neill, the kid in Cromwell who has been told that he can't use his 5-km-an-hour lawnmower to do his job?

PM: Yes, I—I won't have anyone snigger; this is a very important case. I am familiar with his story. I just was reading a piece about him and he sounds incredibly entrepreneurial, particularly given I think I read that a turnover of his business is something in the order of \$100,000.

Media: A hundred k, but he's looking at a \$25k a year loss of profits because he's going to have to get a driver because he can't use his lawnmower to get to jobs. Will you ask for an exemption for Johnny?

PM: Well, ultimately, this is something that sits with the police. I can't instruct them to behave in a certain way. I can't ask them to treat Johnny in a particular way. It really needs to be up to them how they deal with him moving his lawnmower between jobs.

Media: What do you think? What's more dangerous? A 5-km-an-hour lawnmower or a lime scooter?

PM: Again, I wouldn't want to get into the situation of passing judgment on a decision that, ultimately, is for the local police to be dealing with, but I do have to commend him on how entrepreneurial he sounds. And it sounds like he may have just employed one extra local person to drive him, so that's extra job numbers for us.

Media: What did you make of the launch of Sustainable New Zealand yesterday? Do you think there's, kind of, space in the political spectrum for a centrist—

PM: I have to say, I would ask what is the political issue that they are trying to solve. If they claim that they are operating in an environmental space that exists in the political spectrum, I'd say that that is being very well catered for by this Government. I mean, you just need to look at the significant investment that was put into the Department of Conservation in our first Budget: the work that we are doing on water quality, the investment we've been putting into at-risk catchments, the passing of the zero carbon legislation, the work we've been doing with our food and fibre sector to make sure that we implement He Waka Eke Noa.

They're significant areas of work, and I haven't even got on to the waste work that's being done by Eugenie Sage. So I do believe that environmental matters are a huge focus for this Government, and I don't see that there's necessarily a space that they need to fill.

Media: Can I just ask, I've just seen the Council of Licensed Firearms Owners has gone to the High Court to ask them to review some of the gun laws. Any thoughts on that?

PM: Look, as is the case with, you know, any piece of legislation or regulation that we pass, of course people from time to time will challenge that, but I absolutely stand by our

legislative programme in this space. It's all about making sure that people are safe, and we're creating a regime, that I believe, still enables legitimate use of firearms in New Zealand whilst also ensuring we keep our community safe.

Media: It emerged today that the State Services Commissioner, Peter Hughes, has not had any one-on-one conversations with the Deputy Prime Minister ever, since coming into Government, because of the ongoing legal action between the two.

PM: Is it because of that or is it because there's been no cause to have a one-on-one conversation?

Media: That's what Peter Hughes said in court. Is that a problem for the Government that the top State sector official cannot talk to the Deputy Prime Minister?

PM: Oh, I don't think it's stopped the work of Government continuing, and that surely needs to be our focus. Has it prohibited us from doing our job or getting on with the business of Government? No.

Media: Has it been awkward that Winston Peters has been suing—

PM: No. No. Ultimately, this is for the Deputy Prime Minister a privacy issue, and every citizen is free to pursue privacy matters.

Media: Did Cabinet discuss the changes to partnership visas today?

PM: Well, two things on that: as you've already heard me say, my expectation is that in terms of outcome, we will return to the status quo. I expect that in the course of this week, we'll be talking in a bit more detail around how we're going to turn that into a reality. A second thing is, obviously, that was never a decision that was made by Cabinet, so, therefore, it's a big question of whether or not it will indeed need to return there.

Media: Have you spoken to New Zealand First about it, and are they worried about your language and positioning on it?

PM: No.

Media: You have spoken to them?

PM: Well, of course we'll be talking to all of our coalition partners and confidence and supply partners, as we do with all Government business, but, no, I've had no concern with anything that I've said.

Media: Why does the Government not have a population strategy?

PM: Oh, it depends whether or not you would portray the work that we've had around infrastructure planning as being part of more broadly ensuring that we are able to adequately cater for the population that we have and the population growth that we have, and also making sure that we have an immigration system that equally caters for the needs that we have. So, sure, it's not under the banner of a population growth strategy, but we certainly are doing the infrastructure planning required for our growing cities.

Media: Do you think it would be useful for New Zealanders if they knew that this was where the Government was working towards, in terms of this is an ideal number of people to have in New Zealand, and this is sort of where we're aiming in terms of infrastructure development and all that sort of thing?

PM: Yeah, I mean, in my mind, work like the Infrastructure Commission to ensure that we have long-term planning around our infrastructure needs based on projections around population growth is a huge step-change that we've undertaken as a Government, and will actually have a real lasting legacy to try and take out some of the politics away from those larger infrastructure decisions. And, secondly, I think when it comes to, for instance, our immigration settings, business want to know that if we are have a genuine skills shortage or a skills issue that they need to fill, we have done as much as we can do to support them to find those who are already resident in New Zealand, to fill those gaps and, if they're unable to, then we support them to seek those skills outside of New Zealand. So I think, ultimately,

those answer many of the questions and expectations New Zealanders would have around population growth and planning.

Media: Given the very high number of immigrants—or high percentage of immigrants—that we’ve had over the last 10 years, is there more to it than that? Is there a case for a more sophisticated nation-building strategy on the part of the Government?

PM: Oh, I see that as a separate issue again. Now, actually, the argument for nation building has existed for decades. We are already a very diverse country with a number of ethnicities and languages spoken in New Zealand. That is not new. And I do think you can find a number of different rationales for why we should ensure that we have strong community integration, strong resettlement programmes—because that is as much about nation building as anything else, and more so than just strictly a strategy around population growth. I think that’s probably quite a crude way of planning for, ultimately, what is a very diverse society.

Media: On the Australian fire, has New Zealand offered any support to the Australian Government?

PM: Yes. In fact, we already have firefighters on the ground in Australia—a reasonably small number but highly skilled individuals at present. In fact, I contacted Prime Minister Morrison this morning, just to touch base and offer New Zealand’s full support, and, of course, our thoughts are with Australia right now. These are devastating fires. He acknowledged that he’d actually, in one of his visits, spoken to one of the New Zealanders already over there. I made the offer to definitely let us know if further support is required. I understand at the moment we’re working through an additional request.

Media: The Government is taking some measures to crack down on children’s access to pornography. Do we have a problem with porn in New Zealand?

PM: I think, actually, this issue I’d put in a global context. This is not a New Zealand - specific issue. And, in the global context, you’ll hear conversations going on around the world, particularly around access for young people and different strategies to make sure that we support and look after and care for our young people in an environment where, increasingly, they’re able to access a range of different content that I know would make their parents, caregivers, educators, you know, increasingly uncomfortable.

Media: Just on the Australian fires, you’ve said that you’re working through an additional request. What’s the nature of that?

PM: Oh, just for additional firefighters.

Media: Just back on immigration, in terms of Immigration New Zealand, are you going to be making any changes to the way they operate, given you say that they did all of this off their own bat? Does there need to be conversations with Immigration New Zealand about how they operate in the future as a result?

PM: That’s not something I’ve given consideration to. We’ll work through getting this right and then maybe have a little look at what’s happened in this case, but it may well be that it’s quite specific to this set of circumstances.

Media: So, I mean, is there potentially a situation, though, where they have gone a bit rogue and need to be reined in?

PM: I wouldn’t want to make that assertion yet until we’ve resolved this issue and looked at how we’ve come to this particular situation.

Media: So you will specifically look at that, though—whether they kind of went without or went outside of—

PM: It does seem to me that there might be some particular circumstances. This is a decision that, ultimately, was given effect from a 2003 Cabinet decision, so I don’t want to

get ahead of things too quickly here in determining what's gone wrong, given it was quite a historic decision that then Immigration New Zealand have operationalised.

Media: So there's some sort of internal review, though, into that?

PM: No. Again, I don't want to overstate. I want to fix this particular issue, and then we'll look at how we came to this situation. OK, just a couple more, folks.

Media: New Zealand's new bird of the year is the hoiho—

PM: It is the hoiho.

Media: Do you have anything to say about that?

PM: Oh, do I ever! I feel inclined to congratulate the winner, given it's the first seabird to have taken out top honours, and many of you will know my longstanding commitment and support for the black petrel, so I'm hoping that this is paving the way for a future win for our black petrel.

Media: Just back on the nation-building comments that you made, if you agree that there is benefit in more integration of our cultures and community, do you think there should be a more targeted strategy in order to achieve that?

PM: Oh, that assumes that we don't already have work in place. You know, when you look at the work that the office of ethnic affairs—the work that they do; even the work that's built around the celebration around different community events—they are all focused on community integration, community building. Now, even the way that different funds are put into the Ministry of Arts, Culture and Heritage for the acknowledgment of the signing of Te Tiriti often have an element that's around community building. So there are a range of different areas where different departments already have an eye to these issues. I think what we found is that we've been, you know, particularly focused on that in the aftermath of 15 March. You know, we have a job to do in that space. OK, thank you, everyone.

conclusion of press conference