

POST-CABINET PRESS CONFERENCE: MONDAY, 16 DECEMBER 2019

PM: Good afternoon, everyone, and welcome to the last post-Cab of 2019. Today our thoughts continue to be with the family and friends of those who died and were injured in the Whakaari / White Island eruption. I do want to give an overview of the status of the tragedy one week on. Police with the navy will continue their recovery operation for the two remaining victims, reassessing the risk each day. Police have begun to release the names of some victims.

Our health professionals keep continue to care for 14 people in hospital; 10 in a critical condition. Thirteen people have been transferred to Australia. One has, sadly, passed away upon their return. The coronial team is working to identify and return victims to their loved ones. Sixteen people have now been confirmed deceased; many succumbing to the injuries after first responders removed them from the island.

The volcanic alert level of the island remains at level 2. Alongside people across New Zealand, we observed a minute's silence at 2.11 p.m., including the entire Cabinet. Our thoughts continue to be with the families of those who have passed and with those who were injured.

As I've said many times, there remain now questions to be asked and questions to be answered. As you'll know, on 10 December, WorkSafe opened a health and safety investigation into the harm and loss of life caused by the eruption. They will do this as the workplace health and safety regulator and administrator of the adventure activities regulations. As they said at the time, they will be investigating and considering all of the relevant work health and safety issues surrounding this tragic event.

The Health and Safety at Work Act 2015 covers work and workplaces in New Zealand and WorkSafe is the primary regulator. Its role also encompasses public safety where this is affected by work. The primary duty of care is held by the person conducting a business or undertaking and they, usually an organisation, are required to manage the health and safety risks to people, including workers and public, arising from their activities. Tour operators, cruise ship companies, emergency responders, and land owners fall under this. WorkSafe can prosecute for breaches of the Act, and penalties and criminal sanctions range from \$50,000 to \$3 million and up to 5 years in prison.

I understand the WorkSafe investigation may take a year. The coronial processes are also likely to continue for some time. As a Cabinet, we know that it's possible there will be broader issues that won't be covered by these inquiries. Therefore, I have asked for advice from officials to look into whether there are any gaps that need to be addressed that fall outside of a potential coronial enquiry and the WorkSafe investigation. I expect advice on this in the new year.

I can also confirm that today Cabinet approved a \$5 million fund for the impact of recent events both in Whakatāne and Westland. Particularly this fund will focus on small businesses who may have been adversely affected. Obviously we have criteria that has been established with past events that may have had similar effects on small businesses.

Criteria will be established, drawing on experience of the past, and a delegated group of Ministers will work through that criteria and administration of the fund over the summer period. We don't see this necessarily being the totality of the need in both of these areas but we thought important to make sure that we were working to address immediate needs in Whakatāne but also in Westland.

In terms of the week ahead, Parliament's final sitting day will be on Wednesday, and I will be in the House for question time and the adjournment debate. On Tuesday, I will be in Māhia for the closing ceremony of Tuia 250, in attendance alongside Minister Davis. For now, though, I am happy to take any questions that you might have.

Media: That \$5 million dollars, will White Island tourism or any of the other tour operators at White Island be eligible for some of those funds?

PM: We haven't concluded the establishment of the criteria. What we are acknowledging is that there are likely to be wider impacts on an area, a place that has traditionally relied on tourism for employment and for economic activity. So I am going to allow MBIE, alongside Ministers, to work through some of the final criteria, but keeping in mind, obviously, there are a number of employees who have been affected and will be affected by what has happened on Whakaari / White Island.

Media: The tour operators, arguably, put people at risk in the first place by taking people out there.

PM: Again, pointing out that we haven't concluded the establishment of the criteria or how this distribution of funds will work except to acknowledge that there will be impacts for Whakatāne, in the same way we expect impacts in Westland. We've established a contingency, which Ministers will now work through the criteria around, to support those communities.

Media: In broader terms, under ACC, it's pretty hard to sue people in New Zealand. Do you think this has made it too easy for some businesses to take too many risks—

PM: No.

Media: —and to not face consequences as a result?

PM: No, not at all. Obviously, we have regulatory regimes that are around the management of risk and particularly health and safety regulations. Those are entirely separate. I do not see—I simply do not agree that ACC in any way has led to there being less focus on health and safety issues. Obviously, here, we need to work through a process, and WorkSafe will, around exactly what has happened in this case. We need to await that work to be done.

Media: In terms of that advice that you're waiting for in the new year regarding further investigations, do you envisage that it could go as far as a royal commission?

PM: Not necessarily. In fact, having—keeping in mind, obviously, what WorkSafe are able to do can be reasonably comprehensive, and also potential coronial inquests equally. Having looked back over some of the accidents previously in New Zealand, the 2008 canyon disaster for instance—we had a parachuting incident in Fox Glacier. In both those cases, you saw the then Department of Labour, who held responsibility at that time, or the Transport Accident Investigation Commission investigate alongside coronial inquests. So we haven't always had separate inquiries. Again, what I want to ensure is that we answer all the questions that need to be answered, to try and do that with as little duplication as possible. But I'm waiting for a bit more advice on that.

Media: Does a public inquiry seem like the best method to achieve that?

PM: No. Again, having looked at a number of accidents, significant events in recent years in New Zealand, they have often been investigated by, for instance, the Department of Labour, coronial inquests. They haven't always had then separate inquiries. What I want to make sure is that we answer all of the questions we need to answer, that we don't duplicate, and, importantly, we don't get in the way of what WorkSafe needs to do as part of their job. So, really, I am awaiting that advice. I want to make sure we're properly considered here.

Media: Just to be clear, some of these operators, entities, and individuals could be simultaneously investigated via WorkSafe while receiving Government funds?

PM: No. I have not said that. I've said we're yet to work through that. What we've decided as a Cabinet today is that there will be, undeniably, impacts on Whakatāne and on Westland as a result of, in Westland, recent weather events, and the eruption in Whakatāne. We need to make sure we're prepared to support particularly small businesses who will

experience knock-on effects from that. We are prepared for that. Now Ministers will go away and do the work around criteria.

Media: So there are some small businesses who will also be simultaneously investigated by WorkSafe?

PM: Again, I have not confirmed that. What I am saying is that we're prepared to provide the support required. There will be a number of businesses that will be affected here. I'm going to let Ministers now go away and work up, off the back of Kaikōura, for instance, the kind of support packages that we need.

Media: But you're not ruling it out either?

PM: Because we've made no decisions. So, again, I'm going to leave that to Ministers to do that work. Again, there are a number of employees in situations here that need to be thought about too, but, again, no decisions have been made. We do need to move with some reasonable pace to get that in order and provide certainty, though, for those businesses more broadly affected.

Media: If WorkSafe has the oversight when it comes to volcanic tourism, is it likely—I mean, they are obviously running their own investigation, but surely there's going to have to be something much wider that actually takes a look at what WorkSafe's role and responsibilities were and actually properly looks at their, sort of, role going forward. Would that be fair?

PM: Yeah, and, obviously, that's not something that necessarily WorkSafe—obviously, WorkSafe can't do that, but it wouldn't be out of the question, for instance, for a coronial inquest to potentially do that. So you can understand why I just want to make sure that we get some proper considered advice, look at all of the issues that we rightly expect to be dealt with here, and make a considered judgment in the new year.

Media: On time frames, what would be their time frame to actually get that set up, make that decision, and is a time which you mentioned before of up to a year for this investigation—is that acceptable to you?

PM: Yeah, so, obviously, WorkSafe already have announced that they'll be undertaking, as you would expect, a full investigation. They have a 12-month period by which, if they are going to, they would need to pursue any charges, if they determine that that's necessary. So there's already a time limit set for WorkSafe. I've been advised that it is likely to take them a year to undertake this investigation. Look, as we've seen, inquiries can sometimes take more than that time, so it's not for me to judge whether or not that's an appropriate time frame. They need to do their job properly and it needs to be properly considered. In terms of the other work, it's up to the coroner as to whether or not they undertake the nature of their investigatory work. That is a matter for them. For us, as I said, I expect to get some more formal advice in the New Year around any potential gaps that we might need to fill.

Media: Would you potentially wait until that WorkSafe investigation is completed, until the public inquiry or whatever other kind of inquiry—

PM: Not necessarily. If we do determine that there are gaps, you know, then that may well be something that we can move on beforehand. I do want to get some advice, though, particularly from Crown Law, as to whether or not that jeopardises the work of WorkSafe and/or how we might be able to manage if we do make a decision that that is required. So, again, there is already an investigation under way. That's critically important. That has started—has been announced by WorkSafe. Now it's just a question of what else might we need to look at to make sure that we look at every angle of what has happened here.

Media: When will that \$5 million be freed up to those small businesses who have been affected?

PM: Well, obviously, we made a decision today to enable further work to be done before Cabinet resumes in the New Year, so that \$5 million is available now for Ministers that we've delegated to go and work up some of that criteria over the summer period. So they're free to do that without Cabinet having to come back to it.

Media: Which Ministers are those?

PM: So we've included Minister Twyford from economic development, Minister Robertson, our Minister for tourism, Kelvin Davis. Minister Mahuta, obviously, has a role from a local authority perspective. Minister Henare will be involved from a civil defence perspective, as well. I think that's the—yes, I believe that's the complete list.

Media: Would you expect tours to resume to Whakaari / White Island before those investigations report back?

PM: Look, that's ultimately not a decision for me. That is something that, as I understand, would primarily sit with a determination from WorkSafe, so I'll leave them to make that determination.

Media: Could they make that ruling before reporting back?

PM: My understanding is that—twofold, actually: that there exists provision from a civil defence perspective, and that also WorkSafe, as I understand, helping from within their health and safety remit, if there is an imminent threat, then they have that provision as well. But ultimately, those are judgments that don't sit with me.

Media: The Australian Prime Minister Scott Morrison today tweeted that the tragedy has so far claimed 19 lives. The death toll stands at 16; two people remain unaccounted for. Do you have any information about a 19th victim?

PM: No. My understanding is as you've set out.

Media: Do you know why this misleading information is ending up in the public sphere?

PM: Oh, look, I'm not going to make any judgment there, because, obviously, we have a scenario here where we, obviously, have two individuals missing. There have been medevacs where people have then very sadly passed in Australia. I'm making no judgment there around what's occurred, but, ultimately, we've tried to keep that information flow going as well, and we'll try to keep doing so.

Media: What did you discuss with foreign Minister Payne today, and will there be any requests for support for [*Inaudible*]?

PM: Oh, look, you know, as I think I've probably said before, the contact between Prime Minister Morrison and I has been frequent: multiple phone calls, multiple messages, giving updates where I can, and likewise PM Morrison discussing what he believes might be occurring on their side. You know, a focus there for a time around being able to make sure that loved ones are in close proximity to one another in a medevac. That is a very resource-intensive operation, of course, providing the flights themselves, multiple health professionals for every single individual patient. So that was an enormous undertaking from Australia where we worked in partnership together and has been now almost entirely completed, as I understand. So there's been good cooperation.

Media: A minute's silence was obviously observed today. Have there been any discussions around, I guess, a memorial event in coming weeks or months?

PM: There have been discussions. One thing we're very mindful of, of course, Ngāti Awa have played an incredible role working alongside the families of the victims, not just from within Whakatāne but those internationally too, and it was one of the things that some of those families from abroad really raised as being something that had particularly stood out to them as being unique, and they saw it as being important as well. So really working alongside Ngāti Awa. My understanding is at this stage that there's a desire, of course, to wait for

families to be reunited with their loved ones. That will take some time, but I don't expect we'll have a memorial as a result any time soon.

Media: Have you personally been to White Island?

PM: No, I have not, but I've had family members who have.

Media: Do you anticipate of any of those future investigations or inquiries that you might take a wider look at tourism as a whole, if you think about places like Tongariro, Franz Josef, and if there's a [*Inaudible*] could be quite dangerous at times?

PM: There was work done under the last Government around adventure tourism, and so that was fairly recent. I think it's likely that if there are particular issues relating to that regime, that may well be covered by some of the work that's already under way. But keeping in mind it wasn't that long ago that that wider work was done. Obviously, here we have some very particular circumstances that are unique to volcanic activity, and so there may well be wider learnings, but, as I have had it explained to me, there are also different regimes that have applied to Whakaari / White Island versus others. Again, that may well be something that is discussed in some greater detail as a result of any inquiry work that's undertaken.

Media: Is one of the big problems there the fact that the island is privately owned? Did that complicate the responsibilities and who's responsible?

PM: I wouldn't want to make an assertion about that until that work is undertaken, but I think there are some differences around the level—DOC, obviously, is involved in other volcanoes. That doesn't necessarily point to White Island being specific because of private ownership, but it may point to some differences because of DOC governance. Again, I've always been really careful in all of this not to pre-determine or make any assumptions here. I do think it's important that we allow the work to be done properly and just not to get ahead of that, particularly given the scale of this incident.

Media: The emergency services' response to Whakaari, will that be covered in any of the WorkSafe investigations or the coronial inquest?

PM: No, in the same way that, actually, in the immediate aftermath the response to the incident itself, if you take March 15, for instance, that wasn't necessarily covered by any work that was done in the aftermath, but it was something that was looked at specifically by, for instance, the New Zealand Police. I've had a preliminary conversation with officials just this morning around making sure that we do reflect back on what happened in those moments after and the emergency response, because involved in that was everyone from our emergency management teams, the New Zealand Police, first responders like St John, and even Coastguard were involved, and then there was the role of those who privately operated helicopters. I do think that we need to look at that immediate aftermath, and I do think we owe it to the families to look at that immediate aftermath. I'm looking for other ways to pursue that and the police have done a fine job in the past of being involved in that, but those conversations are ongoing.

Media: Is that one of the questions that remains unanswered that we would need to look at an inquiry?

PM: No, not necessarily. We didn't for 15 March. Looking at an emergency response, I think, is a very separate piece of work that actually you can move on fairly quickly. So I've raised today questions around the police doing that, being involved in that, and, again, our emergency management team. So I don't think that is something that has to be delayed. I do think we can probably get on with that fairly promptly.

Media: Are there any concerns about the ongoing load that's being imposed on the medical facilities, and is there any suggestion that there may be some external help needed—

PM: Ah, look, actually, I've visited Christchurch Hospital in particular, and managed to have a conversation with some of the staff there—that medivac of a number of Australian victims so that they could be reunited not only with their loved ones who were in other

hospitals in New Zealand, because, as you can imagine, once they came to Whaktāne Hospital, it wasn't always possible to identify those who were either travelling together or related, and so in some cases they were moved to different hospitals.

The medivac process has allowed them to be reunited in one go, and also put them closer to their loved ones. That has considerably reduced down the number in critical care in New Zealand. My understanding is that we have two in Christchurch, two in the Hutt, two in Waikato, and eight in Middlemore, so, actually, the fact that they're dispersed means it has taken the pressure off. There has been some impact I think in the short term, and I do want to personally check in on Middlemore, but otherwise I hear that our services are coping very well

Media: Is it appropriate to be working with Ngāti Awa on a memorial when they could potentially be under investigation as an owner of White Island tours?

PM: In the same way that Ngāti Awa provided and facilitated a role for the deceased who returned on Friday, in the same way that they provided their marae facilities, the same way that, actually, they provided a place for people to gather for the minute's silence, I think it is important to remember that, regardless of their commercial interests, they are local iwi, and they have been providing a very important role locally.

Media: Is it highly likely that there won't be a further over-arching inquiry at all?

PM: Again, I don't want to predetermine that. As I say, I am still waiting for some official advice, but just looking across at some different incidents we've had, that tells me that, actually, we have in the past had coronial inquests and Department of Labour—now WorkSafe—able to look thoroughly into these incidents, or tragedies of this nature. But, again, I do want to be assured myself, by getting that advice in the new year as to whether or not there's further work that won't be picked up by them that we need to look at.

Media: So if those two agencies can investigate those two things and there can be a separate sort of independent look at the first response, then what are the questions that still need to be answered in—

PM: Some have been raised around whether or not—of course, WorkSafe will be looking at the regulatory framework they're operating in, so did the operators fulfil the expectations around health and safety audits, and so on. The question may well be: was that regime itself adequate, and did WorkSafe do their job? Of course, WorkSafe can't look at it themselves, so I just want to get a bit more advice on that.

Media: You indicated on the *AM Show* that there absolutely would be an inquiry. Are you still sticking to that?

PM: Oh, as I said, WorkSafe are undertaking these coronial inquests, considered to be of that nature as well. The question is, for me, whether or not we need a third.

Media: On Friday, you said that you texted Boris Johnson to say congratulations for his election victory. What was his reply to that text, or did he get back to you?

PM: I haven't received a reply, but we have been working on a phone call, and nor would I expect, in the immediate aftermath of a busy election—equally, I'd only heard from him three days prior.

Media: When's your phone call going to be and what are you going to discuss?

PM: Look, at some time in the near future, I imagine, but I won't put an exact time line on that for someone who's just been elected Prime Minister. I imagine very much, with me, anyway, I will first and foremost acknowledge the fact that UK citizens have been caught up in the tragedy of White Island; secondly, of course, congratulating him on his election result; and thirdly, of course, our joint FTA aspirations and further plans around Brexit.

Media: Do you regret calling him a "gaffe man" back in a 2012 tweet?

PM: Well, clearly I was wrong, wasn't I, because in that same tweet it was speculating whether or not he would be Prime Minister. To be fair, I would not have speculated that I myself at that time would become Prime Minister.

Media: Do you regret calling him a "gaffe man"?

PM: Oh, again, I've been proven wrong, and from what I know of PM Johnson, I imagine we'd both have a bit of a laugh about it.

Media: As Labour leader are there any lessons for you from what happened to the British Labour Party?

PM: I don't see every Labour Party as being uniform around the world. I think that we've got our own challenges here in New Zealand that as a Labour Party we're working hard to address, and we successfully formed a Government, and we've built our support from the public since then. So I'm not sure that necessarily you can uniformly compare the position of every Labour Party around the world.

Media: Is there a warning there about getting too far away from the base, though?

PM: Well, again, it depends on whether or not that's what you're accusing us of, Richard.

Media: I meant Jeremy Corbyn.

PM: Oh, right. Well, again, you know, that's something that I tend to leave for other commentators. I think it's enough to run your own party rather than making judgment on anyone else's handling of their own.

Media: When was the last time you contacted Jeremy Corbyn?

PM: To be honest, I've met Jeremy Corbyn once. You tend to form ongoing relationships with leaders and party leaders that you have relatively frequent contact with, but I just haven't had those opportunities with Jeremy Corbyn.

Media: Would you send him your commiserations?

PM: Sorry?

Media: Would you send him your commiserations as a fellow Labour leader?

PM: Oh, look, I haven't done that as a general rule of thumb for every progressive person who's been unsuccessful in elections. So that's not something I've generally done. If I knew someone reasonably, then I may well, but, again, it just depends on the relationship.

Media: Why were you so incredulous at the prospect of Boris Johnson as Prime Minister?

PM: That's not how I would actually describe that tweet.

Media: [*Inaudible*] Boris Johnson as a possible candidate for PM?

PM: Emphasis the reader's own. Again, keeping in mind this was, again, this was several years ago and, as I said, I've been proven wrong.

Media: Did you discuss a deal for the land at Ihumātao today?

PM: Look, we've had, obviously, since July, a range of discussions amongst Cabinet colleagues, and I would describe talks there as being a work in progress, as being positive, but, again, we're not at a point for announcements to be made, but we are making some positive progress.

Media: Will you make a resolution before Christmas?

PM: Again, we are not at a point to make announcements, but progress has been positive and ongoing, and as soon as we are in a position to make announcements, of course we will. But that's not today.

Media: Have Auckland councils made a decision at all about what they would like to happen with it?

PM: Again, conversations have been ongoing with all parties that have an interest. Of course that includes King, mana whenua, Fletchers, and, of course, local government in the form of Auckland Council. They have an interest because Heritage New Zealand is proposing lifting the status of that land, and, ultimately, it will then come on council to make sure that's upheld in their unitary plan. So they have an interest now too.

Media: Did Cabinet made a decision on any of the [*Inaudible*] media work before it currently?

PM: As Minister Faafoi has indicated, we've had a preliminary discussion as a Cabinet. Further announcements down the track I'll leave to Minister Faafoi, but I think it's fair to say that we all agree that we need to make sure that we're bolstering public broadcasting in the current environment. But we've had that preliminary discussion and it will be ongoing.

Media: On the Stuff-NZME merger, did that come up in Cabinet at all today?

PM: Again, as you'll appreciate, I don't divulge every conversation that's had by Cabinet. I put the emphasis here on the focus and agreement amongst Cabinet around needing to bolster public broadcasting. Ultimately, there are separate processes for things that involved some of the other mergers that have been discussed in the public domain. OK, I'll take a couple more.

Media: Will there be an announcement on public broadcasting though before the end of the year, as Minister Faafoi has indicated?

PM: He indicated that Cabinet would have discussions and they have. Again, as I've said, there will be an iterative process.

Media: Are the Government parties broadly on the same page when it comes to public broadcasting?

PM: Yes. Final question.

Media: Did Cabinet discuss phase two of the Reserve Bank Act review?

PM: Again, as you'll recall, I don't divulge every single conversation, otherwise we'd go through probably a fairly tedious exercise of ruling things in or out. Ultimately, when announcements are ready to be made in any given area I allow it up to Ministers to undertake that unless I steal it for myself for post-Cab. All right everyone, thank you—oh, sorry, I will allow that final question.

Media: Has Labour received the sexual assault investigation?

PM: We are very keen, of course, to make sure that we complete that process. We have not yet received the report from Maria Dew, and, of course, that is ultimately up to her to conclude. It was an independent process by a QC, so we are all still, unfortunately, awaiting that report.

Media: Do you think you'll receive it before the end of the term?

PM: I would hope so, yes, and we will look to move as quickly as can, but, ultimately, it still sits with her and so we are awaiting that in the same way that you are. All right, thanks everyone.

conclusion of press conference