

In the matter

of the Resource Management Act 1991

and

In the matter

of a Board of Inquiry Draft Decision Report under Section 149Q of that Act to consider a Notice of Requirement by the Minister of Corrections for an alteration to a designation to provide for the construction, operation, maintenance and upgrading of a men's prison at 20 Hautu Drive, Wiri, Auckland.

**Comments on Draft Decision Report
on behalf of Sisters of Mercy Wiri
18 August 2011**

Introduction

1. Sisters of Mercy Wiri is disappointed in the decision of the Board of Inquiry to grant the Notice of Requirement to build the men's prison at Wiri. We were advised on several occasions prior to the Board of Inquiry that the decision was a fait accompli and that the proposed prison would go ahead. It appears from the Draft Report that this is indeed true. There is little in the decision to persuade the Sisters of Mercy Wiri that anything else is the truth.

2. Having said that, from the perspective of the Sisters of Mercy Wiri there are two main omissions in the Draft report. The first is the lack of a robust and meaningful analysis of the original Designation 288 and its conditions, and the second is that it provides no surety that the community in which the prison is to be situated will be protected from any adverse effects.

Designation 288

3. In a report that one would presume was based on legal decisions and rigour there is a complete lack of the same regarding the original designation 288 and its conditions. In paragraph [344] the report refers to the designation and its conditions merely in the context that Corrections had not complied with many of the conditions. In the interests of fairness and what is seen to be fair, Sisters of Mercy Wiri submit that the report must include a rigorous analysis of Designation 288 and the reasons for its being amended. Justice pays attention to legal requirements, of course, but must also pay account to what is fair and reasonable. The Draft Report gives very clear indications as to how Designation 288 is to be amended, but says nothing as to why the changes should occur. Where is the fair and reasonable explanation for allowing another prison to be built on this site? This is a major omission.

4. The Board notes that a wide spectrum of submitters was concerned with the failure of Corrections to comply with the conditions attached to the designation. It is not good enough merely to "...hope that Corrections have also noted this and

will work harder in the future to rebuild trust by addressing concerns the community understandably has articulated.” The proverbial wet bus ticket has more teeth.

Protection of the Community

5. The Board again expresses hope in [897]. “Our hope is that good relationships can be developed and continued through the SIFAC and CIF.” The expectation of Sisters of Mercy Wiri is that the community will be safeguarded and protected through a clearly articulated outcome of the Resource Management Act, not just a hope. The Board of Inquiry should act to ensure that this happens. The Board acknowledges that the community in which the prison is to be inserted is one of the poorest and most deprived urban communities in Aotearoa/New Zealand. The hope already referred to has not been sufficient in the past to remedy adverse outcomes from the existing prisons in the area. The Board of Inquiry through the Draft Report offers no assurance that the needs and aspirations of the community will receive any consideration in the future. Sisters of Mercy Wiri suggests that any bridge building has to begin with the Court decision. There is no compulsion for Corrections to change.

6. The conditions proposed in the Draft Report are numerous and complicated. From the perspective of the Sisters of Mercy Wiri the sheer volume and the complexity of the conditions indicate that the Board anticipates that there will indeed be adverse social impacts on the community. Paradoxically, the same volume and complexity, alongside the hopes and aspirations of the Board, also indicate how ineffective they will be. There were no social conditions accompanying the consent for the new prison at Mt. Eden. Strangely, that indicates more surety that the community will not be adversely affected. Sisters of Mercy Wiri suggest that this fragile community needs to be sure that no harm will come to it through the building of the prison. The Draft Report omits to give this surety.

7. The Board has omitted to investigate the reasons for the change in the original request for 1500 prisoners to be accommodated. The change to 1060 prisoners has been accepted without any analysis or comment. Is there any assurance that in a few years time that number will be changed back to 1500 inmates, or even 2000 inmates? This Report does not address this issue. There is no protection against future expansion. There is no condition in the report about future amended notices of requirement which could change the numbers.

Sister Anne Hurley
for Sisters of Mercy Wiri