

**In the matter**

of the Resource Management Act 1991

**and**

**In the matter**

of a Board of Inquiry appointed under Section 149J 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, Manukau City.

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**Representation of Sister Anne Hurley**

**19 May 2011**

## THE ORIGINAL DESIGNATION

- 1 Ten years ago the Department of Corrections came to the people of Manurewa and the surrounding communities with a plan for a comprehensive women's prison. In the introduction on page 1 of the Assessment of Environmental Effects of the women's prison the first sentence states, "This assessment of environmental effects report is provided in support of the Notice of Requirement for a designation issued by the Minister of Corrections to Manukau City Council for a new comprehensive regional women's correction facility in Auckland". Further on "The ARWCF will be a comprehensive corrections facility on a single campus", see page 4, 2.2.3. That is how Corrections presented the women's prison. They engaged with the community in various ways, and spelled out the plan clearly. For the most part, the local residents did not want a women's prison on the proposed site. However, might prevailed and the contract between the community and Corrections was formalized in the legal process with Manukau City Council and ratified by the Environment Court (Decision A043/2004).
  
- 2 Paragraphs 28 – 36 of the above document spell the plan out clearly. The Prison would occupy the whole site. There would be a secure section 'behind the wire' and the remainder of the site used for "inmate employment, skills and pre-release training, horticulture and gardens, cultural development and therapy areas, and sports fields". The community was for the most part opposed, but there was the promise that we could look forward to both the restoration of the remainder of the land, and the women who were to be imprisoned there. I suggest that Corrections had the definite view that a comprehensive women's prison would occupy the site and there would be a buffer between it and the community.

- 3 Even in this process regarding the proposed men's prison Mr Hall refers to the women's prison (EIC paragraph 46.2) as a "comprehensive women's facility". I suggest that a comprehensive prison is significantly more than the ARWCF as it currently is.
- 4 The community was led to believe that the remainder of the land would be a buffer between the women's prison and that part of the community that is to the south of the site. This land would not be built on. This was to be a positive for the community. I believed that through this apparently innovative, new, purpose built, comprehensive prison that both the women and the land would be restored. As Ms Robertson reports in her EIC paragraph 36 "it was the first purpose built woman's prison in New Zealand". Sisters of Mercy Wiri consider any change to the designation would be wrong and improper and is going against the contract between the community and Corrections.
- 5 Corrections (and also the former Manukau City Council) have been remiss in not carrying out what was agreed to. Mr Maplesden includes as Appendix 1 of his evidence a report from Manukau City Council regarding the compliance to the conditions of the original designation. It shows that 13 conditions in the original designation have not been fulfilled. And the remainder of the land has not been used according to what had been presented to the people of Manurewa on so many occasions. I suggest that the community deserves better than this, and that it is becoming increasingly difficult for community members to have regard for Corrections or what it says.
- 6 Mr Hall in his Rebuttal Evidence paragraph 74, pays little account of the original agreement.

- 7 Mr Blakely, on page 12 of Section 42 a Planning Report – Part 2, commenting on this says “The interpretation of the existing conditions of the ARWCF as reasonably ‘permissive’, as discussed by Mr Hall, may be correct from a planning and legal perspective. However, this runs counter to the Environment Court’s own understanding of the proposal as expressed at paragraphs 30 – 36 of that decision and contained in Appendix E to Mr Hall’s rebuttal evidence”.

### **SCALE, DESIGN AND CULTURE OF THE WOMEN’S PRISON**

- 8 Further, the lack of detail provided by Corrections regarding the proposed men’s prison and its size is not in accord with the process regarding the original designation. In my evidence, paragraphs 38 – 54, I consider the scale, design and outlook of the women’s prison. Again, I suggest that the alteration to Designation 288 that is being sought would nullify the culture and theme of the women’s prison. On page 19 of the document referred to in the paragraph above, Mr Blakely points out that “prisons can be considered to be sensitive land use for which more detail, rather than less, and at least commensurate with that provided for the ARWCF, is a valid expectation. This is particularly so, having regard to the concerns and issues expressed by members of the host community, and by the range of opinions provided by experts and submitters in relation to this matter”.
- 9 I suggest that some of the Corrections witnesses did not appear to be aware that the original suggestion for the use of the remainder of the land was Correction’s own proposal, which was ratified by the Environment Court (Decision A043/2004) paragraphs 28 – 36.
- 10 Ms Robertson in paragraph 105 of her EIC states “Sister Hurley’s view, as expressed in her evidence, is that the land to be used for the proposed new men’s prison should be used instead for female prisoners’

employment skills and training – for example, horticulture and gardens, cultural development and therapy areas, and sports fields”. Paragraphs 106 and 107 expand on this. I consider that Ms Robertson has failed to grasp that it was Corrections own plan, not mine nor anyone else’s, and that that was what the land had been designated for.

- 11 Mr Hall appears to have little regard for the original designation as well. In paragraph 37 of his rebuttal evidence he states, “The flexibility sought for the site design and layout, within the designation alteration is not inconsistent with the existing designation for the AWRCF, which provides for flexibility for the future use and development of the site for the AWRCF”. Mr Blakely comments from the document already referred to on page 20, “The only matter of consistency between the two activities is that both are correctional facilities. The flexibility implied is not that which was understood by the Environment Court, nor by those third parties involved in the ARWCF process”. And I would further add that the flexibility is all on behalf of the men’s prison – not the women’s for Corrections. It is my opinion, that it is time that Corrections claimed the original vision as its own and implemented it in the way that it was presented to the people of Manurewa, during the consultation before the women’s prison was built, and ratified by the Environment Court.
- 12 In my evidence, paragraphs 38 – 48, I point to the fact that at the time of the original designation every effort was made through the scale, design and outlook, to minimize the effects of the women’s prison on the environment and on views of the prison from beyond it.
- 13 Indeed, the women’s prison as it is, and in spite of the fact that much of the mitigation planting has not been carried out, does merge into the surroundings. So much so, that I suggest Corrections forgot about both the women and the prison. The effects of the proposed men’s prison on

- the women and the women's prison were not considered in any of the evidence of the Corrections witnesses until the evidence of submitters compelled those witnesses to do so.
- 14 In fact, I would suggest that the proposed men's prison is already pushing the women's prison further into the background, and effectively sidelining it.
- 15 I also suggest that it is difficult to be enthusiastic about, or to give any credence at all to the plans for the proposed men's prison as they involve the use of the same land that was designated for the rehabilitation of the women. The plans for the women's prison have come to nothing, and are not even remembered, after less than 10 years. They will never be able to be implemented if the proposed men's prison becomes a reality. I put it to the Board that the women's prison as it was planned has been undermined and nullified.
- 16 We heard from Ms Robertson during cross examination that there was the possibility that a Drug and Alcohol Treatment Centre was being planned for the women's site and that it would be accommodated 'within the wire'. I suggest that there is a limit to how much will be able to be accommodated 'within the wire', but there is no limit to what could be required in the future. It is now evident from the Quantative Risk Assessment and Mitigation Plan (Figure 3) distributed by WOSL that land available for such buildings will be extremely limited. The southern end of the site is becoming congested. If the proposed men's prison goes ahead any future development on the now compromised site will be stemmed
- 17 I am confused by much of Correction's evidence. On the one hand, many Correction's witnesses, for example, Dr Wales, EIC paragraph 9, Ms

- Robertson, EIC paragraph 10, have stated that one of the key aspects of their work is the rehabilitation of inmates during their imprisonment, so that after their release they can reintegrate back into society.
- 18 On the other hand, one of the nominated driving forces of the proposed men's prison is the use of a PPP that will be expected to "deliver new and innovative methods, which improve the rehabilitation and reintegration of the prisoners", are used. See Mr Lightfoot's EIC paragraph 34.4. I cannot understand why it is necessary to engage a PPP to deliver new and innovative approaches for rehabilitation and reintegration services aimed at reducing the rate of re-offending if Correction's programmes are so effective.
- 19 In my evidence I acknowledge in paragraph 31 that there are many vocational activities and other opportunities being provided for the women. However, in my opinion the women in the women's prison are being short changed in a big way. I am talking about the proper rehabilitation and reintegration of all the sentenced inmates. I suggest that what was spelled out in the original designation 288 shows that there had been a much more expansive and comprehensive vision for the women's prison.
- 20 Mr Bole's rebuttal evidence, paragraph 6 states, "Corrections is accordingly confident in its ability to accommodate prisoners now and in the future, without the need for using the land where the new men's prison is proposed". I suggest that Corrections has to do more than 'accommodate' the women. They need to be rehabilitated and reintegrated back into society.
- 21 In paragraph 107 of her EIC Ms Robertson states, "I can further confirm that Corrections is confident that all necessary reintegration and rehabilitative programmes and other services can be provided, at full

capacity, within the current size of the site – without the need for the adjacent land.”

- 22 However, in the rebuttal evidence provided by Corrections I have not been able to find anywhere any indication or evidence that Corrections are providing for the rehabilitation and reintegration of all the women imprisoned and sentenced at any one time at the ARWCF, using the best practice methods available. There are no statistics, no reports, no indication of the effectiveness of the rehabilitation methods and programmes used, or the numbers of inmates undertaking such programmes.
- 23 I am not an expert witness. I have, however, a wealth of experience, as well as a level of expertise in working with women and their families. I have spent most of my adult working life teaching young women or engaged in community social work. I have lived and worked in Wiri, which includes Rata Vine, for 22 years. This is an area well documented in Ms Stewart’s evidence, paragraph 53 and following, as a significantly deprived part of the host community. Experience has taught me that women are often victims themselves long before they have become offenders.
- 24 I indicated in my evidence in paragraph 4 that I had applied to Corrections to become a volunteer at AWRCF. Since then I have visited the women’s prison seven times, each visit lasting approximately two hours. Some of the women I have met are not much older than the young women I taught at school. My overwhelming impression of visiting women in the high security and the remand units is of women who have little to do. The question I have been asked most often by women inmates is, “What can you do for us?” There is nothing much to do here”.

- 25 I do not rely solely though on my brief experience in the women's prison for my impressions. In my evidence, paragraph 21, I refer to an open prison in Norway. This was the prison shown in the powerpoint presentation which was part of Mr Gunston's representation. It provides a contrast to the more traditional prison also depicted. I suggest that the original vision that Corrections had for the women's prison had something of the "fresh perspective to custodial service delivery that is not constrained by public sector processes and procedures" talked about by My Lightfoot EIC paragraph 33 with regard to the PPP. Instead the ARWCF has become the more traditional facility that it is rather than the rehabilitative facility portrayed in the original vision.
- 26 Prison Fellowship as well as Mr Johnson from the Salvation Army provide compelling evidence as to the lack of effectiveness of Correction's rehabilitation and reintegration programmes. I suggest that the lack of any contrary evidence provided by Corrections indicate that the outcomes from the women's prison could be improved significantly.
- 27 If the alteration of the Designation is approved there is little chance that the original vision of the women's prison will be able to be implemented. I suggest that this is a revictimisation of the women in order that men will have the new 'promised' outcome of better rehabilitation and reintegration prospects. There is no guarantee that a PPP will achieve more effective rehabilitation for male offenders.
- 28 I reiterate my concern for the psychological wellbeing of the women if the proposed men's prison becomes a reality. I agree with Ms Buchan's views expressed in paragraph 2.7.1 of her Report Three. I, too, have some disquiet about this matter.

## **LACK OF CONFIDENCE IN CORRECTIONS**

- 29 It is clear from the cross examination of Ms Robertson and her disclosure of the possible number of people on the site of the women's prison that the figures on which WOSL has modeled its risk assessment are now not correct. Since WOSL have produced the amended draft Conditions on 18 May I have learned that a cap has been set on the number of people on the site of the ARWCF at any one time.
- 30 Further, evidence was produced during the hearings regarding numbers of male prisoners sentenced in South Auckland, Auckland and other regions in New Zealand. This was used to show percentages of male prisoners that came from South Auckland and Auckland. I suggest that these figures do not indicate the region of origin of a person sentenced by the Court, but the Court region in which the prisoner was arrested. While there may be a connection between where someone lives and where he is arrested, they are not the same.
- 31 Neither do the figures indicate lengths of sentences; so to use them to indicate percentages that are imprisoned from an area at any one time is not as straightforward as it may first appear. I would suggest that more prison beds could be needed in a region where longer sentences were given, even though fewer males were sentenced from that Court.
- 32 Dr Stewart when being cross examined pointed out the dangers of reading too much into statistics without proper research and understanding of where the figures have come from and how they have been gathered. I consider that the use of the information on the sheet referred to above was one of those instances.
- 33 Further to this, in his evidence Dr Wales spoke about the benefits of family support for prisoners. Indeed, Corrections evidence uses this rationale to validate the choice of the Wiri site for the proposed men's prison.

According to Correction's evidence it is close to where many of the prospective prisoners will come from. And who would disagree that a family can offer a prisoner support and encouragement in way that is not easily replicated.

- 34 I would suggest, however, that in the real world of many of the prisoners families and whanau do not offer the kind of support that would assist the prisoners' effective rehabilitation and reintegration back into society. Sadly, many criminals have learned their deviant behaviour from their dysfunctional families at a very early age. I would consider that in many instances families would give the positive support that is needed only after they themselves had completed lengthy and extensive programmes. That is a big ask, both from the point of view of the family concerned and the social service agencies and other professionals who are assisting such families.
- 35 I suggest that this is an example of a facile and often repeated statement that appeals to something within all of us, but that can easily be shown to be incorrect and even harmful to accept.
- 36 Another topic that seems to crop up regularly is that migration figures for families within the host community are higher than the average national statistics. Local families may move more often than their counterparts in less deprived areas, but I believe that when they do move they more often than not move to somewhere in the same locality. I know numerous families within the Wiri/Rata Vine community who have moved at least twice. A family well known to me and who has lived in Wiri for over 14 years in a Housing New Zealand tenancy, has moved three times within the area.

- 37 Families who have crowded in with their extended families often overstay their welcome and have to move, often to another part of the family, who may also live close by.
- 38 I heard several times during the hearing that rents were comparatively low in South Auckland. That may appear to be so when compared to rents in central Auckland. However, for the local families private rentals are expensive – often too expensive to maintain for very long. When it all becomes too much the answer is to go back to living with the family. I suggest that migration figures are a measure of the lack of adequate and affordable housing, rather than an indication that families are moving away from the area. But again as Dr Stewart has suggested incorrect conclusions can be drawn from statistics unless proper research is carried out.

## **SOCIAL IMPACT**

- 39 I acknowledge the very positive and invaluable contribution towards the question of social impact of the proposed men's prison made by Dr Stewart's research, Ms Longdill's focus groups and Ms Buchan's recognition of these. The contribution of other lay submitters must also be recognized. I mention especially the evidence presented by Mr O'Keefe and Reverend Mark Beale.
- 40 However, commenting on the social impact of a facility like the proposed men's prison on a community such as that outlined in the work that has been presented is a daunting task. It may be helpful to begin by looking at the benefits that the initiative brings to the community. In spite of the evidence produced by Corrections to the contrary regarding employment for example, my overall impression is that there are few advantages, but many disadvantages to the host community.

- 41 Having said that, I am in no doubt that the most significant social impact of the proposed men's prison is on the women and the women's prison. As you know I am a Sister of Mercy. The mission of the Sisters of Mercy is to work with the poor, especially women and children. I am deeply concerned about the effects of the proposed prison on the women and their children. I have already discussed that.
- 42 Another prime issue is the inability of social service and health providers to cope with the added pressure of the proposed prison. This is mentioned by Mr Haigh in his evidence on behalf of Vision Manukau, and Ms Buchan also refers to the difficulty in several places. Already social service agencies are stretched in dealing with the level of need, deprivation and dysfunction that exists. I suggest that the lack of resources coupled with the volume and complexity of the work are major factors in our inability to cope.
- 43 Perhaps the most significant factor in this is the lack of sufficient, adequately trained, and experienced workers to deal with the work. Dr Phillips indicated when being cross-examined that he would welcome a three year lead in to when he may need staff to deal with the extra work necessitated by a men's prison. I suggest that three years would not be nearly long enough. The problem is systemic.
- 44 Experienced and qualified social workers, health professionals, psychologists, community workers, youth workers, drug and alcohol counselors, family counselors and therapists, truancy officers and countless others cannot be produced on demand or even in three years. There is limited value in importing such professionals from overseas as they have little cultural appreciation.

- 45 I acknowledge that there can be some benefits working across cultures. We need to learn from each other's strengths. However, I am of the opinion that the most effective and productive results for our families come from their working with professionals who are from their own culture and who are well versed in that culture, as well as being well qualified and experienced in their profession. Communities who are of particular ethnicities or beliefs and who are well represented in the deprivation statistics are working at producing their own trained and experienced professionals. And it is happening, But it is happening slowly.
- 46 Financial resources are limited. This is true among the members of the many groups working to equip themselves professionally, from an individual point of view. Funding to social service organisations, too, is all too often limited and is rarely sufficient. In the current economic climate the Government is applying restraints and cutting back in many ways and in many areas. One such significant area currently affecting this host community is Early Childhood Education. I suggest that funding that can rarely be relied upon and is insufficient makes effective planning difficult.
- 47 Government departments are not immune from this either. In my experience Child, Youth and Family is struggling to attract competent social workers, and to deal effectively with situations in which children can be at considerable risk. Referrals of a serious nature may not even be picked up for a month or two, and then, in my opinion, not always dealt with adequately.
- 48 Dr Phillips indicated that he expected that Housing New Zealand would supply prisoners with accommodation, when they wanted to stay in the host community on release. I suggest that it is not as easy as that.

- 49 There are already families in Manurewa who are in serious housing need and who have applied to Housing New Zealand for assistance. Ms Wall quoted the figure of more than 500 families on Housing New Zealand's waiting list for Manurewa. I suggest that some families cannot even get on to the priority waiting list. Housing New Zealand in the last few years have introduced a new policy called Options and Advice. In my view, this is a way to reduce the waiting list, not by housing the family with a serious housing need, but by assessing that the family does not have a serious housing need.
- 50 I would suggest therefore that because of the serious lack of housing in the host community inmates, on release, will not be moving to a Housing New Zealand rental, unless his or her family is already the tenant of such a house.
- 51 Over the days that the hearing has been being heard I have listened to discussions about how many prisoners will come from the host community, or how many prisoners' families will move to the host community, or how many prisoners will stay in the host community when they are released. I submit that the actual numbers are irrelevant. If there is just an increase of one more dysfunctional family it is too much for this community to bear and cope with.
- 52 I suggest that it is a mistake to regard all families as having the same influence on a community. The effect that one apple can have on a case of apples is well known. One family can have a similar effect on a community. I do not wish to refer to any family as bad, but that is not to diminish in any way their sometime criminal behaviour, their open flouting of normal societal standards, their allegiance to gangs, their alcohol and drug dependency, their violence, the apparent neglect of their families and

their terrorizing or proselytizing other members of the community. The list is endless. "Once Were Warriors" paints the picture.

- 53 The statistics revealed in Dr Stewart's research tell the same story. What is not as obvious perhaps is the separation of many of our people from their cultures and consequently their identities, their generational deprivation, welfare dependence and poverty, the violence they have experienced and their lack of education and skills. The healing that has to take place is immense.
- 54 There are enough of these families already in the host community. When giving evidence Ms Robertson said that women tend to follow their male partners when they are imprisoned and settle in the host community. Ms Wall and Ms Luxton also indicated the same dynamic. I agree.
- 55 Such families not only bring their own difficulties, but tend to act as a rallying point to others and to influence them negatively.
- 56 A family moving in to a neighbourhood would most likely not consist of simply a woman and a couple of young children. There could be several teenagers, as well as some other male relations – the woman's brother, or the inmate's brother and partner and children. The family would probably not have its own housing at first, but move in with relatives. It is most likely that the family would have gang connections. These gangs are numerous. It is probable that the family is involved with drugs, possibly selling them. 'Their man' is in prison for some offence, and his family will most likely have some of his problems. Teenagers and primary school children form their own gangs, which are often offshoots of larger gangs.
- 57 Sometimes in a community like Wiri there is an increase in the incidence of petty crime such as graffiti, youth creating disturbances at night drinking

in reserves and parks, vandalism, burglary and truancy. It can usually be related to the arrival of one of those hard core families in to the area. These are the kinds of families that have a father or a son in prison. Contrary to Correction's aspirations to have these families close to the prison to support the rehabilitation of the inmate, I submit that in the majority of cases that is well beyond the ability of the families concerned and is not going to happen without the assistance of professionals.

58 The evidence of Prison Fellowship points strongly to the premise that the community is responsible for the rehabilitation of inmates. I congratulate the work of Reverend Mark Beale and his church community for the phenomenal work that they do in this regard. However, I suggest that it is just a drop in the ocean. Manurewa is not coping with providing sufficient volunteers to provide for the numbers of inmates in the women's prison. I suggest a fortiori that it is not going to cope with the impact of the additional 1060 prisoners that the proposed men's prison would bring.

59 I also point to the existence of large numbers of youth at risk in the host community. Many of them have no positive male role model. Often their fathers are absent or in prison perhaps. If they are still with the family the chances are that they will have some addiction, have few skills and/or little education. The picture is depressing. I suggest that the prison will act as a beacon to many of these young men, and give them something to aspire to. This will be especially true for those whose fathers will be incarcerated there. This dynamic should not be underestimated. Our young people need to be uplifted and encouraged to aspire to more positive futures.

60 One of the more recent hopeful initiatives in Manurewa is the formation of Neighbourhood Policing Teams. Each team consists of a Sergeant and six constables. Teams have been set up in the Wiri/Rata Vine area, Homai and Clendon.

- 61 Police officers are present and visible in the community. They interact with residents of all ages in a variety of ways. They are getting to know the people in the community, who in turn get to know them.
- 62 One intervention is that each officer acts as a mentor to a young person who has been identified as being especially at risk. Before the young person is accepted on to the programme his or her family is interviewed and has to agree to take part. The purpose of the 12 month programme, is to reduce youth offending and re-offending by the structured and holistic implementation of tailored plans.
- 63 The programme is led by the Manurewa Police who will work to ensure positive partnerships with effective agencies and NGO's. Such an initiative has the potential to make a real difference. However, it is relying on the goodwill of the social service agencies to provide the necessary support and assistance to the families of the at risk young person. Once again, the capacity of social service agencies to meet the identified needs of the families over and above the services they are already providing in the community will be a challenge. This project is in its early days and so the jury is still out on whether or not it will succeed.
- 64 I suggest that this is the kind of initiative that will eventually result in a reduction in crime and the negative statistics. The process is very slow, but more likely to succeed than waiting for the young person to be convicted for offences committed and imprisoned before taking any rehabilitative action.

## **CONCLUSION**

- 65 Another scheme in Manukau designed to assist young people to reach their potential is Sir John Walker's FIELD OF YOUR DREAMS. It is not

difficult to see the land in question as the field of Correction's dreams. Corrections came to this community less than 10 years ago with plans for a comprehensive women's prison that they then called *innovative* and now call fanciful. I suggest that the present proposal is more fanciful. The almost childlike faith in the certainty that the anonymous PPP will achieve improved outcomes, and the lack of detail and clarity in the scheme leave too much to the imagination.

- 66 It is for this reason that the Sisters of Mercy Wiri oppose the notice of requirement in order that the women's prison can become the comprehensive facility that it was originally conceived as and has the potential to become.