

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY  
TULOOU – OUR PACIFIC VOICES: TATALA E PULONGA**

**Under** The Inquiries Act 2013

**In the matter of** The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions

**Royal Commission:** Judge Coral Shaw (Chair)  
Ali'imua Sandra Alofivae  
Mr Paul Gibson  
Dr Anaru Erueti  
Ms Julia Steenson

**Counsel:** Mr Simon Mount QC, Ms Kerryn Beaton QC,  
Ms Tania Sharkey, Mr Semisi Pohiva, Ms Reina Va'ai, Ms Nicole Copeland, Ms Sonja Cooper, Ms Amanda Hill for the Royal Commission  
Ms Rachael Schmidt-McCleave, Ms Julia White and Ms Alana Ruakere for the Crown

**Venue:** Fale o Samoa  
141 Bader Drive  
Māngere  
AUCKLAND

**Date:** 23 July 2021

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**TRANSCRIPT OF PROCEEDINGS**

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1 **[10.00 am]**

2 **CHAIR:** Good morning everybody, noa'ia. Can I invite the Reverend Aptinko to come forward  
3 from the Rotuman community for our karakia, lotu.

4 **REVEREND APTINKO: [Introduction in Rotuman].** I just want to remind that I saw it in the  
5 public platform that Fale o Samoa is basically we coming home, which makes very much  
6 sense. I'm a Rotuman ethnic group but my nationality is Fijian. So on behalf of our  
7 Rotuman community, the leadership, we would like to say thank you for inviting us  
8 Rotumans to have a voice and be part of this very important, I call it the mission of  
9 compassion enhancement.

10 And it makes sense from a biblical lens that God is omniscient, he is all knowing.  
11 God don't need to reason with anyone who knows everything, he knows everything, he has  
12 the perfect understanding of the hope and the weak, needs and the hope of the  
13 broken-hearted. In the scripture the Book of Chronicles for the eyes of the Lord, move to  
14 and through, to and from throughout the earth that he may strongly support those whose  
15 heart is completely his.

16 From the eyes of those suffer from the abuse to the vision of the organisation to find  
17 the best and the long-term solutions with the genuine hope of the oppressor for the  
18 transformation, moves God's heart, the heart that over flows with compassion. Within  
19 Psalms 119, God heals the broken-hearted and binds all up their wounds, because God is  
20 full of compassion.

21 And with John in the last days, the message to all people, "Beloved, I pray that all  
22 may go well with you and that you may be in good health as it goes well with your soul."  
23 John's ministry is about compassion in his last days, last few days, John prayed for good  
24 health and well-being of us all. I'll pray in my language and as we say in the Pacific Islands  
25 the language from heaven. Let us pray. **[Prayer in Rotuman].**

26 **CHAIR:** Thank you, Reverend, for giving us that prayer in the language from heaven. So we'll  
27 now start our hearing today. For the information, and I'm sure Ms Sharkey will explain  
28 more, our witness today is unfortunately in Australia. She wishes to be here but of course  
29 Covid has intervened. She will be giving her evidence on the screen. You will not see her  
30 face because she wishes to be anonymous.

31 Now I ask and repeat if you were not here yesterday, because she wishes to be  
32 anonymous we must respect her privacy and I would ask that nobody takes any  
33 photographs or videos of any part of the proceedings while she's giving evidence. Sorry,  
34 you will see her, she won't be seen on the livestream on the website, but you will see her, so

1 please don't take any photographs or anything that could intrude on her privacy which she  
2 is entitled to. So, thank you. I'm calling on Ms Sharkey now because she's going to lead  
3 her evidence magically across the Tasman sea.

4 **MS TU**

5 **QUESTIONING BY MS SHARKEY:** Good morning Ms TU, can you hear me?

6 A. I can hear you, can you hear me?

7 **Q.** Yes, I can hear you. Okay.

8 **CHAIR:** We'll take the affirmation when you're ready.

9 **MS SHARKEY:** You're ready Ms TU?

10 A. I am.

11 **Q.** She's ready.

12 **CHAIR:** I don't know if you can see the Commissioners, Ms TU, can you?

13 A. I can.

14 **Q.** Good. So welcome. Welcome from across the Tasman sea. I'm sorry you can't be with us  
15 today, but we're doing the best. You do look, from your background, as though you're on a  
16 planet somewhere else which is very magical. I'm just going to ask you to take the  
17 affirmation before you begin with your evidence, is that all right?

18 A. Yes.

19 **Q.** Okay, thank you. Ms TU, do you solemnly, sincerely and truly declare and affirm that the  
20 evidence that you will give to the Commission will be the truth, the whole truth and nothing  
21 but the truth?

22 A. I do.

23 **Q.** Thank you very much. I'll leave you with Ms Sharkey.

24 **QUESTIONING BY MS SHARKEY:** Good morning Ms TU. First, I acknowledge how  
25 difficult this will be for you as we've discussed many times before. And I also want to  
26 acknowledge your supporters who are here in this fale on your behalf to show their support  
27 and be the presence for you this morning as well. Just to clarify, the Commissioners have  
28 your statement before them and they've read it. And it will be made available on the  
29 website following your evidence today. Just to confirm what we had spoken about before,  
30 you will tell me to pause if you want me to pause briefly and if you need a break you'll tell  
31 me you need a break.

32 A. That's right.

33 **Q.** All right. So before we start, Ms TU, I understand there are some opening comments you'd  
34 like to make, so please feel free to begin.

1 A. Thank you. I am Samoan and I was adopted into a white family when I was a baby. I want  
2 to thank the survivor and contextual witnesses who gave evidence this week. Hearing your  
3 stories has made it easier for me to give my evidence. I still have doubts about whether  
4 giving my evidence here today is the right thing to do. I did not plan to give my evidence  
5 publicly. I wanted to give it privately and not share widely that I was talking to the  
6 Commission. This is because I am still living with a lot of emotional pain and trauma and  
7 the causes of this pain and suffering is complex. I am likely to cry today and I might make  
8 some jokes, both crying and humour are different ways I cope with what I'm going to talk  
9 about today.

10 I'm talking about adoption and the State's role in adoption, but to do so I have to  
11 talk about families and intimate relationships. I think because my story involves family, it  
12 is hard for me to talk about. I care about the people I will mention, even though  
13 I experienced neglect, physical, emotional and sexual abuse in my adoption placement.  
14 I want to take care of how I talk about them and talk about this history, which is why I have  
15 opted to be anonymous. It has taken me a long time to admit to myself that this was not a  
16 suitable care, the placement, even though I love this family and it was the family I was  
17 raised in, which makes my feelings about it even more complex.

18 Because I am adopted, I have many families, including Samoan family. My biological mum was  
19 Samoan. I was adopted when I was a baby. My mum was 22 at the time and had only been  
20 in New Zealand for a couple of years, if that. The State placed me with white parents and  
21 did not consider my needs or well-being as a Samoan child. The State cut me off from my  
22 culture, community and language. I believe this was an act of enforced assimilation. The  
23 State had no concern for whether my adoptive family had any cultural or racial literacy to  
24 raise a Samoan child. This has had long lasting impacts on me and I live with a sense of  
25 loss.

26 My Samoan mum and family tried their hardest to absorb me at 21 when I was  
27 able to make contact, but I was a messy and traumatised person distrusting of relationships  
28 which I tried to mask and then I struggled with the illiteracy around Samoan culture and  
29 language. I struggled, despite my deepest desire for connection with them, my family, and  
30 my culture.

31 While I have lived with the impacts of trauma, distrust of relationships and loss of culture, all of  
32 my life, I am Samoan. This is my heritage and I am proud to be Samoan.

33 But I also experience a lot of life where I do not feel like I quite fit in, in either the white or the  
34 Samoan world. It is sometimes a confusing and not comfortable space to be in, with lots of

1 roots everywhere but never quite anchored anywhere.

2 To end my statement, I wanted to also acknowledge that there are a lot of people  
3 who have had a similar experience to me, particularly struggling with intercultural and  
4 interracial adoptions. I am here for you today as well as for myself.

5 **Q.** Thank you Ms TU. So just as we begin the questioning and you answering some of the  
6 questions, we've got the stenographer and sign language interpreters here, so we just need  
7 to slow down a little bit. All right, you're ready to begin?

8 **A.** I am.

9 **Q.** So, we'll start at the beginning of your statement, Ms TU. So what year were you born?

10 **A.** 1975.

11 **Q.** And you're adopted out shortly after your birth?

12 **A.** Yes, a few weeks after.

13 **Q.** I'm going to ask, do you have your statement in front of you?

14 **A.** I do.

15 **Q.** I'm going to ask you to briefly describe the reason why you've come forward to the Inquiry  
16 to share your adoption experience. So, could you please read out paragraphs 4 to 7 of your  
17 statement and please feel free to expand on any points you might wish to.

18 **A.** You want me to read them and then expand?

19 **Q.** You can read them through and then expand if you'd wish.

20 **A.** Okay, so the purpose of my statement is to share my adoption experience with the Inquiry.  
21 I experienced all forms of abuse in my adoption placement, physical, sexual and emotional  
22 abuse as well as neglect. It was not an appropriate care placement.

23 There are many stories which I could draw on to describe the process of locating  
24 my biological families. Adoption stories often focus on the feeling of belongingness one  
25 gains from the experience of finding their biological parents. For me, however, the process  
26 of meeting both my biological father and mother were not a process which gave me any  
27 sense of belonging, more a feeling of utter flux and dislocation.

28 I do not believe that closed adoptions should occur. I believe each child born has a right to know  
29 their biological background, identity and cultural heritage. That is their right.

30 The decision to adopt me out to Palagi people meant I became disconnected from  
31 my Samoan heritage and cultural roots. There are no words to describe the trauma created  
32 and the impact this has had on me.

33 So essentially, I'm here today because, well, for a number of reasons, but the first and predominant  
34 reason was that the State ignored me as a Samoan child, my mother was Samoan. It didn't

1 think about what needs I had or my right to my culture when it put me into a white family.  
2 And I feel like that history was just erased, extinguished from that act and it's something  
3 that I've been struggling with since.

4 The other issue is there wasn't sufficient due diligence in relation to putting me in with that family.  
5 Like I said, I care about them and I love them, but I've come to realise from what I went  
6 through that it wasn't an adequate care placement. And my Samoan mother, you know,  
7 gave me up so that I would have two parents and a loving family and within 18 months my  
8 parents had divorced. So, I have a lot of concerns about the due diligence of the State with  
9 putting me into that family and no follow-up after the interim period.

10 And, you know, just the barriers that adoption erects, how difficult it was for me to  
11 find my biological mother. I had to wait until I was 20 before I got sufficient information.  
12 So I just -- it's a really difficult process and that's why I'm here today to talk about it,  
13 because of just all these cascading decisions and then barriers that has had a really profound  
14 effect on me.

15 **Q.** Okay, thank you Ms TU. And we'll walk through those different stages as we go through  
16 your statement, okay?

17 **A.** Yes.

18 **Q.** All right. Just coming back to one of the comments you said before about closed adoption,  
19 and for the benefit of those here in the fale or those watching on the livestream who might  
20 not know what closed adoption is, do you want to describe that?

21 **A.** Yeah, so I think there's probably a legal sense of it and how it feels, but the legal sense is  
22 that once my mother decided to -- my biological mother decided to give me up for adoption  
23 that extinguished her rights in relation to me, and I was treated as if I was a child of the  
24 family that I was put into. But obviously the reality is that nothing is ever that neat, life's  
25 more messy and I was connected to other people, but it's a fiction.

26 **Q.** Okay. So closed adoption being a form of adoption where the biological parents have no  
27 direct contact either with the adoptive parents or the child?

28 **A.** Yes, that's right.

29 **Q.** And where records are sealed?

30 **A.** Yes, records are sealed, yeah.

31 **Q.** And certain details remain confidential?

32 **A.** Yes, so there's -- my biological mother didn't know who the family was that I went to,  
33 didn't know where I was, didn't know my new name, didn't know anything, so -- and it's a  
34 wall of secrecy on both sides. As we'll talk about I did get some information early on, but I

- 1 don't think usually people are entitled to that information. My adopted parents had to ask  
2 for it.
- 3 **Q.** Okay. And we'll start to move through that. So we're looking at paragraphs 8 to 13 of your  
4 statement and you talk about being a mixed family culturally, this is your adopted family.  
5 So looking at paragraphs 8 to 10, could you please describe what you mean by that?
- 6 **A.** Yeah, I think we were mixed in the sense of I was the second child to be adopted into the  
7 family and my adopted brother is Rarotongan heritage. My parents were white, but my -- I  
8 had an aunty who was adopted, so on my adopted mother's side I had an aunty who was  
9 adopted into the family and she was Māori heritage. And so that's why I describe it as  
10 mixed, but my parents were white.
- 11 **Q.** And because they were white, you still felt disconnected with your culture?
- 12 **A.** Yeah, completely disconnected. I was raised speaking English, I was, yeah, I was absorbed  
13 into this family and didn't have any access to any Pacific Island cultures.
- 14 **Q.** Okay. And so looking at paragraph 11, your adoptive mother couldn't have children.
- 15 **A.** Yeah.
- 16 **Q.** So could you please share with us the comments she would make to you about that and how  
17 it made you feel, Ms TU?
- 18 **A.** Yeah, so she was -- she always said to me that she wanted to have children of her own and  
19 she couldn't have children of her own, and that used to upset me because I felt that I was  
20 her child, like she had me and she had my brother, and so, yeah, it just already had this  
21 feeling that I was an adoptee, you know, that I wasn't actually part of that family.
- 22 **Q.** All right, then in the next paragraph you speak about possible racial elements to your  
23 adoption. If you could please take us through that?
- 24 **A.** Yeah, so one of the stories I heard from my adopted mother's mother and my mother is that  
25 she always wanted black or brown babies. And that used to make me feel a little bit  
26 uncomfortable, but it was the 70s and when I think about it in a really gracious way that she  
27 probably thought that Pacific babies weren't wanted and she wanted to provide a home for  
28 us. But it did make me feel a little bit uncomfortable.
- 29 **Q.** And then in paragraph 13 you point out, and this is something you've said quite a number  
30 of times to me --
- 31 **A.** Yeah.
- 32 **Q.** -- it would have been obvious, it would have been obvious that you were adopted.
- 33 **A.** Yes, completely obvious that I was adopted. Because, you know, I was really fair as a  
34 child and I'm fair in winter but I actually go really brown when I get a little bit of sun, and

1 the same with my brother. I'm really tall and I had the Samoan physique as a child. I've  
2 provided some photos to the Commission showing that I looked about three years older  
3 than my age.

4 **Q.** And that went to you growing up and knowing that you were different from your family?

5 **A.** I knew I was completely different. I knew I was different because I knew I was adopted,  
6 I knew I was Samoan. And I just knew I didn't quite fit into that family, yeah, like in the  
7 sense of my size and my colour, I just knew I was -- I was part of that family but I was also  
8 different.

9 **Q.** Okay. And then we're just going to move on to the adoption records. That's paragraphs 14  
10 to 18 and you say that for a big part of your childhood you knew you were Samoan, it was  
11 like breathing. Can you just expand on that please?

12 **A.** Yes, it's hard to say, you know, I kept on trying to think of when I was told I was adopted  
13 and when I was told I was Samoan, and I must have been told so young that I just grew up  
14 knowing, that was just who I was; adopted and Samoan. And yeah, so -- and I also got  
15 really good at -- because school friends would say, you know, "Is that your mum?" And I  
16 would say yes, and then I had to explain what a real mother was as opposed to a birth  
17 mother, so I had this kind of language around being adopted.

18 **Q.** All right, now we're going to bring up the first exhibit, and this is a letter dated 12 April  
19 1977 given by the Department of Social Welfare to your adoptive parents, so they could tell  
20 you more about your biological parents. My question, Ms TU, is, is this all the information  
21 you had growing up?

22 **A.** Yeah, that's all the information I had. I think I'm really lucky I even had that, because in  
23 that bundle of papers that I provided to the Commission, it's clear that my adopted parents  
24 asked for that. And I may not have been entitled to that until I was 20. But that's all I had.

25 **Q.** Right, and so it was your understanding that this is what your adoptive parents had asked  
26 for so that they could share this with you growing up?

27 **A.** Yes, and it's in the -- in the bundle it says you've asked for information and we'll provide  
28 you something.

29 **Q.** Right. Okay. And then you talk in paragraphs 16 and 17 about a letter you were told  
30 would arrive on your 15th birthday. Can you please tell us what you were told about this  
31 letter and what happened on your 15th birthday?

32 **A.** Yeah, so I was -- it's again like breathing, I just was told very early on that I would receive  
33 a letter from my biological mother when I was 15 and that it was with a social worker. I  
34 had the name of the social worker, but I was also told that at the time in the 70s the social

1 worker was old. So I panicked even before my 15th birthday about how I was going to get  
2 that letter. But I'd think about, you know, my 15th birthday was really important for me  
3 and I would think about getting there, and then when I got to my 15th birthday no letter and  
4 no one- knew where to go or to ask for it.

5 **Q.** And so this letter you were going to receive on your 15th birthday was going to give you  
6 more information about your biological --

7 **A.** Yeah, it was from my biological mother, it was written from my biological mother. So she  
8 wrote me a letter which she later told me that was the case, that I was meant to get on my  
9 15th birthday and I never received it.

10 **Q.** Okay. And now we're just going to bring up the next exhibit, and that's a letter dated 6  
11 January 1997 from the Children, Young Persons and Their Families Service. So these  
12 letters are 20 years apart.

13 **A.** Yeah.

14 **Q.** You know these letters well, Ms TU?

15 **A.** I know these letters really well because it's exactly the same information that I received  
16 early on, and except there were some names. So in the second letter when I was 20 I was  
17 entitled to further information, and that further information was the name of my biological  
18 mother and the name of my father. But other than that, the information that they gave me  
19 was the same and, you know, as we've talked about before it was really thin information,  
20 there wasn't really much in it. But anyway, it was something, it was something.

21 **Q.** Right, so as we've had conversations about this before, you were hoping that when you  
22 received further information from the State that you'd get more than just a letter that looked  
23 strikingly similar to one 20 years prior?

24 **A.** Yeah, I mean I would have expected there would have been a thorough file, there might  
25 have been photos, that I would have got more information. Yeah, it was really -- it didn't  
26 help me at all in terms of how I would find her, yeah, what -- sorry, it's hard to even explain  
27 because, yeah, just trying to remember back, it's just a big moment. I really wanted to meet  
28 her and I wanted to know about her and I just had very thin information, it was -- it didn't  
29 give me anything.

30 **Q.** Okay. And so some of the information you would have hoped for as well would have  
31 perhaps been maybe medical background information as well.

32 **A.** Definitely more information on family medical history. I mean it's still hard for me today  
33 to talk about that when I go to doctors. You know, just the kind of memory of not knowing  
34 any of these things and being disconnected from it. And I just, yeah, I would have liked to

1 have known more about her. It's hard to kind of explain, but when I say it's thin, it was just  
2 on such a superficial level. Like I have no information of what else she was thinking at the  
3 time, you know, it was the 70s, what her migration status was, there was just not enough  
4 information here for me. And so I didn't even know whether I'd be looking in Samoa for  
5 her or looking in New Zealand, like I had no information that would help.

6 **Q.** So just picking up a couple of things there. You would go to the doctors and be asked  
7 about your family's medical history and you weren't able to answer any of that?

8 **A.** Couldn't answer any of that.

9 **Q.** And you were hoping for some information on the guidance that the State gave to her at the  
10 time, or what the process was so that you could be clear on the process of adoption?

11 **A.** Yes.

12 **Q.** Right, okay. And perhaps more information on family, relatives?

13 **A.** Definitely more information on family. You know, I mean it had things like her hobbies,  
14 but I would have liked to have known more detailed information about where she came  
15 from and, you know, in Samoa and just also, you know, I knew a little bit about the family,  
16 but it's just numbers, you know, two brothers, two sisters, I didn't have a full picture of who  
17 my family was.

18 **Q.** Right. And the importance of knowing the villages she was from in terms of Pacific  
19 peoples is the land is so important to us, is that right?

20 **A.** Yeah. Yeah, I mean I was desperate to know about that side as well, like I was desperate to  
21 know about being Samoan and knowing that she was from an island that I didn't know  
22 much about, like I just -- I wanted a fuller picture of my heritage.

23 **Q.** So we're just coming along to paragraphs 19. This is where we talk about your biological  
24 mother. Please, Ms TU, can you read paragraphs 19 to 21 of your statement.

25 **A.** Yeah, I always had a deep longing for my biological mother. I knew she was Western  
26 Samoan, but I suppose I was not quite clear what that meant, except that it was a  
27 Pacific Island. I would think about my biological mother every birthday. I remember when  
28 I was really young, I think I was 5 -- sorry, I just have to pause.

29 **Q.** That's fine, take your time, take your time.

30 **A.** I'll start that sentence again. I remember when I was really young, I think I was 5, I used to  
31 think about my biological mother late at night looking at the stars in the sky, wondering  
32 who she was and where she was. I used to sing to her. I just had a strong yearning to know  
33 her and to be reunited with her. I very rarely thought about who my biological father was.

34 **Q.** Right, okay. And then you find her at the age of 21, and we'll come to that a bit later on,

- 1 Ms TU?
- 2 A. Yeah.
- 3 **Q.** And the full story of how you came to be adopted was told to you. Can you just take us  
4 through paragraphs 23 to 27, either in your own words, Ms TU, or as those paragraphs  
5 state. Just share with us what information you were told.
- 6 A. Yeah, so my biological mother told me she grew up in Savai'i, Samoa and she migrated to  
7 New Zealand in the 1970s. She was 20 when she first went and she was picked by the  
8 family to go and work in New Zealand and to send back remittances. So she came over by  
9 herself, but she lived with two aunties, my grandmother's sisters, so my biological mother's  
10 mum's sisters. So, she lived with them and she started working at a factory and that's when  
11 she met my biological father and my biological father was a white person, Palagi. And they  
12 ended up having a relationship. And this is something actually my biological father has  
13 told me as well, but it was the 70s and my white grandparents were against the relationship.  
14 And they were racist towards Pacific Islanders, so they put a lot of pressure on him to break  
15 up with her and she told me that, well, actually he also said that he experienced a little bit  
16 of culture shock as well, because my biological mum is very family orientated and spent a  
17 lot of time doing duties and working with the family. And so he found that really  
18 confronting, and wanted to have, you know, the nuclear relationship disconnected from that  
19 kind of family interaction. And -they - she- ended up getting pregnant during that time they  
20 were together, but they separated before she knew.
- 21 **Q.** And you'd also said there that your mum was a recent migrant and she changed her name to  
22 an English name and was known by something else?
- 23 A. No, not my mum but --
- 24 **Q.** The aunty?
- 25 A. My aunty, yeah. So one of the aunties which is on my grandmother's side, she used an  
26 English name in New Zealand in the 70s and that's consistent with a lot of -- what the  
27 Commission's heard this week that people changed their name, they were either forced to  
28 change it or they changed it because of the difficulty that Palagis had with pronouncing  
29 Samoan.
- 30 **Q.** So then just moving along to the next part, Ms TU, and we're looking at your biological  
31 mother's pregnancy, her discovering she was pregnant and the challenges she was facing at  
32 the time. So could you just take us through paragraphs 28 to 31.
- 33 A. Yeah, so she said that she didn't realise she was pregnant and I didn't put it in here, but, you  
34 know she said a few periods went by, but she just didn't think that she could be pregnant

1 and she ended up getting pneumonia and was in hospital and she said that the two aunties  
2 were there with her and a doctor came in and informed her that she was pregnant. And then  
3 that didn't go down very well and one of the aunties walked out of the hospital room.

4 And the other thing that she said that, you know, when she found out she was  
5 pregnant there was a lot of pressure on her from, you know, her friends who encouraged her  
6 to get rid of me and she didn't want to do that. So she ended up carrying me, but I believe  
7 that she had to do that, she wasn't living with the aunties, I don't believe she was living with  
8 the aunties during that time, she had another friend who was pregnant, and they both  
9 carried, you know, mum carried me and then the other woman carried a baby, that other  
10 woman also gave her child up for adoption.

11 **Q.** Right, okay. And so then you say that your biological mother was practically alone?

12 **A.** Yeah, she was.

13 **Q.** The first one to come to New Zealand from her family after living in Samoa for the first 20  
14 years of her life and she wouldn't have known what to do?

15 **A.** That's right.

16 **Q.** And so this comes back to the comments you were making before about the State's support  
17 for her and the decision around the adoption being closed, is that right?

18 **A.** Yes, yes, I think that she was put in a really difficult position. And, you know, on one side  
19 the obviously older people in her life, her aunties not supporting her, she was in  
20 New Zealand, you know, I don't know what her migration status was, she might have been  
21 there on a short-term permit, I think there just would have been a lot of pressure for her and  
22 she did mention, or there was mention in the adoption papers that she was really concerned  
23 about being able to provide financially for a child. So I think that she probably  
24 experienced, like it would have been a really difficult time for her.

25 **Q.** Okay. All right Ms TU?

26 **A.** [Nods].

27 **Q.** We're just going to look at that decision to adopt and that's paragraphs 32 onwards to 44, if  
28 you could take us through the decision to adopt as it was told you to by your biological  
29 mother.

30 **A.** Yeah, so she told me that she spent a couple of weeks with me in the hospital and that she  
31 was really torn, she didn't really know what to do, and she called my biological father, so  
32 she rang him and she pretended to be one of the aunties and just informed him that I'd been  
33 born at Auckland Hospital, and she said that she did that with the hope that he would step  
34 up so that she could keep me. But he hung up on her. Yeah, and I think that she -- yeah,

1 she said that that was the last chance that she felt that she had to keep me, and then  
2 eventually she made the choice to give me up for adoption.

3 **Q.** Okay. And you and I have had discussions about this part of your statement and there's  
4 some things that we see here in terms of her providing a fake name?

5 **A.** Yeah.

6 **Q.** First one to come to New Zealand, racism back in the day, and her potentially being on a  
7 short-term visa and this was the year 1975 where we've already heard in this public hearing  
8 in terms of Pacific history being a very dark time for Pacific peoples in New Zealand. So  
9 the year you were born is in the thick of the Dawn Raids. So just if you could share your  
10 thoughts on how that era might have impacted on your biological mother's decision to  
11 adopt you out?

12 **A.** Yeah, I've thought about this more often recently because all that history of the Dawn Raids  
13 has started to come out and the Samoan family have talked to me about that period as well,  
14 and it makes no sense to me that she gave -- put a fake name on and left a letter for me and  
15 called my biological father. I can only explain that that she was probably afraid, or the  
16 inference, the strong inference that I have is that she was afraid of her migration status.

17 And that's the other thing, you know, when we go back to the information that we have, there's a  
18 massive gap in the State's records about her decision making process and what was  
19 happening for her at the time. There's no record of that, I haven't been given any record  
20 that. And of course I didn't think to ask those questions when I had the chance, you know,  
21 she's passed on, and so for me it's just this silent space which I feel has to- be put in the  
22 context of the 70s and everything that was happening during that time.

23 **Q.** Okay, thank you, thank you Ms TU. Right, so we're just moving ahead. You outline the  
24 abuse at paragraphs 45 to 97. But just before I go there a couple of questions. You said  
25 before that your adoptive parents separated when you were only 18 months old?

26 **A.** Yes, that's right.

27 **Q.** And so that was just six months after the final adoption order was made?

28 **A.** Yes.

29 **Q.** And we'll come to it a little bit later, but it's your view that the State at that time should  
30 have still been checking in on you?

31 **A.** [Nods].

32 **Q.** Can you expand your thoughts about that?

33 **A.** It's a big decision to make, you're putting someone -- you're putting a child, a baby into a  
34 family based on one or two visits, if that, at that time. So I just think like in terms of the

1 State's due diligence and duty to me, a duty of care to the baby, is to have an adequate  
2 period of time to see, you know, how the placement is going. And I do think that the, you  
3 know, the idea of just extinguishing rights and them just pretending that I'm now part of  
4 that family is what - is- the barrier to the State actually taking on the responsibility of  
5 making that decision. They make a decision, they've put you in there, and then they have a  
6 very short period of time to work out whether it's an adequate placement or not. And I've  
7 got no doubt that there's a lot of - decision- making- is probably based on ideas of what a  
8 respectable family looks like rather than actually ensuring that it's an adequate place for a  
9 child to be.

10 **Q.** And what a respectable family looked like at that time in the 70s?

11 **A.** Was a white family, was a white family.

12 **Q.** Thank you Ms TU. We are looking now at paragraph 45 to 97. You describe in some  
13 detail the abuse you experienced. But as we've talked about, some of which you don't wish  
14 to go into too much detail about here in this public hearing, and the Commissioners have  
15 that information before them. So if you could just share with us what you would like to  
16 about the abuse in your adoption placement. Just take your time, Ms TU, take your time.

17 **A.** Just trying to work out. I think for some reason my adopted mother developed an alcohol,  
18 like she was an alcoholic, and that happens quite early on. And we also grew up, me and  
19 my brother, so there was a relationship after my father, and that kind of started the spiral of  
20 extreme alcoholism in my mum, and in that family setting before I was 12 there was a lot of  
21 physical violence. So I saw a lot of, like my mother was, yeah, was beaten up in front of us  
22 and during that period, and I say up to 12 because when I was 12, I moved to Australia, but  
23 before that period there was just a lot of violence in the house and, you know, I look back  
24 now and I realise, you know, I was turning up to school without knickers on, or I was  
25 turning up to school wearing, you know, like knickers I'd worn before, you know, I was  
26 turning up to school without lunches, I was really traumatised and then during that period  
27 as well, I was sexually abused by an uncle for very long periods, and abuse that I disclosed,  
28 but was blamed, I was blamed for it. So that was that period.

29 And I think that relationship broke my mum and I did try and get away from it, so  
30 I ended up in Australia and I lived with my biological -- sorry, my adopted father who had  
31 left when I was 18, but he really tried hard to maintain a relationship with me and my  
32 brother, and, you know, I have a lot of respect for him for that. You know, I always felt  
33 like he was my dad and he always -- he never made us feel like we were adoptees. And so  
34 he spent a lot of time, and so I did end up over there with him.

1                   And then my adopted mother and brother ended up following, she broke up from  
2 that bad relationship. And then things just got worse. So from 12 to 17, you know, her  
3 drinking got worse. So she would get really drunk about two to four times a week and it  
4 was messy drinking, she would scream at me to get up and to do things for her. So I didn't  
5 really get to sleep much. She had really abusive boyfriends who didn't like me, so -- and  
6 were really racial towards me. So I got called "black bitch" in the house by her boyfriends,  
7 I was threatened to be killed by them. There was a lot of physical abuse, and then also, you  
8 know, she brought men home from the pub who raped me. So, yeah, so when I say neglect,  
9 I feel that alcohol was -- she loved alcohol more than me, that's how it felt. And that she  
10 wasn't able to care for us properly.

11 **Q.** Right, and --

12 **A.** And put us in harm's way.

13 **Q.** And you talk in your statement about how the roles almost reverse and you're trying to  
14 think of ways to protect her?

15 **A.** Yeah, I definitely became her mum. Like in lots of ways - I put her to bed, I'd wake her up  
16 in the morning to get her up for work. I started working really young, you know, I started  
17 working before it was legal, like I was 14, I had -- like I worked on a Thursday, Friday,  
18 Saturday night and that was so I could buy my own uniforms. Like I just really took on an  
19 adulting, parenting role pretty early on.

20 **Q.** Okay. Thank you, thank you Ms TU. So we're going to move to the cultural background,  
21 because this is really the matters that in your statement where we get to the significant parts  
22 of how you feel the adoption has impacted you. So just starting with the cultural  
23 background, paragraphs 98 to 107. And you talk about trying to survive your childhood  
24 and not sharing cultural backgrounds with your brother, the racialised element to your  
25 identity, the guilt you carried in finding your Samoan family, and the emotional connection  
26 you still had to your adoptive family. And I'm just going to ask you to explain those further  
27 and expand on any points you would like to as we've discussed before, Ms TU.

28 **A.** Yeah, I think, even though my brother and I were raised by a white family we never saw  
29 ourselves that way, we didn't see ourselves as white. And I knew I was Samoan and my  
30 brother knew he was Rarotongan but we didn't really -- didn't know what that meant, and  
31 didn't really talk about it either. But I did, you know, I make a comment in here that, you  
32 know, I knew my adopted family was my family but not my people. And there was this  
33 one incident I remember, I was in Whangaparaoa and there were either Māori or Pacific  
34 Islanders out picking pipis, and so I got out and mimicked them, like I went out in my jeans

1 and I started doing the same thing. So I just -- I think I just had a yearning or just  
2 recognising that there was -- I was part of something else and I was here and they were  
3 there and I didn't really know how to interact with them.

4 And I think the sad thing is that my adopted mum really used to say that she wanted us to have  
5 access to language and culture, but she was just such a mess that she couldn't ever facilitate  
6 that with us. And then I think when I finally decided -- actually I should say that I also - at  
7 a certain age I started kind of reading as well. So I think this is kind of similar actually to a  
8 lot of, well that I've read, to a lot of youth who come from backgrounds but aren't  
9 completely rooted, you look at other movements. So I was really interested in the civil  
10 rights movement in the US, for example, and then I also felt interested or understood, and  
11 it's hard to explain that, but I kind of understood indigeneity in Australia in a way that my  
12 parents didn't, like I just completely identified with indigenous people in Australia and  
13 what had happened to them, recognising that I probably -- yeah, I mean distancing myself  
14 from whiteness, I guess, as well. It's hard to explain that.

15 **Q.** And so then you talk about the guilt you feel in trying to find your Samoan family, that's at  
16 paragraph 101?

17 **A.** Yes, it was guilt -- I was told to feel guilty. There was no appreciation, I think, in the  
18 family. I mean look, I say on one hand, you know, my adopted mother recognised that we  
19 came from somewhere else and we had a cultural heritage, but my -- her mum who was the  
20 matriarch, she was a matriarch in the family, and she did this to my aunty as well, basically  
21 just made us feel really guilty about wanting to, or being curious about finding our heritage.  
22 She said that we were being disloyal and she would say things like "Where were they, you  
23 know, where were they, we raised you, they weren't there." And it just created like a really  
24 big conflict, a conflict that I already felt anyway, but it just hardened it.

25 And it just made me feel guilty about doing something that I'd really yearned for, like I knew it  
26 was what I wanted to do, but I had all of these kind of voices telling me that this is not what  
27 you should be doing, you should be focusing on us, they weren't there for you, and again it  
28 was a complete disregard for the fact that they couldn't give me a part of my identity. They  
29 couldn't give that to me. The white family couldn't give it to me.

30 **Q.** Yes, and then at paragraph 104, you talk about what you're sharing with us now being  
31 difficult to talk about because you have an emotional connection to your adoptive family,  
32 but you grew up being angry and annoyed that she wanted to adopt kids, yet wasn't the  
33 greatest at caring for you. Do you want to expand on that further?

34 **A.** Yeah, I just -- I just knew, for somehow I knew I was adopted and my adopted mother

1 would get really drunk, and I would be so angry at her because I didn't quite understand  
2 why would you want kids so much and not provide them with the care, like -- and  
3 I understood that as a kid, I would get so angry at her for doing that. But of course it was  
4 built with all this emotion in it as well, you know, and so I would feel rage and anger and  
5 then I would try to talk to her about it the next day and then she would just scream at me  
6 and tell me off for trying to -- ever trying to address these issues. But I just knew, I knew it  
7 was wrong.

8 **Q.** Right.

9 **A.** And --

10 **Q.** And she -- sorry, Ms TU, carry on.

11 **A.** I was going to say, I should say that, you know, that anger's one thing, it's really only since  
12 she passed away in the last five years that I've really allowed myself to say it wasn't -- this  
13 wasn't a proper place for me to be.

14 **Q.** Right, okay. Because she would make comments to you when there was that anger and the  
15 conflict that you should go back to your real mother?

16 **A.** Yeah, so she would -- I'd call it her drunken madness, like I wrote poems about it when she  
17 was drunk, but she would get drunk and she would tell me that she didn't want me, and that  
18 I should go back to my real mother, yeah.

19 **Q.** And you're about, in this time here, you're about 14 years old and you're thinking about that  
20 letter that you're going to get when you're 15 years old?

21 **A.** Yeah.

22 **Q.** And you don't have any information on how to go back to your real family. So I just  
23 wanted to ask if you could describe those emotions, those feelings as you've described to  
24 me about feeling completely helpless?

25 **A.** Yeah, I just -- it's really -- it's hard to explain, but I felt a combination of rage and being  
26 stuck, so being frozen. And then having this yearning and disappointment, this constant  
27 disappointment. So, you know, when I was 15 and I didn't get that letter, yeah, I was so  
28 disappointed, but how could I talk about that and who could I talk to about that? You  
29 know, I couldn't talk to my adopted family about it because they wouldn't have understood,  
30 so I just, you know, like, yeah, just the inability to talk to anyone about this stuff.

31 **Q.** Thank you Ms TU. All right, so we're moving along to paragraphs 112 and this is later life  
32 and impact of the abuse. And this is where we see you start to progress to where you are  
33 now with your career. Can you just read paragraphs 112 to 116 first.

34 **A.** Yeah, so I started to smoke pot when I was 14 years old and nearly every day from 17 to 19

1 when I managed to stop. I also started to smoke cigarettes at 14 and I started to binge eat  
2 again at 12 when I moved back with my adoptive mother. That's something that I didn't  
3 mention before, but one of the coping mechanisms, which is really destructive  
4 unfortunately, is that I developed a habit of binge eating really young, probably about 7,  
5 just to deal with everything that was going on and that started up again. So I had a period  
6 of time with my -- very short period of time, probably the most stable in my childhood,  
7 with my biological father and I lost a lot of weight very quickly because I was comforted  
8 but then I started bingeing again.

9 I was always interested in justice, even from a young age. I just knew what was  
10 right and wrong and that was important to me. I was inspired by Martin Luther King and  
11 I started to read about indigenous struggles.

12 I wanted to be a lawyer, but I didn't know if I would be good enough or even how  
13 to become one. I just decided at 14 that I was going to be one, but my grades were not very  
14 good. And I should say that I literally just decided I was standing in a tuck shop line and I  
15 was feeling angry about something and then I was like right, I'm going to be a lawyer, and  
16 I'm going to get out of here and I'm not going to reproduce my adoptive mother's life. So  
17 I just had this epiphany that this is what I wanted to do.

18 No -one in my family took me seriously when I said I wanted to be a lawyer. I did  
19 not quite believe it myself but I just held on to this dream. The guidance counsellor told me  
20 to choose something else and that I would never get the grades to get into law school.  
21 I should also say that, you know, like my brother dropped out at 15 from school and no  
22 -one in my family had been educated, so I'm not really sure where I got the idea from, but it  
23 was something I wanted.

24 And after I decided I wanted to be a lawyer, even though there was a lot going on  
25 in my life, I first started with lying on the ground reading stuff the night before. So I'd  
26 read -- I just would start reading the textbook the night before. And I didn't -- I hadn't been  
27 told or -- to do homework before, so I wasn't -- didn't know how to do it, like I didn't  
28 actually know how to study. And so I had this test coming up and I taught myself how to  
29 sit at a desk for an hour and just to read through and then practice, and that was the first  
30 time I'd ever done that before. And I did that for a week and I almost got full marks for the  
31 test.

32 So I then worked out what I needed to get by, and I still struggled because I felt  
33 like I was dreaming, like I felt like it was something really beyond me, but I desperately  
34 wanted to do it and I wasn't sure I'd ever get there. And I also had a pot habit as well.

1 **Q.** Was that a pot habit?

2 **A.** Marijuana.

3 **Q.** Right.

4 **A.** Yeah, which I knew wasn't good for me, but anyway, I ended up achieving in the top 15%  
5 of the State by the time I finished high school. So I was failing most of the time and was  
6 called a loser by the Vice Principal and then I -- and then something changed and I just  
7 became -- I just tried a little bit more, because I wanted to get out.

8 **Q.** Okay. And then, Ms TU, we're carrying on with this resilience story. We're going to your  
9 time at university. Can you please speak to paragraphs 117, 122. You don't have to read,  
10 you can just speak and expand where you'd like.

11 **A.** Yeah, so when I -- it's really -- it's so hard to explain, because now I am a lawyer, right, it's  
12 really hard to explain at that point of wanting something and just not knowing if you're ever  
13 going to get there and whether I was -- it was a pipe dream or not. And so even though  
14 I did well at school, because I wasn't -- because I'd been so traumatised and I experienced  
15 like a lot of nastiness at my school, which I don't really go into, it was like walking like up  
16 a massive mountain and I just never thought that I would get there. So I didn't even bother  
17 applying to go to law school first and I ended up doing -- I started with an arts degree in  
18 Queensland and I only did one year of that degree and at this point as well, I started really  
19 experiencing a lot of -- a bit of trauma, a bit of PTSD, so I drank a lot that first year as well,  
20 when I was at uni and I smoked a lot. But somehow I managed to get good enough grades  
21 to get into law school, but I did actually drop out after the first year and didn't think I would  
22 ever go back to uni. And then had another kind of experience working in Kmart and just  
23 was like do I want this to be what I do for the rest of my life, or are you going to try and do  
24 something else.

25 So I ended up applying for law school and I got in. And then I went to law school  
26 and at that time I managed, you know, I think -- I told you I was going to my drug dealer  
27 once a day, I was smoking a lot of pot and I was drinking and I haven't really talked about  
28 it, but I did do other drugs as well, and I just stopped everything. And I did feel like I was  
29 going mad, like I think now I look back I realise the drug use and the alcohol and the  
30 marijuana was masking really extreme PTSD that I'd started to get and my brother at that  
31 time was showing signs of severe mental illness. So I actually thought I was going mad.

32 And so I went and got some -- I started seeing a psychiatrist at that time, but I did  
33 stop, I stopped everything so that I could focus to go to law school, which is what I did.  
34 And then I think I was really lucky because one, I went to an amazing law school, and two,

1 I picked up a couple of mentors. So there was an anthropologist who literally just pulled  
2 me up, like pulled me up and gave me so much support. And I didn't even -- like, you  
3 know, because of the way my education unfolded, I didn't know how to write, so he would  
4 sit with me and teach me how to write.

5 And then I met another person who ended up being a mentor and a benefactor, so  
6 she taught me property and a few other subjects, but she also then ended up paying for my  
7 masters degree and also supported me with my PhD. So I have been really lucky along the  
8 way as well, because people kind of recognised something in me.

9 **Q.** So just picking up on that, has there been some significant people who saw something in  
10 you, supported you and helped kind of --

11 **A.** Lift me up.

12 **Q.** Yeah, okay, all right. And then we come to your legal career. You were going to speak a  
13 little bit about this, if you could just speak to the information that you'd like to share with us  
14 today, paragraphs 123 to 131 please.

15 **A.** Yeah, so I mean I didn't -- I still wasn't very confident, I still didn't realise I had a brain  
16 even though I was at law school, and I was really -- and my marks were all over the place  
17 because I was a mess, but when I did well, I got the best in the class, and when I didn't do  
18 well, I didn't do well or I got things in late, usually it was because I was getting things in  
19 late. But I did manage to convince a -- I went to an interview with a judge who I think was  
20 taken by me, I tried to censor myself and I couldn't, I just was myself and I'm glad that that  
21 happened because she offered me a position, but because my marks were all over the place  
22 I think she was really cautious, so she just gave me a month contract. And she gave me a  
23 really interesting topic on the common law rights of the child and she went away for a  
24 week, and so I got up at 4 am every morning and worked really hard and I had like a 10,000  
25 word research paper for her when she got back.

26 And when she read it she ripped up my temporary contract and she gave me a  
27 permanent contract and then a year and a half afterwards asked me to be her associate. And  
28 so that obviously just then started opening up a lot of doors for me. And I ended up  
29 working at a top tier law firm in Australia for a few years and then ended up becoming a  
30 barrister for six years and during that time, I just used my legal skills GRO-A

31	GRO-A
32	GRO-A
33	GRO-A
34	GRO-A

1	GRO-A
2	GRO-A
3	GRO-A

4 **Q.** And you talk about how this work for you is soul work?

5 **A.** Soul work, yeah. It affirms my identity as well, because I learned a lot, I've learned a lot.  
6 Like I haven't learned -- I don't think I have good life skills to be honest, but I feel I have  
7 learned a lot through this history, through this time. And so what I have learned I think I'm  
8 really good at in terms of lawyering for communities and ensuring that communities' voices  
9 are heard, and not smothered, yeah, so, yes.

10 **Q.** And that chosen path, where you are in your career is also helping you strengthen your  
11 Pacific identity?

12 **A.** Definitely.

13 **Q.** All right. Thank you, Ms TU, because I know you don't feel comfortable talking about  
14 yourself like that, so those achievements are an integral part of your story.

15 **A.** Thank you.

16 **Q.** So we're just going to now turn to the -- to some of the impacts and we're starting with your  
17 cultural identity. And if we could look at paragraphs 132 to 135 of your statement and  
18 we've looked at this before and please feel free to take your time.

19 **A.** Yeah, I mean I think I mentioned in the beginning in my opening statement that, you know,  
20 I often feel like I don't quite fit in, and I really suffer from a feeling of being disconnected  
21 or not having sufficient connection or depth. And, you know, one of the things which I'm  
22 really happy for them, but my biological mother has four other children who are raised with  
23 her and, you know, I wonder to the extent that they understand my experience and I think  
24 recently I was like oh they don't understand it because they're so connected, they're just so  
25 connected that that's natural for them and it made me feel really happy for them, but for me  
26 it's grief, not their connection, but my lack of connection.

27 **Q.** Okay, and then looking at paragraph 133.

28 **A.** Yeah, so I have a major barrier around learning Samoan language and it's because when  
29 I speak it I feel like I speak like a white person and it's embarrassing. But I love hearing --  
30 I love being around it, I love hearing the language, I think it, from what I've read, it  
31 communicates better than English, like I just think it's extraordinary, but I have -- I feel a  
32 huge loss, like I feel like, you know, metaphorically someone's ripped my tongue out.

33 **Q.** Okay. Thank you Ms TU. And you talk about freezing up, getting overwhelmed and that  
34 those feelings can last months or years and it restricts you from being able to reach out to

1 your biological family?

2 A. Yeah. Sorry, I just need to pause for a sec.

3 Q. That's absolutely fine, Ms TU, take your time.

4 **CHAIR:** Would you like to take a break at this point? We're coming close to the normal time for  
5 a break, would you like if we took 15 minutes now?

6 A. Yeah no, that would be good thank you.

7 Q. You can gather yourself, have a drink and we'll come back when you're feeling a bit more  
8 composed. Thank you.

9 **QUESTIONING BY MS SHARKEY CONTINUED:** You're all right?

10 A. Thank you.

11 Q. See you soon.

12 **Adjournment from 11.21 am to 11.46 am**

13 **CHAIR:** Welcome back. Do we have Ms TU here?

14 **MS SHARKEY:** There she is.

15 **CHAIR:** Hello.

16 A. I'm here.

17 Q. Welcome back.

18 A. Thank you.

19 Q. I'll just leave you with Ms Sharkey.

20 **QUESTIONING BY MS SHARKEY CONTINUED:** Okay Ms TU, we were just at paragraph  
21 133.

22 A. Yeah. So I spoke a little bit about feeling, you know, how -- I actually feel ashamed that I  
23 don't speak Samoan. And particularly, you know, I've travelled a lot and then I meet  
24 Samoans in weird places around the world, and they might want to start speaking Samoan  
25 to me and I get really embarrassed and then I don't want to have to go through the entire  
26 story of why I don't speak Samoan. So it feels like shame to me. And it shouldn't be my  
27 shame, but it is.

28 Q. Thank you Ms TU.

29 A. Yeah, sorry.

30 Q. That's all right. So in paragraphs 136 and 137 you talk about what the State did do in terms  
31 of locking you out of meeting your Samoan family, and what the State didn't do, which was  
32 to find another Samoan family or requiring cultural education as part of your adoption. Can  
33 you expand further on those two paragraphs please?

34 A. Yeah, so 136, I mean I guess that's my vision of what an open adoption would have been,

1 so I think that given the context and circumstances that we have talked about already, that  
2 my biological mother should have been given the option for an open adoption. And at least  
3 the way that I understand that is that she would have had some visiting rights to me or some  
4 ability to see me. Even if she felt that she couldn't take me on at that time, another family  
5 could have, but she could have been part of my life. And then of course that would have  
6 meant that I wouldn't have lost the cultural connection at all. I would have had it through  
7 her and through the family.

8 And then the other option was that, you know, the State could have thought about  
9 putting me in with another Samoan family, or provided me, or required that I get some kind  
10 of language lessons or connection to my community and my culture throughout my  
11 childhood.

12 **Q.** Thank you. Right, so --

13 **A.** I just --

14 **Q.** Sorry, carry on Ms TU.

15 **A.** I just realised we stopped at 134 and 135 and I didn't get to explain those paragraphs.

16 **Q.** Yeah, sure.

17 **A.** If I can go back to that.

18 **Q.** Definitely, definitely.

19 **A.** So it's the same with not being able to -- the shame I feel about not being able to speak the  
20 language, that I always feel like there's something missing, like or that I'm -- I'm a little bit  
21 empty and I think that's why I binge or I use food to try and kind of fill me up. And I know  
22 that that is very much related to the trauma I suffered, but I think it's also fundamentally a  
23 part of like how I feel in terms of not having the connection to culture.

24 And then the other thing, I was listening to a survivor witness the other day who  
25 kept on using fight and flight and I think I definitely have that, but I have fight, flight and  
26 freeze and I think because I was just so overwhelmed, often as a child and then, you know,  
27 adoption's overwhelming in itself, but to have everything else on top of that, I often just  
28 freeze. And what that means in practice is that as much as I desperately want to reach out  
29 to people, I can't, and so I'll think about it, every day I'll go I should contact so and so. And  
30 I have this deep, strong desire and I don't do it, and sometimes it will be years before I end  
31 up writing to people and connecting. And I think part of that is also distrusting  
32 relationships. Again that comes from being adopted, you know, your fear of rejection, but  
33 when you're neglected and you're a child of an alcoholic it's really hard to have intimate  
34 relationships and to trust people. And so all of that combines to making it extremely hard

1 for me to reconnect to my cultural heritage.

2 **Q.** Thank you Ms TU. So we're just looking now at paragraphs 138 to 142 and you're talking  
3 about finding your biological mother and you say 20 years is far too long to wait to find out  
4 who you are and where you've come from. So in those paragraphs can you speak to the  
5 challenges you've identified there?

6 **A.** Yeah, I mean it is way too long. I'm a young adult and I've, you know, like my story is that  
7 I wanted to know, and I know a lot of adopted children are the same, particularly that they  
8 come from different cultural backgrounds. I wanted to know her really early on and  
9 I wasn't able to, like I was completely locked out, I did not know who she was. And I do  
10 remember, it's funny now that I, you know, I think it's because it's 25 years on from this  
11 time, I was aware of every milestone in my adoption, so 15 I'd get my letter, at 20 I would  
12 be able to receive information about my biological mother. And so I could do that at 20,  
13 but then there's all these logistics that the State takes no account of which is having to find  
14 her, you know, taking time, taking time out of your life, there's all of these kind of barriers.  
15 And one is the lack of information that the State erects and then all of the logistical barriers  
16 and the practical barriers afterwards of trying to actually locate and find your family.

17 **Q.** Right. So can you describe how you got your biological father's details, how creative you  
18 guys had to get?

19 **A.** Yeah. So the 1997 letter is all I got. And then I got a birth certificate as well. So we saw  
20 the name of my father on that letter and at this point we'd worked out that it was likely,  
21 although I wasn't sure that the name of my mother was a fake name, although I haven't put  
22 it in here, I should say that I actually tried to call Samoa with anyone with that name and  
23 then I kind of decided not to, because I was like what if they don't -- my family doesn't  
24 know about me and I'm all of a sudden inquiring about this person. So I did that and, you  
25 know, I actually went to a number of Mormon churches as well to try and to find her.

26 But ultimately we recognised because we had the name of my biological father,  
27 that he would probably be the best way that we could find him. But the adoption agency  
28 wouldn't give us anymore and I'm not sure -- I think they did have his last name, they  
29 wouldn't give me it for some reason. They said that they had to call him and to contact him  
30 first. And I really didn't actually ever hear from them again. And I was just really lucky  
31 that I had another aunty who gave up a child for adoption and she had found her child when  
32 her child was 12 and she did a lot of sleuthing to do so. So she rang the adoption agency  
33 and they obviously did want to help us, but they couldn't give us information.

34 So the way that she did it was to say how far into the phone book do I have to go

1 to get to his last name. And then she'd say A, they'd say no, B, no, C, yes, and then she  
2 went through each of the names with a P and then the last name and then she found him,  
3 she found him, yeah. So I was away at the time and I came back and she -- I actually knew  
4 that she found him before she told me. I just had the sense she was about to tell me and  
5 then I burst out crying because I knew that he would be able to give us my mum's name.

6 **Q.** Right. And if you didn't have someone who just happened to give you those hints in the  
7 phone book?

8 **A.** I wouldn't have been able to find her. I'd already been in New Zealand for like two months  
9 by that stage, and I really had started to give up hope that I would find her and that I'd have  
10 to go back without being able to do it and then wait another year, because I'd been  
11 committed to uni at this stage, so I just took the time that I had which was the Christmas  
12 holidays to go and find her, and that's why I waited. I would have gone at 20 but I had to  
13 save, like I had to work nights to save to get to New Zealand and then to support myself  
14 being there to be able to find her. So it was a long planned process.

15 **Q.** Right, okay. And then we come to you meeting your aiga, your biological mother and  
16 family?

17 **A.** Yeah.

18 **Q.** And so could you take us through paragraphs 143 to 147.

19 **A.** Yes.

20 **Q.** Just take your time.

21 **A.** I was at my biological brother's house and then I got a call from the aunty that I just talked  
22 about who was helping me find my family and she said that "I just spoke to your mum" and  
23 then I was like "Which one?" And she said "No, your biological mum", and then I just  
24 burst out crying and then of course I was -- the first thing was like "Does she want to know  
25 me?" And she said "Yes, she's waiting for you to call her." And so I think I waited 30  
26 minutes before I called, but then also tried to call her and the line was busy, so I was  
27 assuming actually she was calling her family during that time. And then eventually I did  
28 get her and she caught me off guard because one of the first things she asked was do  
29 I forgive her. Yeah, and then I went over and I met her that night and then, yeah, we started  
30 to get to know each other.

31 **Q.** Okay. And in paragraph 145 you talk about, you say "While I was there my Samoan family  
32 performed an ifoga for me."

33 **A.** They apologised, yes. I didn't -- I was just going to say, so one of my uncles had a house  
34 with a large meeting house attached to the house and so everyone came into that space, and

1 I didn't even know, I had no idea what was happening, but everyone was there and then in a  
2 mixture of Samoan and in English I recognised that they were apologising to me and also I  
3 think they were apologising to my biological mum as well. I didn't understand a lot of it.  
4 At the time, now I kind of recognise the significance of it and I think if I'd known the  
5 significance of it I would have realised that this was actually a very significant gesture on  
6 behalf of the family and I would have -- I think I would have felt more comfortable with it.  
7 But, yeah, it was -- yeah, it was confusing, but also amazing.

8 **Q.** And then you talk about the Samoan aunties?

9 **A.** Yeah. So they -- so the aunties that didn't support my mum, I went out -- this was actually  
10 on a different day, so I went and I was at my mum's place, and I went out -- I didn't --  
11 again, I didn't know this was about to happen, but they started walking down the driveway  
12 and started -- and were crying and apologised to me. But my mum had given me the name  
13 of one of the aunties and actually the Palagi name that she took on. So they were calling  
14 me that as they were apologising to me. And I remember -- I felt like a jigsaw puzzle that  
15 just had -- that just had collapsed because I think I realised the significance of being already  
16 part of a set of relationships which makes that State's decision even more critical,  
17 particularly the cultural aspect of it, like I was already something to them, I existed before  
18 them and it just was very hard for my brain to compute at the time, but also really  
19 emotional.

20 **Q.** Right, and is that what you're talking about at the end of paragraph 147?

21 **A.** Yeah, it is.

22 **Q.** Okay. So now we're moving to connecting with your aiga and culture. And if you could  
23 speak to paragraphs 148 onwards.

24 **A.** Yeah. I mean, this goes back to the leaving it so long before you can make reconnections  
25 with people, because I felt really overwhelmed with how is it that I can represent and talk to  
26 her about 20 years of experience. And also I was deeply concerned about telling her about  
27 what I experienced in my adopted family, because I just - I- felt that she'd never forgive  
28 herself. And even though I don't blame her at all, it would have been a really heavy burden  
29 for her to bear if I had been honest to her about what had happened to me. I did tell her one  
30 thing which was one of the rapes, I talked to her about it, but that was just like a drop in the  
31 ocean of what I had experienced. And she had difficulty with that, so I shut down and  
32 I really -- I do regret not talking to her about it, because, you know, through this process  
33 with the Commission, and through suddenly having to kind of tell people, I realised, you  
34 know, I talked to you about like that communication is connection, and that if I had spoken

1 to her and allowed myself to be vulnerable, I think that I would have felt more connected to  
2 her. And it's not that I didn't, but it would have been -- I wouldn't have been holding  
3 something secret and she would have known and we would have been - we- would have  
4 had more intimacy in that respect.

5 **Q.** Right, then you also talk about the feelings of disloyalty to your adoptive family?

6 **A.** Of yes of course, disloyal now. So I've been struggling with this, it's what I've talked  
7 about, because, you know, I think it's like that concern and care that I have because I'm  
8 speaking about relationships and things that people have done, you know, so talking about  
9 that I would have felt like I was airing dirty laundry and, you know, being disloyal to the  
10 family. And then again, as I said to you, you know, unfortunately that family couldn't talk  
11 about what had happened, and as much as I tried to, they couldn't address all of that harm.  
12 And so I felt like that I was being completely disloyal to them and they were telling me and  
13 I was afraid. Sorry, it's just an emotion of actually feeling split, it's feeling completely split,  
14 and recognising that I made decisions that weren't about me, it was about lots of other  
15 people, and probably being -- speaking the truth and saying this is what I experienced  
16 would have been better for me.

17 **Q.** Right. Okay. And so then you travel to New Zealand every Christmas holidays at the end  
18 of uni to spend the holiday period with your biological family and then you travel to Samoa  
19 when you're 22?

20 **A.** Yeah, sorry, can we just go back a second, because I realised one thing that I didn't mention  
21 even though when I was talking about the split, was I felt like I was in a culture war. So I  
22 had like a white family saying "You're ours" and then I had a Samoan family saying  
23 "You're ours" and that was really difficult for me. And what I think would have been better  
24 is that if the white family had been more secure and said "That's part of who you are, go,  
25 you know, we support you and we love you." And that would have been what I needed and  
26 so that's when I talk about like cultural literacy in a family, that's what I'm talking about as  
27 well, that's what I mean, when they recognise the importance of something that they can't  
28 give you and that's not them, instead of trying to keep you from it and to say that's not who  
29 you are and then me having like identity crises left, right and centre because of this being  
30 tugged and pulled.

31 **Q.** And we've spoken about that cultural literacy before, Ms TU. Do you want to just explain  
32 what you mean by cultural literacy?

33 **A.** Well, I mean to the extent that -- I mean, again, like having -- being Samoan family, they  
34 would have understood language. I just would have been raised in that way anyway. But

1 with the white family, I think that the reason why -- because the State had no concern for  
2 me as a cultural person, they didn't look at whether this family was able to give me the  
3 culture knowledge or at least facilitate that. And I do think that, you know, like there's --  
4 I'm -- I question the extent to which families that don't understand cultural difference are  
5 really able to provide a safe place for a child to search out and to find that culture, because  
6 they don't understand it. And then so it becomes -- look it's really hard to explain, but it  
7 also -- it kind of is assimilationist in a sense because they just don't realise how important  
8 culture is and just learning different protocols and those kind of things and they don't have  
9 that.

10 But the racial literacy, which is a little bit different is, you know, I got called  
11 names, I got called "black bitch", I got, you know, there were a lot of -- I went to school in  
12 Queensland in the 80s and 90s and maybe in the New Zealand context people don't  
13 understand that, but that's the Joh Bjelke-Petersen years, so Queensland was a very hostile  
14 place to anyone who wasn't white. And so in terms of getting called those kind of names,  
15 not having racial literacy, like not understanding the impact that might have on me because  
16 they're not getting called those names. They're white, they're privileged in that respect.  
17 And so they can't -- how can they help a kid with that, how can they understand what  
18 impact that has on me to be like marginalised and an outsider when that's not what they're  
19 experiencing, that's what I mean by racial literacy.

20 **Q.** Thank you Ms TU. I think you've explained that very well. So just your first trip to  
21 Samoa?

22 **A.** Yes. So I was really hoping that I would go with my biological mum and she couldn't  
23 afford to go, and I would have loved to have paid for her but I scrapped and saved and I  
24 was adamant that I was going. And then the night before I went she called her aunty and  
25 said that I was coming, which I thought was really amazing that, you know, the night  
26 before she could pick up the phone saying my daughter's on her way. And so, yeah, I  
27 had -- I was there for a month and it was a really amazing experience for me. But even  
28 meeting my family in New Zealand didn't prepare me for village life, because it was very  
29 full, I never had any private space, but it was exhilarating as well, but I was really nervous  
30 and of course I felt embarrassed because I misunderstood so much. And they were  
31 grappling with me and I was grappling with them, but they just -- it was amazing they could  
32 just absorb me, here's so and so's daughter, you're here because you're so and so's daughter  
33 and you're part of who we are. So that was amazing as well.

34 **Q.** We're just going to bring up -- you say in your statement every Tuesday night was family

- 1 night and you wrote a poem for them and you'd like to read out that poem. We'll just bring  
2 it up now.
- 3 A. I did. I'll give some context for that poem, because I really was afraid of family night and I  
4 was afraid of it because people would dance, they would siva and I didn't know how to  
5 siva. And people were just really comfortable with preparing and so I was sick for a couple  
6 of family nights, and then I realised that I wasn't going to get away with that much longer,  
7 so I ended up writing a poem instead so I performed a poem for them on family night.
- 8 Q. Thank you Ms TU.
- 9 A. Do you want me to read it?
- 10 Q. Yes please.
- 11 A. The Sounds of Samoa. When the sun wakes the village wakes. A rooster crow's, the pua'a  
12 outside my window snorts and sniffs around for a lucky scrap. Children playing with  
13 laughter, with screams, with tears drift through the air. Adult voices rise and fall. A dog  
14 barks then another and another. A pair of feet crunch on the stones when passing my fale  
15 and I hear a "Hi Ms TU", or "Malo Ms TU" while I'm still in bed. A child hides at my  
16 sleeping feet and giggles then runs away speaking a language I am yet to learn. Scents  
17 from the umu find my nose, the sun beams on to my face or some rain sneaks through my  
18 window forcing my eyes open. I close my eyes a second more, grasping at soundless sleep,  
19 then I open my eyes again to the call of Samoa.
- 20 Q. Thank you Ms TU. I think you've taken a few of us back to the Islands there. Okay, so  
21 then you go and spend some time living with your biological family?
- 22 A. Yeah.
- 23 Q. Just looking at paragraph 154. If you can speak to that?
- 24 A. Yeah, so I was looking at one of the letters that my mum wrote to me and she wanted a fast  
25 relationship and she said that, she used those terms. And I had a deep yearning for that,  
26 I looked for them and found them for a reason because I wanted that connection. And so  
27 I found an opportunity, because I was still at uni and I suspended my studies but I went to a  
28 university in GRO-A as a way of being able to go to Auckland and spend some time with  
29 my family, which I did for six months. And I think it was really -- at that point I was --  
30 I struggled because I still hadn't been honest about what had happened to me and I was  
31 messy, you know, I was in my early 20s, had severe anxiety and anxiousness, PTSD which  
32 I only realised what PTSD was a few years ago and there was like -- it was a great  
33 revelation to me, it made me feel normal because it was like of course that's what I had.  
34 But that's what I was suffering at that time. And also not understanding the cultural

1 aspects.

2 And I think, you know, within the family, like I would hear **GRO-B** saying all the  
3 time. I didn't raise her, I can't tell her what to do, but actually I just desperately needed  
4 someone to tell me what to do, because that just would have facilitated my understanding of  
5 the culture much more. And then I also write about that I formed a relationship with my  
6 Samoan sibling's dad and he was studying at the time as well. And we just -- we really  
7 connected and we could talk and he -- I would talk to him about what was happening and  
8 he would be able to translate to me, like because he could take a step back and tell me what  
9 I was experiencing and, you know, the way to act and those kind of things. So he was  
10 really amazing and just -- and has been and was throughout my life in really taking the time  
11 to explain things to me, and to understand. And so I was really lucky that he was there at  
12 that time, because I think he really helped with me keeping things together.

13 **Q.** Right, okay. So then, Ms TU, we come to you returning to Australia and you have a  
14 falling-out with a sibling, lose contact with your biological mother. If you just want to talk  
15 about that and what happens next. And I know that might be a bit difficult, so please, take  
16 your time.

17 **A.** Yeah, I think I -- it was -- again, this is why I say the kind of integration or open adoption's  
18 a better way because, you know, turning up to live with your family at 23 is a difficult  
19 thing, and so when I came back I felt like I just needed a little bit of time and space to work  
20 through all my emotions. And I was, you know, I have that conflict, I told you the conflict  
21 between the different families and being pulled. And I unfortunately did have a falling-out  
22 with my sister and I ended up in a relationship, which makes sense to me because I just go  
23 of course I come from this background and of course I'm going to have like intimate  
24 relationships with people which reflect, can be violent, and it was violent.

25 So I mean the other difficulty is that I, you know, I'm queer -- it's not a difficulty,  
26 but I am queer. So I entered a relationship with a white woman and she really reflected a  
27 lot of the attitudes of my family and didn't understand at all like any obligation. And I say  
28 obligation not in a tough, like in the way that white people think about obligations, but  
29 obligations that I had to host my sister and to be with my sister. And she didn't understand  
30 that and actually was really punitive about it and I just didn't have the strength to deal with  
31 it, so I just completely shut down.

32 And so the kind of -- all of the disconnection that I felt and my fears around  
33 relationship, like I got a letter from my biological mum and it clearly said "I love you, I'm  
34 there for you if you ever need me", and I read it as she rejected me, like I -- you know,

1 I read it afterwards and was like how could I read that as a rejection? But I just -- I did,  
2 I didn't read what she was saying, I was, you know, believing that she was rejecting me.  
3 Sorry, just pause for a second.

4 **Q.** That's fine Ms TU, take your time.

5 **A.** And so I, yeah, I just went through this kind of raging battle within myself about connect,  
6 you know, trying to find, like speak to her and I was in New Zealand, I was about to go  
7 overseas for the first time and I had an opportunity to see her and I rang up, the number had  
8 changed and I thought that -- this is like, you know, the kind of rejection paranoia. I made  
9 a phone call and it was no longer their phone but I thought that they didn't want to speak to  
10 me. So, yeah, it was really strange and I had a chance to go to see her and I didn't -- and  
11 then when I was travelling I just -- it was like there was a voice in my head going you have  
12 to contact her, you have to contact her, and that's when I said I freeze, so I knew I needed to  
13 contact her. And, you know, when I did, so it was a year and a half later, maybe two years  
14 later, she'd died, and I missed her by a month.

15 And because I had moved I hadn't had any -- I didn't leave any contact details for  
16 her to find me. Yeah, and so, you know, you don't kind of expect that to happen, but like,  
17 yeah, between 20 when I could have seen her and when she died, it's a really small amount  
18 of time and, yeah, I feel angry, I'm angry at myself, I feel really ashamed that I missed her,  
19 but also that I just didn't have enough time, like as I said before, like I didn't have enough  
20 time to be messy, you know, to kind of like allow myself to kind of give myself time and  
21 space to form relationships. I paid a big price for that.

22 **Q.** Thank you Ms TU. So I'm just looking at paragraph 164 and this is what you're saying;  
23 "I needed time but I just didn't have enough time. If I had met her earlier at 8, 10, 12 or 15,  
24 it would have made a huge difference. Meeting her at 21 years old was a huge barrier."  
25 And that is where you come with the kind of strong recommendation that you be able to  
26 meet biological family earlier.

27 **A.** Yeah. Yeah, because it's -- you know, particularly when you're dealing with different  
28 cultural settings, as a kid you're easier -- it's easier to assimilate, it's easier to be absorbed  
29 within a family, easier to pick up language, easier for the parent to tell you what to do. You  
30 know, like it's just easier all way around and you've got more time and more time to trust  
31 the relationships as well. It's hard to do it at 21 because you've already lived a lot of life  
32 and they haven't been in the picture. And so yeah, I do, that's my really strong  
33 recommendation, that adoptions have to be -- they have to be open, you have to be able to  
34 access when you're ready to your biological family, if that's what they want, but it should

1 be open.

2 **Q.** Okay. And we're just looking at paragraphs 165 onwards, if there's anything you would  
3 like to speak to there before we get to our next topic?

4 **A.** Sorry, 165 to what sorry?

5 **Q.** 165 onwards before we get to paragraph 175, we're just talking about your fa'asamoa. So  
6 any other matters you want to raise in those paragraphs before we move on to that part?

7 **A.** Yeah, I think, you know, it's interesting, I was listening to another survivor who was saying  
8 that they don't blame themselves for what happened to them. And I wish -- I don't think I'm  
9 there yet. And so I do -- like I kind of try and fix things in my brain, in my head all the  
10 time of, you know, imagining meeting my biological mother earlier. I fantasise about it,  
11 you know, I fantasise, and then it gets earlier and earlier and then sometimes I exclude the  
12 other family altogether. But I feel like I'm constantly trying to fix something that I didn't --  
13 an issue that I didn't create and I think that's part of -- yeah, it's part of my -- the trauma that  
14 I'm carrying.

15 And then also, you know, I feel so embarrassed that I missed my mum before she  
16 died, and I've been carrying that around for a really long time, you know, and I've never  
17 really spoken to my Samoan family about that either, of what was going on for me or why,  
18 you know, because it just -- it's a big thing to miss, you know, for me and in general, and  
19 yeah, I feel really embarrassed. So of course it's just like one embarrassment on top of  
20 another, then makes me -- makes it hard for me to reach out, you know, because I carry the  
21 shame. And it's only really recently I had a dream about my mum and I woke up and I was  
22 like oh my gosh I've been living with this shame for a long time, I have to forgive myself,  
23 you know, and so I've started to talk about it now and that's shifting things and making me  
24 feel better.

25 I think the other thing is because my adopted mother has passed away as well, and  
26 that's given me the space to also go this is -- I want to explore this part of who I am more  
27 and I can do it without feeling the conflict, the same level of conflict, because she's no  
28 longer around and I don't have to deal with that.

29 **Q.** Okay, all right, Ms TU. So just looking at other aspects of identity that you wanted to bring  
30 out in your session today. If you could look at paragraphs 175 to 179.

31 **A.** Yeah, so language and fa'asamoa, like just not understanding that, and recognising, you  
32 know, I was a '70s born Samoan in New Zealand and I probably would have been  
33 completely fluent. And also, you know, at that time I just, yeah, the State should have  
34 ensured that I had access to language and community. And because I am, you know, I'm a

1 lawyer, so I do think about these things in legal terms as well. Mainly because I've been  
2 working in, you know, indigenous rights and I was in the US in 2018 working in  
3 indigenous rights and I was reading UNDRIP and I saw the, you know, the kind of  
4 prohibition or the right not to be -- for children not to be enforced, or enforced assimilation.  
5 And I just remember pausing on that and realising that actually I believe that's what  
6 happened to me. And I didn't, you know, I didn't have the language that I could use at that  
7 point until then, and I started to think about it differently, and that actually I should have  
8 never been put in that family and I have told, you know, I've told my biological father that,  
9 who I love dearly, that actually they shouldn't have had me because I was a Samoan child  
10 and I should have been given the ability to learn my language and my culture.

11 And so, you know, I also work in an area where I look at the right to culture a lot,  
12 and you know, I guess I started to frame it as a human rights violation, you know, that was  
13 a violation of my human rights to my culture, my right to my culture. And when it affects  
14 your -- so affects your identity the State has to facilitate or take a different decision or do a  
15 different thing to ensure that you have your right to culture.

16 The other thing, you know, I mean I -- I've been preempting and thinking about  
17 some of this because, you know, New Zealand hadn't signed up to the International  
18 Covenant of Civil and Political Rights by the time I was born, but it had signed up and  
19 ratified the Racial Discrimination Act, and the Racial Discrimination Act also, you know,  
20 has provisions around cultural rights and ensuring, you know, it's a form of structural  
21 racism to just pretend that someone doesn't have a culture, and to put them somewhere else.  
22 So I do believe that there are obligations, clear obligations on New Zealand at the time to  
23 think through these issues in relation to me, and I believe that the racialised and racist  
24 climate of the '70s prohibited that from happening.

25 **Q.** And then you talk about the impact, what you've gone through influencing your decision  
26 not to have children.

27 **A.** Yes. Well, I mean my brother hasn't had children either, my adopted brother. And I think  
28 we just were so traumatised by that family, or, you know, like living through all of that  
29 pain, that -- well, sorry, I should just speak for myself. Yeah, I didn't have children, and  
30 I realise now as I really try and heal some of this, that I wanted to have children, like and it  
31 was really important for me I think to carry the line, you know, as a Samoan person to have  
32 children, but, you know, I woke up and I was like I'm 45 now and I've missed it, I've  
33 missed that boat, because I just was dealing with so much trauma, and still am.

34 **Q.** Okay Ms TU, we're just going to come to you getting your malu.

1 A. Yes.

2 Q. If you could just take us through that, because that's of some particular significance to  
3 you --

4 A. Yeah.

5 Q. -- you getting that done.

6 A. Yes, it is a lot of significance to me. So when I first went to Samoa I -- the family that  
7 I went to, they had a long tradition of, you know, having tattoos like the pe'a and the malu.  
8 So one of my cousins had one, it was the first time that I actually kind of encountered the  
9 Samoan tattooing tradition, and I just was really drawn to it because, particularly the malu,  
10 it made sense of Samoan size, like it just was such a beautiful thing that I just -- I thought it  
11 was the centre of a Samoan woman's identity, but I also recognise there's a lot of protocols  
12 of who can and who can't. So it was something that I wanted to do, but I didn't really do  
13 anything about it. And also I was afraid to as well. So particularly with my adopted  
14 mother I waited until after she died, because I was afraid that she would say something and  
15 it would just be a flippant comment, like "why would you do that to your thighs" or  
16 something like that. And even though it's a flippant comment it would have just been  
17 murder to me because it's something important to me. And so I didn't do that, I waited.

18 And then I finally decided that I would see and put out some feelers to see whether  
19 I could do it. And I'd met some other Samoans who had gone through it and they talked to  
20 me about their process. And so I arranged through my sibling's dad who was living in  
21 Samoa at the time and then I kind of -- I arranged for my -- one of my siblings to come,  
22 my -- the one six years younger than me to come with me and her family and then my best  
23 friends came as well. And then it was a really interesting experience, because of course I  
24 was really afraid of what the pain would be and I was -- for some reason I kept on --  
25 I dreamt about centipedes and then I got bitten by centipedes and there were centipedes  
26 everywhere and I hadn't noticed them before when I'd been to Samoa. So there was some  
27 kind of talk and they were like "You better go and speak to the old people about whether  
28 what you're doing is okay." So we did and this was my aunty who I'd stayed with years and  
29 years beforehand. And the night before they rang and said "We're coming, we're going to  
30 come and support you."

31 And that was -- meant so much to me, that they came, and they also then required  
32 that I had a blessing afterwards and talked me through it, told me the stories around malu,  
33 you know, were there and spoke on my behalf when, you know, during the blessing and the  
34 ceremony. But of course no-one really told me what was going to happen and I didn't

1 realise that I'd have to dance, so siva, and I didn't know how to, and so my sister rushed in  
2 and danced for me because I was standing there going oh my gosh. So yeah, so it was  
3 amazing but it also kind of showed a lot of my, I think discomfort and disconnection as  
4 well. But also connect, you know, the connection.

5 And the other thing, which I thought was really beautiful is the philosophy, like  
6 learning the philosophy around it. So my uncle, you know, pulled me aside and whispered  
7 in my ear and said, you know, talked about life and suffering and pain, and that, you know,  
8 like today what I would experience would be learning about pain and suffering but in my  
9 head I was like I know what pain and suffering's like, that's what's going to get me through  
10 this. And so I did learn about pain and suffering, but actually through recognising that I'd  
11 been a lot -- through a lot anyway and that I could get through this.

12 And then the other thing at the end, you know, it was pretty amazing having  
13 family there just wishing me on and saying go, you know, "Well done, malo, **GRO-B**, you  
14 know, holding my hands. And then afterwards my aunty said, "Yeah, you've got mana  
15 now", which was amazing. It was a great experience. And I'm really proud as well, that  
16 I got through it.

17 **Q.** And you proudly wear your malu and show it in the right occasions?

18 **A.** I do. It's funny, because, you know, when I was a barrister here in Australia I was a bit  
19 afraid of showing it because it's a really conservative and white environment. But in recent  
20 years I just, you know, I have no problems with, you know, I mean I'm -- I know how to  
21 wear it, I've been told like what length of my skirt should be and those kind of things, but  
22 yeah, I'm really proud of it.

23 **Q.** Right, okay. Thank you Ms TU. So we're going to come to the redress and  
24 recommendations before we close off this afternoon and leave some questions for the  
25 Commissioners.

26 **A.** Yeah.

27 **Q.** So we're just looking at paragraph 187 where you outline your redress recommendations  
28 and I understand you'd like to speak to these. So please feel free, Ms TU, when you're  
29 ready.

30 **A.** Yeah, I might just address it under each of the subject headings if that's okay?

31 **Q.** Yeah.

32 **A.** So yeah, I mean I've been really clear that I would recommend open adoptions and access  
33 to information. So there's two parts of that. The first part would be that the State obtains  
34 enough, sufficient information, and information that the child wants to know; is, you know,

1 what are the challenges that my mum was facing, you know, what was the circumstances,  
2 what did they know and how did they help her, like but all of that kind of information as  
3 well, as well as the information about the family and where she comes from and, you know,  
4 her experiences and those kind of things. And I just -- it's cruel, it's cruel to lock a child out  
5 from that information until they're 20, it's not fair, and so, you know, the child should be  
6 able to access that information early on.

7 In relation to the appropriateness of the placement, I'm not really sure and -- what  
8 level of due diligence was done, you know, because I can't -- I can't work that out from  
9 what the information that I have in relation to the adoption placement. I know kind of  
10 anti -- I know what I've been told and I was told that they got me because my grandmother  
11 was well-known in the social services community and so they -- so I'm not sure to the  
12 extent that there was much due diligence because of that. And I don't think the interim  
13 period is long enough to work out whether the placement is going to be the right one or not.

14 I do recognise those kind of questions around certainty, but as I've said before, if a  
15 family wants to adopt a child then they shouldn't be concerned about the State just coming  
16 in and seeing if things are okay, that just should be par for the course. Yeah, I think --  
17 I wanted to be really clear about something which -- clear to the Commission. Because  
18 I did want to talk about the abuse that I suffered in the adopted family. And I recognise the  
19 difference between direct harm and indirect harm.

20 So from a perspective of direct harm, the State's decision about cutting me off  
21 from my culture is a direct harm. In relation to what happened to me during the adoption  
22 placement, the State didn't do that to me, they put me in that family. But there could have  
23 been ways that would have made me less vulnerable to that kind of harm, and that's an open  
24 adoption, that is checking in. There are a lot of things that could have minimised the effect  
25 of that on me, and that I do say the State has some responsibility for. There is a material  
26 contribution, and to use those terms, in relation to what happened to me in that family and  
27 the State's role.

28 **Q.** Because you're making also the distinction between the decision to cut you off from your  
29 culture.

30 **A.** That's right.

31 **Q.** And the abuse that happens there, right, so the first decision made was to cut you off from  
32 your Samoan heritage.

33 **A.** That's a direct harm that the State bears responsibility for, yes.

34 **Q.** Okay, carry on Ms TU. Carry on.

1 A. Sorry. I'm sorry my battery's running low, can I just have a second --

2 Q. Sure.

3 A. -- to plug it in. -- can we have a break, sorry?

4 Q. Sure.

5 **CHAIR:** You just let us know when you're ready for us to come back.

6 A. Great, thank you.

7 **Adjournment from 12.42 pm to 12.48 pm**

8 **QUESTIONING BY MS SHARKEY CONTINUED:** All right, Ms TU, you're ready to go?

9 A. I am.

10 Q. All good. Okay, so we've gone through adoption information and most of appropriateness  
11 of placement. But if you could just look at 195 please. I know that's something that you  
12 wanted to make clear.

13 A. Yeah, do you mind if I just go back just a little bit, because I realised I missed a couple of  
14 things that I wanted to say about having had early access to Samoan culture, whether that  
15 was through my biological family or whether it was through some other mechanism, you  
16 know, which the State would have required, having experienced meeting my Samoan  
17 family and seeing the kind of the strength and power in that family in the community and  
18 how strong and beautiful the culture is, I do think like having that rootedness as a kid, and  
19 that's when I talk about steps that could have happened that would have made me less  
20 vulnerable to what happened in my other family. So even if I had gone through all of that  
21 abuse, if I had that other part that was mine, and that I had learned the language and the  
22 culture, I think that would have really gone a long way to mitigating a lot of that harm.

23 And that's what I talk about in 192, so I just wanted to kind of talk about that as a protective factor,  
24 because that's the experience that I've experienced finding my family and the more kind of  
25 I grow into being Samoan and delve into that world, the stronger I feel as a person. Even  
26 though I still feel like all this dislocation and I'm still getting there, I know it from that  
27 experience. And so if I'd had it from the beginning, it would have been a protective factor  
28 for me I believe.

29 Q. So knowing your Samoan culture has strengthened your identity, strengthened everything  
30 about you?

31 A. Absolutely.

32 Q. All right.

33 A. Yeah, so that's why loss of culture in a sense is massive. It's big on its own. Obviously, as  
34 I was saying, my experience is complex because of all this other stuff that happened to me.

1 And so one, the loss of culture is significant, but then all of the trauma just compounds that  
2 for me, because it made it -- it's made it extremely hard for me to connect. But just because  
3 of all the fears, you know, all the anxiety, the panic attacks, those kind of things, having to  
4 manage all of that and then managing all of these other emotions is really hard, I have to  
5 tell you. So, and, you know, like trying to be -- have a career, trying to do all those things,  
6 it's just -- it's a mess, it's a complex mess, created by adoption.

7 **Q.** So you're saying there in 195 that if adoption has to take place it should be with the same  
8 cultural background?

9 **A.** Yeah, absolutely, and I think, you know, I think it was clear -- it's been pretty clear from  
10 the beginning, but there is a right to culture, every child has a right to culture, and  
11 indigenous cultures even more so the State has to be very careful. Like the New Zealand  
12 State had a colonial relationship with Samoans, an historical one, and it had an obligation to  
13 ensure that it didn't wipe that, it didn't just wipe that away, and it did. So the first option  
14 should be interfamily, obviously interfamily adoption, if that's not an option, and often it  
15 wouldn't be, it should be the same cultural background. If that's not an option, another  
16 Pacific community, if that's not an option, then potentially a white family, but with major  
17 requirements for connection to community and language.

18 **Q.** Thank you. Thank you Ms TU. So then we've gone through the closed open adoptions and  
19 had a look at that, and we're just going to have a look at access to records. I know you'd  
20 like to make some things clear just on that issue.

21 **A.** I, you know, I was lucky that they released that information to my biological parents --  
22 sorry, my adoptive parents, the early information. I'm not sure to what extent other adopted  
23 children can get access to that information, but if I didn't have that I would have had to wait  
24 until I was 20. And I had to wait anyway to get information that was really sparse and  
25 didn't give me enough information without some really hard work from someone who knew  
26 that what they were doing to find -- to find my mum and to find my family. So I feel that  
27 the information needs to be facilitated and not a barrier, and I think the information was a  
28 barrier, it wasn't facilitated. It wasn't facilitated in telling me who I was and who my family  
29 was, where I could find them, or any other of the important details of whatever they went  
30 through and why they were making that decision.

31 **Q.** Right, and so you're saying there that access to those records shouldn't have an age limit?

32 **A.** Yes, absolutely.

33 **Q.** And you and I have had discussions about perhaps in some situations women's rights about  
34 having their own information released. You've got some thoughts on that?

1 A. Yes, I do, I mean look my -- there is a balancing act and I recognise that. But I think that  
2 the system that is in place is not flexible, and it doesn't allow for the fact that there might be  
3 different circumstances for different people. So in the case of my mum an open adoption  
4 probably actually would have been the appropriate form of adoption and a free exchange of  
5 information, or at least the option of that so that when -- or for any woman, so that when  
6 they want to come back into the life that they can. But then at the same time the child has a  
7 right to know, and I feel that ultimately people are adults, so the woman can give up the  
8 child, but they can refuse to see the child if they want to. That's something that the State  
9 doesn't have to create that barrier, that's something that people can work out for themselves.  
10 And that's not something for the State to be so concerned about those things. And so  
11 ultimately on those balancing I fall down on the fact that the child should have the right to  
12 know who their parents are.

13 Q. Thank you Ms TU. Just finally just looking at your final paragraphs in relation to healing if  
14 you'd like to make any comments and then I'll leave it for the Commissioners to ask any  
15 questions they might have.

16 A. Yeah, the State offered me no help when I was trying to find my mum. And that's  
17 something I need to kind of say that I think that needs to be -- there needs to be help and  
18 counselling and those kind of things for adopted children when they're trying to find their  
19 family. In terms of healing, I know that if I spoke Samoan that would go a long way for me  
20 to not feel so disconnected. And I was speaking to someone recently who teaches heritage  
21 speakers language skills and she was saying that particularly people in my position, because  
22 of all the, you know, the racist kind of -- the racism that I experienced as a kid, the kind of  
23 the '70s context of New Zealand, I picked up all that stuff in relation to Pacific Islands, you  
24 know, that that speaking becomes quite traumatic for people, and because I'm adopted it's  
25 even more so, and so there is -- there are all these kind of other emotional aspects that need  
26 to be dealt with. And so, you know, I think about I go, you know, I've had 20 years I could  
27 have learned but it's not that easy, because I would have had to have suspended, you know,  
28 my career, I would have had to have saved up a lot of money, like logistically I would have  
29 either needed to have come to New Zealand and spend a long time or go to Samoa. And so  
30 for me I think that there needs to be a cultural restitution and that the State should facilitate  
31 me learning my language. So that's one aspect.

32 Then the other aspect is that I've been in counselling for a really long time. I've  
33 spent so much money on counselling, and I continue to. And so I'm still living with  
34 trauma, I'm still suffering from trauma and it has affected, you know, like you can look at

1 my career and go wow, but it's affected me at each step. And so for me I want some help  
2 with that, I want some help to heal and it doesn't all just fall on me.

3 **Q.** Thank you Ms TU. Do you have any final comments before I hand it over to the  
4 Commissioners?

5 **A.** No final comments no, but I would like to thank people after the Commissioners ask me  
6 some questions.

7 **Q.** Right, okay. Sure.

8 **CHAIR:** Certainly allow you to do that. Yes Commissioner Erueti.

9 **COMMISSIONER ERUETI:** Kia ora whaea, my name's Anaru, one of the Commissioners,  
10 I wanted to thank you for your time today. We spent a lot of time at the Commissioner's  
11 table talking about adoption and its impacts, and it was really enlightening today what you  
12 shared with us about the placement, culture, cultural safety, the need for ongoing  
13 supervision, and your comments on records and what you need to heal, including cultural  
14 restitution. So from me to you, thank you very much for your time, much appreciated,  
15 kia ora.

16 **A.** Thank you.

17 **CHAIR:** And to Ali'imuamua Sandra Alofivae.

18 **COMMISSIONER ALOFIVAE:** Lau susuga Ms TU malo le soifua maua ma le lagi e mama i  
19 lenei taeao. Malo le tauivi. Malo le fa'asoa. You are an amazing woman. You've had an  
20 incredible journey and much has been said, but your rich contribution to our talanoa this  
21 morning, thank you for bringing that, thank you for having the courage to do that, for  
22 sharing some of those really personal things that you've had to unlock. But, you know, the  
23 frame is the tatala e pulonga, to lift the dark cloud. And I just wanted to comment on two  
24 things. One was the ifoga and the significance of that, and I suppose you would have heard  
25 in the last couple of days about the concept of the vā, you probably know about that  
26 concept.

27 **A.** Yeah.

28 **Q.** And just the richness of how your aiga actually honours the vā and even your mother in her  
29 last moments. So even though you might not have got to say goodbye to her, I think you  
30 can rest assured that she truly loved you right to the very end, right to her last days. But  
31 also the malu, right, so the malu, as you know, is particular to Samoan women. So we  
32 would say to you, ua e ofu i laei o le atunu'u. You wear a cultural dress wherever you go in  
33 the world, Ms TU, people who know what the malu is will know that you are of Samoan  
34 heritage.

1                   So you be proud of that, and I'm so encouraged by what I'm hearing, and your  
2 contribution today and your recommendations in particular, which we take particular note  
3 of in the context of everything else, we're very, very grateful for. So thank you to add  
4 together voices of many afakasi children out there and of course those who have been in the  
5 adoption space, Malie.

6 A.     Thank you.

7 **CHAIR:** Ms TU, the thing that struck me about your rich and wide and long story is the  
8 vulnerability of the adopted child. Though the State attempts to legislate away an identity,  
9 it might do so in law but of course it doesn't in reality, does it.

10 A.    That's right.

11 **Q.**   And you said two things, that you felt that if you'd had your culture or an understanding of  
12 your culture earlier, it might have made -- given you something that was yours, that would  
13 have helped you manage better. And I'm going to disagree with you on that, because I don't  
14 think the responsibility should be on the child to manage anything. I mean it might have  
15 helped you get through a bit, but that's what I'm talking about the vulnerability. No child  
16 should be left in that situation to try and find their own ways of managing when they've  
17 been placed in it by the State, by a State process. So that's a bit of a long introduction to  
18 asking you a question with all your understanding and knowledge, both in the law and as a  
19 personal experience, in our very imperfect world and we're still running with an Adoption  
20 Act from 1955. If and when the authorities get around to dealing with it, do you think there  
21 is a place for having a type of maybe guardian overseer, oversight, connecting person that  
22 doesn't just wait for six months and then leave you alone and vulnerable, but keeps a check  
23 in?

24 A.    Yeah.

25 **Q.**   Because it strikes me you had nowhere to go, did you.

26 A.    I had -- yeah, and that's something that I think I say a few times, I had nowhere to go and  
27 no-one to talk to. And I do -- I do, I actually think -- I mean I've had discussions and  
28 discussions about this, I think, you know, they describe adoption as a fiction. And I think  
29 life is messier than a fiction, and I don't understand why you would make a differentiation  
30 between all the care that's taken in relation to fostering a child versus adopting one. The  
31 State's making a decision on very little information of where to put a child. And I know  
32 that there are good adoptions as well, but if the parents really want that child, then they  
33 should just recognise that this is the State's way of ensuring the child's welfare. Because it's  
34 a fiction to -- like I knew I was adopted the whole time. You know that that's the case

1 during that time. So I do think something like that should be -- could be a way of dealing  
2 with it, where they just check in every once and a while, "How's it going", you know.

3 **Q.** A safeguard, and somewhere for you to go to in the circumstance where the duty of care is  
4 not being met?

5 **A.** That's right, yeah. Because I think, you know, I thought about this and I've thought about  
6 it, but ultimately the State makes a decision to take a baby and to put the baby somewhere.  
7 And that that's a long -- that's a big decision to make, and so I do think there has to be  
8 safeguards in relation to that.

9 **Q.** Yes, thank you for that and that shows the learning that I've taken from your evidence, it's  
10 been in the back of my mind but you've given flesh and bones to that concept and I'm very  
11 grateful for that. So I'm now going to hand you to our colleague Commissioner Steenson  
12 who may have some questions and then we'll formally thank you. Thank you.

13 **COMMISSIONER STEENSON:** Ms TU, tēnā koe. E whakawhetai ana te Kōmihana ki te kaha  
14 o Ms TU ki te kōrero i te kaupapa nui i tēnei ra. Tēnā koe, tēnā koe. I say that to formally  
15 not only acknowledge you, but I say tēnā koe to formally acknowledge your ancestors and  
16 your whakapapa that are with you. And, you know, you have, as my colleagues have said,  
17 given a real insight into the traumatic impacts that you're still dealing with in the State's  
18 decision to adopt you in the way that they did. And amongst all of the various horrendous  
19 abuse that you experienced, as with other survivors we've heard the loss of your culture has  
20 been really devastating to you, and constantly feeling disconnected and that something's  
21 missing. Your yearning for your biological mother and connection to your culture.

22 But I get the sense that your tupuna, your ancestors, they have been with you and  
23 been guiding and connecting you, and this is part of your yearning that has brought you  
24 back. And also despite all of that, making sure that you became a lawyer, you found your  
25 dreams. And so, yeah, honouring you and your tupuna, I'm very grateful and that you've  
26 come and spoken to us about that today, acknowledging that.

27 On your recommendations around adoption as well, I just want to acknowledge that  
28 the things that you have suggested resonate with me because they sound very much like the  
29 concept of whangai from Te Ao Māori, making sure that you are -- if you are a pepe that  
30 needs to, for whatever reason has to be moved from a different whānau, then you're moved  
31 to a whānau within your community and you're still connected with your culture. So the  
32 things that you have suggested are extremely useful and resonate, so ngā mihi nui, I wish  
33 you all the best, tēnā koe.

34 **A.** Thank you.

1 **CHAIR:** And we'll leave the floor to you, because you wanted to say something to conclude.

2 A. Yes, so I wanted to thank you, Commissioners, for hearing me today, and also recognising  
3 that my evidence and other people's evidence have been dealing with a lot of pain and  
4 harm, and so just acknowledging that you're hearing a lot of painful things and thinking --  
5 and that I'm thinking about your well-being.

6 I wanted to thank -- I really wanted to thank my lawyers and investigation team. I  
7 don't think that I would have been able to do this if the Commission hadn't thought through  
8 carefully who would be taking my evidence. And I just think it's amazing that you've got  
9 like a Pasifika investigations team. They helped me from the very beginning, they  
10 understood what I was talking about, it didn't feel like that I had to explain things. And  
11 I just think that the cultural sensitivity around that has been really important to me and it  
12 gave me more courage to know that I was doing the right thing because I told you that I had  
13 a lot of conflicts about that.

14 So in particular I wanted to thank Sharkey who I think has, you know, really great  
15 to talk to and amazing lawyer, Stephanie, Reina and Helenā. And I wanted to thank the  
16 well-being person Maikali who's worked really hard to build a trusting relationship with  
17 me, and I haven't been easy to connect with, but he has made me feel really comfortable  
18 giving evidence today. And I wanted to thank all my friends and family who are listening  
19 in there or are supporting me. Thank you.

20 **CHAIR:** We join you in thank you, I think did you want to -- I think you're going to be honoured  
21 with a waiata, yes.

22 **[Samoan song]**

23 **MS SHARKEY:** Fa'afetai lava Ms TU. I'll be in touch with you and I'll pay you for your  
24 comments later okay? Thank you very much. We'll talk soon.

25 A. Bye.

26 **CHAIR:** We'll take the lunch adjournment now and resume again at, Ms Sharkey?

27 **MS SHARKEY:** 2.15?

28 **CHAIR:** 2.15 we'll resume, thank you.

29 **Lunch adjournment from 1.14 pm 2.15 pm**

30 **CHAIR:** Good afternoon everybody, welcome back to the last session of today's hearing, and I'm  
31 going to invite Ms Va'ai to come forward to present our witness.

32 **MS VA'AI:** Kia orana tatou katoatoa, our first witness is Dr Sam Manuela.

33 **DR SAM MANUELA**

34 **CHAIR:** Good afternoon Dr Manuela, welcome to the Royal Commission. Can you see me?