**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY TULOU – 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’imuamua 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 141r Bader Drive Māngere AUCKLAND

**Date:** 19 July 2021

**TRANSCRIPT OF PROCEEDINGS**

**INDEX**

**OPENING SUBMISSIONS BY MS SHARKEY** 2

**OPENING SUBMISSIONS BY THE CROWN** 8

**ASSOCIATE PROFESSOR HONOURABLE LUAMANUVAO DAME WINNIE LABAN**

Questioning by Ms Sharkey 10

Questioning by Commissioners 26

**FA’AMOANA LUAFUTU**

Questioning by Ms Sharkey 29

Comments by Commissioners 56

1. make? I believe we're there. Thank you for acknowledging your team, Ms Sharkey,
2. I meant to do that and I forgot, but I'm only too conscious that you have a small but
3. perfectly formed team who are assisting you and I do acknowledge them.
4. It is time to call your first witness?
5. **MS SHARKEY:** Yes.
6. **ASSOCIATE PROFESSOR HONOURABLE**
7. **LUAMANUVAO DAME WINNIE LABAN**
8. **CHAIR:** Dame Winnie, if I may call you that. Before you begin your evidence, can I ask you to
9. take the affirmation. Do you solemnly, sincerely and truly declare and affirm that the
10. evidence that you give to the Commission will be the truth, the whole truth and nothing but
11. the truth?
12. A. I do.
13. **QUESTIONING BY MS SHARKEY:** Malo le soifua Luamanuvao Dame Winnie Laban. Thank
14. you very much for being here with us today. You've got your statement in front of you?
15. A. Yes.
16. **Q.** Before we begin, I just wanted to ask whether there are any opening remarks you would
17. like to make?
18. A. E muamua ona ou ta le vai afei ma ou fa’atulou i le pa’ia lasilasi ua fa’atasi mai. Tulou ou
19. ponao’o Samoa i le afio o Tupu ma E’e. Tulou ou Faleupolu. Tulou auauna a le Atua. Oute
20. fa’atalofa atu i le pa’ia ma le mamalu o le aso. Kia ora koutou, Talofa, Kia orana koutou
21. katoatoa, Taloha ni, Fakaalofa lahi atu, Ni sa bula vinaka, Mālō e lelei, Noa’ia, Gude tru
22. olgeta, Shalom and warm Pacific greetings. I greet you all in the sacred languages of the
23. Pacific.
24. Like many migrants from the Pacific Islands, my parents came to New Zealand
25. seeking education and opportunity for their children. Not all families found success. Some
26. children became the victims of the circumstances of the poverty and hardship.
27. Unemployment, relationship break-down and limited family support contributed to child
28. abuse and neglect and led to behavioural psychological and social problems offending and
29. subsequent State intervention. It is my hope that the Royal Commission of Inquiry into
30. Abuse in Care will provide an opportunity for our Pacific people to tell their stories, to be
31. heard and to be understood, and that we build a path grounded in our Pacific cultures and
32. communities leading towards hope, healing and reconciliation. Thank you.
33. **Q.** Thank you. So just for the benefit of those who are watching the livestream and those who
34. are in attendance today, Luamanuvao has kindly provided a statement that will be published
35. on the website following her evidence. So I'm just going to begin at the beginning of your
36. statement and we're looking at migration from the Pacific to Aotearoa and I just wanted to
37. start with your own family's migration, how did they come, what was the story about your
38. parents travelling to this country?
39. A. My parents came in the 50s and, like many Pacific people, there was a draw to the land of
40. milk and honey and opportunity. So, there was a thinking at the time in the different
41. Pacific countries that New Zealand would be a good place to come to get paid work, but
42. also support education and opportunity for their children.
43. **Q.** How did they end up in Wellington?
44. A. I think what happened was they came to Wellington because family were there and also,
45. they got married at the PIC church in Newtown. And what was also interesting was that
46. they were both the eldest of their families back in Samoa and decided to just come to live in
47. Wellington and we subsequently ended up living in Wainuiomata.
48. **Q.** Thank you. So just in the context of the migration of Pacific peoples, and in my
49. introduction, I had said the first big wave begins from the 1950s, is there anything you can
50. add to the migration of Pacific peoples to Aotearoa from the 1950s onward?
51. A. You know Bob Marley said if you don't know your history you don't know where you're
52. coming from. Aotearoa New Zealand is a Pacific nation. Its indigenous people are related
53. to Polynesia and the rest of the region, and I've always prayed and hoped many of our
54. people in Aotearoa New Zealand would embrace the Pacific identity in a much more
55. familiar way that builds on that historical connection and our navigators that paddled that
56. ocean, the biggest ocean in the world, for connection, but also for a better life.
57. **Q.** And just following on from that, the relationship between New Zealand and the various
58. Pacific nations, and in discussions you've mentioned the Treaty of Friendship and the
59. Realm Nation relationships that New Zealand has with Pacific. And I just wanted to ask
60. you whether you could take us through New Zealand's relationship with various Pacific
61. nations?
62. A. As you know, a lot of the Pacific history is not taught in schools in New Zealand and that
63. almost feeds an ignorance and non-understanding of our journey. New Zealand has an
64. interesting history with the Pacific countries and the whole Treaty of Friendship, that was a
65. very, very sad part of our history, the quest for independence and the lives that were paid
66. with that. The Treaty of Friendship also is an acknowledgment about New Zealand's part
67. in the history with Samoa. They also have various historical connections with Cook
68. Islands, Tokelau and Niue and other parts of the Pacific, and it's something that we can
69. reflect on and learn from. The second issue is that 60% of the Pacific population in
70. New Zealand are Kiwi born. They're actually New Zealand born, and that's part of the glue
71. between Aotearoa New Zealand and our kin and our family in the region.
72. **Q.** Just following on from a comment you just made, because in your statement you talk about
73. the Pacific Island context, and at paragraph 18 of your statement you say there is a
74. tendency to view Pacific Islanders as recent immigrants speaking English as their second
75. language. This is not an accurate picture and you outline some statistics for us. I'm just
76. wondering whether you could please take us a bit further through that and elaborate on
77. Pacific Island context.
78. A. At the last census, 2018, Pacific peoples constituted 8.1% of New Zealand's total
79. population. We were up from 7.4% in the 2013 census. As I mentioned before, 60% of our
80. Pacific people living in New Zealand are Kiwi born, they're New Zealand born. 20% of
81. Pacific peoples are in the age bracket 15 to 24 years old, 60% of our Pacific peoples are
82. under 30 years of age. Pacific peoples are the major ethnic group in New Zealand with the
83. highest population of our children, 0.14 at 35.79%. Projections for 2026 show that Pacific
84. peoples will just be under 10% of New Zealand's population, 1 in 10 people, and the Pacific
85. youth population will be 14.4% of New Zealand's total youth population. In summary,
86. most of our people who live in New Zealand were born here, they're young and English is
87. their first language.
88. **Q.** If you could continue that please Luamanuvao.
89. A. So the Pacific Island population is fast growing and it is absolutely critical that we address
90. the demographics now, not tomorrow, but now. Whilst many Pacific people are doing very
91. well in New Zealand, our health, education, housing, employment, youth offending and
92. socio-economic status are the poorest in New Zealand. Consequently, many Pacific people
93. grow up in material poverty and our young people often become casualties.
94. **Q.** Thank you. And your next part of your statement talks about cultural identity.
95. A. Yeah.
96. **Q.** And in the beginning of your statement you say that you aim to talk about strengthening
97. cultural identity and belonging because that's a way that can point forward. So, looking at
98. paragraph 22 of your statement, if you could please comment on the cultural identity
99. aspects.
100. A. It is my belief that families and communities can provide our children with support, a sense
101. of belonging, and a cultural identity to help them navigate the often-turbulent path of
102. growth and development. Each of our Pacific Island communities, and that was shown
103. with the gifting this morning, have similar cultural values. While our people have moved
104. and mingled as people of the Pacific, we have retained a set of cultural and spiritual values
105. that have been passed down by our ancestors through our families and our communities to
106. this generation. So maybe I can use an example.
107. So I wanted to say to my other Pacific Island brothers and sisters, I'll just use the
108. Samoan example, but you will know similarities and have similarities. As a Samoan,
109. I know my culture, the fa'asamoa is based on families and extended families, we're talking
110. about aiga, aiga potopoto. Our community in turn is based on the Samoan values of alofa,
111. fa'aaloalo and agaga; love, respect, reciprocity and spirituality. These values are
112. demonstrated through tautua, service; service to family, service to church, service to
113. community, service to our nation and region.
114. At the heart of the fa'asamoa is lands and titles. Where we come from and who we
115. are, our place of belonging and identity, our gafa, our genealogy, our ancestry. Families
116. and communities are the bearers and transmitters of cultural and spiritual values. The loss
117. of cultural identity in a rapidly globalising world is a challenge many people are facing here
118. today in Aotearoa New Zealand. Many of the children who have ended up in State care are
119. the products of families that have struggled to adapt and fit into New Zealand society and
120. have lost their sense of belonging.
121. **Q.** Thank you Luamanuvao. In your statement you say that you've worked with Pacific Island
122. children, families and communities as they negotiated a path through the Social Welfare,
123. justice and education systems. And some of these children have been placed in State care.
124. Could you please describe this work?
125. A. I think part of the immigrant story and the cultural identity is when there's a lot of pressure
126. on families, not that that should be used as an excuse with unemployment, dare I say
127. racism, misunderstood, the desire to maintain culture and also to support families back in
128. the Islands, a break-down actually occurs. And the other issue for me is there's been an
129. absence of culture with institutions and decision-making. It has never ever been
130. acknowledged and part of the policy development and the implementation of programmes
131. and responses to where our children are being processed has been lacking. So there is a
132. need for us to break the silos between Government agencies and with NGOs and to work
133. better together and to look at authentic engagement with our communities at the grassroots
134. and our families.
135. **Q.** Okay, so just picking up on a comment that you've just made there; is that departments and
136. providers working in silos, is that right?
137. A. Yeah, my feeling is that, as we know, we have Pacific presence, we also have a ministry,
138. which is very important to have. But what I find with working with agencies is the silos
139. that occur, that families’ lives get divided between housing, income, labour, education,
140. health, there is a lack of co-ordination and working together to listen carefully to what the
141. families and our children's needs are and to meet it with vigour and rigour.
142. **Q.** Right, and those silos result in inequalities?
143. A. Yes, because many of our people are also absent from the decision-making. I think it's very
144. important that Pacific people are in decision-making roles, and I'm not talking about
145. anybody, I'm talking about people who have a proven track record who have competencies,
146. who can provide a voice where decisions are made and priorities are made so that the
147. resources and the programmes absolutely meet the needs of our children and our families.
148. **Q.** And so part of that is having Pacific people at the decision-making tables?
149. A. Definitely. And I have a line, if you're not around the table you're on the menu. So if
150. you're not around the boardtable, you're on the menu. And statistics show, you know, much
151. as we've advocated for a very long time, it's very, very important to have our people who
152. have competency, a demonstrated track record and integrity in loving and meeting the
153. needs of our people and ensuring those needs are being met authentically. And if I can dare
154. to use, Tania, education, I don't think education is doing enough. 70% of our Pacific
155. children go to low decile schools and we need to be aspirational, we need to grow success
156. at the highest level, should make university entrance compulsory, dare I say it. It's only
157. because it's important that they have that piece of paper, because it gives us voice, it also
158. gives us thought and intelligence to be able to contribute to better responses from agencies
159. but also to meet the needs of our people.
160. **Q.** So in terms of the 70%, you're talking about education, the 70% that are in low decile
161. schools, do you have any views on the background of that and why that is?
162. A. Well, it's directly linked to where people live and their lower socio-economic position. I'm
163. not saying all low decile schools are not performing. I actually see the results where
164. I work, 65% of the Pacific students are girls, we have a missing brown boys issue with
165. university, many of our children study the arts and we need to be able to grow a stem,
166. business and other topics for study. It's also heart-warming to see many of our people are
167. in trades but we also need to be ambitious to grow in all the other sectors so we can occupy
168. those positions at the board table.
169. **Q.** Thank you. We'll come back to that a little bit soon. In your statement you've said
170. "Throughout my career I have focused on facilitating opportunities for young Pasifika to
171. develop their cultural identity and establish their place of belonging in Aotearoa
172. New Zealand. It is my belief that when young people understand who they are and where
173. they come from, they are better able to safely navigate their way through the challenges
174. they face in life and achieve success." My question was in relation to elaborating on that
175. and explaining that further for those that are listening today.
176. A. Well, what is really encouraging is that we are seeing a group of Pacific people who are
177. coming through articulate but also very grounded in who they are and where they come
178. from. And it is very important to encourage that voice to work alongside mainstream to
179. ensure that our people's needs are being met but to ensure the culture and the language is
180. being addressed. I think one of the examples with Covid was the way that the Ministry of
181. Pacific I think did the Pacific languages. I think it's important that we can see in
182. decision-making roles like Judge Ida Malosi and there's other people here who occupy key
183. roles, that's a light in the tunnel but we need to grow more.
184. **Q.** Just taking a step back in time a bit and you entering politics. Why did you enter politics?
185. A. Aotearoa New Zealand owes us and that's not being derogatory. They need to reciprocate
186. and thank our people's enormous contribution that they've made to build this country and
187. this society and this economy. For me, coming into politics was because I was very upset
188. about a factory that closed where I live in Wainuiomata when Employment Contracts Act
189. was there, which actually disadvantaged and marginalised workers and unions. And many
190. of our people worked in those factories and they were told that the factory was closing, that
191. there was no redundancy, there was no holiday pay, and they had to go home to their
192. families and still work out ways to support them. What I was annoyed about is why do we
193. have policies that continually perpetuate our marginalisation without working with our
194. communities and coming up with an alternative. If the factory was going to close, why not
195. work out a package with our people and others who have the skills to up-skill them so they
196. can stay in employment, and what happened was the reason why I went in and ran for
197. Parliament was to give back to those workers who had given much of their lives to those
198. factories and New Zealand's economy and they did not deserve to be treated like that.
199. **Q.** And what was it like, young Pacific Island woman at that time entering politics?
200. A. Well, we also know that within our communities and cultures we have very strong women,
201. you know, our great grandmothers and grandmothers and the women in our communities,
202. we also have strong men, I wanted to acknowledge our fathers and our brothers and
203. cousins. So it really was another continuation of serving and giving back to our people and
204. working really hard to ensure that their needs are being met.
205. **Q.** And you'd mentioned before about education and just looking at your work now, Associate
206. Professor for Pasifika at Victoria University, your views on Pacific outcomes in terms of
207. education at paragraph 11 of your statement you say that education institutions need to
208. remove barriers to Pacific Island participation and put in place programmes and processes
209. that enhance Pacific Island achievement. And I was going to ask if you could elaborate on
210. that further.
211. A. Well, I think one of the areas is that it's important to be driven by data and evidence. We
212. need to grow more academics at university and I'm not saying any academic, academics
213. that actually honour and give back to our cultures and communities. The second issue is
214. that we're not growing PhDs and postgraduates achievement in the numbers that we should
215. be. The third issue is, and I wanted to share about the Borrin project with law, why is it
216. that we only have 3% or just less than 3% of the legal profession who are Pacific. We're
217. severely under-represented in the judiciary and also that group as well. So the Borrin law
218. research project is to work with all the law schools and our communities, lawyers and
219. students as to what is happening that we're not growing numbers in that area, for example.
220. **Q.** And as Assistant Vice Chancellor is there a focus on increasing Pasifika student enrolment?
221. A. Yeah, I think what is important is that we support a pathway for our children, whether it be
222. a trade, whether it be in academia or in business, so they do not end up wasting their lives
223. on drugs and alcohol, and that needs to be addressed seriously and stopped.
224. **Q.** You mentioned in your statement the Dawn Raid era. What do you recall of that period of
225. time?
226. A. To be brown was to be vulnerable and I really wanted to acknowledge the Panthers and
227. those ones who stood up, Tigilau, Fete, all that group that actually stood up to have the
228. courage to say this is not acceptable, you're not going to get away with it. It was horrific, it
229. was abusive, and it should never ever happen again. It also had intergenerational impact,
230. and I only found out recently that some of our children were put into State care. And I just
231. feel that it's very important that never ever gets repeated. And that again was the
232. Government of the day, the policies which were racist and short-sighted and we are having
233. this Inquiry so that we can put a stop to that sort of behaviour and that ever happening
234. again.
235. **Q.** At paragraph 30 of your statement you begin a discussion about the way forward.
236. A. That's right.
237. **Q.** Just in that paragraph a bit about the background context and history. I just wondered
238. whether you could take us through.
     1. A. Okay. So I'll start with 30. Yeah, so this provides a context to New Zealand. So it's clear
     2. there have been major failings of State interventions in the care of children and young
     3. people. The process has been evolutionary. The industrial schools of the 19th century, for
     4. example the story of life in Burnham Industrial School as told in John A Lee in his books
     5. Children of the Poor and Runaway gave way to the Social Welfare institutions of the 20th
     6. century. For example, Kohitere, Hokio, Epuni, Ōwairaka, Holdsworth and other boys'
     7. homes and their girls equivalent, Kingslea, Stanmore Road, Strathmore, Arbor House etc
     8. and eventually led to deinstitutionalisation in the early 21st century driven by an awareness
     9. of the rights of children and the training and professionalisation of staff, for example,
     10. housemasters and mistresses became residential social workers.
     11. In the 19th century, mental health institutions, asylums, were sited in rural
     12. locations, away from the gaze and sensitivities of normal society. The same model was
     13. used for homes of juvenile delinquents, Kimberley Hospital and Kohitere were both located
     14. in rural Levin. These institutions housed and treated children and young people far away
     15. from their families and communities. A greater understanding of the roles of families and
     16. communities in supporting their young people was one of the drivers of the closure of these
     17. facilities and the increase of community-based support programmes for young people and
     18. mental health programmes.
     19. The evidence is clear that institutions housing children and young people isolated
     20. from their families and communities and staffed by non-professionals led to questionable
     21. practices and abuse. These are structural and historic matters compounded by the criminal
     22. actions of some individuals. It is important that we acknowledge the failings of the past,
     23. bring to account those who have abused the trust that they were given and provide
     24. opportunities for healing for those who suffered. Furthermore, State agencies must learn
     25. from past failures and develop modern, enlightened and culturally appropriate programmes
     26. and processes that support the development of children and young people.
     27. **Q.** Thank you. So just in terms of your earlier work, you worked with Pacific Island children,
     28. families and communities, some of those children had been placed in State care. Were any
     29. of the families you worked before within those institutions that you've just spoken about?
     30. A. So there were issues in families where it wasn't safe for them, they weren't seen as safe to
     31. keep their child or young person. Where the breakdown came was in -- and I'm saying not
     32. all State intervention was bad, a lot of it was bad, and with faith institutions as well. But
     33. there was a disconnect around who worked with them, the communication with the family,
     34. and that also made the problem worse.
         1. **Q.** So in terms of, you made some comments before about policies and your views on what
         2. needs to be improved better in terms of policy work. Could you explain further what you
         3. mean by that?
         4. A. What worries me about the continued marginalisation, and I'll only talk about our
         5. community, Pacific community, is that there is some goodwill in policy-making agencies
         6. but there is a huge disconnect. There are a lot of policy wonks in Government agencies,
         7. there's a lack of connection direct with the communities and families that they serve. And
         8. what needs to happen is there needs to be a greater coherence and listening to what the
         9. needs are from our grassroot communities and families so that the policies and responses
         10. that are developed meet those needs. And I said right at beginning, the silos are not helpful
         11. and if anything, Covid made a lot of the agencies work together and I think that's something
         12. we need to address, but also ensure that Pacific communities' voices are around that table
         13. and amongst that group.
         14. **Q.** Okay, so if we look at the situation with Covid and how things changed, we got a bit of an
         15. example about how things can work with different agencies pulling together and working
         16. together, what would that look like? Is that between Government agencies and the
         17. community and our NGOs and other educational institutions, what are we looking at in
         18. terms of what your recommendations would be?
         19. A. There is a need to have a hard look at the demographics and to have a look at the needs and
         20. to get a very clear snapshot of our people who are struggling with living a life of dignity.
         21. There is a need for a serious addressing of bringing all the parties together, State, faith,
         22. NGOs, communities to address these needs. And we need to look really at causes of why,
         23. of what is happening and address those seriously.
         24. **Q.** You talk in your statement about a process that has promise being restorative justice. I'm
         25. just looking at paragraph 35 of your statement and your comments that it's been used for
         26. Māori in the criminal justice system and has much in common with Pacific values of
         27. community and family responsibility. And I just wanted to ask your thoughts if you could
         28. elaborate on that further.
         29. A. One of the things that I've always loved about Pacific people is their deep sense of
         30. humanity and their ability to heal and despite how hard the abuse might have been, this
         31. ability to be able to forgive. Restorative justice is a very natural way of healing between
         32. the victim, the perpetrator and the families and communities. It's used in Māori, it's used as
         33. the ifoga in Samoa and all the other Pacific equivalents. We can learn by encouraging this
         34. mode of bringing people together. And again, this is another piece of cultural knowledge
239. that we can enhance the mainstream system to appreciate, but there is this amazing
240. humanity and generosity of spirit that's very strong in terms of our people and I hope they
241. never lose it.
242. **Q.** And just, you mentioned ifoga before, and for those watching who might not be familiar
243. with the concept of ifoga, could you please explain that?
244. A. So basically what happens is if abuse in the worst form or any form occurs, the family of
245. the perpetrator or from the same village will want to come and ask for forgiveness and a lot
246. of the forgiveness is deep, not in money, but in the culture of the fine mats that are often
247. put over the perpetrator's head and the request for forgiveness cannot only take a day, it can
248. take more than a day. So it's very much a way of our people seeking forgiveness in the
249. most profound sense, but that the wrong was not only done by the individual, it actually
250. meant the whole family and the whole village also took that collective responsibility.
251. **Q.** And you talk about the concept of fa'alelei le va, I wonder if you could please describe the
252. va for us for those that aren't familiar with that concept?
253. A. So the va or the concept of fa'alelei le va, an English translation would be something like to
254. make good the space or the distance between yourself and others around you. It's an
255. ancient Pacific word and concept which is about one's physical, emotional and spiritual
256. space in relationship to our ancestors and those around us. So for example, Tania, if I look
257. at you, I see that you come from ancestors on your mother's side and your father's side,
258. there's an enormous respect of that va because if I violate you, I violate all of the families
259. and the genealogies in which you come from. It's primary to Pacific cultures, we all know
260. it is taboo to soli le va. Even if you disagree or whatever, it's very important to put that
261. wrong right in a way that doesn't diminish one's humanity and dignity.
262. **Q.** So the concept of the va is relational?
263. A. Yeah.
264. **Q.** Between Pacific people; is that correct?
265. A. That's right, it's very important you see when somebody goes past, you saw the people
266. bringing the mats, Tulou, so they bow, they don't walk in front of you, because that's
267. covering your face, and your visibility as well. There's a respectful way of behaving and
268. taking responsibility. It is sacred and it's very much a Pacific value that we all know.
269. **Q.** So in terms of damage to the va, is that what abuse does to that va relationship?
270. A. It does, because it's not -- that individual comes from genealogies, that individual is not Joe
271. Bloggs, that individual comes from genealogies on the mother's side, the father's side and
272. the extended family.
273. **Q.** Right, and --
274. A. So -- go on.
275. **Q.** And so the concept you were talking before about ifoga and restorative justice being a
276. method to repair?
277. A. To repair the damage that wasn't just about one individual, it was about a whole family and
278. a whole village, including the -- especially the victim.
279. **Q.** My apologies, Luamanuvao, can you please say that again?
280. A. The victim also comes from sacred genealogies and family and community, village and
281. country, so this is why to soli the va is really bad and not done and it's important to heal and
282. to go for reconciliation and the hope is that never happens again.
283. **Q.** And it's to make good that relationship, that space between people?
284. A. Absolutely.
285. **Q.** So you were able to view a number of the statements that survivors who consented to pass
286. on. Did you have any views or comments you wish to make about what you had read or
287. seen, themes that had really stood out for you in terms of our Pacific survivors?
288. A. The survivors are our brothers and sisters. What I wanted to say was we really have to deal
289. with denial and silence and almost the cultural acceptance or the misuse of theology to say
290. that abuse is okay and it's not. What our survivors have shared is an open statement of
291. what happened which was true. What we have to do from inquiries like this is to work out
292. from those voices and those experiences what we need to do and to do better. What worries
293. me is that there's a lot of -- and I've worked with intergenerational abuse where some of the
294. women have tended to cover up for the brother or the father that did wrong. And that's not
295. acceptable. We have to collectively take responsibility to keep everyone safe and we need
296. to stand up to the horrors of abuse in all its forms and say no, it's not acceptable.
297. **Q.** So in terms of that collective responsibility, is that the Pacific community?
298. A. It's all of our responsibility, including other members of society and institutions that impact
299. on our lives, we have to work together.
300. **Q.** So at paragraph 46 of your statement you outline some issues that have been identified by
301. Pacific people who have participated to date and how that is complex and difficult. Then
302. you outline some underlying principles. I wondered if you could take us through that
303. please.
304. A. Sure.
305. **Q.** We're at 46 and 47.
306. A. The issues identified by our people, Pacific people who have participated today, are very
307. complex and difficult. They include the challenge of modern New Zealand life to
308. traditional Pacific family and cultural structures. For example, the emphasis on
309. individualism, you know, and nuclear families. The second one is how do we address
310. serious violence in Pacific communities and families, the third one is how do we recognise
311. and deal with sexual abuse, the third(sic) one is what are our attitudes to alcohol and drugs,
312. and the fourth one is gambling and financial education. So some underlying principles
313. have been identified, including, the first is greater community responsibility for reporting
314. and responding to offending and designing solutions. More Pacific role models and
315. leadership from within Pacific communities, there's a saying in Samoan, “E le taua le tofi a
316. e taua le fa’amaoni”, it's not your status or who you are, it's in your ability to work hard and
317. to serve others.
318. The third one is supporting the positive role that can be played by Pacific
319. churches, the fourth one is more Pacific providers, and I'm talking about capable and
320. effective providers, to work with and treat Pacific offenders and to support victims. The
321. next one is the need for training and cultural awareness among mainstream providers and a
322. greater commitment to establish connections between our Government agencies, our
323. communities and families especially, our providers and offenders.
324. **Q.** Just picking up on a couple of comments you made there where you talked about
325. individualism.
326. A. Yeah.
327. **Q.** What did you mean by that?
328. A. You know, there's a lot of focus on me, my rights, me as an individual, and it's quite
329. paradoxical because the "me" is tied to a genealogy and a collective of cultures and
330. extended families as well. And if I reflect, the one thing about many of our people is they
331. do tend to put the "we" ahead of the "me", and that's challenging when there's not enough
332. money or whatever at times, but there's that generosity of spirit, that deep humanity that's
333. connected to our va and our gafa and genealogies that teach us that the well-being of the
334. family and the collective is more important.
335. **Q.** So it's that collective part of Pacific cultures, and are you saying the importance of
336. individualism, sometimes?
337. A. I'm saying that for me, and this is me personally, I'm quite idealistic about that until all of
338. our people are free in terms of marginalisation, I can never claim to be free. I'm talking
339. about middle class Pacific people who also need to take responsibility along with everyone
340. else, including Pākehā, to really address these serious issues of inequality and
341. marginalisation. After all, New Zealand, as I said at the beginning, is a Pacific nation, she's
342. part of this region, she doesn't sit on top of the Pacific countries, she sits alongside them.
343. **Q.** Then just some of those underlying principles that you mentioned, you said when you came
344. to more Pacific providers you made the comment that good, excellent Pacific providers and
345. ensuring that the job is done for our people. Is that correct?
346. A. Yeah, I think what is important is we want Pacific providers who absolutely have empathy
347. and listen very carefully to what the needs of our families and communities are and meet
348. those needs. And it's important that the providers that are given the support to deliver and
349. to do that work for our people is done effectively and this is where the connection with our
350. families and communities need to be greater, because they can tell us who's doing the job
351. and who isn't.
352. **Q.** Right, so the next principle is increased cultural awareness among mainstream providers.
353. And that would be done by Pacific people?
354. A. Yeah, I think it's important that competent Pacific people, you know, people like Dr Lisi
355. Petaia, Dr Julia Ioane, people who are appearing this fortnight have those skills, and
356. alongside some of our own people the elders also have cultural and language skills that we
357. can pull together to support others who are working with our people in the mainstream.
358. **Q.** So in terms of care institutions, those who are providing care for our Pacific children, is it
359. important that they have that Pacific cultural competence?
360. A. It's very important, because it's also about cultural safety.
361. **Q.** Can you expand on that?
362. A. Yeah, it's very important that they have an understanding and a respect for our culture, for
363. our history, for our values, and that things like -- little things like pronouncing the names of
364. the families, like Ioane, you know, properly, learning about respect and hearing very
365. carefully to what they are saying, to ensure if it's the Samoan or Tongan language that
366. perhaps that would be a good way to actually communicate with the families.
367. **Q.** You would have heard or read some of the survivor stories of Pacific survivors losing their
368. language, their culture, their identity in care. And do you have any views on how for our
369. Pacific people going into care they can maintain their language, their culture, their identity?
370. A. Well, it's very important that programmes that are provided have that as the centre, and
371. people can reclaim and can reconnect for all sorts of reasons. I mean I do this with my own
372. family, we have New Zealand born Samoans, who people say they can't participate because
373. they don't know the language, and I go they'll learn the language, they'll pick up the
374. language, but it's very important that their voices get heard. So I think there needs to be an
375. openness to accommodating that, but also supporting our children to have the courage, to
376. learn their language and learn their cultures, because there's beauty in those languages and
377. values and culture, so that disconnect needs to be addressed in terms of belonging,
378. reconnection, and feeling whole.
379. **Q.** And part of that disconnection, the loss with their identity, in your view possible factors
380. leading to our children getting into further trouble or issues later on in life; is that correct?
381. A. That's right, and I think that's something that we need to look at. One of the things I wanted
382. to say, Tania, is we have a lot of good resourceful people in our communities that should be
383. brought in to look at how best we can support our children in this.
384. **Q.** And what would that look like?
385. A. What it would look like is that we have, and dare I mention names, but we have some very
386. good Pacific people who have done well in their fields of work who care passionately about
387. the well-being of our people. And we need to facilitate that group to come together to look
388. at how we can enhance and add better responses in meeting our people and our children
389. who are victims --
390. **Q.** So the importance --
391. A. -- and perpetrators.
392. **Q.** Sorry, my apologies. So the importance of having Pacific people involved in decisions
393. around our children being in care?
394. A. Absolutely.
395. **Q.** And providing that support for our children in care in terms of maintaining their language,
396. their culture and their identity?
397. A. That's right and that they should not be without voice simply because they can't speak the
398. language. It's really important that that's included.
399. **Q.** So just in terms of the restorative justice, and a comment you said about accountability not
400. being a choice. What does that mean?
401. A. You know, in New Zealand there's this play around term "accountability". I firmly believe
402. for Pacific people accountability is not a choice. We're brought up to know that we're
403. accountable for our behaviour, for everything we do and say, back to our communities to
404. our families.
405. **Q.** And in terms of accountability and the Dawn Raid issue, we've got an apology that's about
406. to be made by the Government and I just wanted to ask for your views on that and your
407. thoughts about the upcoming Dawn Raid apology?
408. A. Well, you know, I think it's a positive that there will be an apology from Government.
     1. I remember being asked by some of the media in Wellington about the apology and I said
     2. that it's important, apologies are important, but we have to remember the hurt and what
     3. happened to our people at that time, that there needs to be a commitment that that never
     4. happens again. But it would be good to see something tangible in addition to the apology,
     5. that can address, you know, what's happening with our people now and to go forward.
     6. **Q.** Because it might well be the first kind of public redress for Pacific that we've seen, so it's
     7. interesting that it is going to happen and good for us to have a look at. And when you say
     8. "tangible", do you have any thoughts about what that might look like?
     9. A. Well, you know, we have an issue within New Zealand in terms of our people, but I also
     10. have a deep affinity for the countries in which our parents and grandparents came from.
     11. The impact of Covid has been enormous, and sometimes New Zealand forgets -- I talked
     12. about relationship, respect and reciprocity -- forgets the enormous contribution our people
     13. have made to this country and to this economy and society. But also the trade figures are
     14. nearly 2 billion and the return from the countries are miniscule. Put alongside that, the
     15. remittances that our people, despite Covid, still send their money because they worry and
     16. fear for their families. I think tangibles like the RSE scheme where we bring some of our
     17. people here to work the orchards and horticulture, that needs to be expanded because the
     18. business, the apple and pear people, the turner and growers they're crying out for their
     19. labour, our people need that money, the minimum wage or the living wage is more than
     20. what they earn back in the Islands. There's huge evidence that shows when they come and
     21. work here it's a win/win for New Zealand but they send money back to their families and
     22. they can build schools, and they can still businesses. It's that kind of tangible, it's not just
     23. rhetoric, it doesn't put food on the table rhetoric, some practical actions that our people can
     24. feel encouraged that they're being heard and they're being reciprocated.
     25. **Q.** That scheme you're talking about when you say RSE, could you just tell us what's the full
     26. name of that scheme is?
     27. A. It's the Regional Seasonal Employment programme and it's been proven to be very, very
     28. successful. There are countries in the Pacific like Samoa and I think Tonga who don't have
     29. Covid. This is one tangible way that can also support the horticultural owners and the
     30. farmers in New Zealand to get that labour into this country. They work, they pay taxes and
     31. they send their money back home which can absolutely contribute to tangibles in their
     32. families and villages and communities.
     33. **Q.** Right, so you've said that that's one way the Government can repair its relationship with the
     34. Pacific. When you talk about repair, that's because of the strained relationship between
409. New Zealand and the Pacific because of the Dawn Raids?
410. A. Well, you know, New Zealand and Australia are seen as quite dominant in the region
411. because they're bigger, they're developed countries, they have resources, but they're part of
412. the Pacific, New Zealand is of the Pacific. And it needs to look after that relationship
413. because Pacific countries have lots of other countries who want their attention too. But
414. New Zealand is in a wonderful position because of its people, its values, that can really
415. work to strengthen that relationship. Samoa's going to be independent 60 years next year,
416. so it would be interesting to see what the Treaty of Friendship looks like and all the other
417. island groups, are they happy? A lot of Pacific countries are losing a lot of their young
418. people as well to countries like Australia and New Zealand. So, you know, there's some
419. areas and serious issues that we need to be talking about of how we can support each other
420. better.
421. **Q.** One question I have is around educating our children, when we're looking at the Dawn
422. Raids issue, the period leading up to the Dawn Raids, the years before that. Is it important
423. that our Pacific children be taught, how important is it that our children be taught about our
424. history here in this country?
425. A. It is very important. I mean it's encouraging to see Māori history in the curriculum; it's
426. very important Pacific history is alongside that. Because it not only benefits our children
427. but also all children of New Zealand should be growing up understanding and knowing the
428. history of Māori and also the Pacific.
429. **Q.** And that's not just the Dawn Raid era, it's also the time, the years leading up to that, would
430. that be correct?
431. A. Very much so.
432. **Q.** Just coming to the end of this session, Luamanuvao, I just wanted to ask whether you had
433. any closing remarks that you wished to make before any questions from the
434. Commissioners?
435. A. Yeah. Perhaps what I want to say is that I was deeply troubled when I found out that some
436. of our children ended up in State care as a result of their parents being deported during the
437. Dawn Raids. I understand that some of these children suffered from abuse in care and
438. I trust that this Inquiry will investigate those cases and provide opportunities for restorative
439. justice. In conclusion, we can learn from history, we can learn from our past mistakes, we
440. can right the wrongs and together we can heal and build a better world for all of our
441. children. That's really all I have to say and I wanted to thank everyone for the opportunity
442. to contribute to the Royal Commission of Inquiry Into Abuse in Care Tania.
443. **Q.** Fa'afetai. Happy to receive questions from the Commissioners Luamanuvao?
444. **CHAIR:** Yes, thank you. I'm going to ask my colleagues if they have any questions or comments
445. they wish to make.
446. **COMMISSIONER ERUETI:** Tēnā koe te rangatira.
447. A. Kia ora.
448. **Q.** Ka nui te mihi ki a koe. I don't really have any questions. I was struck more, I know Ms
449. Sharkey emphasised the particular nature of the experience of abuse and neglect for
450. Pasifika whānau in her opening statement and that's the point of us being here over these
451. two weeks. But I was also struck by the commonalities in your evidence with Te Ao Māori
452. in terms of rangatahi learning in their own environment and culture and language and how
453. empowering that is. Discovering buried histories, educating the New Zealand public about
454. our histories and the role of discrimination and our histories to the lack of effective -- not
455. being around that table and being on the menu, these sorts of things, so I found it very
456. enlightening for all those reasons. The commonalities but also recognising, I think, the
457. distinctions that are there too. But I just want to thank you for providing that context for us
458. and setting the scene for a continuing exploration of this kaupapa, so ka nui te mihi ki a koe
459. e te whaea, tēnā koe.
460. A. I wanted to say, Dr Erueti, that, you know, Pacific have always supported Māori in terms of
461. the Treaty of Waitangi, we've all been on those marches, but one of the things I wanted to
462. remind people was we have an ancient connection back to Tagaloa, to Tangaroa in terms of
463. our Polynesian connection and we can also learn from each other.
464. The second thing I wanted to say was that, you know, I've worked as a family
465. therapist and I wanted to say that I've worked with a couple of really good Palagi clinical
466. psychologists in our work with our families and I found that the skill set and knowledge
467. those partnerships can bring can also help heal our families, because I know I've been really
468. pushing the culture and that because it's so absent, and languages, but I think bringing
469. together those skills and that knowledge can really help.
470. **Q.** Tēnā koe.
471. **COMMISSIONER STEENSON:** Tēnā koe e rangatira. Ngā mihi nui ki a koe mō o kōrero.
472. Thank you for your really well-educated and articulated insights, particularly into the Dawn
473. Raids and just one pātai from me, one question is around some of these -- you talk about
474. the different treatments of immigrants and how there have been a preference for Pākehā
475. immigrants. Firstly, do you think that continues, and secondly, are there any stand-out
476. policies that you think contributed to that?
     1. A. Well, as you know I'm not the Government, but immigration policy would be interesting to
     2. look at in terms of who gets to come to New Zealand. There's a lot of focus on business
     3. migration and the population demographics of New Zealand. Secondly, I'm surprised that a
     4. lot of the blue collar jobs and low paid jobs are not open to peoples of the Pacific to come
     5. before any other group, and I'm not being racist but I think it's only right that we should
     6. look after our region and our neighbours first. The third thing is that scholarship, you
     7. know, we offer scholarships for children from the Pacific to come and there's lots of other
     8. countries who do the same, including China, and yet they're prevented from travelling
     9. because of Covid and yet they're in countries where they're Covid free, you know, and
     10. those opportunities mean that our children can also come here and meet others here and
     11. those relationships are gold, because at the end of the day, many of them end up going back
     12. to the Islands, being promoted very quickly and become very important connections for
     13. Aotearoa New Zealand.
     14. **Q.** Tēnā koe.
     15. **COMMISSIONER ALOFIVAE:** Lau Afioga Luamanuvao, fa'afetai lava mo le fa'asoa. Isn't it
     16. an unfortunate tragedy that we require a pandemic to get our Government agencies to move
     17. much more in alignment is what I think I was hearing. But it gave us much hope in that we
     18. saw that thing structurally in terms of those silos were able to be moved. Some of the
     19. things that we're hearing, Luamanuvao, directly from our survivors is that what brings them
     20. into the system is stuff that is happening in the home and you've outlined very clearly for us
     21. around the support that's really required, the investment that's got to go into our homes.
     22. And I think you were also alluding to difficulties that we have, or our agencies and our
     23. wider communities have in able to be well-informed about what that support actually
     24. looked like. Which is why your comments that we need people around the table who are
     25. able to make good decisions, that can make everybody feel safe. Not just our communities,
     26. but those who basically hold the purse strings. I just want to confirm with you, that in
     27. terms of what you're saying, I'm hearing really clearly is the difference between individual
     28. and collective and that for Pacific it really is a world view, that you can't keep going back
     29. between the two, and this is really important because it's about our recommendations. You
     30. talk about the relationship between the big nations, so Samoa and New Zealand, Tonga and
     31. New Zealand, the Realm Nations and New Zealand; but then we talk about our Pacific
     32. communities in New Zealand actually nationally and then regionally and you break it right
     33. down. And the agility that's required is what I'm hearing you say by our decision-makers,
     34. but also with our communities to be able to get to the point of being able to influence
477. policy, because that's the real -- that's a real structural barrier for us. Would you say?
478. Yeah.
479. A. No I agree, and also, you know, it's interesting, because when we undertook the Borrin
480. research study which has only just started, we found out that most of our people who have a
481. law degree work in Government departments. So I'm not sure what's happening in terms of
482. policy areas. I mean one of the things I wanted to acknowledge is that, you know, we have
483. Aupito as the Minister of Pacific and I know he works very, very hard, but that's only one
484. person, you know, and others who are also ministers who are Pacific. But there is a
485. disconnect between policy, who writes the policy, who do they consult with, who benefits
486. from it, and there needs to be much more openness and transparency about that, and
487. secondly to have good qualitative and quantitative research which really brings out what
488. Pacific people truly look like so that those agencies can address it. I mean there's examples
489. where they work together, but the difference is still not being made in the way it should be.
490. And the second thing I wanted to say was that there's a lot of work that also needs
491. to be done with our churches and our communities in terms of the work with the families in
492. partnership with those agencies that we have to look how do we prevent abuse, how do we
493. stop abuse and how do we heal, and there just needs to be a greater bringing together of this
494. to address these issues seriously, otherwise this issue is going to become intergenerational
495. and we don't want that.
496. **Q.** Thank you, and in terms of restorative justice and the use of our cultural intelligence, so
497. like the concept of ifoga, we'll just refer to that because that was the concept you referred
498. to, often in our situations is that you've got the survivor who is in the State care which
499. makes the State, for want of a better frame, they're really, in terms of accountability, that's
500. where we're looking. Whereas with ifoga you've got the perpetrator and the victim. I guess
501. it's about how we translate our concepts without actually losing the essence, the mana, the
502. power, the dignity of what it actually stands for so that there really can be restoration and
503. healing?
504. A. I think it's in the way you translate that, because it's only possible if the victim agrees.
505. **Q.** Yeah.
506. A. And to understand I think the power of healing, the power of being able to reconcile, to
507. come together, and I think for Pacific people all they want is abuse to stop. I think that's
508. why we're all here. And we have numerous ways in which we can enable that, including
509. restorative justice and the ifoga.
510. **Q.** Thank you, thank you Luamanuvao.
511. **CHAIR:** Luamanuvao Dame Winnie Laban it falls to me to thank you. I don't have any
512. questions, because this is the beginning of the conversation. This is the beginning of the
513. talanoa, and what I want to acknowledge that has struck me is important, is your ability in
514. placing New Zealand as a Pacific nation beside its Pacific cousins. I think the whakapapa
515. links between are ones that are important, both in terms of individual families, of tribal
516. connections, village connections, but also of State connections, and thank you for sharing
517. that with us. Because what it does is that it brings to mind our collective responsibility.
518. Everybody in New Zealand is collectively responsible for our children, for our young
519. people, and let's not forget our vulnerable adults, those in psychiatric care, in disability
520. care, we are all responsible.
521. What you've also brought to us is the recognition of the deep cultural underpinnings
522. that have to be understood by all of us before we can start repairing. So recognising the va,
523. recognising the particular forms of healing that if we don't do it right, we won't do it at all
524. and you have set the tone of this whole hearing, for this whole hearing for our talanoa about
525. how to analyse the reasons for abuse, but also importantly how to look at ways of healing
526. that isn't just the usual cookie cutter method, but recognises the full richness of all Pacific
527. communities. If we can't do that then we can't do it.
528. So we're very grateful to you, our very first witness at this Pacific hearing, our
529. honoured guest, but also a source of great learning and you've given us much to think
530. about. So thank you so much for your contribution.
531. A. And thank you very much for giving me an opportunity. You know we serve our people
532. and we love our people. Thank you.
533. **Q.** That is why we're all here, thank you so much. On that note I think we should take a break.
534. We all need our food don't we. So we will take a break now and we will resume again, Ms
535. Sharkey, do you have a time that we should come back?
536. **MS SHARKEY:** 2.30.
537. **CHAIR:** We will resume again at 2.30, thank you.
538. **MS SHARKEY:** 2.30 sharp.
539. **CHAIR:** 2.30 sharp, okay.
540. **Lunch adjournment from 1.30 pm to 2.30 pm**
541. **CHAIR:** Good afternoon and welcome back everybody to the second half of today's hearing. Ms
542. Sharkey.
543. **MS SHARKEY:** Next is Fa'amoana Luafutu.
544. **FA'AMOANA LUAFUTU**