

**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  
141r Bader Drive  
Māngere  
AUCKLAND

**Date:** 19 July 2021

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**TRANSCRIPT OF PROCEEDINGS**

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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

1 on the website following her evidence. So I'm just going to begin at the beginning of your  
2 statement and we're looking at migration from the Pacific to Aotearoa and I just wanted to  
3 start with your own family's migration, how did they come, what was the story about your  
4 parents travelling to this country?

5 A. My parents came in the 50s and, like many Pacific people, there was a draw to the land of  
6 milk and honey and opportunity. So, there was a thinking at the time in the different  
7 Pacific countries that New Zealand would be a good place to come to get paid work, but  
8 also support education and opportunity for their children.

9 Q. How did they end up in Wellington?

10 A. I think what happened was they came to Wellington because family were there and also,  
11 they got married at the PIC church in Newtown. And what was also interesting was that  
12 they were both the eldest of their families back in Samoa and decided to just come to live in  
13 Wellington and we subsequently ended up living in Wainuiomata.

14 Q. Thank you. So just in the context of the migration of Pacific peoples, and in my  
15 introduction, I had said the first big wave begins from the 1950s, is there anything you can  
16 add to the migration of Pacific peoples to Aotearoa from the 1950s onward?

17 A. You know Bob Marley said if you don't know your history you don't know where you're  
18 coming from. Aotearoa New Zealand is a Pacific nation. Its indigenous people are related  
19 to Polynesia and the rest of the region, and I've always prayed and hoped many of our  
20 people in Aotearoa New Zealand would embrace the Pacific identity in a much more  
21 familiar way that builds on that historical connection and our navigators that paddled that  
22 ocean, the biggest ocean in the world, for connection, but also for a better life.

23 Q. And just following on from that, the relationship between New Zealand and the various  
24 Pacific nations, and in discussions you've mentioned the Treaty of Friendship and the  
25 Realm Nation relationships that New Zealand has with Pacific. And I just wanted to ask  
26 you whether you could take us through New Zealand's relationship with various Pacific  
27 nations?

28 A. As you know, a lot of the Pacific history is not taught in schools in New Zealand and that  
29 almost feeds an ignorance and non-understanding of our journey. New Zealand has an  
30 interesting history with the Pacific countries and the whole Treaty of Friendship, that was a  
31 very, very sad part of our history, the quest for independence and the lives that were paid  
32 with that. The Treaty of Friendship also is an acknowledgment about New Zealand's part  
33 in the history with Samoa. They also have various historical connections with Cook  
34 Islands, Tokelau and Niue and other parts of the Pacific, and it's something that we can

1 reflect on and learn from. The second issue is that 60% of the Pacific population in  
2 New Zealand are Kiwi born. They're actually New Zealand born, and that's part of the glue  
3 between Aotearoa New Zealand and our kin and our family in the region.

4 **Q.** Just following on from a comment you just made, because in your statement you talk about  
5 the Pacific Island context, and at paragraph 18 of your statement you say there is a  
6 tendency to view Pacific Islanders as recent immigrants speaking English as their second  
7 language. This is not an accurate picture and you outline some statistics for us. I'm just  
8 wondering whether you could please take us a bit further through that and elaborate on  
9 Pacific Island context.

10 **A.** At the last census, 2018, Pacific peoples constituted 8.1% of New Zealand's total  
11 population. We were up from 7.4% in the 2013 census. As I mentioned before, 60% of our  
12 Pacific people living in New Zealand are Kiwi born, they're New Zealand born. 20% of  
13 Pacific peoples are in the age bracket 15 to 24 years old, 60% of our Pacific peoples are  
14 under 30 years of age. Pacific peoples are the major ethnic group in New Zealand with the  
15 highest population of our children, 0.14 at 35.79%. Projections for 2026 show that Pacific  
16 peoples will just be under 10% of New Zealand's population, 1 in 10 people, and the Pacific  
17 youth population will be 14.4% of New Zealand's total youth population. In summary,  
18 most of our people who live in New Zealand were born here, they're young and English is  
19 their first language.

20 **Q.** If you could continue that please Luamanuvao.

21 **A.** So the Pacific Island population is fast growing and it is absolutely critical that we address  
22 the demographics now, not tomorrow, but now. Whilst many Pacific people are doing very  
23 well in New Zealand, our health, education, housing, employment, youth offending and  
24 socio-economic status are the poorest in New Zealand. Consequently, many Pacific people  
25 grow up in material poverty and our young people often become casualties.

26 **Q.** Thank you. And your next part of your statement talks about cultural identity.

27 **A.** Yeah.

28 **Q.** And in the beginning of your statement you say that you aim to talk about strengthening  
29 cultural identity and belonging because that's a way that can point forward. So, looking at  
30 paragraph 22 of your statement, if you could please comment on the cultural identity  
31 aspects.

32 **A.** It is my belief that families and communities can provide our children with support, a sense  
33 of belonging, and a cultural identity to help them navigate the often-turbulent path of  
34 growth and development. Each of our Pacific Island communities, and that was shown

1 with the gifting this morning, have similar cultural values. While our people have moved  
 2 and mingled as people of the Pacific, we have retained a set of cultural and spiritual values  
 3 that have been passed down by our ancestors through our families and our communities to  
 4 this generation. So maybe I can use an example.

5 So I wanted to say to my other Pacific Island brothers and sisters, I'll just use the  
 6 Samoan example, but you will know similarities and have similarities. As a Samoan,  
 7 I know my culture, the fa'asamoa is based on families and extended families, we're talking  
 8 about aiga, aiga potopoto. Our community in turn is based on the Samoan values of alofa,  
 9 fa'aaloalo and agaga; love, respect, reciprocity and spirituality. These values are  
 10 demonstrated through tautua, service; service to family, service to church, service to  
 11 community, service to our nation and region.

12 At the heart of the fa'asamoa is lands and titles. Where we come from and who we  
 13 are, our place of belonging and identity, our gafa, our genealogy, our ancestry. Families  
 14 and communities are the bearers and transmitters of cultural and spiritual values. The loss  
 15 of cultural identity in a rapidly globalising world is a challenge many people are facing here  
 16 today in Aotearoa New Zealand. Many of the children who have ended up in State care are  
 17 the products of families that have struggled to adapt and fit into New Zealand society and  
 18 have lost their sense of belonging.

19 **Q.** Thank you Luamanuvao. In your statement you say that you've worked with Pacific Island  
 20 children, families and communities as they negotiated a path through the Social Welfare,  
 21 justice and education systems. And some of these children have been placed in State care.  
 22 Could you please describe this work?

23 **A.** I think part of the immigrant story and the cultural identity is when there's a lot of pressure  
 24 on families, not that that should be used as an excuse with unemployment, dare I say  
 25 racism, misunderstood, the desire to maintain culture and also to support families back in  
 26 the Islands, a break-down actually occurs. And the other issue for me is there's been an  
 27 absence of culture with institutions and decision-making. It has never ever been  
 28 acknowledged and part of the policy development and the implementation of programmes  
 29 and responses to where our children are being processed has been lacking. So there is a  
 30 need for us to break the silos between Government agencies and with NGOs and to work  
 31 better together and to look at authentic engagement with our communities at the grassroots  
 32 and our families.

33 **Q.** Okay, so just picking up on a comment that you've just made there; is that departments and  
 34 providers working in silos, is that right?

1 A. Yeah, my feeling is that, as we know, we have Pacific presence, we also have a ministry,  
2 which is very important to have. But what I find with working with agencies is the silos  
3 that occur, that families' lives get divided between housing, income, labour, education,  
4 health, there is a lack of co-ordination and working together to listen carefully to what the  
5 families and our children's needs are and to meet it with vigour and rigour.

6 **Q.** Right, and those silos result in inequalities?

7 A. Yes, because many of our people are also absent from the decision-making. I think it's very  
8 important that Pacific people are in decision-making roles, and I'm not talking about  
9 anybody, I'm talking about people who have a proven track record who have competencies,  
10 who can provide a voice where decisions are made and priorities are made so that the  
11 resources and the programmes absolutely meet the needs of our children and our families.

12 **Q.** And so part of that is having Pacific people at the decision-making tables?

13 A. Definitely. And I have a line, if you're not around the table you're on the menu. So if  
14 you're not around the boardtable, you're on the menu. And statistics show, you know, much  
15 as we've advocated for a very long time, it's very, very important to have our people who  
16 have competency, a demonstrated track record and integrity in loving and meeting the  
17 needs of our people and ensuring those needs are being met authentically. And if I can dare  
18 to use, Tania, education, I don't think education is doing enough. 70% of our Pacific  
19 children go to low decile schools and we need to be aspirational, we need to grow success  
20 at the highest level, should make university entrance compulsory, dare I say it. It's only  
21 because it's important that they have that piece of paper, because it gives us voice, it also  
22 gives us thought and intelligence to be able to contribute to better responses from agencies  
23 but also to meet the needs of our people.

24 **Q.** So in terms of the 70%, you're talking about education, the 70% that are in low decile  
25 schools, do you have any views on the background of that and why that is?

26 A. Well, it's directly linked to where people live and their lower socio-economic position. I'm  
27 not saying all low decile schools are not performing. I actually see the results where  
28 I work, 65% of the Pacific students are girls, we have a missing brown boys issue with  
29 university, many of our children study the arts and we need to be able to grow a stem,  
30 business and other topics for study. It's also heart-warming to see many of our people are  
31 in trades but we also need to be ambitious to grow in all the other sectors so we can occupy  
32 those positions at the board table.

33 **Q.** Thank you. We'll come back to that a little bit soon. In your statement you've said  
34 "Throughout my career I have focused on facilitating opportunities for young Pasifika to

1 develop their cultural identity and establish their place of belonging in Aotearoa  
2 New Zealand. It is my belief that when young people understand who they are and where  
3 they come from, they are better able to safely navigate their way through the challenges  
4 they face in life and achieve success." My question was in relation to elaborating on that  
5 and explaining that further for those that are listening today.

6 A. Well, what is really encouraging is that we are seeing a group of Pacific people who are  
7 coming through articulate but also very grounded in who they are and where they come  
8 from. And it is very important to encourage that voice to work alongside mainstream to  
9 ensure that our people's needs are being met but to ensure the culture and the language is  
10 being addressed. I think one of the examples with Covid was the way that the Ministry of  
11 Pacific I think did the Pacific languages. I think it's important that we can see in  
12 decision-making roles like Judge Ida Malosi and there's other people here who occupy key  
13 roles, that's a light in the tunnel but we need to grow more.

14 Q. Just taking a step back in time a bit and you entering politics. Why did you enter politics?

15 A. Aotearoa New Zealand owes us and that's not being derogatory. They need to reciprocate  
16 and thank our people's enormous contribution that they've made to build this country and  
17 this society and this economy. For me, coming into politics was because I was very upset  
18 about a factory that closed where I live in Wainuiomata when Employment Contracts Act  
19 was there, which actually disadvantaged and marginalised workers and unions. And many  
20 of our people worked in those factories and they were told that the factory was closing, that  
21 there was no redundancy, there was no holiday pay, and they had to go home to their  
22 families and still work out ways to support them. What I was annoyed about is why do we  
23 have policies that continually perpetuate our marginalisation without working with our  
24 communities and coming up with an alternative. If the factory was going to close, why not  
25 work out a package with our people and others who have the skills to up-skill them so they  
26 can stay in employment, and what happened was the reason why I went in and ran for  
27 Parliament was to give back to those workers who had given much of their lives to those  
28 factories and New Zealand's economy and they did not deserve to be treated like that.

29 Q. And what was it like, young Pacific Island woman at that time entering politics?

30 A. Well, we also know that within our communities and cultures we have very strong women,  
31 you know, our great grandmothers and grandmothers and the women in our communities,  
32 we also have strong men, I wanted to acknowledge our fathers and our brothers and  
33 cousins. So it really was another continuation of serving and giving back to our people and  
34 working really hard to ensure that their needs are being met.



1 **Q.** And you'd mentioned before about education and just looking at your work now, Associate  
2 Professor for Pasifika at Victoria University, your views on Pacific outcomes in terms of  
3 education at paragraph 11 of your statement you say that education institutions need to  
4 remove barriers to Pacific Island participation and put in place programmes and processes  
5 that enhance Pacific Island achievement. And I was going to ask if you could elaborate on  
6 that further.

7 **A.** Well, I think one of the areas is that it's important to be driven by data and evidence. We  
8 need to grow more academics at university and I'm not saying any academic, academics  
9 that actually honour and give back to our cultures and communities. The second issue is  
10 that we're not growing PhDs and postgraduates achievement in the numbers that we should  
11 be. The third issue is, and I wanted to share about the Borrin project with law, why is it  
12 that we only have 3% or just less than 3% of the legal profession who are Pacific. We're  
13 severely under-represented in the judiciary and also that group as well. So the Borrin law  
14 research project is to work with all the law schools and our communities, lawyers and  
15 students as to what is happening that we're not growing numbers in that area, for example.

16 **Q.** And as Assistant Vice Chancellor is there a focus on increasing Pasifika student enrolment?

17 **A.** Yeah, I think what is important is that we support a pathway for our children, whether it be  
18 a trade, whether it be in academia or in business, so they do not end up wasting their lives  
19 on drugs and alcohol, and that needs to be addressed seriously and stopped.

20 **Q.** You mentioned in your statement the Dawn Raid era. What do you recall of that period of  
21 time?

22 **A.** To be brown was to be vulnerable and I really wanted to acknowledge the Panthers and  
23 those ones who stood up, Tigilau, Fete, all that group that actually stood up to have the  
24 courage to say this is not acceptable, you're not going to get away with it. It was horrific, it  
25 was abusive, and it should never ever happen again. It also had intergenerational impact,  
26 and I only found out recently that some of our children were put into State care. And I just  
27 feel that it's very important that never ever gets repeated. And that again was the  
28 Government of the day, the policies which were racist and short-sighted and we are having  
29 this Inquiry so that we can put a stop to that sort of behaviour and that ever happening  
30 again.

31 **Q.** At paragraph 30 of your statement you begin a discussion about the way forward.

32 **A.** That's right.

33 **Q.** Just in that paragraph a bit about the background context and history. I just wondered  
34 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 grassroots 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

1 that we can enhance the mainstream system to appreciate, but there is this amazing  
2 humanity and generosity of spirit that's very strong in terms of our people and I hope they  
3 never lose it.

4 **Q.** And just, you mentioned ifoga before, and for those watching who might not be familiar  
5 with the concept of ifoga, could you please explain that?

6 **A.** So basically what happens is if abuse in the worst form or any form occurs, the family of  
7 the perpetrator or from the same village will want to come and ask for forgiveness and a lot  
8 of the forgiveness is deep, not in money, but in the culture of the fine mats that are often  
9 put over the perpetrator's head and the request for forgiveness cannot only take a day, it can  
10 take more than a day. So it's very much a way of our people seeking forgiveness in the  
11 most profound sense, but that the wrong was not only done by the individual, it actually  
12 meant the whole family and the whole village also took that collective responsibility.

13 **Q.** And you talk about the concept of fa'alelei le va, I wonder if you could please describe the  
14 va for us for those that aren't familiar with that concept?

15 **A.** So the va or the concept of fa'alelei le va, an English translation would be something like to  
16 make good the space or the distance between yourself and others around you. It's an  
17 ancient Pacific word and concept which is about one's physical, emotional and spiritual  
18 space in relationship to our ancestors and those around us. So for example, Tania, if I look  
19 at you, I see that you come from ancestors on your mother's side and your father's side,  
20 there's an enormous respect of that va because if I violate you, I violate all of the families  
21 and the genealogies in which you come from. It's primary to Pacific cultures, we all know  
22 it is taboo to soli le va. Even if you disagree or whatever, it's very important to put that  
23 wrong right in a way that doesn't diminish one's humanity and dignity.

24 **Q.** So the concept of the va is relational?

25 **A.** Yeah.

26 **Q.** Between Pacific people; is that correct?

27 **A.** That's right, it's very important you see when somebody goes past, you saw the people  
28 bringing the mats, Tulou, so they bow, they don't walk in front of you, because that's  
29 covering your face, and your visibility as well. There's a respectful way of behaving and  
30 taking responsibility. It is sacred and it's very much a Pacific value that we all know.

31 **Q.** So in terms of damage to the va, is that what abuse does to that va relationship?

32 **A.** It does, because it's not -- that individual comes from genealogies, that individual is not Joe  
33 Bloggs, that individual comes from genealogies on the mother's side, the father's side and  
34 the extended family.

- 1 **Q.** Right, and --
- 2 **A.** So -- go on.
- 3 **Q.** And so the concept you were talking before about ifoga and restorative justice being a  
4 method to repair?
- 5 **A.** To repair the damage that wasn't just about one individual, it was about a whole family and  
6 a whole village, including the -- especially the victim.
- 7 **Q.** My apologies, Luamanuvao, can you please say that again?
- 8 **A.** The victim also comes from sacred genealogies and family and community, village and  
9 country, so this is why to soli the va is really bad and not done and it's important to heal and  
10 to go for reconciliation and the hope is that never happens again.
- 11 **Q.** And it's to make good that relationship, that space between people?
- 12 **A.** Absolutely.
- 13 **Q.** So you were able to view a number of the statements that survivors who consented to pass  
14 on. Did you have any views or comments you wish to make about what you had read or  
15 seen, themes that had really stood out for you in terms of our Pacific survivors?
- 16 **A.** The survivors are our brothers and sisters. What I wanted to say was we really have to deal  
17 with denial and silence and almost the cultural acceptance or the misuse of theology to say  
18 that abuse is okay and it's not. What our survivors have shared is an open statement of  
19 what happened which was true. What we have to do from inquiries like this is to work out  
20 from those voices and those experiences what we need to do and to do better. What worries  
21 me is that there's a lot of -- and I've worked with intergenerational abuse where some of the  
22 women have tended to cover up for the brother or the father that did wrong. And that's not  
23 acceptable. We have to collectively take responsibility to keep everyone safe and we need  
24 to stand up to the horrors of abuse in all its forms and say no, it's not acceptable.
- 25 **Q.** So in terms of that collective responsibility, is that the Pacific community?
- 26 **A.** It's all of our responsibility, including other members of society and institutions that impact  
27 on our lives, we have to work together.
- 28 **Q.** So at paragraph 46 of your statement you outline some issues that have been identified by  
29 Pacific people who have participated to date and how that is complex and difficult. Then  
30 you outline some underlying principles. I wondered if you could take us through that  
31 please.
- 32 **A.** Sure.
- 33 **Q.** We're at 46 and 47.
- 34 **A.** The issues identified by our people, Pacific people who have participated today, are very

1 complex and difficult. They include the challenge of modern New Zealand life to  
2 traditional Pacific family and cultural structures. For example, the emphasis on  
3 individualism, you know, and nuclear families. The second one is how do we address  
4 serious violence in Pacific communities and families, the third one is how do we recognise  
5 and deal with sexual abuse, the third(sic) one is what are our attitudes to alcohol and drugs,  
6 and the fourth one is gambling and financial education. So some underlying principles  
7 have been identified, including, the first is greater community responsibility for reporting  
8 and responding to offending and designing solutions. More Pacific role models and  
9 leadership from within Pacific communities, there's a saying in Samoan, "E le taua le tofi a  
10 e taua le fa'amaoni", it's not your status or who you are, it's in your ability to work hard and  
11 to serve others.

12 The third one is supporting the positive role that can be played by Pacific  
13 churches, the fourth one is more Pacific providers, and I'm talking about capable and  
14 effective providers, to work with and treat Pacific offenders and to support victims. The  
15 next one is the need for training and cultural awareness among mainstream providers and a  
16 greater commitment to establish connections between our Government agencies, our  
17 communities and families especially, our providers and offenders.

18 **Q.** Just picking up on a couple of comments you made there where you talked about  
19 individualism.

20 **A.** Yeah.

21 **Q.** What did you mean by that?

22 **A.** You know, there's a lot of focus on me, my rights, me as an individual, and it's quite  
23 paradoxical because the "me" is tied to a genealogy and a collective of cultures and  
24 extended families as well. And if I reflect, the one thing about many of our people is they  
25 do tend to put the "we" ahead of the "me", and that's challenging when there's not enough  
26 money or whatever at times, but there's that generosity of spirit, that deep humanity that's  
27 connected to our va and our gafa and genealogies that teach us that the well-being of the  
28 family and the collective is more important.

29 **Q.** So it's that collective part of Pacific cultures, and are you saying the importance of  
30 individualism, sometimes?

31 **A.** I'm saying that for me, and this is me personally, I'm quite idealistic about that until all of  
32 our people are free in terms of marginalisation, I can never claim to be free. I'm talking  
33 about middle class Pacific people who also need to take responsibility along with everyone  
34 else, including Pākehā, to really address these serious issues of inequality and

1 marginalisation. After all, New Zealand, as I said at the beginning, is a Pacific nation, she's  
2 part of this region, she doesn't sit on top of the Pacific countries, she sits alongside them.

3 **Q.** Then just some of those underlying principles that you mentioned, you said when you came  
4 to more Pacific providers you made the comment that good, excellent Pacific providers and  
5 ensuring that the job is done for our people. Is that correct?

6 **A.** Yeah, I think what is important is we want Pacific providers who absolutely have empathy  
7 and listen very carefully to what the needs of our families and communities are and meet  
8 those needs. And it's important that the providers that are given the support to deliver and  
9 to do that work for our people is done effectively and this is where the connection with our  
10 families and communities need to be greater, because they can tell us who's doing the job  
11 and who isn't.

12 **Q.** Right, so the next principle is increased cultural awareness among mainstream providers.  
13 And that would be done by Pacific people?

14 **A.** Yeah, I think it's important that competent Pacific people, you know, people like Dr Lisi  
15 Petaia, Dr Julia Ioane, people who are appearing this fortnight have those skills, and  
16 alongside some of our own people the elders also have cultural and language skills that we  
17 can pull together to support others who are working with our people in the mainstream.

18 **Q.** So in terms of care institutions, those who are providing care for our Pacific children, is it  
19 important that they have that Pacific cultural competence?

20 **A.** It's very important, because it's also about cultural safety.

21 **Q.** Can you expand on that?

22 **A.** Yeah, it's very important that they have an understanding and a respect for our culture, for  
23 our history, for our values, and that things like -- little things like pronouncing the names of  
24 the families, like Ioane, you know, properly, learning about respect and hearing very  
25 carefully to what they are saying, to ensure if it's the Samoan or Tongan language that  
26 perhaps that would be a good way to actually communicate with the families.

27 **Q.** You would have heard or read some of the survivor stories of Pacific survivors losing their  
28 language, their culture, their identity in care. And do you have any views on how for our  
29 Pacific people going into care they can maintain their language, their culture, their identity?

30 **A.** Well, it's very important that programmes that are provided have that as the centre, and  
31 people can reclaim and can reconnect for all sorts of reasons. I mean I do this with my own  
32 family, we have New Zealand born Samoans, who people say they can't participate because  
33 they don't know the language, and I go they'll learn the language, they'll pick up the  
34 language, but it's very important that their voices get heard. So I think there needs to be an

1 openness to accommodating that, but also supporting our children to have the courage, to  
2 learn their language and learn their cultures, because there's beauty in those languages and  
3 values and culture, so that disconnect needs to be addressed in terms of belonging,  
4 reconnection, and feeling whole.

5 **Q.** And part of that disconnection, the loss with their identity, in your view possible factors  
6 leading to our children getting into further trouble or issues later on in life; is that correct?

7 **A.** That's right, and I think that's something that we need to look at. One of the things I wanted  
8 to say, Tania, is we have a lot of good resourceful people in our communities that should be  
9 brought in to look at how best we can support our children in this.

10 **Q.** And what would that look like?

11 **A.** What it would look like is that we have, and dare I mention names, but we have some very  
12 good Pacific people who have done well in their fields of work who care passionately about  
13 the well-being of our people. And we need to facilitate that group to come together to look  
14 at how we can enhance and add better responses in meeting our people and our children  
15 who are victims --

16 **Q.** So the importance --

17 **A.** -- and perpetrators.

18 **Q.** Sorry, my apologies. So the importance of having Pacific people involved in decisions  
19 around our children being in care?

20 **A.** Absolutely.

21 **Q.** And providing that support for our children in care in terms of maintaining their language,  
22 their culture and their identity?

23 **A.** That's right and that they should not be without voice simply because they can't speak the  
24 language. It's really important that that's included.

25 **Q.** So just in terms of the restorative justice, and a comment you said about accountability not  
26 being a choice. What does that mean?

27 **A.** You know, in New Zealand there's this play around term "accountability". I firmly believe  
28 for Pacific people accountability is not a choice. We're brought up to know that we're  
29 accountable for our behaviour, for everything we do and say, back to our communities to  
30 our families.

31 **Q.** And in terms of accountability and the Dawn Raid issue, we've got an apology that's about  
32 to be made by the Government and I just wanted to ask for your views on that and your  
33 thoughts about the upcoming Dawn Raid apology?

34 **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

- 1 New Zealand and the Pacific because of the Dawn Raids?
- 2 **A.** Well, you know, New Zealand and Australia are seen as quite dominant in the region  
3 because they're bigger, they're developed countries, they have resources, but they're part of  
4 the Pacific, New Zealand is of the Pacific. And it needs to look after that relationship  
5 because Pacific countries have lots of other countries who want their attention too. But  
6 New Zealand is in a wonderful position because of its people, its values, that can really  
7 work to strengthen that relationship. Samoa's going to be independent 60 years next year,  
8 so it would be interesting to see what the Treaty of Friendship looks like and all the other  
9 island groups, are they happy? A lot of Pacific countries are losing a lot of their young  
10 people as well to countries like Australia and New Zealand. So, you know, there's some  
11 areas and serious issues that we need to be talking about of how we can support each other  
12 better.
- 13 **Q.** One question I have is around educating our children, when we're looking at the Dawn  
14 Raids issue, the period leading up to the Dawn Raids, the years before that. Is it important  
15 that our Pacific children be taught, how important is it that our children be taught about our  
16 history here in this country?
- 17 **A.** It is very important. I mean it's encouraging to see Māori history in the curriculum; it's  
18 very important Pacific history is alongside that. Because it not only benefits our children  
19 but also all children of New Zealand should be growing up understanding and knowing the  
20 history of Māori and also the Pacific.
- 21 **Q.** And that's not just the Dawn Raid era, it's also the time, the years leading up to that, would  
22 that be correct?
- 23 **A.** Very much so.
- 24 **Q.** Just coming to the end of this session, Luamanuvao, I just wanted to ask whether you had  
25 any closing remarks that you wished to make before any questions from the  
26 Commissioners?
- 27 **A.** Yeah. Perhaps what I want to say is that I was deeply troubled when I found out that some  
28 of our children ended up in State care as a result of their parents being deported during the  
29 Dawn Raids. I understand that some of these children suffered from abuse in care and  
30 I trust that this Inquiry will investigate those cases and provide opportunities for restorative  
31 justice. In conclusion, we can learn from history, we can learn from our past mistakes, we  
32 can right the wrongs and together we can heal and build a better world for all of our  
33 children. That's really all I have to say and I wanted to thank everyone for the opportunity  
34 to contribute to the Royal Commission of Inquiry Into Abuse in Care Tania.

1 **Q.** Fa'afetai. Happy to receive questions from the Commissioners Luamanuvao?

2 **CHAIR:** Yes, thank you. I'm going to ask my colleagues if they have any questions or comments  
3 they wish to make.

4 **COMMISSIONER ERUETI:** Tēnā koe te rangatira.

5 **A.** Kia ora.

6 **Q.** Ka nui te mihi ki a koe. I don't really have any questions. I was struck more, I know Ms  
7 Sharkey emphasised the particular nature of the experience of abuse and neglect for  
8 Pasifika whānau in her opening statement and that's the point of us being here over these  
9 two weeks. But I was also struck by the commonalities in your evidence with Te Ao Māori  
10 in terms of rangatahi learning in their own environment and culture and language and how  
11 empowering that is. Discovering buried histories, educating the New Zealand public about  
12 our histories and the role of discrimination and our histories to the lack of effective -- not  
13 being around that table and being on the menu, these sorts of things, so I found it very  
14 enlightening for all those reasons. The commonalities but also recognising, I think, the  
15 distinctions that are there too. But I just want to thank you for providing that context for us  
16 and setting the scene for a continuing exploration of this kaupapa, so ka nui te mihi ki a koe  
17 e te whaea, tēnā koe.

18 **A.** I wanted to say, Dr Erueti, that, you know, Pacific have always supported Māori in terms of  
19 the Treaty of Waitangi, we've all been on those marches, but one of the things I wanted to  
20 remind people was we have an ancient connection back to Tagaloa, to Tangaroa in terms of  
21 our Polynesian connection and we can also learn from each other.

22 The second thing I wanted to say was that, you know, I've worked as a family  
23 therapist and I wanted to say that I've worked with a couple of really good Palagi clinical  
24 psychologists in our work with our families and I found that the skill set and knowledge  
25 those partnerships can bring can also help heal our families, because I know I've been really  
26 pushing the culture and that because it's so absent, and languages, but I think bringing  
27 together those skills and that knowledge can really help.

28 **Q.** Tēnā koe.

29 **COMMISSIONER STEENSON:** Tēnā koe e rangatira. Ngā mihi nui ki a koe mō o kōrero.

30 Thank you for your really well-educated and articulated insights, particularly into the Dawn  
31 Raids and just one pātai from me, one question is around some of these -- you talk about  
32 the different treatments of immigrants and how there have been a preference for Pākehā  
33 immigrants. Firstly, do you think that continues, and secondly, are there any stand-out  
34 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

1 policy, because that's the real -- that's a real structural barrier for us. Would you say?

2 Yeah.

3 A. No I agree, and also, you know, it's interesting, because when we undertook the Borrin  
4 research study which has only just started, we found out that most of our people who have a  
5 law degree work in Government departments. So I'm not sure what's happening in terms of  
6 policy areas. I mean one of the things I wanted to acknowledge is that, you know, we have  
7 Aupito as the Minister of Pacific and I know he works very, very hard, but that's only one  
8 person, you know, and others who are also ministers who are Pacific. But there is a  
9 disconnect between policy, who writes the policy, who do they consult with, who benefits  
10 from it, and there needs to be much more openness and transparency about that, and  
11 secondly to have good qualitative and quantitative research which really brings out what  
12 Pacific people truly look like so that those agencies can address it. I mean there's examples  
13 where they work together, but the difference is still not being made in the way it should be.

14 And the second thing I wanted to say was that there's a lot of work that also needs  
15 to be done with our churches and our communities in terms of the work with the families in  
16 partnership with those agencies that we have to look how do we prevent abuse, how do we  
17 stop abuse and how do we heal, and there just needs to be a greater bringing together of this  
18 to address these issues seriously, otherwise this issue is going to become intergenerational  
19 and we don't want that.

20 Q. Thank you, and in terms of restorative justice and the use of our cultural intelligence, so  
21 like the concept of ifoga, we'll just refer to that because that was the concept you referred  
22 to, often in our situations is that you've got the survivor who is in the State care which  
23 makes the State, for want of a better frame, they're really, in terms of accountability, that's  
24 where we're looking. Whereas with ifoga you've got the perpetrator and the victim. I guess  
25 it's about how we translate our concepts without actually losing the essence, the mana, the  
26 power, the dignity of what it actually stands for so that there really can be restoration and  
27 healing?

28 A. I think it's in the way you translate that, because it's only possible if the victim agrees.

29 Q. Yeah.

30 A. And to understand I think the power of healing, the power of being able to reconcile, to  
31 come together, and I think for Pacific people all they want is abuse to stop. I think that's  
32 why we're all here. And we have numerous ways in which we can enable that, including  
33 restorative justice and the ifoga.

34 Q. Thank you, thank you Luamanuvao.

1 **CHAIR:** Luamanuvao Dame Winnie Laban it falls to me to thank you. I don't have any  
2 questions, because this is the beginning of the conversation. This is the beginning of the  
3 talanoa, and what I want to acknowledge that has struck me is important, is your ability in  
4 placing New Zealand as a Pacific nation beside its Pacific cousins. I think the whakapapa  
5 links between are ones that are important, both in terms of individual families, of tribal  
6 connections, village connections, but also of State connections, and thank you for sharing  
7 that with us. Because what it does is that it brings to mind our collective responsibility.  
8 Everybody in New Zealand is collectively responsible for our children, for our young  
9 people, and let's not forget our vulnerable adults, those in psychiatric care, in disability  
10 care, we are all responsible.

11 What you've also brought to us is the recognition of the deep cultural underpinnings  
12 that have to be understood by all of us before we can start repairing. So recognising the va,  
13 recognising the particular forms of healing that if we don't do it right, we won't do it at all  
14 and you have set the tone of this whole hearing, for this whole hearing for our talanoa about  
15 how to analyse the reasons for abuse, but also importantly how to look at ways of healing  
16 that isn't just the usual cookie cutter method, but recognises the full richness of all Pacific  
17 communities. If we can't do that then we can't do it.

18 So we're very grateful to you, our very first witness at this Pacific hearing, our  
19 honoured guest, but also a source of great learning and you've given us much to think  
20 about. So thank you so much for your contribution.

21 A. And thank you very much for giving me an opportunity. You know we serve our people  
22 and we love our people. Thank you.

23 Q. That is why we're all here, thank you so much. On that note I think we should take a break.  
24 We all need our food don't we. So we will take a break now and we will resume again, Ms  
25 Sharkey, do you have a time that we should come back?

26 **MS SHARKEY:** 2.30.

27 **CHAIR:** We will resume again at 2.30, thank you.

28 **MS SHARKEY:** 2.30 sharp.

29 **CHAIR:** 2.30 sharp, okay.

30 **Lunch adjournment from 1.30 pm to 2.30 pm**

31 **CHAIR:** Good afternoon and welcome back everybody to the second half of today's hearing. Ms  
32 Sharkey.

33 **MS SHARKEY:** Next is Fa'amoana Luafutu.

34 **FA'AMOANA LUAFUTU**