# ABUSE IN CARE ROYAL COMMISSION OF INQUIRY TULOU – OUR PACIFIC VOICES: TATALA E PULONGA

The Inquiries Act 2013

Under

TRANSCRIPT OF PROCEEDINGS		
Date:	30 July 2021	
Venue:	Fale o Samoa 141 Bader Drive Mangere AUCKLAND	
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 Mr Ray Tuala for the Ministry for Pacific Peoples Mr Alex Winsley for the Bishops and Congregational Leaders of the Catholic Church in Aotearoa New Zealand	
Royal Commission:	Judge Coral Shaw (Chair) Ali'imuamua Sandra Alofivae Mr Paul Gibson Dr Anaru Erueti Ms Julia Steenson	
In the matter of	The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions	

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Finally, an understanding of Pasifika values is what's needed to guide, heal and continue with the tatala e pulonga. The action must come from this inquiry because that's the true concept of healing. Do not mistake our identity as individual. Do not mistake our respect as disengagement. Do not mistake our kindness as agreeable. And do not mistake our love as a frivolous gesture, but recognise our humility, recognise our respect, our kindness, our love, our identity as our gifts to you as the system that's meant to protect all its citizens, and now it's your time to reciprocate. Ou te fa'afetai i le Atua mo lenei avanoa taua ua mafai ona ou faasoa atu ai e uiga i lea mata'upu. Ou te fa'amalie atu fo'i pe afai ua ai se mataupu e le talafeagai ma le tatou aofia. O la outou sao ia e alai ona fa'atalanoaina o lenei mata'upu, o se lapata'iga lea mo le lumana'i i a tatou alo ma tatou fanau i Niu Sila. Fa'afetai, fa'afetai tele lava.

**AUDIENCE MEMBER:** She's the sunshine, let's rise and sing a song. [Samoan song]

**CHAIR:** We're now going to take a break, is that right, for just 10 minutes?

**MS SHARKEY:** Yes.

**CHAIR:** We're just going to clear up and then we're going to have a short but very important closing ceremony.

MS SHARKEY: Thank you.

## Adjournment from 2.57 pm to 3.16 pm

#### CLOSING SUBMISSIONS BY THE CROWN

MS SCHMIDT-McCLEAVE: Talofa lava, mālō e lelei, kia orana, fakaalofa lahi atu, ni sa bula vinaka, taloha ni, talofa, noa'ia, mauri and greetings. Tēnā koutou e te Kaiwhakawā e ngā Kōmihana, ko Ms Schmidt-McCleave tōku ingoa, I am counsel representing the Crown response to the Royal Commission and on behalf of that Crown response I would like to thank the Commissioners for the opportunity to present this brief closing statement.

First, today I want to echo others' acknowledgment of the incredible bravery and the strength of the survivors who have come forward to this Royal Commission to share their talanoa. I also want to acknowledge their whanau, their aiga, and their other supporters who have stood by them, offering their aroha and support for so many years. It has been a privilege to be here this week and to hear the talanoa/korero that has been given, and I wish to mihi to the survivors who have spoken from their hearts with such incredible and inspirational courage.

I'd also like to acknowledge the many Pacific community leaders and supporters who have attended this week. As was explained by Ms Ruakere, the Director of the

Secretariat at the beginning of this hearing, the Crown's approach to the Royal Commission overall and to Tulou - Our Pacific Voices: Tatala e Pulonga is to listen and learn from survivors from their communities and their leaders about their experiences with the Aotearoa New Zealand State.

I can confirm that the Crown has been listening and we have heard. This confirmation applies not only to those who have been in the fale over the past two weeks, but all those who have been attending by the livestream. We have all heard and we have all been moved by your stories. I repeat the words of my colleague in her opening; the importance of survivors' voices is recognised by the Crown. Their contribution to the work of this Royal Commission cannot be overstated, and I say again, their courage and strength inspires us all.

This Inquiry and this hearing has been, and will continue to be, an opportunity for the Crown to confront uncomfortable events in the history of Aotearoa. We have heard firsthand how a history of racism and abuse of some of the most vulnerable members of our communities has had a devastating impact on survivors and their families. The Crown has been listening carefully so that survivors' stories can drive changes to improve Government systems to prevent further abuse and to provide redress to those abused. The Crown is being held to account by survivors' lived experiences and is committing to improving how it operates.

The Crown is actively taking what it is hearing and learning into its future planning and it will continue to do. So I say that the words of the survivors will make a difference. Fakaaue lahi, malo 'aupito, meitaki maata, fakafetai, fa'afetai lava mo le avanoa. Tēnā koutou, tēnā koutou, tēnā koutou katoa.

**CHAIR:** Tēnā koe Ms Schmidt-McCleave.

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#### CLOSING SUBMISSIONS BY THE MINISTRY FOR PACIFIC PEOPLES

MR TUALA: talofa lava, malo e lelei, kia orana koutou, fakaalofa lahi atu, ni sa bula vinaka, taloha ni, talofa, noa'ia, kamna mauri, kia ora and warm Pacific greetings. O lou igoa o Toleafoa Ray Tuala. Ma avea lou leo fa'atauva'a e fai ma sui matagaluega mo tagata pasefika i Aotearoa Niusila. Ou te fa'atalofa atu i le paia ma le mamalu lasilasi o le atunu'u lau afioga Konisula. Fa'apeafea fo'i lau Al'iimuamua ma nisi na sui le komisiga. Fa'afetai i le alofa ma le agaga lelei o le atua ua tatou fa'atasi i lenei afiafi. I muai la momoli muamua se fa'afetai i le paia ma le mamalu o le komisiga e tusa ai ma le avanoa ua auina mai. E fa'a leo ina ai se matou fa'afetai ma fa'amalo ona o lenei fa'amoemoe o lea ua mae'a i le manuia ma le alofa o le atua. E fa'apito se matou fa'afetai tele i la outou na

auina mai se tou molimau mai le amataga o lenei fa'amoemoe se ia oo mai i le aso. Fa'afetai, Fa'afetai, Fa'afetai, Fa'afetai ma fa'amalo i lou loto tetele, malo le fa'amalosi, malo le toa, malo le onosai. On behalf of the Ministry For Pacific Peoples, I would like to thank the Commissioners for this opportunity to be able to say a few words in regards to this historic moment. I wish to convey our sincere and heartfelt thanks to those within our Pacific communities that took the incredible courage over the last two weeks to share your lived experiences in such a public forum. We have found listening to the testimonies in these past two weeks as confronting, emotional and difficult.

However, this pales in comparison to the severe and difficult lived experiences expressed through your testimonies. But I want to say thank you. Thank you my brother, my sister, my mother, my father, thank you my daughter, my son, my uncle, my aunty. Thank you my niece, my nephew. Thank you my Pacific family for sharing your deepest and darkest hurts, much of which remained hidden under darkness for so many years until now. Your testimonies are representative of many others that remain unspoken but are nevertheless real.

The Inquiry is ending today, but it is only the beginning to its healing and reconciliation. Healing and reconciliation, however, cannot be realised, truly realised until those that have experienced abuse and harm within our communities feel safe, feel secure, feel valued and feel confident in their identity. Our Pacific communities in Aotearoa have told us about the kind of future they desire. A future where we are confident in our endeavours and we are a thriving resilient and prosperous Pacific Aotearoa. This is captured in the Lalaga Fou report that guides the work of the Ministry. The Ministry in 2018 were listening when our people told us they wanted to see thriving Pacific languages and cultures that defined and strengthened their identities. We were listening when our people told us their desire to see their communities prospering. We were listening when our people told us they wanted to be even more resilient and healthier in order to live longer with a better quality of life. We were listening when our people told us they wanted our precious young people to be confident, thriving and resilient. And we have been listening to you over the past two weeks and will continue to listen long into the future.

As a response, the Ministry is leading a significant piece of work that will enable a focused and collective effort to effect real and positive change for how Government cares for its Pacific communities. This is an all of Government Pacific well-being strategy that will influence and help lift well-being outcomes for Pacific peoples across Aotearoa.

However, we cannot do this on our own. This requires a weaving together the

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strands of Pacific communities, Government agencies, Pacific churches and other faith-based organisations, community groups and service providers into a tapestry of Pacific people's prosperity. By doing this together we can deliver better for Pacific peoples, and I dare say we can deliver best for Pacific peoples.

I want to specifically affirm that the Ministry is for Pacific peoples, we are for thriving, resilient, healthy, confident and prosperous Pacific communities. There is power in your testimonies and in what you have shared with us during this Inquiry. It must continue, however, to speak into and shape the systems of Government.

I would like to finish with a Samoan proverb: O le upega e fili i le po, ae tatala i le ao. The fishing net is knotted at night but untangled in the morning. It speaks of confusion and entanglements that, with intentional care and commitment, transitions into resolution and restoration. Everything in its proper and rightful place. Soifua ma ia manuia.

#### [Applause]

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**CHAIR:** Thank you Mr Tuala. And the last word comes from our Ms Sharkey.

**MS SHARKEY:** Thank you Madam Chair, and don't worry it's a fraction of my opening statement.

**CHAIR:** Excellent.

#### CLOSING SUBMISSIONS BY PACIFIC INVESTIGATION TEAM

MS SHARKEY: Talofa lava, noa'ia, ni sa bula vinaka, mauri, fakaalofa lahi atu, talofa, kia orana, malo ni, malo e lelei, tēnā koutou katoa and good afternoon everyone. Again, I firstly acknowledge our survivors and witnesses, those whom we have had the tremendous privilege of hearing from during this public hearing, those who have engaged with this Inquiry and as many survivors have said these past weeks, I acknowledge those whose voices are no longer here with us.

I acknowledge the survivors and witnesses who have just recently come forward to the Pacific investigation and Inquiry just during this two-week hearing. The response has been quite overwhelming actually. They are now seeking to contribute their voices and share their experiences and I thank you.

I wish to acknowledge the Consul General of Samoa, and his office for their overwhelming hospitality. There are no words to express our gratitude. I acknowledge and thank all the people behind the scenes who have worked so hard to bring together this truly historic moment in Pacific peoples history in Aotearoa, Tulou - Our Pacific Voices: Tatala e Pulonga.

This hearing has enabled Pacific survivors and witnesses to share their experiences

and for experts to give insight into the many issues relevant to Pacific peoples. It has also provided, as we have heard, an opportunity for the institutions who were responsible for the abuse and those who are responsible for the care and/or future well-being of our children and young people the chance to listen, acknowledge, and learn in order to make better.

During this public hearing very clear themes have come through from our survivors, witnesses and expert voices; against the backdrop of a history of racism and abuse of vulnerable and marginalised Pacific communities which have resulted in devastating impacts for Pacific survivors, their families and our communities.

In the various care settings, the timing of care, whether the abuse occurred in faith-based or State care, what you have seen and heard from Our Pacific Voices is that they have all been affected in some way by the themes which formed the Pacific narrative of this public hearing, the overall story of the Pacific people's experience of abuse in care. So where to from here is what I've been asked by so many people attending the past two weeks.

I do not call this address my closing statement, because whilst the public hearing concludes today, the work of the Pacific investigation continues. One could say that the hard work has only just begun. Our work will carry on outside the public domain as we gather the learnings from this public hearing, gather our survivor voices who are now coming forward, gather more information and simply just get on with the work, which includes engaging and meeting with many different groups and weaving together the strands which will form and inform our Pacific story in the final report.

I mentioned in my opening statement the importance of bringing this public hearing to the Fale o Samoa for our Pacific survivors, witnesses and our Pacific communities. The significance of this to our survivors and to the witnesses has been very clearly displayed and heard time and again throughout the past two weeks. To be in and amongst the community has been truly rewarding in so many different ways. The turn out and participation from our communities, including our different Pacific community groups opening and closing this hearing each day, you have come in support of our survivors and the Inquiry and this has been received with much gratitude.

It would be remiss of me not to mention the greetings of the familiar musical tunes of siren jams and cars booming as has so often been heard over the past two weeks, and that has added that extra bit of culture that we all know and that sense of being in the community to this public hearing experience and it is just really fit in quite well.

Tulou - Our Pacific Voices has been the first public hearing of its kind for Pacific

communities in Aotearoa. If you didn't know the metaphor, Tatala e Pulonga, before this hearing, you might well remember it now and may the revealing, the peeling back, the lifting of this dark cloud and darkness continue from here on.

If you weren't sure what vā was before this hearing, chances are you've got a better understanding of the vital importance of the concept of vā to Pacific peoples. If you engaged in a free flowing reciprocal discussion and exchange of ideas and information with someone with anyone at some stage during this public hearing, that is talanoa. That is the hallmark of any respectful reciprocating interaction which is fundamental to any looking forward aspect of what this Inquiry is about from a Pacific people's perspective.

We began with the Pacific children and youth of our future from Mangere College and it is only fitting that we conclude with them. They are the stars, my many, many thanks to Mele Ah Sam, Lemoa Henry Fesulua'i and the beautiful, wonderful students of Māngere College. On behalf of the Pacific investigation, we have been very humbled and privileged -- [Applause] we have been very humbled and privileged to have been afforded the opportunity of being just one part of Tulou - Our Pacific Voices: Tatala E Pulonga, the Pacific people's public hearing. Malo 'aupito, thank you Madam Chair. [Applause]

#### [Medley of Pacific songs]

COLLEGE GROUP LEADER: All glory and honour to God first and foremost as all Pacific traditions and Pacific custom. Kua mutu, kua osi, ua ma'ea ona fa'afeolai tou paia ma outou mamalu talolo. We have come to the part of the closing ceremony, so I'd like to hand over to lau afioga i le tamaitai ta'ita'i komisiga, lau afioga le fa'amasino lou susuga Coral Shaw mo sau saunoaga. After Coral Shaw's remarks, then I would like to invite our Niuean group to please -- you will follow the speech fa'amolemole lava. Please put your hands together for Judge Coral Shaw. [Applause]

CHAIR: Rau rangatira ma, tēnā koutou, tēnā koutou, tēnā ra tatou katoa. We have come to the end, kua mutu as you have just said, and it is my important job to thank with all my heart, and with as much humility as I can. Because I am conscious that we are guests in this fale and so our gratitude as Commissioners is to everybody who has contributed to the undoubted success of this two week hearing, beyond, I have to say, my wildest dreams.

So I've got a list, I have got nine points and I'm going to start, of course, with our survivors. Our survivors who gave evidence bravely in this very fale, to the survivors who gave written statements, who've spoken to us, who would like to speak to us but are gathering courage, to all of you, to anybody who has been through abuse in State care or at the hands of a faith-based institution, I salute you, and I invite you, if you've not already

come, please come, please find a way in which you can bring your voice and lend your voice to this crescendo that we have gathered over the last two weeks.

I also want to deeply thank our witnesses, our experts, our talanoa experts, our facilitators, those people who brought all their professional expertise under the mantle of their Pacific experience and life. That is what has made the difference here. These aren't just dry academics. These are academics and knowledgeable people who wear their Pacific heart proudly and who demonstrate that and who has taught us so much.

The next, of course, and I'm sorry you're number three, is our Samoan Consul General, lau afioga Faolotoi, thank you so much. You have given us your fale for these two weeks, but what you don't know is that our Consul General has also given up much of his private quarters and allowed the Commissioners to take a break, have morning and afternoon teas and our lunches up in the very pleasant surroundings and we thank you and for tolerating us invading your private space, so thank you very much.

The next number four are our ministers, our ministers from all our Islands who have blessed us and placed, again, a mantle of spirituality over each of our days and equally closed our days off. Because these days are heavy, you will know that because you have sat through and we feel the, in Māori the taumaha. We feel the burden and to have it opened and put us into a spiritual realm at the beginning and to close us off, to bring us to a sense of resolution in quietude at the end of the day is very important for, I have to say, our well-being as well as everybody else, so we thank the ministers sincerely for that gift that they have brought to us each day.

The next and not very much in the middle of the list but so important, our Pacific communities who, again, have graced us with their presence throughout these two weeks. And I will mention you all. I said to my sister, Ali'imuamua, is somebody going to be offended if I get them in the wrong order? And she said no, and I think she was having me on, so if you've got a problem it's her fault, all right?

So I just start with the order that they came to mind, Tokelau, Samoa, Tonga, Niue, Kiribati, Fiji, Tuvalu, have I missed anybody out? If I have I'm so sorry. But the wonderful thing is that each day there has been a little cohort from the community and who have sung, you have sat, you have urged us on, and we really are grateful for the time you have spent with us.

Māngere College, you're number six. You are a blessing and a joy to us. You brought us on so beautifully and I have to say in conjunction with the communities enabled the wonderful talanoa, first the kava ceremony which we were very blessed to receive, and

then to assist us with the laying down of the talanoa, with all the mats which came from each of the communities, and you oversaw that and saw us through and we're very grateful to you. And I don't know where you get your voices from, but they're fantastic. And also to, of course, the tutors and leaders, [Applause] your leaders who have taught you so well, so thank you.

There's also a group of people who I didn't think at the beginning I would be thanking, I didn't even know that you are going to be here, but my word, how important has it been that there has been a significant representation most days from our local or maybe State NGOs and Government officers who have come along, and I understand some of you have been released from your duties by your bosses or managers to give you the opportunity to come along and listen.

And you will have heard some uncomfortable truths, you'll have heard the sorrow and the sadness, you will have heard the difficulties and the problems that we're wrestling with, and I want to thank you for taking the time and trouble to do that, because we are, as the Royal Commission, having to speak through to you, you are the people on the ground, you are the people who do the work, who engage with the communities, with the broken-hearted, the broken-spirited, and it is to you that we look to do the repairing, do the restoration.

And so I'm grateful to you all that you have taken the trouble to come, and if your colleagues were here the other day, tell them from me please, thank you for coming. And in that, of course, I include the Ministry of Pacific Peoples and thank you, Mr Tuala, for coming along and making submissions, it's much appreciated, your minister was here on the first day, so you've closed us off today.

And now I come to some very significant people, and that is our Pacific team. Now, you've seen them in action, and you can probably see how proud we are of our lawyers, of our solicitors, of our researchers and our investigators. I'll only mention Sharkey, because she's the leader and she's too humble to mention herself, but I have to say we all have to agree what an extraordinary woman to lead this extraordinary event. The first of its kind not just in New Zealand, I can't imagine this has happened anywhere in the world and to have pulled this together in such an authentic, Pacific way, maintaining the integrity, maintaining the proper legal distancing and legal procedures but doing it in a way that didn't jar, didn't repel, but brought us all in. I want to salute the Pacific investigation team for your magnificent work, thank you. [Applause]

And then finally, you probably met all of these people at one stage or another while

you've been here, that's our incredible support staff. Some of whom are standing down there at the back. You probably don't know that the people who have been feeding your food, putting out the chairs, checking if you wanted water, putting out extra spaces, greeting you nicely, and I've seen over the last two or three days hugging you and the like. You don't know probably that those people include the well-being staff, administrators, security officers, catering staff, back office staff, support, there's all sorts of people, the procurement manager is down the back there and I saw him lugging a huge plate of food just before.

So what's happened is our Secretariat staff from all regions have been pulled in and utilised and have come together, and the joy for me is to see, you probably don't know but now I'll tell you, she's a security person standing there with a lei around her neck and I just saw her hugging somebody, and that's my kind of security quite frankly.

So it's very important, you see these machines don't run on their own, they need oil and they need feeding, and they have done that. So I want to thank you for providing the manaaki and keeping us fed and well cared for. [Applause]

And finally may I thank my colleagues here who support me every day, put up with the bullying, put up with (inaudible) and really we are a great team and I thank them very much for their presence today.

And because I speak no Samoan and I'm not going to even pretend to, I'm now going to ask my spokesperson here -- I'm sorry, I've broken the programme. So just a general thank you to everybody. And you can give all yourselves a big clap. [Applause] COLLEGE GROUP LEADER: Meitaki ma'ata, fakamalo mo lo aki lea, i te mou tolu, faka rogo atu kia matou nei, kite a mihi atu kia koe, Judge Coral Shaw. Another round of applause for Judge Coral Shaw. Can we please invite Hake Halo and the lovely performance all the way from Niue, the other island that has opened up their borders, they have invited their beautiful singers, they look very young performers. While they make their way we will sing a song. [Song]. Another round of applause for our lovely team from Niue.

#### [Applause] - [Niuean song and speeches] - [Applause]

COMMISSIONER ALOFIVAE: I le ava ma le fa'aaloalo lava. Ou te fa'atalofa atu la paia lasilasi o Samoa. Tulou i tou fa'aulupega o le a le'i oo ai so'u leo aua ua filogia le tatou afiafi. Fa'afetai ma lo'u agaga atoa e momoli atu ia outou mo le tou alolofa ma lagolago mai Ia tatou mataupu. Ua uma na saunoa atu le matou pule. E le to ai ni si au upu e sili atu upu a le matou pule. Ae pau a le mea ou te fia fa'ailoa atu, o tatou tamaiti uma nei, e avea ma fa'ataitaina. With much respect and with much honour I want to pay tribute to all

of our different communities who have supported us throughout the week. It's been such a privilege and an honour to sit here and to watch you all come through individually and in small groups from various agencies, NGOs, communities and families.

In Samoan our Chairperson, our "ta'ita'i", our "pule" has already spoken so I'm not going to add anymore to her dialogue, because her words have already covered us in everything and all of the thank you's that we wanted to say. There was just one last point, because Hake, you are amazing. You have been at our hearing every day and all of our hearings in Auckland in our Newmarket offices you are there. Thank you for honouring the work, thank you for your spirit of generosity in which you continue to give.

But the symbolism of the children, you would have heard throughout the two weeks that the ages of our children here in front of you now, seniors in college, many of our survivors did not get to this level. By the time they got to the ages of our children who are all 15, 14, 15, 16, 17, they were already stripped of their culture, their language and their identity. So the symbolism is the blessing to see the richness of our cultures, our language, our identity that thrives within our young people.

Thank you MPP, to our Ministry who we are so incredibly proud of, to the leadership of our Minister Aupito. Thank you for the words that you've shared, may that be an encouragement to us all here in the different stages. And of course, thank you Faolotoi lou afioga, e le lava ni matou upu e fa'afetai ia te oe mo lo tali lelei o matou. Thank you for honouring the call when we requested the use of the fale. And you've heard again and again the beauty of the Fale Samoa and what it means to many of our different nations.

And of course the blessing from our various ministers and today it has fallen to the blessing of our Samoan community, Reverend Maua Sola, thank you for your opening words and no doubt you will close us out at the appropriate time at the end of the day.

Much courage, much love and much strength to everyone who is here today. Malie.

[Applause].

[Rolling up of the fine mats]