

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

Under The Inquiries Act 2013

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

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

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

Venue: Fale o Samoa
141 Bader Drive
Māngere
AUCKLAND

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TRANSCRIPT OF PROCEEDINGS

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1 **Q.** Is there somebody from the audience who's going to set us off on this? It's worth standing
2 up for this song.

3 **[You Are My Sunshine song]**

4 **COMMISSIONER ALOFIVAE:** Malie fa'afetai lava Leota, malo soifua maua.

5 **CHAIR:** Thank you, please feel free now to leave, we just have some housekeeping matters. We
6 have 15 minutes, do you wish to embark on the next witness or how would you like to
7 manage it? Take some time.

8 **MR POHIVA:** Perhaps if we can take a break now and then we can come back --

9 **CHAIR:** Take the lunch break now you mean?

10 **MR POHIVA:** [Nods]. We can come back earlier.

11 **CHAIR:** So if we come back at, say, 2?

12 **MR POHIVA:** Yes, or quarter to.

13 **CHAIR:** I'm going to tell the world what's happening.

14 **MR POHIVA:** 2 is fine.

15 **CHAIR:** I have a Covid injection and I am told that having got there I have to wait there for about
16 20 minutes before I'm allowed out, so I will get back as soon as I possibly can. So let's say
17 we'll start just before 2 or as soon as I can get back, how's that.

18 **MR POHIVA:** Thank you.

19 **CHAIR:** All right, enjoy your lunch everybody.

20 **Lunch adjournment from 12.45 pm to 2.02 pm**

21 **CHAIR:** Welcome back everybody to the afternoon session of today. And hello Ms Va'ai.

22 **MS VA'AI:** Malo le soifua Madam Chair. Our next witness, his name is Mr TY, he's seated here
23 with his family. I also acknowledge his wife and his grandson who are also in the public
24 gallery. Mr TY is an anonymous witness and the way that he would like to present his
25 evidence today is by reading parts of his statement which he provided to the Royal
26 Commission and only answering a few questions and for the parts where he's reading there
27 are some redactions and for those words that need to be redacted he will be replacing them
28 with other words just so we're abiding by the general restriction orders. And I'd also like to
29 acknowledge the fact that there are parts of Mr TY's story that he would rather not speak
30 about in detail today, however he has shown immense courage by being here today and he's
31 grateful for the opportunity to share his story. Thank you.

32 **MR TY**

33 **CHAIR:** We acknowledge that courage, Mr TY, thank you very much indeed for coming today.
34 And before we start I'll just ask you to take the affirmation, all right? Do you solemnly,

1 sincerely, truly declare and affirm that the evidence that you give today will be the truth,
2 the whole truth and nothing but the truth?

3 A. I do, yes.

4 Q. Thank you very much, I'll leave you now with Reina.

5 **QUESTIONING BY MS VA'AI:** Thank you. Mr TY, talofa lava. I understand that you would
6 like to read your introduction.

7 A. Yes. Today the Commission are calling me, Mr TY. This is not my real name. I am not
8 using my real name for many reasons. One of them is because I want to protect my family.
9 I do not want them to feel any shame or hurt because I am speaking out today. I am a
10 Samoan and in our culture we do not talk about abuse. We would rather suffer in silence.
11 I want to share my story and help others, but I also want to acknowledge the cultural
12 barriers that many of our people face when coming forward. Showing my name and my
13 face has consequences for my family too, but I am here today because we still have brown
14 kids in the system and I hope that history will not repeat itself.

15 Q. Thank you Mr TY. A really important part about sharing your story means that we have to
16 make sure that we share it in a way that is, in a way that feels good for you. And so you've
17 told me that you wanted to read parts of your statement and then would you only like me to
18 ask you a few questions for the other parts that you feel more comfortable with. Is that
19 correct?

20 A. Yes.

21 Q. Thank you. Before we get into your statement I'd just like to remind you to please take
22 your time, if you need to take a break just let me know and we can take a break. We've also
23 got our stenographer Katherine and our interpreters who are interpreting as well, so going
24 nice and slow is actually perfectly fine. So we'll just start from when you're about 4 years
25 old, which is where your story begins from when you've told us in your statement, you
26 were sent to live with your grandparents after your parents divorced. They migrated from
27 Samoa in the 1950s, and you've illustrated what life was like living with your grandparents
28 in paragraphs 10 to 11 of your statement. Mr TY, can you please read paragraphs 10 to 11?

29 A. My grandfather was an alcoholic and was often drunk. When he was drunk he was quite
30 troublesome. He would wrestle with other family members. We would hide the machetes
31 because we knew that it would be the first thing he would go for. My grandparents used to
32 give us hidings. My grandmother was lethal. She would usually ask me to go and get a
33 stick so she could give one of my other siblings a hiding. If I brought her something that
34 was too small, I was the one that got the hiding. Of course, I would always try to find the

1 smallest branch so she would give me a hiding instead. They would also hit us with a
2 wooden spoon, jug cord and vacuum pipe.

3 **Q.** You've also shared about how there were other adults living in the house, so not just your
4 grandparents and siblings. Can you please read paragraph 14, Mr TY?

5 **A.** It wasn't just the hidings. I witnessed a lot of things that happened to another child living in
6 the house, like sexual abuse. It was with another adult when she was living with us at our
7 grandparent's house. It was a regular thing, always during nap time. She did it a couple of
8 times to me while I was in bed. I don't want to talk about this.

9 **Q.** Thank you Mr TY. Just sharing a bit more about what your childhood was like. You've
10 outlined it really clearly in paragraphs 18 and 16 of your statement. If you could please
11 start from paragraph 16.

12 **A.** We used to get locked up in our rooms when social things were on in our home, like if our
13 grandparents had visitors over. We would spend all our time locked in the bedroom,
14 sometimes for about 12 hours because the events dragged out. We weren't allowed to come
15 out of our rooms.

16 Every second of our day was accounted for. We had a certain amount of time to
17 get back home from school. I was always worried that a mate from school would come and
18 knock on our door asking to play. Some of my mates would say "I came by your house and
19 I could hear someone crying." I would always make up an excuse about where that noise
20 came from.

21 **Q.** And as this was happening you were still quite a young school boy. You shared about your
22 responsibilities at home when you were living with your grandparents in paragraphs 23 and
23 24. If you could share and read paragraphs 23 and 24 please Mr TY.

24 **A.** I was always late for school because of all the extra responsibilities. I would be up at
25 around 5 in the morning, getting breakfast ready for everybody, making the beds and
26 cleaning up the house. I also had to do the washing and had to get another relative in the
27 house ready before going to school too. I usually missed eating breakfast and stuff.

28 Once I had done my chores for the morning I would get changed into my uniform.
29 Then I'd go and see my grandmother and she would always have a list of groceries for me
30 to get. I'd run up to the shops, get all the groceries and then I'd race to school.

31 **Q.** And it was because of things that were happening in the home, in your family home that
32 you decided to run away; is that correct?

33 **A.** Yes.

34 **Q.** Mr TY, can you tell me how old were you when you ran away and where did you go?

1 A. I was 12 years old when I ran away from my home. My mate lived in Kingsland so I lived
2 in a tree outside my house for three months. Sometimes he gave me food when I hadn't
3 eaten for days. I took money for milk bottles to survive.

4 **Q.** In your statement you describe how the Police picked you up and charged you with theft
5 because you took money from milk bottles to survive when you were living in the tree
6 house. Can you tell me, Mr TY, what happened when you were taken by the Police?

7 A. I went to court, I couldn't explain to the Police what I was doing when they found me. We
8 went into the court buildings. I was by myself. I had no lawyer, no social worker. I was
9 alone. I was standing by myself and everyone around me was talking about me. I didn't
10 understand what was going on. I didn't get a chance to speak.

11 **Q.** Thank you. I'm going to take you to paragraph 39 of your statement where you talk about
12 your grandmother coming to court on that day. If you could read paragraphs 39 to 41. This
13 part is a bit longer, so please take your time and I know that this part is particularly difficult
14 to share. So if you need a break please let me know.

15 A. I didn't get the chance to speak. No one asked me anything. They just asked my
16 grandmother if she wanted me to go home with her. My grandmother left me standing
17 there in the dock and told the judge no, she didn't want me. She walked out.

18 I felt pretty naked. I wasn't sure what was going on or why, or why I was there
19 because in my mind all I did was run away from a hiding. I ran away from the abuse and
20 I needed somewhere safe to go. But I got the feeling I was being tried for something else.

21 That was the last I saw of my grandmother and it's pretty much the last contact I
22 had with my family. I still think about that day. I still think about how my grandmother
23 left me there.

24 **Q.** Malo Mr TY. Now you went straight from court to Ōwairaka. Looking at your experience
25 in Ōwairaka, I'd like to ask you firstly about the physical training sessions, the PT sessions.
26 Can you describe to me what were those PT sessions like?

27 A. They were brutal, agonising for a lot of the boys. They would make me lead the sessions so
28 I could set the pace for everyone. I had to do it as fast as possible. I wasn't allowed to go
29 easy because I would be punished. The PT sessions we did things like running, sit-ups and
30 push us. The weaker boys were targeted because they couldn't keep up. The staff would
31 yell abuse at them. Every now and again one staff member would come in and kick them.

32 **Q.** Thank you. One of the most significant things that you experienced while in care,
33 something that you've shared in your statement was about your time in seclusion. Mr TY,
34 can you describe to me what did the secure unit actually look like?

1 A. Dark, concrete cell, no light. I hated it. My cell was next to the shower unit which is weird
2 because I don't remember getting any showers in the secure unit. The showers were a place
3 where they punished people. I could hear the boys getting hit with a strap or the paddle. It
4 was bad. Whenever somebody was in there it didn't matter where you were, you could hear
5 the hits.

6 Q. Thank you. Now that we've got a clearer picture on what the secure unit or secure cell
7 actually looked like, can you tell me a bit more about what your experience was like in
8 there?

9 A. Nobody to talk to in secure wing. Solitude confinement is wicked. I would rather get the
10 beatings. After a couple of weeks you don't even know which day it is. You have no sense
11 of time. You get used to being on your own. I remember when I came out of that place it
12 became hard for me to talk to people. I didn't like people in my space. The secure wing
13 was practically silent. The second time I was down there I went nuts. My whole mental
14 state changed. You get doubts in your head because you're in there for so long, you don't
15 know what was happening.

16 Q. And Mr TY, you shared in your statement as well that you had a short stint with a Samoan
17 foster family and then you were suddenly returned to Ōwairaka but only after spending a
18 little bit of time at Ōwairaka you were then sent off to Kohitere, another boys' home. At
19 this point did anybody explain to you why you were being moved around?

20 A. No. Nobody explained anything to me. When I was sent to Kohitere they only gave me a
21 few hours notice. They didn't ask me if I wanted to go. They just put me on a plane to
22 Levin.

23 Q. Thank you Mr TY. And when you were in Levin in Kohitere were you also placed in a
24 secure wing in there?

25 A. Yes, we called it Disneyland. Solitary confinement is the same everywhere, no matter
26 where you go.

27 Q. Thank you Mr TY. So Kohitere was your last placement. Now there was something that
28 was common throughout all the placements, something that you've shared in your statement
29 and something that you've shared in our discussions as well, and it all goes back to a
30 memory of yours and that memory is between yourself and an administrator from one of
31 the boys' home, and the administrator asked you is everything okay at home. And you've
32 shared your answer in paragraph 82 of your statement, so he asked is everything okay at
33 home. I'm wondering, Mr TY, if you could read paragraph 82 of your statement.

34 A. For a couple of seconds I was silent. I didn't know what to say. And that was the first time

1 I really cried I think. The tears just poured. I didn't know what to say. Out of everything
2 that ever happened to me, that one moment is what I remember the most. Nobody called
3 me, visited me or checked on me. I'll always remember that.

4 **Q.** You've shared about your upbringing and your time in care. Now looking at the ways in
5 which these experiences have had an impact on your life, you've articulated it so clearly in
6 paragraph 130 of your statement. Could you please read that paragraph Mr TY?

7 **A.** When I think about my time in the secure unit it's hard to explain. In that secure unit, space
8 and silence is all you had. You were shut off from humanity. You might get a book to read
9 but that's about it. I look forward to the PT sessions because this was when they let me out
10 and I was able to see people. You weren't allowed to talk but at least I could see them. In
11 secure, space in the cell and space in your head was all you had. I think that's why I don't
12 like people in my space now. I've kept myself segregated from other people and that won't
13 change.

14 **Q.** You now have a family of your own. You've been married for 45 years, you're a father, a
15 grandfather. Mr TY, how has your time in care affected your relationships with your
16 family?

17 **A.** My wife and kids don't know what happened to me in care. I don't think they would
18 understand. I don't tell them half of this, I'm afraid of how they would perceive things. I'm
19 all right with my children and my children are all right with me, but I don't have long
20 conversations with my children. I'm probably not as close to my children as I should be
21 and it's not their fault. I don't hold conversations well, and I tend to be the odd one out.

22 **Q.** When we came to the fale before today and you saw the way that it was set up and we had
23 conversations about how important it was for you to be here amongst your people, your
24 family and your wider community, your wider aiga, so even though there's been so much
25 hurt that you've faced along your journey, you've expressed your relationship with your
26 cultural identity beautifully in paragraphs 143 and 144 of your statement. Mr TY, if you
27 could please read those two paragraphs.

28 **A.** My wife is Māori. I decided to raise my children as Māori because I know that they'll have
29 an easier life living as Māori. If I raised my children as Samoans, they would have had a
30 hard life like I did. I don't speak Samoan to my kids. They know that they're Samoan and
31 they know that they have Samoan relatives, but I've done my best to protect them from the
32 life that I had.

33 I really want to say though, I do not want to put my people on trial. Being Samoan
34 is not a bad thing. Our culture is not bad. My kids do ask me about the Samoan culture

1 and if you were to ask any of my kids what they know about my aiga or my culture, you
2 won't ever hear bad stories because I haven't told them that it's bad. I always try and let
3 them know that Samoans are good people, we just have a different way of being raised.

4 **Q.** Just finally, Mr TY, the way that you started your statement and the way that you started
5 your introduction today, you said, "I want to share my story because we've still got young
6 brown people going through the system and I certainly hope that things aren't the same for
7 them as they were for me." Now I'm going to take you to paragraph 150, the last part of
8 your statement where you talk about what needs to change. Can you please read paragraph
9 150 Mr TY.

10 **A.** Apologies are good but at the same time if there's no action with that then as far as I'm
11 concerned apologies are meaningless. It's easy to come out and apologise, but if the system
12 is still wrecked then they need to fix the system. We always had a saying back in the day,
13 if you're born white then you've got a leg in the door. Us Islanders, we didn't even have a
14 key.

15 **Q.** Mr TY, e momoli atu le fa'afetai tele i lau susuga aemaise lou loto tele ma lou loto
16 fa'amaoni. Thank you, Mr TY, for coming to the Fale o Samoa today, for sharing your
17 story with not only the Royal Commission but also our community. Before we end I
18 understand that you'd like to make some final comments and are you still happy to take
19 questions from the Commissioners?

20 **A.** Yes.

21 **Q.** Thank you. I'll hand it over to you now Mr TY. Mr TY, do you have any final comments
22 you'd like to make or would you just like the Commissioners to ask you some questions
23 now?

24 **A.** Yeah, they can ask me questions.

25 **Q.** Okay, thank you.

26 **CHAIR:** I'll ask my colleagues if they've got any questions for you.

27 **COMMISSIONER STEENSON:** I don't have any questions just to say ngā mihi nui ki a koe,
28 thank you.

29 **COMMISSIONER ERUETI:** Tēnā koe Mr TY, ngā mihi nui ki a koe me to whanau. I just saw
30 that, recall you joined the Panthers, you were very young, 15 years old I think, when you
31 joined the Polynesian Panthers. I wonder what brought you to them, I wondered whether
32 your experience in the residences and the discrimination experienced there was an
33 influential factor.

34 **A.** Well, my Samoan foster family when I was living with them, the Polynesian Panthers

1 headquarters was the next street over from where I was living. It wasn't hard to come
2 across people who were in there. The Panthers kind of like gave me a sense of direction
3 that I didn't have before. They concentrated on the Dawn Raids that were happening
4 around Ponsonby and Grey Lynn at the time. And I learned things there that I wasn't aware
5 of. It taught me not to be selfish. I think for me it's probably one of the most meaningful
6 parts of my life, because I had a direction and I was doing this for other people and not for
7 myself. I think that helped, that helped me get over the fact that I wasn't at home with my
8 own aiga, they kind of like became that for me, and they let me stay at their headquarters in
9 Ponsonby. So I was pretty much engaged with a lot of the things they were doing at the
10 time, and I was happy to be there because it was a good mixture of Polynesian peoples
11 there, including Māori. And even today, I feel proud of those things that I did there and
12 helped with, you know, and, yes, I still had a long way to go as far as my own character
13 was concerned, but that kind of like gave me a bit of a grounding. I felt safe there. Yeah.

14 **Q.** We're struck by how young everyone was. They're like young teenagers.

15 **A.** Yeah.

16 **Q.** Doing big, big -- it was big mahi, big kaupapa fighting discrimination. Inspiring.

17 **A.** Well, you know, you're 15. I kind of like had an affinity for the cause because I was
18 always getting stopped when I was on my way to school, my uniform. They always wanted
19 to know like where I lived, how many people lived in the house, if anybody had arrived
20 recently, yeah. But belonging to the Panthers kind of like, because they taught you how to
21 handle those kind of things, you know. They let you know that -- I learned there that at that
22 time anyway the Police had to have reasonable cause to stop you in the first place.

23 I remember me and a couple of other members of the Polynesian Panthers, at that
24 time we would go up and down Ponsonby Road and if we saw anybody, a policeman
25 stopping any of our people, we'd run up to them, because we knew that our Pacific Island
26 brethren out there, they didn't really know where they stood. So we would kind of like run
27 over there and ask the policeman "Why did you stop this guy?" You know, and "Why him?
28 You know, there's lots of them walking up and down the path way here, why you stop this
29 one?" And I don't think they liked us for that, you know? They kind of like started raiding
30 the place after that, yeah. So -- but there was a good -- it was a good time.

31 And I'm proud of it, I'm proud I was there. It wasn't easy being so young, and we
32 had to find some way of stopping our people from fighting each other because we already
33 had an enemy to fight. And being where the Polynesian Panthers headquarters was at that
34 time was right in the back of the Glue Pot, if anybody knows Ponsonby then they know the

1 Glue Pot. If there was -- sometimes I think that the pub that should have got the name The
2 Flying Jug really, yeah, because you just couldn't stop them, you know. And it was hard
3 getting them to stop fighting. But, yeah. They were worrying times, but yeah, it was all
4 right though.

5 **Q.** Yeah, you stepped up then and you're stepping up again today with a lot of courage and
6 conviction, so ngā mihi, ngā mihi ki a koe te rangatira, kia ora thank you.

7 **CHAIR:** I don't have any questions but just to say that your courage in coming today is amazing,
8 and I want to remind you of the name of the hearing, which is Tatala e Pulonga, which is
9 raising --

10 **A.** Yeah.

11 **Q.** -- light out of darkness, and I know how -- I don't know, I don't pretend to know, but I
12 understand how difficult it is to share this experience in public when you haven't even
13 shared it with your own family, and what you are doing is very courageous and I
14 understand that, and what you are doing is tatala e pulonga. And for that we are very
15 grateful. I'm now going to hand you to Sandra Alofivae to speak to you now.

16 **COMMISSIONER ALOFIVAE:** Lau susuga Mr TY, faatasi ma le paia ma le malalu o lou
17 aigaalii. Si ou toalua ma si ou atalii pele o i foi faatasi. Malo le soifua ma le lagi e mama.
18 Faafetai le talia o le valaau, fa'afetai le oo mai. Faafetai le loto toa. Faafetai lou faasoa
19 mea tiga ootia o lou agaga. Faafetai mo lou alofa mo si ou atunuu pele o Aotearoa Niu Sila
20 mo nai tamaiti lea e loka fa'afetai mo lou agalelei. Thank you for your enormous courage
21 and your strength and determination to come forward, today. Thank you for honouring the
22 call and thank you for bringing your family in support. Can I thank your family as well.
23 Your wife and your grandson who are here amongst us, but also those that flank you on
24 either side. Thank you for the privilege of bringing your talanoa to us. Mataupu faapenei e
25 le faigofie. These are the things that are so difficult for us to talk about. So there's a
26 fragility and a vulnerability there that we honour with you and we want to walk beside you.
27 I want to thank you for your document, I want to thank you for everything that you have
28 said and which you haven't said but we have the record of it. I want to assure you that we
29 have read it, we believe it, and it's going to make a big difference, it's going to add to all of
30 the other talanoa that we're hearing this week and that that we've heard previously and that
31 that is still yet to come. Thank you for honouring all of those brown kids that you talk
32 about, our Māori and Pasifika kids that are still in care today where a voice like yours can
33 make a difference. Can I thank you also for the fact that you have never shared this
34 publicly before. We don't take that lightly at all. So the enormous courage that you have

1 shown today is one that will rise amongst the stars and our mutual prayer is that it's going
 2 to lead to some recommendations that are going to really make a difference. It has to. It
 3 has to. That is one of the purposes of why we're doing this talanoa. So we wish you well,
 4 you and your family and every other amazing thing that you are now doing with your life.
 5 Please know that we're here and we hope that you'll continue to walk this journey with us as
 6 we thank you for the privilege to continue to walk beside you as well. Ia manuia oe ma lou
 7 aiga faatasi ma lou aiga potopoto. Fa'afetai lava.

8 **[Samoan song]**

9 **COMMISSIONER ALOFIVAE:** Fa'afetai ma ia manuia.

10 **Adjournment from 2.42 pm to 2.49 pm**

11 **CHAIR:** Welcome back, Mr Pohiva, and welcome back to everybody in the room.

12 **MR POHIVA:** Thank you very much, good afternoon Commissioners. Our third and final
 13 witness for today is Mr Billy Tanu who will be sharing his experience in State care
 14 residential homes, Epuni, Arbor House and Hodderville Home which is a Salvation Army
 15 faith-based institution. He also had shorter stays at Ōwairaka and Hamilton Boys' Home.
 16 He'll also be sharing how this has impacted him throughout his life. And I wonder if this is
 17 an opportunity for the affirmation to be taken.

18 **BILLY PUKA TANU**

19 **CHAIR:** Can I call you Billy?

20 A. Yeah.

21 **Q.** Is that your name, that's what you like to be called?

22 A. Yes.

23 **Q.** Billy, I'm just going to give you the affirmation and if you just listen and agree. Do you
 24 solemnly, sincerely and truly declare and affirm that the evidence you will give to the
 25 Commission will be the truth, the whole truth and nothing but the truth?

26 A. Yes.

27 **Q.** Thank you very much.

28 **QUESTIONING BY MR POHIVA:** Thank you Commissioners. Malo ni Billy. Oi kavatu te
 29 matou leo fakafetai lahi lele, ki te koutou loto makeke ma te mautinoa, kua kitea a tu I te
 30 koutou kaumai oi talanoa ki na haunoaga mamaha atili, e Vena hoki ki te koutou ola
 31 taumafai, kei na talanoa mai ki a te ki matou. Billy, thank you for your courage in being
 32 here today. I understand it's not an easy task, but we are—we appreciate your being here
 33 today. Before we begin I understand that you have provided the Commissioners and the
 34 Royal Commission a full statement of your experience.