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

**Under** The Inquiries Act 2013

**In the matter of** The Royal Commission of Inquiry into Historical Abuse in

State Care and in the Care of Faith-based Institutions

**Royal Commission:** Judge Coral Shaw (Chair)

Ali’imuamua Sandra Alofivae Mr Paul Gibson

Dr Anaru Erueti Ms Julia Steenson

**Counsel:** Mr Simon Mount QC, Ms Kerryn Beaton QC,

Ms Tania Sharkey, Mr Semisi Pohiva, Ms Reina Va’ai, Ms Nicole Copeland, Ms Sonja Cooper, Ms Amanda Hill for the Royal Commission

Ms Rachael Schmidt-McCleave, Ms Julia White and Ms Alana Ruakere for the Crown

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

**Date:** 23 July 2021

**TRANSCRIPT OF PROCEEDINGS**

**INDEX**

**MS TU**

Questioning by Ms Sharkey 276

Questioning by Commissioners 313

# DR SAM MANUELA

Questioning by Ms Va’ai 316

Questioning by Commissioners 340

## 1 [10.00 am]

1. **CHAIR:** Good morning everybody, noa'ia. Can I invite the Reverend Aptinko to come forward
2. from the Rotuman community for our karakia, lotu.
3. **REVEREND APTINKO: [Introduction in Rotuman]**. I just want to remind that I saw it in the
4. public platform that Fale o Samoa is basically we coming home, which makes very much
5. sense. I'm a Rotuman ethnic group but my nationality is Fijian. So on behalf of our
6. Rotuman community, the leadership, we would like to say thank you for inviting us
7. Rotumans to have a voice and be part of this very important, I call it the mission of
8. compassion enhancement.
9. And it makes sense from a biblical lens that God is omniscient, he is all knowing.
10. God don't need to reason with anyone who knows everything, he knows everything, he has
11. the perfect understanding of the hope and the weak, needs and the hope of the
12. broken-hearted. In the scripture the Book of Chronicles for the eyes of the Lord, move to
13. and through, to and from throughout the earth that he may strongly support those whose
14. heart is completely his.
15. From the eyes of those suffer from the abuse to the vision of the organisation to find
16. the best and the long-term solutions with the genuine hope of the oppressor for the
17. transformation, moves God's heart, the heart that over flows with compassion. Within
18. Psalms 119, God heals the broken-hearted and binds all up their wounds, because God is
19. full of compassion.
20. And with John in the last days, the message to all people, "Beloved, I pray that all

22 may go well with you and that you may be in good health as it goes well with your soul."

1. John's ministry is about compassion in his last days, last few days, John prayed for good
2. health and well-being of us all. I'll pray in my language and as we say in the Pacific Islands
3. the language from heaven. Let us pray. **[Prayer in Rotuman]**.
4. **CHAIR:** Thank you, Reverend, for giving us that prayer in the language from heaven. So we'll
5. now start our hearing today. For the information, and I'm sure Ms Sharkey will explain
6. more, our witness today is unfortunately in Australia. She wishes to be here but of course
7. Covid has intervened. She will be giving her evidence on the screen. You will not see her
8. face because she wishes to be anonymous.
9. Now I ask and repeat if you were not here yesterday, because she wishes to be
10. anonymous we must respect her privacy and I would ask that nobody takes any
11. photographs or videos of any part of the proceedings while she's giving evidence. Sorry,
12. you will see her, she won't be seen on the livestream on the website, but you will see her, so
13. please don't take any photographs or anything that could intrude on her privacy which she
14. is entitled to. So, thank you. I'm calling on Ms Sharkey now because she's going to lead
15. her evidence magically across the Tasman sea.

# MS TU

1. **QUESTIONING BY MS SHARKEY:** Good morning Ms TU, can you hear me?
2. A. I can hear you, can you hear me?
3. **Q.** Yes, I can hear you. Okay.
4. **CHAIR:** We'll take the affirmation when you're ready.
5. **MS SHARKEY:** You're ready Ms TU?
6. A. I am.
7. **Q.** She's ready.
8. **CHAIR:** I don't know if you can see the Commissioners, Ms TU, can you?
9. A. I can.
10. **Q.** Good. So welcome. Welcome from across the Tasman sea. I'm sorry you can't be with us
11. today, but we're doing the best. You do look, from your background, as though you're on a
12. planet somewhere else which is very magical. I'm just going to ask you to take the
13. affirmation before you begin with your evidence, is that all right?
14. A. Yes.
15. **Q.** Okay, thank you. Ms TU, do you solemnly, sincerely and truly declare and affirm that the
16. evidence that you will give to the Commission will be the truth, the whole truth and nothing
17. but the truth?
18. A. I do.
19. **Q.** Thank you very much. I'll leave you with Ms Sharkey.
20. **QUESTIONING BY MS SHARKEY:** Good morning Ms TU. First, I acknowledge how
21. difficult this will be for you as we've discussed many times before. And I also want to
22. acknowledge your supporters who are here in this fale on your behalf to show their support
23. and be the presence for you this morning as well. Just to clarify, the Commissioners have
24. your statement before them and they've read it. And it will be made available on the
25. website following your evidence today. Just to confirm what we had spoken about before,
26. you will tell me to pause if you want me to pause briefly and if you need a break you'll tell
27. me you need a break.
28. A. That's right.
29. **Q.** All right. So before we start, Ms TU, I understand there are some opening comments you'd
30. like to make, so please feel free to begin.
31. A. Thank you. I am Samoan and I was adopted into a white family when I was a baby. I want
32. to thank the survivor and contextual witnesses who gave evidence this week. Hearing your
33. stories has made it easier for me to give my evidence. I still have doubts about whether
34. giving my evidence here today is the right thing to do. I did not plan to give my evidence
35. publicly. I wanted to give it privately and not share widely that I was talking to the
36. Commission. This is because I am still living with a lot of emotional pain and trauma and
37. the causes of this pain and suffering is complex. I am likely to cry today and I might make
38. some jokes, both crying and humour are different ways I cope with what I'm going to talk
39. about today.
40. I'm talking about adoption and the State's role in adoption, but to do so I have to
41. talk about families and intimate relationships. I think because my story involves family, it
42. is hard for me to talk about. I care about the people I will mention, even though
43. I experienced neglect, physical, emotional and sexual abuse in my adoption placement.
44. I want to take care of how I talk about them and talk about this history, which is why I have
45. opted to be anonymous. It has taken me a long time to admit to myself that this was not a
46. suitable care, the placement, even though I love this family and it was the family I was
47. raised in, which makes my feelings about it even more complex.
48. Because I am adopted, I have many families, including Samoan family. My biological mum was
49. Samoan. I was adopted when I was a baby. My mum was 22 at the time and had only been
50. in New Zealand for a couple of years, if that. The State placed me with white parents and
51. did not consider my needs or well-being as a Samoan child. The State cut me off from my
52. culture, community and language. I believe this was an act of enforced assimilation. The
53. State had no concern for whether my adoptive family had any cultural or racial literacy to
54. raise a Samoan child. This has had long lasting impacts on me and I live with a sense of
55. loss.
56. My Samoan mum and family tried their hardest to absorb me at 21 when I was
57. able to make contact, but I was a messy and traumatised person distrusting of relationships
58. which I tried to mask and then I struggled with the illiteracy around Samoan culture and
59. language. I struggled, despite my deepest desire for connection with them, my family, and
60. my culture.
61. While I have lived with the impacts of trauma, distrust of relationships and loss of culture, all of
62. my life, I am Samoan. This is my heritage and I am proud to be Samoan.
63. But I also experience a lot of life where I do not feel like I quite fit in, in either the white or the
64. Samoan world. It is sometimes a confusing and not comfortable space to be in, with lots of
65. roots everywhere but never quite anchored anywhere.
66. To end my statement, I wanted to also acknowledge that there are a lot of people
67. who have had a similar experience to me, particularly struggling with intercultural and
68. interracial adoptions. I am here for you today as well as for myself.
69. **Q.** Thank you Ms TU. So just as we begin the questioning and you answering some of the
70. questions, we've got the stenographer and sign language interpreters here, so we just need
71. to slow down a little bit. All right, you're ready to begin?
72. A. I am.
73. **Q.** So, we'll start at the beginning of your statement, Ms TU. So what year were you born?

10 A. 1975.

1. **Q.** And you're adopted out shortly after your birth?
2. A. Yes, a few weeks after.
3. **Q.** I'm going to ask, do you have your statement in front of you?
4. A. I do.
5. **Q.** I'm going to ask you to briefly describe the reason why you've come forward to the Inquiry
6. to share your adoption experience. So, could you please read out paragraphs 4 to 7 of your
7. statement and please feel free to expand on any points you might wish to.
8. A. You want me to read them and then expand?
9. **Q.** You can read them through and then expand if you'd wish.
10. A. Okay, so the purpose of my statement is to share my adoption experience with the Inquiry.
11. I experienced all forms of abuse in my adoption placement, physical, sexual and emotional
12. abuse as well as neglect. It was not an appropriate care placement.
13. There are many stories which I could draw on to describe the process of locating
14. my biological families. Adoption stories often focus on the feeling of belongingness one
15. gains from the experience of finding their biological parents. For me, however, the process
16. of meeting both my biological father and mother were not a process which gave me any
17. sense of belonging, more a feeling of utter flux and dislocation.
18. I do not believe that closed adoptions should occur. I believe each child born has a right to know
19. their biological background, identity and cultural heritage. That is their right.
20. The decision to adopt me out to Palagi people meant I became disconnected from
21. my Samoan heritage and cultural roots. There are no words to describe the trauma created
22. and the impact this has had on me.
23. So essentially, I'm here today because, well, for a number of reasons, but the first and predominant
24. reason was that the State ignored me as a Samoan child, my mother was Samoan. It didn't
25. think about what needs I had or my right to my culture when it put me into a white family.
26. And I feel like that history was just erased, extinguished from that act and it's something
27. that I've been struggling with since.
28. The other issue is there wasn't sufficient due diligence in relation to putting me in with that family.
29. Like I said, I care about them and I love them, but I've come to realise from what I went
30. through that it wasn't an adequate care placement. And my Samoan mother, you know,
31. gave me up so that I would have two parents and a loving family and within 18 months my
32. parents had divorced. So, I have a lot of concerns about the due diligence of the State with
33. putting me into that family and no follow-up after the interim period.
34. And, you know, just the barriers that adoption erects, how difficult it was for me to
35. find my biological mother. I had to wait until I was 20 before I got sufficient information.
36. So I just -- it's a really difficult process and that's why I'm here today to talk about it,
37. because of just all these cascading decisions and then barriers that has had a really profound
38. effect on me.
39. **Q.** Okay, thank you Ms TU. And we'll walk through those different stages as we go through
40. your statement, okay?
41. A. Yes.
42. **Q.** All right. Just coming back to one of the comments you said before about closed adoption,
43. and for the benefit of those here in the fale or those watching on the livestream who might
44. not know what closed adoption is, do you want to describe that?
45. A. Yeah, so I think there's probably a legal sense of it and how it feels, but the legal sense is
46. that once my mother decided to -- my biological mother decided to give me up for adoption
47. that extinguished her rights in relation to me, and I was treated as if I was a child of the
48. family that I was put into. But obviously the reality is that nothing is ever that neat, life's
49. more messy and I was connected to other people, but it's a fiction.
50. **Q.** Okay. So closed adoption being a form of adoption where the biological parents have no
51. direct contact either with the adoptive parents or the child?
52. A. Yes, that's right.
53. **Q.** And where records are sealed?
54. A. Yes, records are sealed, yeah.
55. **Q.** And certain details remain confidential?
56. A. Yes, so there's -- my biological mother didn't know who the family was that I went to,
57. didn't know where I was, didn't know my new name, didn't know anything, so -- and it's a
58. wall of secrecy on both sides. As we'll talk about I did get some information early on, but I
59. don't think usually people are entitled to that information. My adopted parents had to ask
60. for it.
61. **Q.** Okay. And we'll start to move through that. So we're looking at paragraphs 8 to 13 of your
62. statement and you talk about being a mixed family culturally, this is your adopted family.
63. So looking at paragraphs 8 to 10, could you please describe what you mean by that?
64. A. Yeah, I think we were mixed in the sense of I was the second child to be adopted into the
65. family and my adopted brother is Rarotongan heritage. My parents were white, but my -- I
66. had an aunty who was adopted, so on my adopted mother's side I had an aunty who was
67. adopted into the family and she was Māori heritage. And so that's why I describe it as
68. mixed, but my parents were white.
69. **Q.** And because they were white, you still felt disconnected with your culture?
70. A. Yeah, completely disconnected. I was raised speaking English, I was, yeah, I was absorbed
71. into this family and didn't have any access to any Pacific Island cultures.
72. **Q.** Okay. And so looking at paragraph 11, your adoptive mother couldn't have children.
73. A. Yeah.
74. **Q.** So could you please share with us the comments she would make to you about that and how
75. it made you feel, Ms TU?
76. A. Yeah, so she was -- she always said to me that she wanted to have children of her own and
77. she couldn't have children of her own, and that used to upset me because I felt that I was
78. her child, like she had me and she had my brother, and so, yeah, it just already had this
79. feeling that I was an adoptee, you know, that I wasn't actually part of that family.
80. **Q.** All right, then in the next paragraph you speak about possible racial elements to your
81. adoption. If you could please take us through that?
82. A. Yeah, so one of the stories I heard from my adopted mother's mother and my mother is that
83. she always wanted black or brown babies. And that used to make me feel a little bit
84. uncomfortable, but it was the 70s and when I think about it in a really gracious way that she
85. probably thought that Pacific babies weren't wanted and she wanted to provide a home for
86. us. But it did make me feel a little bit uncomfortable.
87. **Q.** And then in paragraph 13 you point out, and this is something you've said quite a number
88. of times to me --
89. A. Yeah.
90. **Q.** -- it would have been obvious, it would have been obvious that you were adopted.
91. A. Yes, completely obvious that I was adopted. Because, you know, I was really fair as a
92. child and I'm fair in winter but I actually go really brown when I get a little bit of sun, and
93. the same with my brother. I'm really tall and I had the Samoan physique as a child. I've
94. provided some photos to the Commission showing that I looked about three years older
95. than my age.
96. **Q.** And that went to you growing up and knowing that you were different from your family?
97. A. I knew I was completely different. I knew I was different because I knew I was adopted,
98. I knew I was Samoan. And I just knew I didn't quite fit into that family, yeah, like in the
99. sense of my size and my colour, I just knew I was -- I was part of that family but I was also
100. different.
101. **Q.** Okay. And then we're just going to move on to the adoption records. That's paragraphs 14
102. to 18 and you say that for a big part of your childhood you knew you were Samoan, it was
103. like breathing. Can you just expand on that please?
104. A. Yes, it's hard to say, you know, I kept on trying to think of when I was told I was adopted
105. and when I was told I was Samoan, and I must have been told so young that I just grew up
106. knowing, that was just who I was; adopted and Samoan. And yeah, so -- and I also got
107. really good at -- because school friends would say, you know, "Is that your mum?" And I
108. would say yes, and then I had to explain what a real mother was as opposed to a birth
109. mother, so I had this kind of language around being adopted.
110. **Q.** All right, now we're going to bring up the first exhibit, and this is a letter dated 12 April
111. 1977 given by the Department of Social Welfare to your adoptive parents, so they could tell
112. you more about your biological parents. My question, Ms TU, is, is this all the information
113. you had growing up?
114. A. Yeah, that's all the information I had. I think I'm really lucky I even had that, because in
115. that bundle of papers that I provided to the Commission, it's clear that my adopted parents
116. asked for that. And I may not have been entitled to that until I was 20. But that's all I had.
117. **Q.** Right, and so it was your understanding that this is what your adoptive parents had asked
118. for so that they could share this with you growing up?
119. A. Yes, and it's in the -- in the bundle it says you've asked for information and we'll provide
120. you something.
121. **Q.** Right. Okay. And then you talk in paragraphs 16 and 17 about a letter you were told
122. would arrive on your 15th birthday. Can you please tell us what you were told about this
123. letter and what happened on your 15th birthday?
124. A. Yeah, so I was -- it's again like breathing, I just was told very early on that I would receive
125. a letter from my biological mother when I was 15 and that it was with a social worker. I
126. had the name of the social worker, but I was also told that at the time in the 70s the social
127. worker was old. So I panicked even before my 15th birthday about how I was going to get
128. that letter. But I'd think about, you know, my 15th birthday was really important for me
129. and I would think about getting there, and then when I got to my 15th birthday no letter and
130. no one- knew where to go or to ask for it.
131. **Q.** And so this letter you were going to receive on your 15th birthday was going to give you
132. more information about your biological --
133. A. Yeah, it was from my biological mother, it was written from my biological mother. So she
134. wrote me a letter which she later told me that was the case, that I was meant to get on my
135. 15th birthday and I never received it.
136. **Q.** Okay. And now we're just going to bring up the next exhibit, and that's a letter dated 6

11 January 1997 from the Children, Young Persons and Their Families Service. So these

1. letters are 20 years apart.
2. A. Yeah.
3. **Q.** You know these letters well, Ms TU?
4. A. I know these letters really well because it's exactly the same information that I received
5. early on, and except there were some names. So in the second letter when I was 20 I was
6. entitled to further information, and that further information was the name of my biological
7. mother and the name of my father. But other than that, the information that they gave me
8. was the same and, you know, as we've talked about before it was really thin information,
9. there wasn't really much in it. But anyway, it was something, it was something.
10. **Q.** Right, so as we've had conversations about this before, you were hoping that when you
11. received further information from the State that you'd get more than just a letter that looked
12. strikingly similar to one 20 years prior?
13. A. Yeah, I mean I would have expected there would have been a thorough file, there might
14. have been photos, that I would have got more information. Yeah, it was really -- it didn't
15. help me at all in terms of how I would find her, yeah, what -- sorry, it's hard to even explain
16. because, yeah, just trying to remember back, it's just a big moment. I really wanted to meet
17. her and I wanted to know about her and I just had very thin information, it was -- it didn't
18. give me anything.
19. **Q.** Okay. And so some of the information you would have hoped for as well would have
20. perhaps been maybe medical background information as well.
21. A. Definitely more information on family medical history. I mean it's still hard for me today
22. to talk about that when I go to doctors. You know, just the kind of memory of not knowing
23. any of these things and being disconnected from it. And I just, yeah, I would have liked to
24. have known more about her. It's hard to kind of explain, but when I say it's thin, it was just
25. on such a superficial level. Like I have no information of what else she was thinking at the
26. time, you know, it was the 70s, what her migration status was, there was just not enough
27. information here for me. And so I didn't even know whether I'd be looking in Samoa for
28. her or looking in New Zealand, like I had no information that would help.
29. **Q.** So just picking up a couple of things there. You would go to the doctors and be asked
30. about your family's medical history and you weren't able to answer any of that?
31. A. Couldn't answer any of that.
32. **Q.** And you were hoping for some information on the guidance that the State gave to her at the
33. time, or what the process was so that you could be clear on the process of adoption?
34. A. Yes.
35. **Q.** Right, okay. And perhaps more information on family, relatives?
36. A. Definitely more information on family. You know, I mean it had things like her hobbies,
37. but I would have liked to have known more detailed information about where she came
38. from and, you know, in Samoa and just also, you know, I knew a little bit about the family,
39. but it's just numbers, you know, two brothers, two sisters, I didn't have a full picture of who
40. my family was.
41. **Q.** Right. And the importance of knowing the villages she was from in terms of Pacific
42. peoples is the land is so important to us, is that right?
43. A. Yeah. Yeah, I mean I was desperate to know about that side as well, like I was desperate to
44. know about being Samoan and knowing that she was from an island that I didn't know
45. much about, like I just -- I wanted a fuller picture of my heritage.
46. **Q.** So we're just coming along to paragraphs 19. This is where we talk about your biological
47. mother. Please, Ms TU, can you read paragraphs 19 to 21 of your statement.
48. A. Yeah, I always had a deep longing for my biological mother. I knew she was Western
49. Samoan, but I suppose I was not quite clear what that meant, except that it was a
50. Pacific Island. I would think about my biological mother every birthday. I remember when
51. I was really young, I think I was 5 -- sorry, I just have to pause.
52. **Q.** That's fine, take your time, take your time.
53. A. I'll start that sentence again. I remember when I was really young, I think I was 5, I used to
54. think about my biological mother late at night looking at the stars in the sky, wondering
55. who she was and where she was. I used to sing to her. I just had a strong yearning to know
56. her and to be reunited with her. I very rarely thought about who my biological father was.
57. **Q.** Right, okay. And then you find her at the age of 21, and we'll come to that a bit later on,
    1. Ms TU?
    2. A. Yeah.
    3. **Q.** And the full story of how you came to be adopted was told to you. Can you just take us
    4. through paragraphs 23 to 27, either in your own words, Ms TU, or as those paragraphs
    5. state. Just share with us what information you were told.
    6. A. Yeah, so my biological mother told me she grew up in Savai'i, Samoa and she migrated to
    7. New Zealand in the 1970s. She was 20 when she first went and she was picked by the
    8. family to go and work in New Zealand and to send back remittances. So she came over by
    9. herself, but she lived with two aunties, my grandmother's sisters, so my biological mother's
    10. mum's sisters. So, she lived with them and she started working at a factory and that's when
    11. she met my biological father and my biological father was a white person, Palagi. And they
    12. ended up having a relationship. And this is something actually my biological father has
    13. told me as well, but it was the 70s and my white grandparents were against the relationship.
    14. And they were racist towards Pacific Islanders, so they put a lot of pressure on him to break
    15. up with her and she told me that, well, actually he also said that he experienced a little bit
    16. of culture shock as well, because my biological mum is very family orientated and spent a
    17. lot of time doing duties and working with the family. And so he found that really
    18. confronting, and wanted to have, you know, the nuclear relationship disconnected from that
    19. kind of family interaction. And -they - she- ended up getting pregnant during that time they
    20. were together, but they separated before she knew.
    21. **Q.** And you'd also said there that your mum was a recent migrant and she changed her name to
    22. an English name and was known by something else?
    23. A. No, not my mum but --
    24. **Q.** The aunty?
    25. A. My aunty, yeah. So one of the aunties which is on my grandmother's side, she used an
    26. English name in New Zealand in the 70s and that's consistent with a lot of -- what the
    27. Commission's heard this week that people changed their name, they were either forced to
    28. change it or they changed it because of the difficulty that Palagis had with pronouncing
    29. Samoan.
    30. **Q.** So then just moving along to the next part, Ms TU, and we're looking at your biological
    31. mother's pregnancy, her discovering she was pregnant and the challenges she was facing at
    32. the time. So could you just take us through paragraphs 28 to 31.
    33. A. Yeah, so she said that she didn't realise she was pregnant and I didn't put it in here, but, you
    34. know she said a few periods went by, but she just didn't think that she could be pregnant
58. and she ended up getting pneumonia and was in hospital and she said that the two aunties
59. were there with her and a doctor came in and informed her that she was pregnant. And then
60. that didn't go down very well and one of the aunties walked out of the hospital room.
61. And the other thing that she said that, you know, when she found out she was
62. pregnant there was a lot of pressure on her from, you know, her friends who encouraged her
63. to get rid of me and she didn't want to do that. So she ended up carrying me, but I believe
64. that she had to do that, she wasn't living with the aunties, I don't believe she was living with
65. the aunties during that time, she had another friend who was pregnant, and they both
66. carried, you know, mum carried me and then the other woman carried a baby, that other
67. woman also gave her child up for adoption.
68. **Q.** Right, okay. And so then you say that your biological mother was practically alone?
69. A. Yeah, she was.
70. **Q.** The first one to come to New Zealand from her family after living in Samoa for the first 20
71. years of her life and she wouldn't have known what to do?
72. A. That's right.
73. **Q.** And so this comes back to the comments you were making before about the State's support
74. for her and the decision around the adoption being closed, is that right?
75. A. Yes, yes, I think that she was put in a really difficult position. And, you know, on one side
76. the obviously older people in her life, her aunties not supporting her, she was in
77. New Zealand, you know, I don't know what her migration status was, she might have been
78. there on a short-term permit, I think there just would have been a lot of pressure for her and
79. she did mention, or there was mention in the adoption papers that she was really concerned
80. about being able to provide financially for a child. So I think that she probably
81. experienced, like it would have been a really difficult time for her.
82. **Q.** Okay. All right Ms TU?
83. A. **[Nods]**.
84. **Q.** We're just going to look at that decision to adopt and that's paragraphs 32 onwards to 44, if
85. you could take us through the decision to adopt as it was told you to by your biological
86. mother.
87. A. Yeah, so she told me that she spent a couple of weeks with me in the hospital and that she
88. was really torn, she didn't really know what to do, and she called my biological father, so
89. she rang him and she pretended to be one of the aunties and just informed him that I'd been
90. born at Auckland Hospital, and she said that she did that with the hope that he would step
91. up so that she could keep me. But he hung up on her. Yeah, and I think that she -- yeah,
92. she said that that was the last chance that she felt that she had to keep me, and then
93. eventually she made the choice to give me up for adoption.
94. **Q.** Okay. And you and I have had discussions about this part of your statement and there's
95. some things that we see here in terms of her providing a fake name?
96. A. Yeah.
97. **Q.** First one to come to New Zealand, racism back in the day, and her potentially being on a
98. short-term visa and this was the year 1975 where we've already heard in this public hearing
99. in terms of Pacific history being a very dark time for Pacific peoples in New Zealand. So
100. the year you were born is in the thick of the Dawn Raids. So just if you could share your
101. thoughts on how that era might have impacted on your biological mother's decision to
102. adopt you out?
103. A. Yeah, I've thought about this more often recently because all that history of the Dawn Raids
104. has started to come out and the Samoan family have talked to me about that period as well,
105. and it makes no sense to me that she gave -- put a fake name on and left a letter for me and
106. called my biological father. I can only explain that that she was probably afraid, or the
107. inference, the strong inference that I have is that she was afraid of her migration status.
108. And that's the other thing, you know, when we go back to the information that we have, there's a
109. massive gap in the State's records about her decision making process and what was
110. happening for her at the time. There's no record of that, I haven't been given any record
111. that. And of course I didn't think to ask those questions when I had the chance, you know,
112. she's passed on, and so for me it's just this silent space which I feel has to- be put in the
113. context of the 70s and everything that was happening during that time.
114. **Q.** Okay, thank you, thank you Ms TU. Right, so we're just moving ahead. You outline the
115. abuse at paragraphs 45 to 97. But just before I go there a couple of questions. You said
116. before that your adoptive parents separated when you were only 18 months old?
117. A. Yes, that's right.
118. **Q.** And so that was just six months after the final adoption order was made?
119. A. Yes.
120. **Q.** And we'll come to it a little bit later, but it's your view that the State at that time should
121. have still been checking in on you?
122. A. **[Nods]**.
123. **Q.** Can you expand your thoughts about that?
124. A. It's a big decision to make, you're putting someone -- you're putting a child, a baby into a
125. family based on one or two visits, if that, at that time. So I just think like in terms of the
126. State's due diligence and duty to me, a duty of care to the baby, is to have an adequate
127. period of time to see, you know, how the placement is going. And I do think that the, you
128. know, the idea of just extinguishing rights and them just pretending that I'm now part of
129. that family is what - is- the barrier to the State actually taking on the responsibility of
130. making that decision. They make a decision, they've put you in there, and then they have a
131. very short period of time to work out whether it's an adequate placement or not. And I've
132. got no doubt that there's a lot of - decision- making- is probably based on ideas of what a
133. respectable family looks like rather than actually ensuring that it's an adequate place for a
134. child to be.
135. **Q.** And what a respectable family looked like at that time in the 70s?
136. A. Was a white family, was a white family.
137. **Q.** Thank you Ms TU. We are looking now at paragraph 45 to 97. You describe in some
138. detail the abuse you experienced. But as we've talked about, some of which you don't wish
139. to go into too much detail about here in this public hearing, and the Commissioners have
140. that information before them. So if you could just share with us what you would like to
141. about the abuse in your adoption placement. Just take your time, Ms TU, take your time.
142. A. Just trying to work out. I think for some reason my adopted mother developed an alcohol,
143. like she was an alcoholic, and that happens quite early on. And we also grew up, me and
144. my brother, so there was a relationship after my father, and that kind of started the spiral of
145. extreme alcoholism in my mum, and in that family setting before I was 12 there was a lot of
146. physical violence. So I saw a lot of, like my mother was, yeah, was beaten up in front of us
147. and during that period, and I say up to 12 because when I was 12, I moved to Australia, but
148. before that period there was just a lot of violence in the house and, you know, I look back
149. now and I realise, you know, I was turning up to school without knickers on, or I was
150. turning up to school wearing, you know, like knickers I'd worn before, you know, I was
151. turning up to school without lunches, I was really traumatised and then during that period
152. as well, I was sexually abused by an uncle for very long periods, and abuse that I disclosed,
153. but was blamed, I was blamed for it. So that was that period.
154. And I think that relationship broke my mum and I did try and get away from it, so
155. I ended up in Australia and I lived with my biological -- sorry, my adopted father who had
156. left when I was 18, but he really tried hard to maintain a relationship with me and my
157. brother, and, you know, I have a lot of respect for him for that. You know, I always felt
158. like he was my dad and he always -- he never made us feel like we were adoptees. And so
159. he spent a lot of time, and so I did end up over there with him.
160. And then my adopted mother and brother ended up following, she broke up from
161. that bad relationship. And then things just got worse. So from 12 to 17, you know, her
162. drinking got worse. So she would get really drunk about two to four times a week and it
163. was messy drinking, she would scream at me to get up and to do things for her. So I didn't
164. really get to sleep much. She had really abusive boyfriends who didn't like me, so -- and
165. were really racial towards me. So I got called "black bitch" in the house by her boyfriends,
166. I was threatened to be killed by them. There was a lot of physical abuse, and then also, you
167. know, she brought men home from the pub who raped me. So, yeah, so when I say neglect,
168. I feel that alcohol was -- she loved alcohol more than me, that's how it felt. And that she
169. wasn't able to care for us properly.
170. **Q.** Right, and --
171. A. And put us in harm's way.
172. **Q.** And you talk in your statement about how the roles almost reverse and you're trying to
173. think of ways to protect her?
174. A. Yeah, I definitely became her mum. Like in lots of ways - I put her to bed, I'd wake her up
175. in the morning to get her up for work. I started working really young, you know, I started
176. working before it was legal, like I was 14, I had -- like I worked on a Thursday, Friday,
177. Saturday night and that was so I could buy my own uniforms. Like I just really took on an
178. adulting, parenting role pretty early on.
179. **Q.** Okay. Thank you, thank you Ms TU. So we're going to move to the cultural background,
180. because this is really the matters that in your statement where we get to the significant parts
181. of how you feel the adoption has impacted you. So just starting with the cultural
182. background, paragraphs 98 to 107. And you talk about trying to survive your childhood
183. and not sharing cultural backgrounds with your brother, the racialised element to your
184. identity, the guilt you carried in finding your Samoan family, and the emotional connection
185. you still had to your adoptive family. And I'm just going to ask you to explain those further
186. and expand on any points you would like to as we've discussed before, Ms TU.
187. A. Yeah, I think, even though my brother and I were raised by a white family we never saw
188. ourselves that way, we didn't see ourselves as white. And I knew I was Samoan and my
189. brother knew he was Rarotongan but we didn't really -- didn't know what that meant, and
190. didn't really talk about it either. But I did, you know, I make a comment in here that, you
191. know, I knew my adopted family was my family but not my people. And there was this
192. one incident I remember, I was in Whangaparaoa and there were either Māori or Pacific
193. Islanders out picking pipis, and so I got out and mimicked them, like I went out in my jeans
194. and I started doing the same thing. So I just -- I think I just had a yearning or just
195. recognising that there was -- I was part of something else and I was here and they were
196. there and I didn't really know how to interact with them.
197. And I think the sad thing is that my adopted mum really used to say that she wanted us to have
198. access to language and culture, but she was just such a mess that she couldn't ever facilitate
199. that with us. And then I think when I finally decided -- actually I should say that I also - at-
200. a certain age I started kind of reading as well. So I think this is kind of similar actually to a
201. lot of, well that I've read, to a lot of youth who come from backgrounds but aren't
202. completely rooted, you look at other movements. So I was really interested in the civil
203. rights movement in the US, for example, and then I also felt interested or understood, and
204. it's hard to explain that, but I kind of understood indigeneity in Australia in a way that my
205. parents didn't, like I just completely identified with indigenous people in Australia and
206. what had happened to them, recognising that I probably -- yeah, I mean distancing myself
207. from whiteness, I guess, as well. It's hard to explain that.
208. **Q.** And so then you talk about the guilt you feel in trying to find your Samoan family, that's at
209. paragraph 101?
210. A. Yes, it was guilt -- I was told to feel guilty. There was no appreciation, I think, in the
211. family. I mean look, I say on one hand, you know, my adopted mother recognised that we
212. came from somewhere else and we had a cultural heritage, but my -- her mum who was the
213. matriarch, she was a matriarch in the family, and she did this to my aunty as well, basically
214. just made us feel really guilty about wanting to, or being curious about finding our heritage.
215. She said that we were being disloyal and she would say things like "Where were they, you
216. know, where were they, we raised you, they weren't there." And it just created like a really
217. big conflict, a conflict that I already felt anyway, but it just hardened it.
218. And it just made me feel guilty about doing something that I'd really yearned for, like I knew it
219. was what I wanted to do, but I had all of these kind of voices telling me that this is not what
220. you should be doing, you should be focusing on us, they weren't there for you, and again it
221. was a complete disregard for the fact that they couldn't give me a part of my identity. They
222. couldn't give that to me. The white family couldn't give it to me.
223. **Q.** Yes, and then at paragraph 104, you talk about what you're sharing with us now being
224. difficult to talk about because you have an emotional connection to your adoptive family,
225. but you grew up being angry and annoyed that she wanted to adopt kids, yet wasn't the
226. greatest at caring for you. Do you want to expand on that further?
227. A. Yeah, I just -- I just knew, for somehow I knew I was adopted and my adopted mother
     1. would get really drunk, and I would be so angry at her because I didn't quite understand
     2. why would you want kids so much and not provide them with the care, like -- and
     3. I understood that as a kid, I would get so angry at her for doing that. But of course it was
     4. built with all this emotion in it as well, you know, and so I would feel rage and anger and
     5. then I would try to talk to her about it the next day and then she would just scream at me
     6. and tell me off for trying to -- ever trying to address these issues. But I just knew, I knew it
     7. was wrong.
     8. **Q.** Right.
     9. A. And --
     10. **Q.** And she -- sorry, Ms TU, carry on.
     11. A. I was going to say, I should say that, you know, that anger's one thing, it's really only since
     12. she passed away in the last five years that I've really allowed myself to say it wasn't -- this
     13. wasn't a proper place for me to be.
     14. **Q.** Right, okay. Because she would make comments to you when there was that anger and the
     15. conflict that you should go back to your real mother?
     16. A. Yeah, so she would -- I'd call it her drunken madness, like I wrote poems about it when she
     17. was drunk, but she would get drunk and she would tell me that she didn't want me, and that
     18. I should go back to my real mother, yeah.
     19. **Q.** And you're about, in this time here, you're about 14 years old and you're thinking about that
     20. letter that you're going to get when you're 15 years old?
     21. A. Yeah.
     22. **Q.** And you don't have any information on how to go back to your real family. So I just
     23. wanted to ask if you could describe those emotions, those feelings as you've described to
     24. me about feeling completely helpless?
     25. A. Yeah, I just -- it's really -- it's hard to explain, but I felt a combination of rage and being
     26. stuck, so being frozen. And then having this yearning and disappointment, this constant
     27. disappointment. So, you know, when I was 15 and I didn't get that letter, yeah, I was so
     28. disappointed, but how could I talk about that and who could I talk to about that? You
     29. know, I couldn't talk to my adopted family about it because they wouldn't have understood,
     30. so I just, you know, like, yeah, just the inability to talk to anyone about this stuff.
     31. **Q.** Thank you Ms TU. All right, so we're moving along to paragraphs 112 and this is later life
     32. and impact of the abuse. And this is where we see you start to progress to where you are
     33. now with your career. Can you just read paragraphs 112 to 116 first.
     34. A. Yeah, so I started to smoke pot when I was 14 years old and nearly every day from 17 to 19
         1. when I managed to stop. I also started to smoke cigarettes at 14 and I started to binge eat
         2. again at 12 when I moved back with my adoptive mother. That's something that I didn't
         3. mention before, but one of the coping mechanisms, which is really destructive
         4. unfortunately, is that I developed a habit of binge eating really young, probably about 7,
         5. just to deal with everything that was going on and that started up again. So I had a period
         6. of time with my -- very short period of time, probably the most stable in my childhood,
         7. with my biological father and I lost a lot of weight very quickly because I was comforted
         8. but then I started bingeing again.
         9. I was always interested in justice, even from a young age. I just knew what was
         10. right and wrong and that was important to me. I was inspired by Martin Luther King and
         11. I started to read about indigenous struggles.
         12. I wanted to be a lawyer, but I didn't know if I would be good enough or even how
         13. to become one. I just decided at 14 that I was going to be one, but my grades were not very
         14. good. And I should say that I literally just decided I was standing in a tuck shop line and I
         15. was feeling angry about something and then I was like right, I'm going to be a lawyer, and
         16. I'm going to get out of here and I'm not going to reproduce my adoptive mother's life. So
         17. I just had this epiphany that this is what I wanted to do.
         18. No -one in my family took me seriously when I said I wanted to be a lawyer. I did
         19. not quite believe it myself but I just held on to this dream. The guidance counsellor told me
         20. to choose something else and that I would never get the grades to get into law school.
         21. I should also say that, you know, like my brother dropped out at 15 from school and no
         22. -one in my family had been educated, so I'm not really sure where I got the idea from, but it
         23. was something I wanted.
         24. And after I decided I wanted to be a lawyer, even though there was a lot going on
         25. in my life, I first started with lying on the ground reading stuff the night before. So I'd
         26. read -- I just would start reading the textbook the night before. And I didn't -- I hadn't been
         27. told or -- to do homework before, so I wasn't -- didn't know how to do it, like I didn't
         28. actually know how to study. And so I had this test coming up and I taught myself how to
         29. sit at a desk for an hour and just to read through and then practice, and that was the first
         30. time I'd ever done that before. And I did that for a week and I almost got full marks for the
         31. test.
         32. So I then worked out what I needed to get by, and I still struggled because I felt
         33. like I was dreaming, like I felt like it was something really beyond me, but I desperately
         34. wanted to do it and I wasn't sure I'd ever get there. And I also had a pot habit as well.
228. **Q.** Was that a pot habit?
229. A. Marijuana.
230. **Q.** Right.
231. A. Yeah, which I knew wasn't good for me, but anyway, I ended up achieving in the top 15%
232. of the State by the time I finished high school. So I was failing most of the time and was
233. called a loser by the Vice Principal and then I -- and then something changed and I just
234. became -- I just tried a little bit more, because I wanted to get out.
235. **Q.** Okay. And then, Ms TU, we're carrying on with this resilience story. We're going to your
236. time at university. Can you please speak to paragraphs 117, 122. You don't have to read,
237. you can just speak and expand where you'd like.
238. A. Yeah, so when I -- it's really -- it's so hard to explain, because now I am a lawyer, right, it's
239. really hard to explain at that point of wanting something and just not knowing if you're ever
240. going to get there and whether I was -- it was a pipe dream or not. And so even though
241. I did well at school, because I wasn't -- because I'd been so traumatised and I experienced
242. like a lot of nastiness at my school, which I don't really go into, it was like walking like up
243. a massive mountain and I just never thought that I would get there. So I didn't even bother
244. applying to go to law school first and I ended up doing -- I started with an arts degree in
245. Queensland and I only did one year of that degree and at this point as well, I started really
246. experiencing a lot of -- a bit of trauma, a bit of PTSD, so I drank a lot that first year as well,
247. when I was at uni and I smoked a lot. But somehow I managed to get good enough grades
248. to get into law school, but I did actually drop out after the first year and didn't think I would
249. ever go back to uni. And then had another kind of experience working in Kmart and just
250. was like do I want this to be what I do for the rest of my life, or are you going to try and do
251. something else.
252. So I ended up applying for law school and I got in. And then I went to law school
253. and at that time I managed, you know, I think -- I told you I was going to my drug dealer
254. once a day, I was smoking a lot of pot and I was drinking and I haven't really talked about
255. it, but I did do other drugs as well, and I just stopped everything. And I did feel like I was
256. going mad, like I think now I look back I realise the drug use and the alcohol and the
257. marijuana was masking really extreme PTSD that I'd started to get and my brother at that
258. time was showing signs of severe mental illness. So I actually thought I was going mad.
259. And so I went and got some -- I started seeing a psychiatrist at that time, but I did
260. stop, I stopped everything so that I could focus to go to law school, which is what I did.
261. And then I think I was really lucky because one, I went to an amazing law school, and two,
262. I picked up a couple of mentors. So there was an anthropologist who literally just pulled
263. me up, like pulled me up and gave me so much support. And I didn't even -- like, you
264. know, because of the way my education unfolded, I didn't know how to write, so he would
265. sit with me and teach me how to write.
266. And then I met another person who ended up being a mentor and a benefactor, so
267. she taught me property and a few other subjects, but she also then ended up paying for my
268. masters degree and also supported me with my PhD. So I have been really lucky along the
269. way as well, because people kind of recognised something in me.
270. **Q.** So just picking up on that, has there been some significant people who saw something in
271. you, supported you and helped kind of --
272. A. Lift me up.
273. **Q.** Yeah, okay, all right. And then we come to your legal career. You were going to speak a
274. little bit about this, if you could just speak to the information that you'd like to share with us
275. today, paragraphs 123 to 131 please.
276. A. Yeah, so I mean I didn't -- I still wasn't very confident, I still didn't realise I had a brain
277. even though I was at law school, and I was really -- and my marks were all over the place
278. because I was a mess, but when I did well, I got the best in the class, and when I didn't do
279. well, I didn't do well or I got things in late, usually it was because I was getting things in
280. late. But I did manage to convince a -- I went to an interview with a judge who I think was
281. taken by me, I tried to censor myself and I couldn't, I just was myself and I'm glad that that
282. happened because she offered me a position, but because my marks were all over the place
283. I think she was really cautious, so she just gave me a month contract. And she gave me a
284. really interesting topic on the common law rights of the child and she went away for a
285. week, and so I got up at 4 am every morning and worked really hard and I had like a 10,000
286. word research paper for her when she got back.
287. And when she read it she ripped up my temporary contract and she gave me a
288. permanent contract and then a year and a half afterwards asked me to be her associate. And
289. so that obviously just then started opening up a lot of doors for me. And I ended up
290. working at a top tier law firm in Australia for a few years and then ended up becoming a
291. barrister for six years and during that time, I just used my legal skills

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And you talk about how this work for you is soul work?

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

And that chosen path, where you are in your career is also helping you strengthen your Pacific identity?

Definitely.

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

Thank you.

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

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

Okay, and then looking at paragraph 133.

Yeah, so I have a major barrier around learning Samoan language and it's because when

I speak it I feel like I speak like a white person and it's embarrassing. But I love hearing -- I love being around it, I love hearing the language, I think it, from what I’ve read, it communicates better than English, like I just think it's extraordinary, but I have -- I feel a huge loss, like I feel like, you know, metaphorically someone's ripped my tongue out.

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

1. your biological family?
2. A. Yeah. Sorry, I just need to pause for a sec.
3. **Q.** That's absolutely fine, Ms TU, take your time.
4. **CHAIR:** Would you like to take a break at this point? We're coming close to the normal time for
5. a break, would you like if we took 15 minutes now?
6. A. Yeah no, that would be good thank you.
7. **Q.** You can gather yourself, have a drink and we'll come back when you're feeling a bit more
8. composed. Thank you.
9. **QUESTIONING BY MS SHARKEY CONTINUED:** You're all right?
10. A. Thank you.
11. **Q.** See you soon.

## Adjournment from 11.21 am to 11.46 am

1. **CHAIR:** Welcome back. Do we have Ms TU here?
2. **MS SHARKEY:** There she is.
3. **CHAIR:** Hello.
4. A. I'm here.
5. **Q.** Welcome back.
6. A. Thank you.
7. **Q.** I'll just leave you with Ms Sharkey.
8. **QUESTIONING BY MS SHARKEY CONTINUED:** Okay Ms TU, we were just at paragraph

21 133.

1. A. Yeah. So I spoke a little bit about feeling, you know, how -- I actually feel ashamed that I
2. don't speak Samoan. And particularly, you know, I've travelled a lot and then I meet
3. Samoans in weird places around the world, and they might want to start speaking Samoan
4. to me and I get really embarrassed and then I don't want to have to go through the entire
5. story of why I don't speak Samoan. So it feels like shame to me. And it shouldn't be my
6. shame, but it is.
7. **Q.** Thank you Ms TU.
8. A. Yeah, sorry.
9. **Q.** That's all right. So in paragraphs 136 and 137 you talk about what the State did do in terms
10. of locking you out of meeting your Samoan family, and what the State didn't do, which was
11. to find another Samoan family or requiring cultural education as part of your adoption. Can
12. you expand further on those two paragraphs please?
13. A. Yeah, so 136, I mean I guess that's my vision of what an open adoption would have been,
    1. so I think that given the context and circumstances that we have talked about already, that
    2. my biological mother should have been given the option for an open adoption. And at least
    3. the way that I understand that is that she would have had some visiting rights to me or some
    4. ability to see me. Even if she felt that she couldn't take me on at that time, another family
    5. could have, but she could have been part of my life. And then of course that would have
    6. meant that I wouldn't have lost the cultural connection at all. I would have had it through
    7. her and through the family.
    8. And then the other option was that, you know, the State could have thought about
    9. putting me in with another Samoan family, or provided me, or required that I get some kind
    10. of language lessons or connection to my community and my culture throughout my
    11. childhood.
    12. **Q.** Thank you. Right, so --
    13. A. I just --
    14. **Q.** Sorry, carry on Ms TU.
    15. A. I just realised we stopped at 134 and 135 and I didn't get to explain those paragraphs.
    16. **Q.** Yeah, sure.
    17. A. If I can go back to that.
    18. **Q.** Definitely, definitely.
    19. A. So it's the same with not being able to -- the shame I feel about not being able to speak the
    20. language, that I always feel like there's something missing, like or that I'm -- I'm a little bit
    21. empty and I think that's why I binge or I use food to try and kind of fill me up. And I know
    22. that that is very much related to the trauma I suffered, but I think it's also fundamentally a
    23. part of like how I feel in terms of not having the connection to culture.
    24. And then the other thing, I was listening to a survivor witness the other day who
    25. kept on using fight and flight and I think I definitely have that, but I have fight, flight and
    26. freeze and I think because I was just so overwhelmed, often as a child and then, you know,
    27. adoption's overwhelming in itself, but to have everything else on top of that, I often just
    28. freeze. And what that means in practice is that as much as I desperately want to reach out
    29. to people, I can't, and so I'll think about it, every day I'll go I should contact so and so. And
    30. I have this deep, strong desire and I don't do it, and sometimes it will be years before I end
    31. up writing to people and connecting. And I think part of that is also distrusting
    32. relationships. Again that comes from being adopted, you know, your fear of rejection, but
    33. when you're neglected and you're a child of an alcoholic it's really hard to have intimate
    34. relationships and to trust people. And so all of that combines to making it extremely hard
14. for me to reconnect to my cultural heritage.
15. **Q.** Thank you Ms TU. So we're just looking now at paragraphs 138 to 142 and you're talking
16. about finding your biological mother and you say 20 years is far too long to wait to find out
17. who you are and where you've come from. So in those paragraphs can you speak to the
18. challenges you've identified there?
19. A. Yeah, I mean it is way too long. I'm a young adult and I've, you know, like my story is that
20. I wanted to know, and I know a lot of adopted children are the same, particularly that they
21. come from different cultural backgrounds. I wanted to know her really early on and
22. I wasn't able to, like I was completely locked out, I did not know who she was. And I do
23. remember, it's funny now that I, you know, I think it's because it's 25 years on from this
24. time, I was aware of every milestone in my adoption, so 15 I'd get my letter, at 20 I would
25. be able to receive information about my biological mother. And so I could do that at 20,
26. but then there's all these logistics that the State takes no account of which is having to find
27. her, you know, taking time, taking time out of your life, there's all of these kind of barriers.
28. And one is the lack of information that the State erects and then all of the logistical barriers
29. and the practical barriers afterwards of trying to actually locate and find your family.
30. **Q.** Right. So can you describe how you got your biological father's details, how creative you
31. guys had to get?
32. A. Yeah. So the 1997 letter is all I got. And then I got a birth certificate as well. So we saw
33. the name of my father on that letter and at this point we'd worked out that it was likely,
34. although I wasn't sure that the name of my mother was a fake name, although I haven't put
35. it in here, I should say that I actually tried to call Samoa with anyone with that name and
36. then I kind of decided not to, because I was like what if they don't -- my family doesn't
37. know about me and I'm all of a sudden inquiring about this person. So I did that and, you
38. know, I actually went to a number of Mormon churches as well to try and to find her.
39. But ultimately we recognised because we had the name of my biological father,
40. that he would probably be the best way that we could find him. But the adoption agency
41. wouldn't give us anymore and I'm not sure -- I think they did have his last name, they
42. wouldn't give me it for some reason. They said that they had to call him and to contact him
43. first. And I really didn't actually ever hear from them again. And I was just really lucky
44. that I had another aunty who gave up a child for adoption and she had found her child when
45. her child was 12 and she did a lot of sleuthing to do so. So she rang the adoption agency
46. and they obviously did want to help us, but they couldn't give us information.
47. So the way that she did it was to say how far into the phone book do I have to go
    1. to get to his last name. And then she'd say A, they'd say no, B, no, C, yes, and then she
    2. went through each of the names with a P and then the last name and then she found him,
    3. she found him, yeah. So I was away at the time and I came back and she -- I actually knew
    4. that she found him before she told me. I just had the sense she was about to tell me and
    5. then I burst out crying because I knew that he would be able to give us my mum's name.
    6. **Q.** Right. And if you didn't have someone who just happened to give you those hints in the
    7. phone book?
    8. A. I wouldn't have been able to find her. I'd already been in New Zealand for like two months
    9. by that stage, and I really had started to give up hope that I would find her and that I'd have
    10. to go back without being able to do it and then wait another year, because I'd been
    11. committed to uni at this stage, so I just took the time that I had which was the Christmas
    12. holidays to go and find her, and that's why I waited. I would have gone at 20 but I had to
    13. save, like I had to work nights to save to get to New Zealand and then to support myself
    14. being there to be able to find her. So it was a long planned process.
    15. **Q.** Right, okay. And then we come to you meeting your aiga, your biological mother and
    16. family?
    17. A. Yeah.
    18. **Q.** And so could you take us through paragraphs 143 to 147.
    19. A. Yes.
    20. **Q.** Just take your time.
    21. A. I was at my biological brother's house and then I got a call from the aunty that I just talked
    22. about who was helping me find my family and she said that "I just spoke to your mum" and
    23. then I was like "Which one?" And she said "No, your biological mum", and then I just
    24. burst out crying and then of course I was -- the first thing was like "Does she want to know
    25. me?" And she said "Yes, she's waiting for you to call her." And so I think I waited 30
    26. minutes before I called, but then also tried to call her and the line was busy, so I was
    27. assuming actually she was calling her family during that time. And then eventually I did
    28. get her and she caught me off guard because one of the first things she asked was do
    29. I forgive her. Yeah, and then I went over and I met her that night and then, yeah, we started
    30. to get to know each other.
    31. **Q.** Okay. And in paragraph 145 you talk about, you say "While I was there my Samoan family
    32. performed an ifoga for me."
    33. A. They apologised, yes. I didn't -- I was just going to say, so one of my uncles had a house
    34. with a large meeting house attached to the house and so everyone came into that space, and
48. I didn't even know, I had no idea what was happening, but everyone was there and then in a
49. mixture of Samoan and in English I recognised that they were apologising to me and also I
50. think they were apologising to my biological mum as well. I didn't understand a lot of it.
51. At the time, now I kind of recognise the significance of it and I think if I'd known the
52. significance of it I would have realised that this was actually a very significant gesture on
53. behalf of the family and I would have -- I think I would have felt more comfortable with it.
54. But, yeah, it was -- yeah, it was confusing, but also amazing.
55. **Q.** And then you talk about the Samoan aunties?
56. A. Yeah. So they -- so the aunties that didn't support my mum, I went out -- this was actually
57. on a different day, so I went and I was at my mum's place, and I went out -- I didn't --
58. again, I didn't know this was about to happen, but they started walking down the driveway
59. and started -- and were crying and apologised to me. But my mum had given me the name
60. of one of the aunties and actually the Palagi name that she took on. So they were calling
61. me that as they were apologising to me. And I remember -- I felt like a jigsaw puzzle that
62. just had -- that just had collapsed because I think I realised the significance of being already
63. part of a set of relationships which makes that State's decision even more critical,
64. particularly the cultural aspect of it, like I was already something to them, I existed before
65. them and it just was very hard for my brain to compute at the time, but also really
66. emotional.
67. **Q.** Right, and is that what you're talking about at the end of paragraph 147?
68. A. Yeah, it is.
69. **Q.** Okay. So now we're moving to connecting with your aiga and culture. And if you could
70. speak to paragraphs 148 onwards.
71. A. Yeah. I mean, this goes back to the leaving it so long before you can make reconnections
72. with people, because I felt really overwhelmed with how is it that I can represent and talk to
73. her about 20 years of experience. And also I was deeply concerned about telling her about
74. what I experienced in my adopted family, because I just - I- felt that she'd never forgive
75. herself. And even though I don't blame her at all, it would have been a really heavy burden
76. for her to bear if I had been honest to her about what had happened to me. I did tell her one
77. thing which was one of the rapes, I talked to her about it, but that was just like a drop in the
78. ocean of what I had experienced. And she had difficulty with that, so I shut down and
79. I really -- I do regret not talking to her about it, because, you know, through this process
80. with the Commission, and through suddenly having to kind of tell people, I realised, you
81. know, I talked to you about like that communication is connection, and that if I had spoken
82. to her and allowed myself to be vulnerable, I think that I would have felt more connected to
83. her. And it's not that I didn't, but it would have been -- I wouldn't have been holding
84. something secret and she would have known and we would have been - we- would have
85. had more intimacy in that respect.
86. **Q.** Right, then you also talk about the feelings of disloyalty to your adoptive family?
87. A. Of yes of course, disloyal now. So I've been struggling with this, it's what I've talked
88. about, because, you know, I think it's like that concern and care that I have because I'm
89. speaking about relationships and things that people have done, you know, so talking about
90. that I would have felt like I was airing dirty laundry and, you know, being disloyal to the
91. family. And then again, as I said to you, you know, unfortunately that family couldn't talk
92. about what had happened, and as much as I tried to, they couldn't address all of that harm.
93. And so I felt like that I was being completely disloyal to them and they were telling me and
94. I was afraid. Sorry, it's just an emotion of actually feeling split, it's feeling completely split,
95. and recognising that I made decisions that weren't about me, it was about lots of other
96. people, and probably being -- speaking the truth and saying this is what I experienced
97. would have been better for me.
98. **Q.** Right. Okay. And so then you travel to New Zealand every Christmas holidays at the end
99. of uni to spend the holiday period with your biological family and then you travel to Samoa
100. when you're 22?
101. A. Yeah, sorry, can we just go back a second, because I realised one thing that I didn't mention
102. even though when I was talking about the split, was I felt like I was in a culture war. So I
103. had like a white family saying "You're ours" and then I had a Samoan family saying
104. "You're ours" and that was really difficult for me. And what I think would have been better
105. is that if the white family had been more secure and said "That's part of who you are, go,
106. you know, we support you and we love you." And that would have been what I needed and
107. so that's when I talk about like cultural literacy in a family, that's what I'm talking about as
108. well, that's what I mean, when they recognise the importance of something that they can't
109. give you and that's not them, instead of trying to keep you from it and to say that's not who
110. you are and then me having like identity crises left, right and centre because of this being
111. tugged and pulled.
112. **Q.** And we've spoken about that cultural literacy before, Ms TU. Do you want to just explain
113. what you mean by cultural literacy?
114. A. Well, I mean to the extent that -- I mean, again, like having -- being Samoan family, they
115. would have understood language. I just would have been raised in that way anyway. But
116. with the white family, I think that the reason why -- because the State had no concern for
117. me as a cultural person, they didn't look at whether this family was able to give me the
118. culture knowledge or at least facilitate that. And I do think that, you know, like there's --
119. I'm -- I question the extent to which families that don't understand cultural difference are
120. really able to provide a safe place for a child to search out and to find that culture, because
121. they don't understand it. And then so it becomes -- look it's really hard to explain, but it
122. also -- it kind of is assimilationist in a sense because they just don't realise how important
123. culture is and just learning different protocols and those kind of things and they don't have
124. that.
125. But the racial literacy, which is a little bit different is, you know, I got called
126. names, I got called "black bitch", I got, you know, there were a lot of -- I went to school in
127. Queensland in the 80s and 90s and maybe in the New Zealand context people don't
128. understand that, but that's the Joh Bjelke-Petersen years, so Queensland was a very hostile
129. place to anyone who wasn't white. And so in terms of getting called those kind of names,
130. not having racial literacy, like not understanding the impact that might have on me because
131. they're not getting called those names. They're white, they're privileged in that respect.
132. And so they can't -- how can they help a kid with that, how can they understand what
133. impact that has on me to be like marginalised and an outsider when that's not what they're
134. experiencing, that's what I mean by racial literacy.
135. **Q.** Thank you Ms TU. I think you've explained that very well. So just your first trip to
136. Samoa?
137. A. Yes. So I was really hoping that I would go with my biological mum and she couldn't
138. afford to go, and I would have loved to have paid for her but I scrapped and saved and I
139. was adamant that I was going. And then the night before I went she called her aunty and
140. said that I was coming, which I thought was really amazing that, you know, the night
141. before she could pick up the phone saying my daughter's on her way. And so, yeah, I
142. had -- I was there for a month and it was a really amazing experience for me. But even
143. meeting my family in New Zealand didn't prepare me for village life, because it was very
144. full, I never had any private space, but it was exhilarating as well, but I was really nervous
145. and of course I felt embarrassed because I misunderstood so much. And they were
146. grappling with me and I was grappling with them, but they just -- it was amazing they could
147. just absorb me, here's so and so's daughter, you're here because you're so and so's daughter
148. and you're part of who we are. So that was amazing as well.
149. **Q.** We're just going to bring up -- you say in your statement every Tuesday night was family
     1. night and you wrote a poem for them and you'd like to read out that poem. We'll just bring
     2. it up now.
     3. A. I did. I'll give some context for that poem, because I really was afraid of family night and I
     4. was afraid of it because people would dance, they would siva and I didn't know how to
     5. siva. And people were just really comfortable with preparing and so I was sick for a couple
     6. of family nights, and then I realised that I wasn't going to get away with that much longer,
     7. so I ended up writing a poem instead so I performed a poem for them on family night.
     8. **Q.** Thank you Ms TU.
     9. A. Do you want me to read it?
     10. **Q.** Yes please.
     11. A. The Sounds of Samoa. When the sun wakes the village wakes. A rooster crow's, the pua'a
     12. outside my window snorts and sniffs around for a lucky scrap. Children playing with
     13. laughter, with screams, with tears drift through the air. Adult voices rise and fall. A dog
     14. barks then another and another. A pair of feet crunch on the stones when passing my fale
     15. and I hear a "Hi Ms TU", or "Malo Ms TU" while I'm still in bed. A child hides at my
     16. sleeping feet and giggles then runs away speaking a language I am yet to learn. Scents
     17. from the umu find my nose, the sun beams on to my face or some rain sneaks through my
     18. window forcing my eyes open. I close my eyes a second more, grasping at soundless sleep,
     19. then I open my eyes again to the call of Samoa.
     20. **Q.** Thank you Ms TU. I think you've taken a few of us back to the Islands there. Okay, so
     21. then you go and spend some time living with your biological family?
     22. A. Yeah.
     23. **Q.** Just looking at paragraph 154. If you can speak to that?
     24. A. Yeah, so I was looking at one of the letters that my mum wrote to me and she wanted a fast
     25. relationship and she said that, she used those terms. And I had a deep yearning for that,
     26. I looked for them and found them for a reason because I wanted that connection. And so
     27. I found an opportunity, because I was still at uni and I suspended my studies but I went to a
     28. university in as a way of being able to go to Auckland and spend some time with

GRO-A

* 1. my family, which I did for six months. And I think it was really -- at that point I was --
  2. I struggled because I still hadn't been honest about what had happened to me and I was
  3. messy, you know, I was in my early 20s, had severe anxiety and anxiousness, PTSD which
  4. I only realised what PTSD was a few years ago and there was like -- it was a great
  5. revelation to me, it made me feel normal because it was like of course that's what I had.
  6. But that's what I was suffering at that time. And also not understanding the cultural

1 aspects.

2

And I think, you know, within the family, like I would hear

saying all the

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1. time. I didn't raise her, I can't tell her what to do, but actually I just desperately needed
2. someone to tell me what to do, because that just would have facilitated my understanding of
3. the culture much more. And then I also write about that I formed a relationship with my
4. Samoan sibling's dad and he was studying at the time as well. And we just -- we really
5. connected and we could talk and he -- I would talk to him about what was happening and
6. he would be able to translate to me, like because he could take a step back and tell me what
7. I was experiencing and, you know, the way to act and those kind of things. So he was
8. really amazing and just -- and has been and was throughout my life in really taking the time
9. to explain things to me, and to understand. And so I was really lucky that he was there at
10. that time, because I think he really helped with me keeping things together.
11. **Q.** Right, okay. So then, Ms TU, we come to you returning to Australia and you have a
12. falling-out with a sibling, lose contact with your biological mother. If you just want to talk
13. about that and what happens next. And I know that might be a bit difficult, so please, take
14. your time.
15. A. Yeah, I think I -- it was -- again, this is why I say the kind of integration or open adoption's
16. a better way because, you know, turning up to live with your family at 23 is a difficult
17. thing, and so when I came back I felt like I just needed a little bit of time and space to work
18. through all my emotions. And I was, you know, I have that conflict, I told you the conflict
19. between the different families and being pulled. And I unfortunately did have a falling-out
20. with my sister and I ended up in a relationship, which makes sense to me because I just go
21. of course I come from this background and of course I'm going to have like intimate
22. relationships with people which reflect, can be violent, and it was violent.
23. So I mean the other difficulty is that I, you know, I'm queer -- it's not a difficulty,
24. but I am queer. So I entered a relationship with a white woman and she really reflected a
25. lot of the attitudes of my family and didn't understand at all like any obligation. And I say
26. obligation not in a tough, like in the way that white people think about obligations, but
27. obligations that I had to host my sister and to be with my sister. And she didn't understand
28. that and actually was really punitive about it and I just didn't have the strength to deal with
29. it, so I just completely shut down.
30. And so the kind of -- all of the disconnection that I felt and my fears around
31. relationship, like I got a letter from my biological mum and it clearly said "I love you, I'm
32. there for you if you ever need me", and I read it as she rejected me, like I -- you know,
33. I read it afterwards and was like how could I read that as a rejection? But I just -- I did,
34. I didn't read what she was saying, I was, you know, believing that she was rejecting me.
35. Sorry, just pause for a second.
36. **Q.** That's fine Ms TU, take your time.
37. A. And so I, yeah, I just went through this kind of raging battle within myself about connect,
38. you know, trying to find, like speak to her and I was in New Zealand, I was about to go
39. overseas for the first time and I had an opportunity to see her and I rang up, the number had
40. changed and I thought that -- this is like, you know, the kind of rejection paranoia. I made
41. a phone call and it was no longer their phone but I thought that they didn't want to speak to
42. me. So, yeah, it was really strange and I had a chance to go to see her and I didn't -- and
43. then when I was travelling I just -- it was like there was a voice in my head going you have
44. to contact her, you have to contact her, and that's when I said I freeze, so I knew I needed to
45. contact her. And, you know, when I did, so it was a year and a half later, maybe two years
46. later, she'd died, and I missed her by a month.
47. And because I had moved I hadn't had any -- I didn't leave any contact details for
48. her to find me. Yeah, and so, you know, you don't kind of expect that to happen, but like,
49. yeah, between 20 when I could have seen her and when she died, it's a really small amount
50. of time and, yeah, I feel angry, I'm angry at myself, I feel really ashamed that I missed her,
51. but also that I just didn't have enough time, like as I said before, like I didn't have enough
52. time to be messy, you know, to kind of like allow myself to kind of give myself time and
53. space to form relationships. I paid a big price for that.
54. **Q.** Thank you Ms TU. So I'm just looking at paragraph 164 and this is what you're saying;
55. "I needed time but I just didn't have enough time. If I had met her earlier at 8, 10, 12 or 15,
56. it would have made a huge difference. Meeting her at 21 years old was a huge barrier."
57. And that is where you come with the kind of strong recommendation that you be able to
58. meet biological family earlier.
59. A. Yeah. Yeah, because it's -- you know, particularly when you're dealing with different
60. cultural settings, as a kid you're easier -- it's easier to assimilate, it's easier to be absorbed
61. within a family, easier to pick up language, easier for the parent to tell you what to do. You
62. know, like it's just easier all way around and you've got more time and more time to trust
63. the relationships as well. It's hard to do it at 21 because you've already lived a lot of life
64. and they haven't been in the picture. And so yeah, I do, that's my really strong
65. recommendation, that adoptions have to be -- they have to be open, you have to be able to
66. access when you're ready to your biological family, if that's what they want, but it should
67. be open.
68. **Q.** Okay. And we're just looking at paragraphs 165 onwards, if there's anything you would
69. like to speak to there before we get to our next topic?
70. A. Sorry, 165 to what sorry?
71. **Q.** 165 onwards before we get to paragraph 175, we're just talking about your fa'asamoa. So
72. any other matters you want to raise in those paragraphs before we move on to that part?
73. A. Yeah, I think, you know, it's interesting, I was listening to another survivor who was saying
74. that they don't blame themselves for what happened to them. And I wish -- I don't think I'm
75. there yet. And so I do -- like I kind of try and fix things in my brain, in my head all the
76. time of, you know, imagining meeting my biological mother earlier. I fantasise about it,
77. you know, I fantasise, and then it gets earlier and earlier and then sometimes I exclude the
78. other family altogether. But I feel like I'm constantly trying to fix something that I didn't --
79. an issue that I didn't create and I think that's part of -- yeah, it's part of my -- the trauma that
80. I'm carrying.
81. And then also, you know, I feel so embarrassed that I missed my mum before she
82. died, and I've been carrying that around for a really long time, you know, and I've never
83. really spoken to my Samoan family about that either, of what was going on for me or why,
84. you know, because it just -- it's a big thing to miss, you know, for me and in general, and
85. yeah, I feel really embarrassed. So of course it's just like one embarrassment on top of
86. another, then makes me -- makes it hard for me to reach out, you know, because I carry the
87. shame. And it's only really recently I had a dream about my mum and I woke up and I was
88. like oh my gosh I've been living with this shame for a long time, I have to forgive myself,
89. you know, and so I've started to talk about it now and that's shifting things and making me
90. feel better.
91. I think the other thing is because my adopted mother has passed away as well, and
92. that's given me the space to also go this is -- I want to explore this part of who I am more
93. and I can do it without feeling the conflict, the same level of conflict, because she's no
94. longer around and I don't have to deal with that.
95. **Q.** Okay, all right, Ms TU. So just looking at other aspects of identity that you wanted to bring
96. out in your session today. If you could look at paragraphs 175 to 179.
97. A. Yeah, so language and fa'asamoa, like just not understanding that, and recognising, you
98. know, I was a '70s born Samoan in New Zealand and I probably would have been
99. completely fluent. And also, you know, at that time I just, yeah, the State should have
100. ensured that I had access to language and community. And because I am, you know, I'm a
101. lawyer, so I do think about these things in legal terms as well. Mainly because I've been
102. working in, you know, indigenous rights and I was in the US in 2018 working in
103. indigenous rights and I was reading UNDRIP and I saw the, you know, the kind of
104. prohibition or the right not to be -- for children not to be enforced, or enforced assimilation.
105. And I just remember pausing on that and realising that actually I believe that's what
106. happened to me. And I didn't, you know, I didn't have the language that I could use at that
107. point until then, and I started to think about it differently, and that actually I should have
108. never been put in that family and I have told, you know, I've told my biological father that,
109. who I love dearly, that actually they shouldn't have had me because I was a Samoan child
110. and I should have been given the ability to learn my language and my culture.
111. And so, you know, I also work in an area where I look at the right to culture a lot,
112. and you know, I guess I started to frame it as a human rights violation, you know, that was
113. a violation of my human rights to my culture, my right to my culture. And when it affects
114. your -- so affects your identity the State has to facilitate or take a different decision or do a
115. different thing to ensure that you have your right to culture.
116. The other thing, you know, I mean I -- I've been preempting and thinking about
117. some of this because, you know, New Zealand hadn't signed up to the International
118. Covenant of Civil and Political Rights by the time I was born, but it had signed up and
119. ratified the Racial Discrimination Act, and the Racial Discrimination Act also, you know,
120. has provisions around cultural rights and ensuring, you know, it's a form of structural
121. racism to just pretend that someone doesn't have a culture, and to put them somewhere else.
122. So I do believe that there are obligations, clear obligations on New Zealand at the time to
123. think through these issues in relation to me, and I believe that the racialised and racist
124. climate of the '70s prohibited that from happening.
125. **Q.** And then you talk about the impact, what you've gone through influencing your decision
126. not to have children.
127. A. Yes. Well, I mean my brother hasn't had children either, my adopted brother. And I think
128. we just were so traumatised by that family, or, you know, like living through all of that
129. pain, that -- well, sorry, I should just speak for myself. Yeah, I didn't have children, and
130. I realise now as I really try and heal some of this, that I wanted to have children, like and it
131. was really important for me I think to carry the line, you know, as a Samoan person to have
132. children, but, you know, I woke up and I was like I'm 45 now and I've missed it, I've
133. missed that boat, because I just was dealing with so much trauma, and still am.
134. **Q.** Okay Ms TU, we're just going to come to you getting your malu.
135. A. Yes.
136. **Q.** If you could just take us through that, because that's of some particular significance to
137. you --
138. A. Yeah.
139. **Q.** -- you getting that done.
140. A. Yes, it is a lot of significance to me. So when I first went to Samoa I -- the family that
141. I went to, they had a long tradition of, you know, having tattoos like the pe'a and the malu.
142. So one of my cousins had one, it was the first time that I actually kind of encountered the
143. Samoan tattooing tradition, and I just was really drawn to it because, particularly the malu,
144. it made sense of Samoan size, like it just was such a beautiful thing that I just -- I thought it
145. was the centre of a Samoan woman's identity, but I also recognise there's a lot of protocols
146. of who can and who can't. So it was something that I wanted to do, but I didn't really do
147. anything about it. And also I was afraid to as well. So particularly with my adopted
148. mother I waited until after she died, because I was afraid that she would say something and
149. it would just be a flippant comment, like “why would you do that to your thighs” or
150. something like that. And even though it's a flippant comment it would have just been
151. murder to me because it's something important to me. And so I didn't do that, I waited.
152. And then I finally decided that I would see and put out some feelers to see whether
153. I could do it. And I'd met some other Samoans who had gone through it and they talked to
154. me about their process. And so I arranged through my sibling's dad who was living in
155. Samoa at the time and then I kind of -- I arranged for my -- one of my siblings to come,
156. my -- the one six years younger than me to come with me and her family and then my best
157. friends came as well. And then it was a really interesting experience, because of course I
158. was really afraid of what the pain would be and I was -- for some reason I kept on --
159. I dreamt about centipedes and then I got bitten by centipedes and there were centipedes
160. everywhere and I hadn't noticed them before when I'd been to Samoa. So there was some
161. kind of talk and they were like "You better go and speak to the old people about whether
162. what you're doing is okay." So we did and this was my aunty who I'd stayed with years and
163. years beforehand. And the night before they rang and said "We're coming, we're going to
164. come and support you."
165. And that was -- meant so much to me, that they came, and they also then required
166. that I had a blessing afterwards and talked me through it, told me the stories around malu,
167. you know, were there and spoke on my behalf when, you know, during the blessing and the
168. ceremony. But of course no-one really told me what was going to happen and I didn't
169. realise that I'd have to dance, so siva, and I didn't know how to, and so my sister rushed in
170. and danced for me because I was standing there going oh my gosh. So yeah, so it was
171. amazing but it also kind of showed a lot of my, I think discomfort and disconnection as
172. well. But also connect, you know, the connection.
173. And the other thing, which I thought was really beautiful is the philosophy, like
174. learning the philosophy around it. So my uncle, you know, pulled me aside and whispered
175. in my ear and said, you know, talked about life and suffering and pain, and that, you know,
176. like today what I would experience would be learning about pain and suffering but in my
177. head I was like I know what pain and suffering's like, that's what's going to get me through
178. this. And so I did learn about pain and suffering, but actually through recognising that I'd
179. been a lot -- through a lot anyway and that I could get through this.
180. And then the other thing at the end, you know, it was pretty amazing having
181. family there just wishing me on and saying go, you know, "Well done, malo, GRO-B, you
182. know, holding my hands. And then afterwards my aunty said, "Yeah, you've got mana
183. now", which was amazing. It was a great experience. And I'm really proud as well, that
184. I got through it.
185. **Q.** And you proudly wear your malu and show it in the right occasions?
186. A. I do. It's funny, because, you know, when I was a barrister here in Australia I was a bit
187. afraid of showing it because it's a really conservative and white environment. But in recent
188. years I just, you know, I have no problems with, you know, I mean I'm -- I know how to
189. wear it, I've been told like what length of my skirt should be and those kind of things, but
190. yeah, I'm really proud of it.
191. **Q.** Right, okay. Thank you Ms TU. So we're going to come to the redress and
192. recommendations before we close off this afternoon and leave some questions for the
193. Commissioners.
194. A. Yeah.
195. **Q.** So we're just looking at paragraph 187 where you outline your redress recommendations
196. and I understand you'd like to speak to these. So please feel free, Ms TU, when you're
197. ready.
198. A. Yeah, I might just address it under each of the subject headings if that's okay?
199. **Q.** Yeah.
200. A. So yeah, I mean I've been really clear that I would recommend open adoptions and access
201. to information. So there's two parts of that. The first part would be that the State obtains
202. enough, sufficient information, and information that the child wants to know; is, you know,
203. what are the challenges that my mum was facing, you know, what was the circumstances,
204. what did they know and how did they help her, like but all of that kind of information as
205. well, as well as the information about the family and where she comes from and, you know,
206. her experiences and those kind of things. And I just -- it's cruel, it's cruel to lock a child out
207. from that information until they're 20, it's not fair, and so, you know, the child should be
208. able to access that information early on.
209. In relation to the appropriateness of the placement, I'm not really sure and -- what
210. level of due diligence was done, you know, because I can't -- I can't work that out from
211. what the information that I have in relation to the adoption placement. I know kind of
212. anti -- I know what I've been told and I was told that they got me because my grandmother
213. was well-known in the social services community and so they -- so I'm not sure to the
214. extent that there was much due diligence because of that. And I don't think the interim
215. period is long enough to work out whether the placement is going to be the right one or not.
216. I do recognise those kind of questions around certainty, but as I've said before, if a
217. family wants to adopt a child then they shouldn't be concerned about the State just coming
218. in and seeing if things are okay, that just should be par for the course. Yeah, I think --
219. I wanted to be really clear about something which -- clear to the Commission. Because
220. I did want to talk about the abuse that I suffered in the adopted family. And I recognise the
221. difference between direct harm and indirect harm.
222. So from a perspective of direct harm, the State's decision about cutting me off
223. from my culture is a direct harm. In relation to what happened to me during the adoption
224. placement, the State didn't do that to me, they put me in that family. But there could have
225. been ways that would have made me less vulnerable to that kind of harm, and that's an open
226. adoption, that is checking in. There are a lot of things that could have minimised the effect
227. of that on me, and that I do say the State has some responsibility for. There is a material
228. contribution, and to use those terms, in relation to what happened to me in that family and
229. the State's role.
230. **Q.** Because you're making also the distinction between the decision to cut you off from your
231. culture.
232. A. That's right.
233. **Q.** And the abuse that happens there, right, so the first decision made was to cut you off from
234. your Samoan heritage.
235. A. That's a direct harm that the State bears responsibility for, yes.
236. **Q.** Okay, carry on Ms TU. Carry on.

|  |  |  |
| --- | --- | --- |
| 1 | A. | Sorry. I'm sorry my battery's running low, can I just have a second -- |
| 2 | **Q.** | Sure. |
| 3 | A. | -- to plug it in. -- can we have a break, sorry? |
| 4 | **Q.** | Sure. |

1. **CHAIR:** You just let us know when you're ready for us to come back.
2. A. Great, thank you.

## Adjournment from 12.42 pm to 12.48 pm

1. **QUESTIONING BY MS SHARKEY CONTINUED:** All right, Ms TU, you're ready to go?
2. A. I am.
3. **Q.** All good. Okay, so we've gone through adoption information and most of appropriateness
4. of placement. But if you could just look at 195 please. I know that's something that you
5. wanted to make clear.
6. A. Yeah, do you mind if I just go back just a little bit, because I realised I missed a couple of
7. things that I wanted to say about having had early access to Samoan culture, whether that
8. was through my biological family or whether it was through some other mechanism, you
9. know, which the State would have required, having experienced meeting my Samoan
10. family and seeing the kind of the strength and power in that family in the community and
11. how strong and beautiful the culture is, I do think like having that rootedness as a kid, and
12. that's when I talk about steps that could have happened that would have made me less
13. vulnerable to what happened in my other family. So even if I had gone through all of that
14. abuse, if I had that other part that was mine, and that I had learned the language and the
15. culture, I think that would have really gone a long way to mitigating a lot of that harm.
16. And that's what I talk about in 192, so I just wanted to kind of talk about that as a protective factor,
17. because that's the experience that I've experienced finding my family and the more kind of
18. I grow into being Samoan and delve into that world, the stronger I feel as a person. Even
19. though I still feel like all this dislocation and I'm still getting there, I know it from that
20. experience. And so if I'd had it from the beginning, it would have been a protective factor
21. for me I believe.
22. **Q.** So knowing your Samoan culture has strengthened your identity, strengthened everything
23. about you?
24. A. Absolutely.
25. **Q.** All right.
26. A. Yeah, so that's why loss of culture in a sense is massive. It's big on its own. Obviously, as
27. I was saying, my experience is complex because of all this other stuff that happened to me.
28. And so one, the loss of culture is significant, but then all of the trauma just compounds that
29. for me, because it made it -- it's made it extremely hard for me to connect. But just because
30. of all the fears, you know, all the anxiety, the panic attacks, those kind of things, having to
31. manage all of that and then managing all of these other emotions is really hard, I have to
32. tell you. So, and, you know, like trying to be -- have a career, trying to do all those things,
33. it's just -- it's a mess, it's a complex mess, created by adoption.
34. **Q.** So you're saying there in 195 that if adoption has to take place it should be with the same
35. cultural background?
36. A. Yeah, absolutely, and I think, you know, I think it was clear -- it's been pretty clear from
37. the beginning, but there is a right to culture, every child has a right to culture, and
38. indigenous cultures even more so the State has to be very careful. Like the New Zealand
39. State had a colonial relationship with Samoans, an historical one, and it had an obligation to
40. ensure that it didn't wipe that, it didn't just wipe that away, and it did. So the first option
41. should be interfamily, obviously interfamily adoption, if that's not an option, and often it
42. wouldn't be, it should be the same cultural background. If that's not an option, another
43. Pacific community, if that's not an option, then potentially a white family, but with major
44. requirements for connection to community and language.
45. **Q.** Thank you. Thank you Ms TU. So then we've gone through the closed open adoptions and
46. had a look at that, and we're just going to have a look at access to records. I know you'd
47. like to make some things clear just on that issue.
48. A. I, you know, I was lucky that they released that information to my biological parents --
49. sorry, my adoptive parents, the early information. I'm not sure to what extent other adopted
50. children can get access to that information, but if I didn't have that I would have had to wait
51. until I was 20. And I had to wait anyway to get information that was really sparse and
52. didn't give me enough information without some really hard work from someone who knew
53. that what they were doing to find -- to find my mum and to find my family. So I feel that
54. the information needs to be facilitated and not a barrier, and I think the information was a
55. barrier, it wasn't facilitated. It wasn't facilitated in telling me who I was and who my family
56. was, where I could find them, or any other of the important details of whatever they went
57. through and why they were making that decision.
58. **Q.** Right, and so you're saying there that access to those records shouldn't have an age limit?
59. A. Yes, absolutely.
60. **Q.** And you and I have had discussions about perhaps in some situations women's rights about
61. having their own information released. You've got some thoughts on that?
62. A. Yes, I do, I mean look my -- there is a balancing act and I recognise that. But I think that
63. the system that is in place is not flexible, and it doesn't allow for the fact that there might be
64. different circumstances for different people. So in the case of my mum an open adoption
65. probably actually would have been the appropriate form of adoption and a free exchange of
66. information, or at least the option of that so that when -- or for any woman, so that when
67. they want to come back into the life that they can. But then at the same time the child has a
68. right to know, and I feel that ultimately people are adults, so the woman can give up the
69. child, but they can refuse to see the child if they want to. That's something that the State
70. doesn't have to create that barrier, that's something that people can work out for themselves.
71. And that's not something for the State to be so concerned about those things. And so
72. ultimately on those balancing I fall down on the fact that the child should have the right to
73. know who their parents are.
74. **Q.** Thank you Ms TU. Just finally just looking at your final paragraphs in relation to healing if
75. you'd like to make any comments and then I'll leave it for the Commissioners to ask any
76. questions they might have.
77. A. Yeah, the State offered me no help when I was trying to find my mum. And that's
78. something I need to kind of say that I think that needs to be -- there needs to be help and
79. counselling and those kind of things for adopted children when they're trying to find their
80. family. In terms of healing, I know that if I spoke Samoan that would go a long way for me
81. to not feel so disconnected. And I was speaking to someone recently who teaches heritage
82. speakers language skills and she was saying that particularly people in my position, because
83. of all the, you know, the racist kind of -- the racism that I experienced as a kid, the kind of
84. the '70s context of New Zealand, I picked up all that stuff in relation to Pacific Islands, you
85. know, that that speaking becomes quite traumatic for people, and because I'm adopted it's
86. even more so, and so there is -- there are all these kind of other emotional aspects that need
87. to be dealt with. And so, you know, I think about I go, you know, I've had 20 years I could
88. have learned but it's not that easy, because I would have had to have suspended, you know,
89. my career, I would have had to have saved up a lot of money, like logistically I would have
90. either needed to have come to New Zealand and spend a long time or go to Samoa. And so
91. for me I think that there needs to be a cultural restitution and that the State should facilitate
92. me learning my language. So that's one aspect.
93. Then the other aspect is that I've been in counselling for a really long time. I've
94. spent so much money on counselling, and I continue to. And so I'm still living with
95. trauma, I'm still suffering from trauma and it has affected, you know, like you can look at
96. my career and go wow, but it's affected me at each step. And so for me I want some help
97. with that, I want some help to heal and it doesn't all just fall on me.
98. **Q.** Thank you Ms TU. Do you have any final comments before I hand it over to the
99. Commissioners?
100. A. No final comments no, but I would like to thank people after the Commissioners ask me
101. some questions.
102. **Q.** Right, okay. Sure.
103. **CHAIR:** Certainly allow you to do that. Yes Commissioner Erueti.
104. **COMMISSIONER ERUETI:** Kia ora whaea, my name's Anaru, one of the Commissioners,
105. I wanted to thank you for your time today. We spent a lot of time at the Commissioner's
106. table talking about adoption and its impacts, and it was really enlightening today what you
107. shared with us about the placement, culture, cultural safety, the need for ongoing
108. supervision, and your comments on records and what you need to heal, including cultural
109. restitution. So from me to you, thank you very much for your time, much appreciated,
110. kia ora.
111. A. Thank you.
112. **CHAIR:** And to Ali'imuamua Sandra Alofivae.
113. **COMMISSIONER ALOFIVAE:** Lau susuga Ms TU malo le soifua maua ma le lagi e mama i
114. lenei taeao. Malo le tauivi. Malo le fa’asoa. You are an amazing woman. You've had an
115. incredible journey and much has been said, but your rich contribution to our talanoa this
116. morning, thank you for bringing that, thank you for having the courage to do that, for
117. sharing some of those really personal things that you've had to unlock. But, you know, the
118. frame is the tatala e pulonga, to lift the dark cloud. And I just wanted to comment on two
119. things. One was the ifoga and the significance of that, and I suppose you would have heard
120. in the last couple of days about the concept of the vā, you probably know about that
121. concept.
122. A. Yeah.
123. **Q.** And just the richness of how your aiga actually honours the vā and even your mother in her
124. last moments. So even though you might not have got to say goodbye to her, I think you
125. can rest assured that she truly loved you right to the very end, right to her last days. But
126. also the malu, right, so the malu, as you know, is particular to Samoan women. So we
127. would say to you, ua e ofu i laei o le atunu’u. You wear a cultural dress wherever you go in
128. the world, Ms TU, people who know what the malu is will know that you are of Samoan
129. heritage.
130. So you be proud of that, and I'm so encouraged by what I'm hearing, and your
131. contribution today and your recommendations in particular, which we take particular note
132. of in the context of everything else, we're very, very grateful for. So thank you to add
133. together voices of many afakasi children out there and of course those who have been in the
134. adoption space, Malie.
135. A. Thank you.
136. **CHAIR:** Ms TU, the thing that struck me about your rich and wide and long story is the
137. vulnerability of the adopted child. Though the State attempts to legislate away an identity,
138. it might do so in law but of course it doesn't in reality, does it.
139. A. That's right.
140. **Q.** And you said two things, that you felt that if you'd had your culture or an understanding of
141. your culture earlier, it might have made -- given you something that was yours, that would
142. have helped you manage better. And I'm going to disagree with you on that, because I don't
143. think the responsibility should be on the child to manage anything. I mean it might have
144. helped you get through a bit, but that's what I'm talking about the vulnerability. No child
145. should be left in that situation to try and find their own ways of managing when they've
146. been placed it in it by the State, by a State process. So that's a bit of a long introduction to
147. asking you a question with all your understanding and knowledge, both in the law and as a
148. personal experience, in our very imperfect world and we're still running with an Adoption
149. Act from 1955. If and when the authorities get around to dealing with it, do you think there
150. is a place for having a type of maybe guardian overseer, oversight, connecting person that
151. doesn't just wait for six months and then leave you alone and vulnerable, but keeps a check
152. in?
153. A. Yeah.
154. **Q.** Because it strikes me you had nowhere to go, did you.
155. A. I had -- yeah, and that's something that I think I say a few times, I had nowhere to go and
156. no-one to talk to. And I do -- I do, I actually think -- I mean I've had discussions and
157. discussions about this, I think, you know, they describe adoption as a fiction. And I think
158. life is messier than a fiction, and I don't understand why you would make a differentiation
159. between all the care that's taken in relation to fostering a child versus adopting one. The
160. State's making a decision on very little information of where to put a child. And I know
161. that there are good adoptions as well, but if the parents really want that child, then they
162. should just recognise that this is the State's way of ensuring the child's welfare. Because it's
163. a fiction to -- like I knew I was adopted the whole time. You know that that's the case
164. during that time. So I do think something like that should be -- could be a way of dealing
165. with it, where they just check in every once and a while, "How's it going", you know.
166. **Q.** A safeguard, and somewhere for you to go to in the circumstance where the duty of care is
167. not being met?
168. A. That's right, yeah. Because I think, you know, I thought about this and I've thought about
169. it, but ultimately the State makes a decision to take a baby and to put the baby somewhere.
170. And that that's a long -- that's a big decision to make, and so I do think there has to be
171. safeguards in relation to that.
172. **Q.** Yes, thank you for that and that shows the learning that I've taken from your evidence, it's
173. been in the back of my mind but you've given flesh and bones to that concept and I'm very
174. grateful for that. So I'm now going to hand you to our colleague Commissioner Steenson
175. who may have some questions and then we'll formally thank you. Thank you.
176. **COMMISSIONER STEENSON:** Ms TU, tēnā koe. E whakawhetai ana te Kōmihana ki te kaha
177. o Ms TU ki te kōrero i te kaupapa nui i tēnei ra. Tēnā koe, tēnā koe. I say that to formally
178. not only acknowledge you, but I say tēnā koe to formally acknowledge your ancestors and
179. your whakapapa that are with you. And, you know, you have, as my colleagues have said,
180. given a real insight into the traumatic impacts that you're still dealing with in the State's
181. decision to adopt you in the way that they did. And amongst all of the various horrendous
182. abuse that you experienced, as with other survivors we've heard the loss of your culture has
183. been really devastating to you, and constantly feeling disconnected and that something's
184. missing. Your yearning for your biological mother and connection to your culture.
185. But I get the sense that your tupuna, your ancestors, they have been with you and
186. been guiding and connecting you, and this is part of your yearning that has brought you
187. back. And also despite all of that, making sure that you became a lawyer, you found your
188. dreams. And so, yeah, honouring you and your tupuna, I'm very grateful and that you've
189. come and spoken to us about that today, acknowledging that.
190. On your recommendations around adoption as well, I just want to acknowledge that
191. the things that you have suggested resonate with me because they sound very much like the
192. concept of whangai from Te Ao Māori, making sure that you are -- if you are a pepe that
193. needs to, for whatever reason has to be moved from a different whānau, then you're moved
194. to a whānau within your community and you're still connected with your culture. So the
195. things that you have suggested are extremely useful and resonate, so ngā mihi nui, I wish
196. you all the best, tēnā koe.
197. A. Thank you.
198. **CHAIR:** And we'll leave the floor to you, because you wanted to say something to conclude.
199. A. Yes, so I wanted to thank you, Commissioners, for hearing me today, and also recognising
200. that my evidence and other people's evidence have been dealing with a lot of pain and
201. harm, and so just acknowledging that you're hearing a lot of painful things and thinking --
202. and that I'm thinking about your well-being.
203. I wanted to thank -- I really wanted to thank my lawyers and investigation team. I
204. don't think that I would have been able to do this if the Commission hadn't thought through
205. carefully who would be taking my evidence. And I just think it's amazing that you've got
206. like a Pasifika investigations team. They helped me from the very beginning, they
207. understood what I was talking about, it didn't feel like that I had to explain things. And
208. I just think that the cultural sensitivity around that has been really important to me and it
209. gave me more courage to know that I was doing the right thing because I told you that I had
210. a lot of conflicts about that.
211. So in particular I wanted to thank Sharkey who I think has, you know, really great
212. to talk to and amazing lawyer, Stephanie, Reina and Helenā. And I wanted to thank the
213. well-being person Maikali who's worked really hard to build a trusting relationship with
214. me, and I haven't been easy to connect with, but he has made me feel really comfortable
215. giving evidence today. And I wanted to thank all my friends and family who are listening
216. in there or are supporting me. Thank you.
217. **CHAIR:** We join you in thank you, I think did you want to -- I think you're going to be honoured
218. with a waiata, yes.

## [Samoan song]

1. **MS SHARKEY:** Fa'afetai lava Ms TU. I'll be in touch with you and I'll pay you for your
2. comments later okay? Thank you very much. We'll talk soon.
3. A. Bye.
4. **CHAIR:** We'll take the lunch adjournment now and resume again at, Ms Sharkey?
5. **MS SHARKEY:** 2.15?
6. **CHAIR:** 2.15 we'll resume, thank you.

## Lunch adjournment from 1.14 pm 2.15 pm

1. **CHAIR:** Good afternoon everybody, welcome back to the last session of today's hearing, and I'm
2. going to invite Ms Va’ai to come forward to present our witness.
3. **MS VA’AI:** Kia orana tatou katoatoa, our first witness is Dr Sam Manuela.

# DR SAM MANUELA

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