

Terry O'Connell <realjustice2@bigpond.com>

21 May 2014 12:25 PM

To: <pmc@REDACTED>

Cc: "Bert Franzen" <bertfranzen@electassociates.com.au>, "Yogasandhan" <yogasandhan@satyananda.net>, "Suryamitra" <suryamitra@satyananda.net>, "Sarah Tetlow" <REDACTED>, "Gurubhakta" <gurubhakta@satyananda.net>

Re: Status Update- legal advice

Dear Syryamitra,
Bert has obtained some sound [and cheap] advice.

His thoughts about Bhakti are sound, although I probably would have used slightly different language! Far from being gutless at Tim suggests, Bert is great at 'cutting to the chase' and I like it!

No doubt, Bhakti is very bright. REDACTED. Bhakti has the pedigree but it seems that this doesn't always work in her favour. Don't imagine for a minute that her many demands are just directed at the Ashram.

I will be talking with Bhakti soon and are hopeful that this might help her to deal with her anxiety in more productive ways.

warm regards

Terry

Terry O'Connell
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On 21/05/2014, at 11:33 AM, "Phil Connor" <pmc@REDACTED> wrote:

Hari Om Bert

I was just hoping for a free lunch.
It is up to the Group if they think clear legal advice is desirable, or are we content with what we have heard informally?

Om
Pm

From: Bert Franzen [mailto:bertfranzen@electassociates.com.au]
Sent: Wednesday, 21 May 2014 8:58 AM
To: 'pmc'
Cc: 'Yogasandhan'; 'Terry O'Connell'; 'Suryamitra'; 'Sarah Tetlow'; 'Gurubhakta'
Subject: RE: Status Update

Hi Poonamurti

No I didn't get a written opinion. The advice I provided was based on a detailed discussion that I had with him relating to the subject.

If you would like written advice on the subject I'd be happy to ask David for a quote. Just by way of background, when a lawyer gives a written opinion on a subject it is a bit like a legal submission to a court. Accordingly, it typically involves a considerable amount of work by way of researching case law and related ACTs and pertaining section references to support his argument. It is therefore not a simple matter of him writing a letter. The verbal advise he gave me was based on more the 30 years in the business and 5 years as a Barrister.

Let me know if you want me to go ahead and ask for quote.

Kind regards

<image001.jpg>

Bert Franzen

electAssociates | HR Consulting Specialists | Building 8 Level 2 | 49 Frenchs Forest Road | Frenchs Forest NSW 2086

T: 9454 7736 | M: **REDA** | F: 02 8088 6725 | <image002.jpg><image003.png> <image004.png> <image005.png>

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From: pmc [mailto:pmc@**REDACTE**]

Sent: Tuesday, 20 May 2014 10:37 PM

To: Bert Franzen

Subject: RE: Status Update

Hi Bert

Regarding the legal advice you sought on ashram liability- do you have any written version of this?

Om

Pm

----- Original message -----

From: Bert Franzen

Date: 20/05/2014 4:46 PM (GMT+10:00)

To: 'Terry O'Connell', 'Yogasandhan'

Cc: 'Sarah Tetlow', 'Suryamitra', 'Gurubhakta', 'Poornamurti (Phil) Connor'

Subject: RE: Status Update

Hi Yogasandhan

MOA refers to the memorandum of articles. It is the rules that determine the operation of a corporate entity and relates only to the owners of that entity. You do not have to provide this to her.

Cheers

<image001.jpg>

Bert Franzen

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T: 9454 7736 | M: **REDA** | F: 02 8088 6725 | <image002.jpg><image003.png> <image004.png> <image005.png>

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From: Terry O'Connell [mailto:realjustice2@bigpond.com]

Sent: Tuesday, 20 May 2014 4:20 PM

To: Yogasandhan

Cc: Sarah Tetlow; Bert Franzen; Suryamitra; Gurubhakta; Poornamurti (Phil) Connor

Subject: Re: Status Update

Dear Yoga,

Just getting back about Bhakti and her various requests.

She has copied me on two occasions but I have not responded. I will be chatting with her in due course and no doubt she will raise the issue with me.

I am told that constitutions etc are normally found on a company or organisation's website and are generally a public document. As for an MOA, I haven't a clue. My initial thought at this stage is to ignore the requests although that might be a short term fix.

thanks

Terry

On 20/05/2014, at 9:58 AM, Yogasandhan <yogasandhan@satyananda.net> wrote:

Good morning all,

Thank you Terry for the update, posting to FB sounds good to me. Thanks also for continuing to give an understanding of where the victims are coming from.

Update from my end:

As Surya mentioned so far one person has completed an application which has been forwarded to Terry.

another intended to but then decided not to as she feels she has found her own professional support and is focussing on the good things in her life. I told her teh offer remained open if she changed her mind.

Another has asked some more specific questions regarding the pack but as yet has not applied.

Apart from that Bhakti has again asked to see the organistional constiuion etc. She referred to it being an MOA. Is this something we are required to provide the public? And either way Terry what is your feeling on this?

Regards,
Yoga

"Each day watch the colours of your mind,
until the light shines clearly" ~ SSS

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From: Terry O'Connell [<mailto:realjustice2@bigpond.com>]

To: Sarah Tetlow [<mailto:REDACTED>]

Cc: Bert Franzen [<mailto:bertfranzen@electassociates.com.au>], Yogasandhan Saraswati [<mailto:yogasandhan@satyananda.net>], Suryamitra [<mailto:suryamitra@satyananda.net>], Gurubhakta [<mailto:gurubhakta@satyananda.net>], Poornamurti (Phil) Connor [<mailto:pmc@REDACTED>]

Sent: Tue, 20 May 2014 08:53:10 +1000

Subject: Re: Status Update

Dear Suryamitra,

My apology for not responding earlier. I have had to 'lay low' because of cold/flu.

Let me begin by revisiting a comment I made to you all about 'things getting messy'. At the time, I was simply putting you on notice that I was pretty certain that things would get 'ugly' in the next little while before some respite. This is what has happened.

I received an email from one of the 'key' victims who has compiled a range of comments from other victims [following the release of the Survivor Pack]. I have attached this document and I suggest you read this document now, before you read my response [pasted below]:

The feedback is everything I would expect given that for the last 30 years, Ashram victims have been [initially] humiliated, unsupported and completely ignored. In the meanwhile, individual victims have had to deal with the whole range of painful human emotions and their lives have become defined by what happened to them at the Ashram. I would imagine that for a victim there has been no respite, not one day has passed without some horrible memory of the Ashram being revisited.

Once victims got news of the proposed 40th Anniversary celebrations, it became the first real opportunity victims had to express their complete distain and disgust about what happened to them. Anyone remotely involved with the Ashram was an understandable target. Even worst, today there are some still associated with the Ashram that were around when the abuse took place, and regardless of whether or not they knew anything of the abuse, in the victims eyes they are culpable.

The reality for the Ashram is that regardless of what they say or do nothing will come close to satisfying the needs of victims. It is clear that victims desperately need something to happen but what is not so clear, is whether victims know what this really looks like. I sense that victims want someone to be held accountable. What accountability might look like for victims to be satisfied is really uncertain. Understandably victims are attracted to the Royal Commission where they get to be heard, acknowledged and supported. I have no doubt that some victims strongly believe that if the Royal Commission held public sessions that this might go some way to helping.

I agreed to assist the Ashram because I have a strong desire to help the Ashram victims. My experience of dealing with sexual abuse victims has highlighted the importance of the 'journey' for victims and their families. Being heard and understood is fundamental for victims, and it just happens to be the bit that is missing to date, My offer to work with individual victims is built on my strong belief that I have something to offer in that regard. Some victims [again understandably] don't trust where I am coming from because I am seen as Ashram. I can only ask, what would need to happen for Ashram victims to trust me?

The best I can do at this point is to encourage Ashram victims to lodge an application if they are interested in talking to or meeting with me.

It would be helpful if you were to post the contents of my email on the social media site [where you uplifted the feedback].

Please feel free to ring me if you have any questions or concerns.

Let me provide a few dots points that may be helpful on where I think things are and need to be:

- I am pleased to be able to respond to the 'key victim' as it helps my credibility.
- It will be helpful if she pastes my email on the social network site.
- Just continue to encourage victims to apply.
- Be selective about the conversations you have with victims and others.
- If you have a need to communicate, just ask questions e.g. what would help?; what could we do differently?

I am hopeful that by getting to work with some victims,

new stories might begin to be told.

Get back if you have any concerns or questions.

many thanks

Terry

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On 20/05/2014, at 7:52 AM, Sarah Tetlow <REDACTED> wrote:

Hi Bert

We've had one application for the support pack, which has been passed on to Terry. There have been some other enquiries, but Yogasandhan can give a bit more flavour to that. She mentioned one other person at least who is going to apply.

Otherwise, relatively quiet, as you say.

Suryamitra

On 19 May 2014, at 9:34 pm, Bert Franzen <bertfranzen@electassociates.com.au> wrote:

Hello one and all

I was wondering as to the current status of things? What response have we had, if any?
Yogasandhan have we been receiving any emails? Terry have you had any response on your end?

I received another text from Tim calling me gutless...but nothing more since then.

Seems very quiet on the western front however!

Cheers

Bert

Bert Franzen

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