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**To:** [Anthony Cormack](#)  
**Cc:** [Sarah Tetlow](#); [Bert Franzen](#); [Krishnadara](#); [Suryamitra](#); [Atmamuktananda Saraswati](#); [Poornamurti \(Phil\) Connor](#); [Swami Haribodhananda](#); [yogasandhan Saraswati](#)  
**Subject:** Re: Discussions with kate Eastman  
**Date:** Sunday, 23 March 2014 6:02:05 PM  
**Attachments:** [E7EEF232-8BE6-42B6-99C8-A0F5F0785E23.png](#)

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Hari om,

thanks Amarnath for the detailed report on your meeting with Kate. Just thought I'd say that based on my contact with the RC last week I think there is virtually no chance we would be investigated. My reasons for saying this are:

- 1) Justice Peter McLelland basically said they are fully committed time-wise in terms of investigating organisations - they certainly have huge cases to look at and are overcommitted already.
- 2) I spoke with a community engagement officer about our case, without naming our organisation, and as the matter has been dealt with by the courts already, we have and are acknowledging what happened and are taking steps to both prevent recurrence and hear those who have suffered, there is no reason why the RC would investigate us. He was happy that we are an advocate for the work of the RC and did not think the RC had any role to play. My enquiry was to seek advice or guidance from them if that was part of their brief. He offered to give me names of agencies that could support us. That's all.

We do need to remember that this whole matter has not been swept under the carpet - it was public, the organisation suffered a massive contraction and has gradually and carefully been rebuilt. I think it vital that we don't become alarmist and that we keep a perspective on what is going on. We also need to stay yogic. I agree that we must focus on compassionate and effective communication with those who have raised grievances and believe that building a positive relationship with them is the single most important thing we can do. Ultimately that is what we will be judged on, by teachers, students and the community if they get to hear about it. We need to be very careful of knee jerk reactions and being overly affected/influenced by upset teachers or others. I have communicated with Tasmanian teachers who were on the email list and Atma has done the same with Victorian teachers. We are a close knit grassroots community and that is our strength. We need to maintain that strength.

om,  
Ahimsa

On Sun, Mar 23, 2014 at 4:56 PM, Anthony Cormack <[REDACTED](#)> wrote:

Hari Om,

I think it is appropriate I provide an outline to the Task Force (TF) members of the events leading up to me contacting Kate Eastman SC who has been a legal advisor to Manly Yoga and is recognised as one of Australia's leading Human Rights Barristers and is a highly regarded and sought after. <http://kateeastman.com> click link to cv. She is currently working with the Salvation Army in the Royal Commission Hearing (RC)

into child abuse and with several other organisations. I contacted Kate and Gautam when the Face book issue started to develop to seek her opinion on the potential impacts to Manly Yoga and how best we communicate with our teachers, students and community. In addition what appropriate actions we should take and policies and procedures we should implement. I advised both SYTA, Krishnadaran and Mangrove, Suryamitra of my intended discussions with Kate and advised I was happy to raise any questions they may have.

### Reference Links from Kate

Child Protection and working with children checks and policies: <http://www.kids.nsw.gov.au/Working-with-children/New-Working-with-Children-Check>

- Apologies for past abuse: [http://www.clan.org.au/apologies\\_received.php](http://www.clan.org.au/apologies_received.php)

- Royal Commission generally: <http://www.childabuseroyalcommission.gov.au/>

The following outlines my discussions with Kate on Saturday March 22nd. I have endeavored to be as accurate as possible however given the depth and length of my discussion, I strongly recommend follow up discussions with Kate by the TF if further clarification on some points is required. I advised her I was not representing SYTA, Mangrove or the TF. I did forward to Kate prior to our discussion a list of questions on behalf of MY and SYTA which appear below along with copies of some emails to give her some further background information along with a copy of the recent Cease and Desist letter.

I have broken this email into four sections being Manly Yoga, SYTA, Mangrove and TF so that various parties can either send the entire email to their management committees or cut and paste. I have also cut and pasted relevant sections of Kate's follow up email and attached a copy for your reference. As Suryamitra has advised, Kate has generously offered if we are in agreement, to attend a meeting of the TF on a Pro Bonobasis over Easter to further advise and assist us. ,

### Manly Yoga

**Q1.** Are there any issues both personally or organizationally if MY is represented on this task force (TF). **A** Whilst being on the TF does not give rise to any personal or organisational liability (sued). It depends on the terms of reference (TOR) of the TF and what their responsibilities and interface might be. In the case of a royal commission investigation (RC) if the TF is the primary contact point for survivors, families and the Satyananda community including dealing with complaints then the (RC) will scrutinize and investigate the way in which the TF has been developed and its TOR. Also have the appropriate policies and procedures been implemented specifically around child abuse, including reporting. It is very important that all the organisations have these policies and procedures in place and in particular Child Protection and working with children policies. It is also important that records documents and correspondence is kept appropriately. It is very important that the members of the TF are indemnified and that this is included in the TOR along with an obligation that legal costs are covered. It is the reputation issue for MY, being seen as part of the Satyananda organisation which can be an issue. This can be managed and to a degree avoided by the way we are seen to be commenting and having the right and appropriate policies in place from internally and externally perspective.

**Q2** .MY is a separate organisation to Mangrove and is connected to Mangrove via affiliation. Are there any legal impacts and or can MY be conjoined in any actions. **A.** In principle no we have no exposure they are independent organisations. We should however be aware that we and those other organisations that are linked by affiliation or association and or carry the Satyananda Yoga logos could be seen by many of our students and community to be connected. It is therefore advisable that we all have a uniform approach to these issues and that the management teams have in place the appropriate child protection systems, including working with children checks, police checks and a Management policy and procedure in the unlikely event that an inappropriate incident occurs. This should also include who do we report to e.g. The Ombudsman, Police and relevant Commissions and internal systems on how these matters are to be handled. There is a real benefit in MY being on the Task Force so it knows what is going on and can assist in assuring the appropriate action is taken moving forward.

**Q3.** What additional statements should we make to the teachers? **A.** Probably little at this stage she believes the information, emails we have sent to date are appropriate. It makes sense that communication is included in the TF, TOR and that where practical is uniform across organisations. The most important thing is that the information is accurate and reliable and supports the teacher's needs. It is not seen as a cover up or an embargo on past events and to protect peoples or organisations involved or their reputation. We should start to formulate policies around if

they are approached by students or even someone doing Yoga who is not necessarily associated with Satyananda Yoga. This could include an associate of theirs who has been impacted by or a victim of trauma from child abuse. We should hold a meeting with the teachers and allow open and free discussion. Generally the points raised and outcomes of this meeting will help to form the basis of the policies moving forward.

**Q4** Should we be making a statement to our students and community independent of Mangrove? If so what should it's content be. **A** This is predominately covered in point 3 .We should continue open communication with the teachers **only** at this stage and provide regular up dates. The most important thing is we provide them with the appropriate information and put in place the right procedures and protocols so they feel supported and we ensure we are acting in accordance with our obligations and legal requirements.

**Q5** Do we prepare a risk and action assessment from MY perspective e.g. worst and best case outcomes, and if so are there examples or guidelines we should be following. **A** Yes we should do an independent assessment. The content and outcome

**Q6** Are there any other actions we should we be taking .**A** Start to progressively and thoroughly work though the requirements, policies and procedures, checks and report mechanisms regarding child abuse, in other words getting our house in order so that in the very unlikely event of an incident arising we are well covered.

## SYTA

### Questions

**Q.1. Same a Manly - Are there any issues SYTA needs to consider in joining the task force?**

SYTA is an independent organization and our primary role is to support teachers. At the same time we recognise we need expert advice and to be part of decisions about the way forward.

**A.** Similar to Manly the primary difference being that Manly has students and contracted teachers and an organisational environment where as SYTA is an association representing the teacher so is therefore even further removed. Kate suggested that it would be prudent to establish if any of the SYTA members have been involved in any abuse cases.

**Q.2.** How have other organisations managed this? i.e. a community organisation of lay people on the side of the organisation under the

spotlight **A.** Lots of organisations are working through policies and procedures and risk assessment from larger down to community based such as the scouts. Mostly in a low-key way. There is not one size fits all. From a RC and legal point of view the commission is interested in how is the organisation structured is it a company limited by guarantee or is it something else.

Apologies for past

abuse: [http://www.clan.org.au/apologies\\_received.php](http://www.clan.org.au/apologies_received.php)

· Royal Commission

generally: <http://www.childabuseroyalcommission.gov.au/>

**Q.3. Re the task force - can you advise on the composition and role of the task force i.e. what would be best from a legal and probity perspective?** Does the background of the members matter e.g. previous residents of MM during the time. We see the task force as a good thing but want to make sure it follows good practice.

**See TF comments below.** It really depends on what is the TOR of the TF.

**Q.4. Is there more SYTA can do to support teachers? Same as Manly if get together ver strutted and formal with structured**

We can see we a need for ongoing guidance on this. Who could provide this or would the task force be best to support this?

E.G have a facilitated session at the Easter weekend - ask them how it is, what do they need, do something at the AGM, start a moderated group, contract some independent counselors for members to talk to?

**A** This is covered off under Manly points 3 and 4 it is however not recommended that a general meeting be held and if it is then it needs to be very well facilitated so that it does not get out of hand. It is important that where possible that the information is uniform across all organisations and is seen as compassionate and healing rather than legal and limiting.

**Q.5. Would a response or explanation to some of the allegations by Mary Smith by Mangrove is helpful to this matter? Are we the group to ask this?**

Could/should we ask members their thoughts on this?

A. Kate has expressed her deep concern about the way the Cease and Desist letter to Mary Smith has been communicated. In her words it really is at the heart of the issue. The Cease and Desist letter in her words should be retracted immediately and a meeting sought with Mary Smith and other parties and a leading member of the Satyananda Mangrove organisation to enable open and compassionate communication to flow. Kate is concerned that by coming down on her and threatening legal action it will drive her and others to seek a private hearing with the commission. If there are a number of people doing the same thing then this may cause the commission to take further action or instigate a hearing. This action should be at the top of the list of the TF and done as soon as possible. We should keep the teachers informed of progress and provide an environment where they can air their concerns across all organisations.

**Q.6. We are a separate entity from MM and MY but they are our partners in our Satyananda family** - could we be perceived as colluding with Mangrove if we refer our members to talk to Mangrove? Is this a problem? Do we need a separate referral service for our members?.

**A** This has been covered in mainly Point 2 It is important to reinforce we should be aware that the organisations are linked by affiliation or association and or carry the Satyananda Yoga logo's. We could be seen by many of our students and community to be connected. It is therefore advisable that we all have a uniform approach to these issues and that the management teams have in place the appropriate child protection systems, including working with children checks, police checks and a management policy and procedure in the unlikely event that an inappropriate incident occurs. The concern for both SYTA and Manly is that teachers and if it went public the students may choose not to be associated with the organisations.

**Q.7. What possible case could be filed against SYTA and on what grounds?**

**A.** With regards to the current situation SYTA is not legally exposed. If there was a RC then there is a very slim chance that they may investigate the activities of SYTA purely because of the association with Mangrove and the Satyananda name. It is therefore very prudent that the appropriate child protection systems, including working with children checks, police checks and management policy and procedures are in place.

**Q.8. Do we need a Satyananda Australia spokesperson in place in case this hits the media?** Understand that Suyramitra is this person.

**A.** Absolutely and this should be one of the first priorities of the TF. The TOR

needs to agree who is the best spokesperson and write a specification on what attributes that person should have.

**Q.9. The apology seems to be a stumbling block with many people**

- would e.g. Rishi as Australia's most senior person be appropriate to make an apology if India will not?

See my comments under Mangrove it defiantly needs a spokesperson in Australia and Kate highly the TF and providing comfort and direction to the victims and the organisations at large.

Q.10. What is the worst-case scenario for SYTA - should we prepare or discuss this? **A.** The worst-case senior is reputational damage and teachers may choose not to be members. Yes SYTA should do an independent assessment see Manly point 5. Kate stated that you need to be ready for the criticism of the past events and it is how you respond to it, which will really affect the long-term outcome.

**Q.11. Our processes - SYTA's governing body is the 8 member MC** - would it be better to form a small task force which reports back on this matter to the MC?

**A.** No Kate is aware of the SYTA structure through Gautam and it is unnecessary. SYTA should however be represented on the TF and be well informed and have due influence into the actions and TOR of the TF.

## **Mangrove**

**Repeated from SYTA Q.5.** Kate has expressed her deep concern about the way the Cease and Desist letter to Mary Smith has been communicated. In her words it really is at the heart of the issue. The Cease and Desist letter in her words should be retracted immediately and a meeting sought with her and a leading member of the Satyananda Mangrove organisation to enable open and compassionate communication to flow. Kate is concerned that by coming down on her and threatening legal action it will drive her and others to seek a private hearing with the commission.

She has strongly stated that Swami Niranjana needs to make a compassionate sympathetic and healing statement supporting the TF and expressing his support of the process. She cited the Salvation Army case where the RC investigated the UK head office to see if it was endemic throughout the organisations and what policies, procedures

and protocols were in place. This would apply in the unlikely event an investigation was carried out into the Satyananda organisation.

The RC hearing into the Catholic Church will be hearing from George Pell, which is being broadcast at 10:am on Monday. In addition the Salvation Army hearing, which Kate is involved with, is being heard on Thursday. Both of these will provide useful information and ideas around how the TF should be moving forward. Kate reconfirmed the need for the retracting of the Cease and Deceit letter, and stated that. *"It is in our best interest that the interests of the survivors and their families must be our priority. If not everything could go pear shaped. If there is appropriate support, followed by transparency and honesty in our dealings then things should go relatively easily. If instead you put fear, reputation and risk of litigation, and you are seen to be shutting things down and not getting India involved you will have problems. In pure yoga philosophy keep true to your hearts."*

### **Task Force**

Kate stated that it is very important that the representatives of the TOF are chosen carefully have the appropriate knowledge and understanding and that they are all in agreement with the TOR, very importantly there are no hidden agendas. She stated that

this is an excellent idea. It should put the survivors and their families at the forefront of its thinking and development.

If this process is driven primarily by minimising reputational risk and legal exposure, then it will achieve very little and is likely to result in deep and ongoing pain for the survivors and their families.

The starting point is the development of terms of reference for a taskforce. There is no 'one size' fits all approach but the following is a set of questions to ask. The answers should shape the terms of reference for any taskforce.

1. What is the purpose of a taskforce?
  - a. Why do you need a task force?

b. What will the taskforce be expected to do?

*(a non-exhaustive list might be:*

i. Redress the past – ask the question why did the past abuse occur?

ii. Investigate complaints – what is the process for complaints?

iii. Healing, counselling, support, referral, awareness?

iv. Determine reparations – how to be assessed, form in which provided, by whom

v. Communication with all relevant persons – about the process, information, apologies, form of communication,

vi. Liaison with Royal Commission

vii. Manage future risk (if any)

viii. Develop policies re child protection and more broadly

ix. Education

x. Clear view as to institutional response to the past, present and future

xi. Legal issues

c. What will the taskforce be expected to achieve?

d. Timeframes with respect to the immediate and

ongoing work of the taskforce?

- e. Will the taskforce be required to make decisions that are legally binding on the organisation and any individuals? If so, what authority will be conferred and by whom?

We also discussed briefly the possible need for counselling support and what was our position regarding compensation. She advised that the Statue of limitations does not apply to Child abuse cases and that we should also include a framework around potential claims.

2. Who participates on the task force? (will be determined by the terms of reference)

- a. Qualifications or experience to address objectives as set out the terms of reference?
- b. Consider ad hoc members or sub-groups – if and when necessary
- c. Resources/Capacity (time, ability, fortitude to address the difficult issues)
- d. Representation of all relevant 'stakeholders' (including the survivors' interests?)
- e. Institutional knowledge – ability to locate documents, verification of facts if necessary
- f. Avoid *any* perception of any conflict of interest (my rule of thumb is 'if you think you have a conflict of interest, you probably do' – ie, if you even have to ask the question then take a cautious approach)

g. Indemnity for members of the task force from any personal liability?

In conclusion the very strong and constant message I got out of the discussion with Kate was the need to be diligent in how we form the TF. Ensure that the appropriate people are on the TF. We need to be very open, transparent and compassionate in the way we handle this matter. Shutting things down or being overly aggressive legally will create considerable problems in the future. In the unlikely event of a RC hearing everything we communicate or write will be subject to scrutiny and it is very important the right procedures, documentation and policies are implemented. We should ensure there are no hidden agendas and that we are open, compassionate, comforting and nurturing in our approach and actions. Do not try and shut things down or hide, as it will only create many other issues moving forward.

Whilst I was primarily addressing the MY position it was difficult not to cover the broader issues impacting each of the organisations. Suryamitra, I suggest a follow up call by you to Kate will be very helpful for you and the Mangrove team. Kate is happy to do this also on a pro bono basis.

Om Shanti

Amarnath



**ANTHONY CORMACK**

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**From:** Sarah Tetlow <[REDACTED]>  
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**Subject:** Re: Risk management

Hari Om

Amarnath gave me a brief update on the call he had with Kate Eastman earlier today. He is going to send us an email later.

Kate has offered to come to Mangrove and spend some time with us at Easter and I think that's a great idea. I also think one of us should speak to her asap to get some interim advice. I would prefer that not to be me.

What do you think?

Om  
Suryamitra

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