



**ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES
TO CHILD SEXUAL ABUSE
AT SYDNEY**

Royal Commissions Act 1902 (Cth)

Royal Commissions Act 1923 (NSW)

Evidence (Miscellaneous Provisions) Act 1958 (Vic)

Commissions of Inquiry Act 1950 (Qld)

**PUBLIC HEARING INTO THE RESPONSE BETWEEN 1974 AND 2014 OF THE SATYANANDA YOGA
ASHRAM AT MANGROVE MOUNTAIN, NEW SOUTH WALES, TO ALLEGATIONS OR REPORTS OF
CHILD SEXUAL ABUSE MADE AGAINST SWAMI AKHANDANANDA SARASWATI.**

CASE STUDY 21

OPENING STATEMENT OF COUNSEL ASSISTING

INTRODUCTION

1. This is the 21st public hearing of the Royal Commission and the first involving a faith based organisation outside the church structure. The Royal Commission is sitting under the *Royal Commissions Act 1902 (Cth)* and the *Royal Commissions Act 1923 (NSW)*.
2. The main focus of the hearing is on the response of the Satyananda Yoga Ashram at Mangrove Mountain (the **Ashram**) to complaints of sexual abuse made against its former spiritual leader, Swami Akhandananda Saraswati (**Akhandananda**), in the mid to late 1980s. I anticipate that the hearing will also canvas allegations of sexual abuse perpetrated by the organisation's founder and spiritual head, Guru Swami Satyananda Saraswati (**Satyananda**) and issues relating to how he and his spiritual successor, Swami Niranjananda Saraswati (**Niranjan**) dealt with the allegations when they first came to light.



3. The Commission will hear about the experiences of **11** former child residents of the Ashram who will say that they were sexually and physically abused. It will explore the Ashram's direct response to that abuse at different times including:
 - a. when the abuse was occurring;
 - b. when allegations against Akhandananda were first disclosed in 1987;
 - c. after Akhandananda's arrest and during the criminal proceedings against him;
 - d. after his release from gaol and death; and
 - e. in 2014 as some of the victims or survivors confronted the Ashram on the occasion of its 40th anniversary celebrations.
4. It is expected that the hearing will also involve an examination of the role of the Satyananda Yoga organisation, and the teachings, philosophy and practices of the School of Yoga that Swami Satyananda founded, in so far as they relate to the abuse that is said to have occurred and the institution's response to it, then and now. In other words, the Commission will inquire into whether there exists a nexus between the teachings, philosophy and practices of the Ashram, and the circumstances which may have allowed a spiritual leader to perpetrate child sexual abuse over a significant period of time.
5. In order to understand the surrounding circumstances, evidence will be called about how the former child residents came to live at the Ashram and their isolation from the outside world as well as from their parents, external schools and other adults at the Ashram. The public hearing will examine whether the environment and circumstances in which the children lived at the Ashram made them particularly vulnerable to sexual and physical abuse.
6. The outline of facts I am about to give is drawn from witness statements and documents that will be tendered during the public hearing. This opening is for the benefit of those who survived the abuse, interested parties and the public as a guide to the structure of the case study and the type of evidence that will be led.

SATYANANDA YOGA AND ITS ESTABLISHMENT IN AUSTRALIA

7. Guru Swami Satyandanda Saraswati was born in India in 1923 and was himself a pupil of the Guru Sivananda Saraswati. He became a Sannyasin (someone who renounces all worldly and material goods and dedicates their life to spiritual pursuits), and a yoga teacher and guru in



- India and the West. In 1964 he founded the Bihar School of Yoga in Monghyr in the State of Bihar, India.
8. In brief, Satyananda espoused the practice of “integral yoga”, attempting to integrate the physical, psychological and spiritual dimensions of yoga into each practice. I anticipate that the Royal Commission will hear that Satyananda taught that those who followed him and became Sanyasins should practice abstinence, chastity and austerity and would not clutter their minds with such worldly pleasures as sexual intercourse or alcohol. As I expect will be explained by one resident of the Ashram, the practice of Satyananda Yoga at Mangrove Mountain included yoga postures, breathing techniques, meditation, and selfless and devotional service. I anticipate that the Royal Commission will hear that although yoga is not a religion in itself, the Ashram was based to some extent on the Hindu religious structure, with people taking on “spiritual names” from the Hindu/Sanskrit language and followers encouraged to worship Hindu deities.
 9. The mission promoted by Satyananda was “to spread yoga from shore to shore and from door to door”. Satyananda visited Australia for the first time in 1968 at the invitation of a leading yoga teacher in Sydney. The following year he returned to speak at a National Yoga Convention in Richmond, NSW. By 1974, the teachings of Satyananda had indeed spread and a number of yoga centres, sometimes referred to as small ashrams, had been established under the guidance of yoga teachers trained by Satyananda at the Bihar School of Yoga in India. In early 1974, Australia’s first residential ashram was founded on land owned by Brian and Mary Thomson at Mangrove Mountain, NSW. The Ashram was seen as the main centre in a community of ashrams including smaller ones in Bondi and Manly. In the same year the Mangrove Mountain Ashram was established – 1974 - Satyananda sent a man he regarded as his disciple or pupil to oversee development of the Ashram and to spread the practice of Satyananda Yoga throughout Australia. That man was Swami Akhandananda Saraswati, whom I will refer to as Akhandananda or Swami Akhandananda.
 10. Akhandananda was born into a poor family on or about 22 March 1952 in the State of Orissa in India. He joined the Satyananda movement in around 1968 at the age of 14. When he came to Australia in 1974, he lived firstly at the Bondi ashram and then at the Mangrove Mountain Ashram. He was warmly greeted and accepted by his new followers in Australia as a Guru.



THE ROLE OF THE GURU

11. The Royal Commission will receive evidence about the teachings and philosophy of Satyananda yoga and in particular the role of the Guru. I anticipate that the Commission will learn that Gurus were considered to be spiritual men who had attained enlightenment and were God like. One former swami and resident of the Mangrove Mountain Ashram is expected to give evidence that Satyananda was believed to be “omniscient, omnipresent and omnipotent”. Some Ashram members believed that both Akhandananda and Satyananda had spiritual powers and could look into a person’s soul and know exactly what was right for that person. The teachings of Satyananda encouraged obedience and utter devotion to the Guru and the guru/disciple relationship was promoted as the path to spiritual fulfilment.

SEXUAL PRACTICES

12. The Royal Commission will hear evidence in relation to the sexual practices promoted at the Mangrove Mountain Ashram around the time that it was established. The official teaching was that all sexual activity, even between consenting couples, including married adults, was discouraged. I anticipate that there will be some evidence to suggest that children were encouraged to spy on the adults and to report back if they found they were engaging in sexual activity. There is likely to be evidence called that Swami Akhandananda was seen to punish adults known to have been sexually active by striking them with a stick he used to discipline his disciples.
13. After his arrival in Sydney, Akhandananda met a young female who we will refer to as Shishy and they moved to the Ashram towards the end of 1976. The exact ages of Akhandananda and Shishy at the time they met will be the subject of evidence, but it is estimated that Shishy was around 16 years old and Akhandananda was then a young man of 22. Both of Shishy’s parents frequented the Manly and Bondi ashrams and had introduced her to the teachings of Satyananda yoga. At the age of 19, Shishy was initiated by Satyananda as a Poorna or full swami, and her mother, father and brother were initiated in the same ceremony.
14. I anticipate that there will be evidence that in spite of what I have just said about the teachings on abstinence even before he moved to the Ashram, that Akhandananda had initiated a sexual relationship with Shishy that continued after they went to live at the Mangrove Mountain Ashram. The two shared a room together and I expect that the Royal Commission will hear that



Shishy bore witness to a significant amount of the sexual abuse of some of the children. The experiences of Shishy at the Ashram, her relationship with Akhandananda, and her behaviour towards the children at the Ashram will be explored at this case study.

THE ASHRAM IS ESTABLISHED

15. On 28 November 1974, Satyananda Ashram Ltd was registered with the then Corporate Affairs Commission, listing Akhandananda as its sole director and its address as Mangrove Creek Rd, Mangrove Mountain. In 1976 the first residents moved into the Ashram. Satyananda Ashram Ltd was incorporated under the *Companies Act 1961* (NSW) in 1977 and at its inaugural general meeting on 5 March 1977, a resolution was passed confirming the appointment of Akhandananda as Director by Satyananda. Among those listed as being in attendance were: Akhandananda, Swami Vivekananda (Brian Thompson), the parents of Shishy, to whom I referred earlier, and Swami Nadamurti (Dr Henry Sztulman).
16. The Articles of association of the Ashram, as amended in 1981, state the Ashram's purpose as:

“To conduct activities and services for the relief of poverty, sickness, suffering, destitution, helplessness and/or misfortune AND IT IS DECLARED that this is the principal object of the company to which the succeeding object clauses are subordinate and that as part of the activities and services as aforesaid the Company may promote and foster the establishment and development of a charitable non-profit organisation dedicated to making available the teachings of Parmahansa Satyananda Saraswati or the successor or successors named by him.”
17. The Company was recognised by the Australian Taxation Department as a non-profit educational institution and donations to the “Satyananda Ashram Building Fund” were tax deductible.
18. It appears that there was a hierarchy established at the Ashram with four main levels:
 - The lowest were uninitiated persons who lived outside the Ashram and would visit for yoga classes. They might be given a spiritual name, but it was not a swami name.



- The second lowest were referred to as Karma Sannyasins, who lived outside of the Ashram, but had been initiated by Swami Satyananda or Swami Akhandananda and took on a swami name.
 - The third level were the fully initiated Sannyasins, referred to as Poorna, who lived in the Ashram, had given up all worldly goods and submitted entirely to the gurus. They shared in the rituals of the Ashram, including shaving their heads and wearing orange robes. All initiated swamis, whether they lived in the Ashram or off-site, were given the title of Swami, then a personal name, and then the family name shared by the gurus, of Saraswati.
 - At the top of the pyramid were the gurus, who from 1974 through to the mid-1980s were Swami Satyananda in India, and his disciple in Australia, Swami Akhandananda.
19. The Royal Commission will hear evidence that in pursuit of the aims of the Ashram and Satyananda Yoga, residents and visitors donated money and personal assets, often in the form of property. Most residents at the Ashram gave some, if not all, of their material possessions to become Sannyasa, that is, they renounced their previous lifestyle, including worldly pursuits and material possessions and relationships, and dedicated themselves to spiritual pursuits.
20. Within the space of a decade, the Ashram grew from humble beginnings to a wealthy organisation with centres all over Australia. Evidence will be called that suggests those finances were managed by Akhandananda, with some help from other Sannyasins. Resident Swamis had no access to their own money and had to make a request to Akhandananda to access money for their basic needs.
21. At the Ashram residents took on various roles, as determined by Swami Akhandananda. Dr Henry Sztulman, known as Swami Nadamurti, was a trained GP and he took a role as the Ashram's doctor, as well performing other tasks. Clive Salzer, known as Swami Adwaita, provided some accounting services. APT worked in administration/reception.
22. I expect that the Royal Commission will hear that Shishy began work as the personal assistant to Swami Akhandananda, and had a number of roles in the Ashram, including assisting with the administration of finances, the daily management of the Ashram, attending to the needs of Swami Akhandananda, managing the children living at the Ashram and acting, in effect, as the go to person between some of the residents and Swami Akhandananda, particularly between the children and Akhandananda. I anticipate that some of the witnesses who were children at



the time will give evidence that they saw her and Akhandananda as the bosses, or that Shishy was second in command to Akhandananda.

23. I anticipate that the Royal Commission will hear that between 1977 and 1987 it was Satyananda Ashram Ltd that held the Ashram's assets and for a significant portion of that time, the authorised signatories on any bank account the Company operated were Akhandananda, Shishy and Shishy's mother, who resided at the Mangrove Mountain Ashram from time to time.

CHILDREN AT THE ASHRAM

24. I anticipate that the Royal Commission will hear evidence that in the first decade family relationships were actively discouraged by Akhandananda and the teachings of Satyananda. Parents and children resident at the Ashram were frequently separated and parents were sent to establish or staff other ashrams around Australia at the direction of Swami Akhandananda, sometimes with only an hour's notice. I anticipate that evidence will be given that children living at the Ashram were encouraged to treat Akhandananda and Shishy as their parents.
25. In fact, I expect that the Royal Commission will hear that the parents of some children signed documents purporting to transfer legal guardianship to Shishy and Akhandananda and that they endorsed pension cheques payable to them in favour of Akhandananda or Shishy. Records from the Commonwealth Department of Human Services to be tendered in this case study show that Akhandananda Saraswati and Swami Saraswati were the recipients of family benefits in respect of seven children resident at the Ashram between 1981 and 1988.
26. Children living at the Ashram between 1976 and 1988 attended the local primary school at Mangrove Mountain but upon reaching high school age, most children were enrolled in the Sydney Distance Education High School and were educated via correspondence. I anticipate that the Royal Commission will hear evidence from at least some of the survivors that in fact their school work was barely supervised by any adult at the Ashram.

THE SURVIVORS OF SEXUAL ABUSE AT THE ASHRAM

27. The Royal Commission has been contacted by 11 former child residents that say that they experienced sexual and physical abuse at the Ashram. Nine of them will give evidence and



statements will be tendered from a further two. It is anticipated that their evidence may show a pattern of sexual grooming by Akhandananda which began when the children reached, or were approaching, puberty. The grooming was said to be followed by sexual abuse, including oral sex and sexual intercourse, by the time they reached the age of 14 or 15.

28. I expect that the Royal Commission will hear evidence that this sexual abuse often occurred in the hut that Akhandananda shared with Shishy. A particular child would be summoned by Shishy or another resident to attend on Akhandananda to massage him, and the massaging would progress to sexual abuse. I anticipate that the Royal Commission will hear that on many of those occasions Shishy was in the room at the time the abuse occurred, although at other times she was sent away by Akhandananda.
29. I anticipate that the Royal Commission will hear evidence that some of the children were directed to accompany Akhandananda on trips around Australia and at night time they were told to sleep in his bed and made to perform sexual acts.
30. The Royal Commission is likely to hear from survivors that a similar method was used to prevent them from disclosing the abuse – that is, they were threatened by Akhandananda with being beaten or cast out of the Ashram if they ever spoke of what had happened, and some were told that no-one would understand or believe them if they revealed what was taking place. It is anticipated that the former child residents will give evidence that they were told by Akhandananda that he needed to break down their physical barriers and that engaging in sexual activity with him was for their own spiritual growth.
31. The Royal Commission will also receive evidence in relation to the physical abuse perpetrated on children by both Akhandananda and Shishy. The stories of abuse are unique to each of the survivors, but I suspect that they be may found to have some common themes. Some of the survivors are likely to speak of being beaten by Akhandananda with a carved wooden staff known as a Kundalini stick. I anticipate that some will describe serious physical abuse by Shishy, including being lined up as a group, oldest to youngest, and being slapped across the face, and on other occasions being violently beaten by her. I expect that the Royal Commission will hear that the relationship the children had with Shishy was complex – in that on the one hand she



was regarded by some at least as a motherly figure and the children competed for her attention and favour, but on the other hand, she could be brutal.

Bhakti Manning

32. Bhakti began attending the Satyananda Yoga Ashram at Manly and Bondi in 1974 when she was just 14 years old. She visited the Mangrove Mountain Ashram regularly from its establishment in 1974 until 1976 and witnessed the arrival of Akhandananda and the early days of his relationship with Shishy.
33. I anticipate that the Royal Commission will hear that in 1975, at the age of 15, Bhakti was sexually abused by Akhandananda and by a visiting swami from India. In 1976 she travelled to the Munger ashram at the invitation of Satyananda and lived there until 1983. I anticipate that she will give evidence that at the invitation of Satyananda, she had sexual relations with him until 1982. Furthermore, I anticipate that the Royal Commission will receive evidence that in January 1983, Swami Niranjan was appointed by Satyananda as the President of the Munger Ashram and in that year he commenced a sexual relationship with Bhakti that lasted until she returned to Australia in 1984.

Jyoti

34. Jyoti began attending yoga classes in her home town of Melbourne when she was around 15 years old. She visited the Ashram in 1981 and moved in without her parents in 1982, when she had just turned 16.
35. I anticipate that the Royal Commission will hear that the sexual abuse of Jyoti began in 1982 when she was still 16. I expect her to give evidence that on a trip to Canberra, she was forced to massage Akhandananda, then to perform oral sex and later sexual intercourse. I anticipate that she will give evidence to the effect that that over the next year, Akhandananda continued to sexually abuse her and to make threats against her should she ever tell anyone what was occurring. I expect her to tell the Commission that he said things like *“Don’t ever tell anyone, you’ll be killed if you do”* and *“No one would ever believe you”*. I anticipate that she will give



evidence that Akhandananda was worried she would fall pregnant and she was frequently sent by him to Gosford to have pregnancy tests.

36. In early 1983, Jyoti was sent to the ashram in Perth and I expect her to give evidence that when Akhandananda later visited he completely ignored her and towards the end of 1983, when Jyoti returned to Mangrove Mountain in time for Satyananda's visit to Australia, he ignored her again. I anticipate that she will say that she began to suspect that Akhandananda was abusing other children and when she confronted him about her own abuse she was told that she was a "*disgusting disciple*" and had no faith and should not be doubting things.

Alecia Buchanan

37. Alecia and her mother were living on the Central Coast and had visited the Ashram a number of times before Alecia became a resident. In 1979, when Alecia was 13 years old, she asked her mother if she could move to the Ashram and she was allowed to do so. Shortly after arriving, she was given a spiritual name by Swami Satyananda who was visiting from India. She was required to shave her head and told that she had to completely renounce all her possessions, her old life and her family unless they also became members of the Ashram.
38. I expect that the Royal Commission will hear that Akhandananda began sexually grooming Alecia after she moved in and that by the time she was 15 years old she was repeatedly sexually abused. I anticipate that she will give evidence that she was often required to attend the hut that Akhandananda and Shishy shared and to perform oral sex and penetrative sexual intercourse, with Shishy in the room, and that she was sexually assaulted by Akhandananda on trips outside the Ashram. I anticipate that the Royal Commission will hear that when Akhandananda began to lose interest in Alecia he encouraged her to bring other girls to his hut so that they could be sexually abused. I expect that she will give evidence that she was threatened with being beaten if she told her mother about what was going on.

APL

39. APL and her younger sister APK first visited the Mangrove Mountain Ashram in 1975 and went to live there with their father in 1978, with their mother joining them a few months later. APL was seven years old in 1975 and around 10 or 11 by the time she became a resident. Her father



was soon sent to establish the ashram at Manly and her mother was also sent to Manly but visited the Ashram on weekends. I expect that APL will tell the Commission that she was instructed by her mother to be a good swami and to learn from Akhandananda and that as a result, she then never allowed herself to miss her family and she began to distance herself from them.

40. APL is expected to tell the Royal Commission that she became a favourite of Shishy and she and Akhandananda praised APL and told her she was a natural disciple. I expect that she will say that she was also told by them that a good disciple surrenders completely to the will of the guru.
41. I anticipate that the Royal Commission will hear that Akhandananda first sexually abused APL when she was 15 years old during a trip around NSW visiting other ashrams. I anticipate that her evidence will be that upon their return to the Mangrove Mountain Ashram, APL told Shishy what had happened and thereafter APL was regularly summoned to attend upon Akhandananda in his quarters and forced to have sex with him while Shishy was present in the room. APL will give evidence that when she was 17, she realised that Akhandananda was having sex with other girls and women.
42. I also anticipate that she will tell the Commission of savage beatings by Shishy.

APK

43. When APK arrived at the Ashram in 1978, along with her sister APL and her father, she was eight or nine years old. After their parents were sent to other ashrams, APK and her sister lived in the front room of the hut containing Akhandananda and Shishy's sleeping quarters.
44. I anticipate that the Royal Commission will hear that when APK was 14 or 15 years old, Akhandananda took her and another girl on a trip to Canberra and he sexually abused her, and



after refusing to submit to sexual intercourse with him, she was put on a train the next day and sent back to the Ashram.

45. APK left the Ashram in 1986 and went to live with her mother in an ashram in Tasmania. I expect that the Commission will hear that Akhandananda continued to try to abuse APK when he visited the Tasmanian ashram.
46. I anticipate that APK will give evidence that while at the Mangrove Mountain Ashram, APK was physically abused by Shishy and on many occasions was a witness to her beating her sister APL and other children.

APA

47. APA was introduced to the Ashram by her mother and attended a number of Ashram kids' camps alone between about 1977 and 1980. In 1980 when she was 11 years old, she asked her parents if she could move to the Ashram. Her mother thought it was an opportunity for a better life and in spite of her father's protests she was ultimately allowed to go.
48. I anticipate that APA will give evidence to the Royal Commission that Akhandananda began to sexually assault her in 1983 when she was 13 and 14. I expect that she will say that she was required to massage Akhandananda in the hut he shared with Shishy, and he would take the opportunity to sexually assault her. I expect that she will also tell the Commission about being taken away by Akhandananda on trips outside the Ashram, during which she was sexually assaulted by being made to perform oral sex and eventually to have penetrative sexual intercourse. When they returned to the Ashram, Akhandananda continued to have sexual intercourse with her, often when Shishy was present in the room.
49. I anticipate that the Royal Commission will hear that in addition to the sexual abuse, she was often the victim of physical abuse and was frequently beaten by Shishy.
50. When she was 16 years old APA was sent to live at the Newcastle ashram and to work in a lolly factory in Maitland. I anticipate that the Royal Commission will hear that she received none of her own wages and often went without food as she left early for work before breakfast, was given no money to buy lunch and often returned to the Newcastle ashram too late for the



evening meal. Occasionally, food was left out for her but she often went hungry. It was during that period of time that APA realised she could leave the Ashram and she called her parents and arranged for them to pick her up. In 1987, APA told her father that she had been sexually abused by Akhandananda. Her father was then a New South Wales Police officer, and he reported it to the police.

APH

51. APH moved to the Ashram in 1979 with her brother and parents when she was just seven years old. Shortly after arriving, her parents were sent to establish an ashram in northern New South Wales and APH continued to live at the Ashram without them for the next eight years.
52. I anticipate that APH will give evidence that she became aware that Akhandananda was interested in her when she was about nine years old, and that he began grooming her while she was in primary school. I expect she will say that his advances progressed to indecent touching and then more intrusive sexual assault by the time she was about 13 years old. I anticipate that the Royal Commission will hear that on a number of occasions she was called over the Ashram's PA system and instructed to attend upon Akhandananda to massage him in his hut where she was sexually assaulted, including once when another child was sexually assaulted beside her. I expect that she will tell the Royal Commission that she was subject to sexual abuse when she accompanied Akhandananda on a trip to Young.
53. I anticipate that the Royal Commission will hear evidence that APH was also subject to physical abuse, and has a memory of being lined up with the other children and slapped one by one by Shishy. It is this witness, APH, who was the subject of a Ministerial Report to the Department of Youth and Community Services that will be explored by the Royal Commission.

APR

54. APR moved to the Mangrove Mountain Ashram with her mother, father and sister in 1978 when she was a very young child. Her father left shortly afterwards and she and her sister were



physically separated from her mother. Her mother remained at the Ashram and worked initially to provide the physical labour to help build the Ashram, and then as the receptionist.

55. I anticipate that APR will tell the Royal Commission of sexual abuse by Akhandananda that began when she was very young, at the age of three and then again at the age of seven, and that some of that abuse occurred in a ritualistic setting. She also has a memory of being sexually assaulted by other men at the Ashram. I expect that she will also give evidence that she experienced physical brutality and witnessed other children being assaulted.

Tim Clark

56. The parents of Tim Clark lived at the ashram in Lillian Rock and sent Tim and his sister to live at the Mangrove Mountain Ashram as children. I anticipate that he will tell the Royal Commission that he was violently beaten.
57. Furthermore, I expect he will give evidence that he experienced sexualised behaviour from some of the female Swamis, in that he has a memory of Shishy exposing herself to him and of being seduced by another older female swami at the Ashram whom he cannot recall. I expect that he will give evidence that he was subject to extreme punishments by Akhandananda and that on one occasion that involved him being made to stand naked in front of adults.
58. At this stage, I anticipate that there will be evidence that Akhandananda's sexual abuse of the children was directed to the young women. However, I anticipate that there will be evidence that on one occasion Akhandananda squeezed the penis of a four year old child so hard that he made the child cry.

SHISHY LEAVES

59. It is expected that the Commission will hear that in 1985, Shishy packed her bags and without telling any one of the people she had lived with for nearly a decade, she left the Ashram in the middle of the night. I anticipate that she will tell the Royal Commission that she left as a result of combination of things related to Akhandananda's sexual abuse of the children. I expect that she will say that first, in 1984, APH came to her to tell her that she did not want to go away on a trip with Akhandananda, and although she didn't spell out why not, Shishy suspected



Akhandananda was having sex with her or trying to. Second, around the same time, APL told her that Akhandananda was “always trying to get us girls”. Third, I expect her to give evidence that when Shishy confronted Akhandananda about this and told him that APH would not be going on the trip, she received a brutal beating on her shins – the worst beating she had had in her time at the Ashram, but one of many physical attacks on her by Akhandananda.

60. I anticipate that the Royal Commission will receive evidence from Shishy in relation to sexual and physical abuse she experienced before and after she went to live at the Ashram. Specifically, I expect the Commission will hear that she commenced a sexual relationship with Akhandananda before she went to live at the Mangrove Mountain Ashram, and that when Satyananda visited the Bondi or Manly Ashram, he had sex with her and she was expected to meet his sexual needs. Further, I anticipate the Royal Commission will hear that after she moved to the Mangrove Mountain Ashram, she was beaten on a number of occasions by Akhandananda, and that some of the physical abuse had an element of sexual depravity to it.
61. It is already apparent from this opening that I anticipate that many of the victims who give evidence will tell the Royal Commission that they were physically abused by Shishy, sometime brutally. I anticipate that Shishy will give evidence to the Royal Commission this week and she will have an opportunity to explain her experiences and her actions at the Mangrove Mountain Ashram.

DISCLOSURE OF ABUSE

62. The Royal Commission will investigate who knew of the abuse at the time it was occurring, what was the response of those who found out and why didn't other people know or respond?
63. As will already be clear, it is anticipated that the Royal Commission will receive evidence that Shishy herself knew of the abuse before she left the Ashram. Evidence will be given that she was instructed by Akhandananda to summons the children to her and on some occasions remained in the room when the sexual abuse of a child took place. I expect the Commission to hear evidence that although there was no discussion with the children about what occurred at



those times, Shishy was later told by at least three of the children that young people were being sexually preyed on by Akhandananda.

64. At this stage, I do not anticipate any evidence that any other adults were specifically told of the sexual abuse of children at any time before Shishy left, but the Royal Commission will investigate whether they suspected that it was occurring, and if not, why not.
65. I anticipate that Shishy will give evidence to the Royal Commission that shortly after leaving the Ashram in 1985 she travelled to India where she disclosed what she knew of the extent of the abuse to Satyananda himself, in the presence of Niranjana, his spiritual successor. I expect her to say that Satyananda refused to intervene, and told her that whatever happened was for spiritual enlightenment, and the problem was with her own mind.
66. When she returned from India, Shishy cooperated with Police in detailing the abuse and gave evidence against Akhandananda in court proceedings. I anticipate that the Commission will hear that partly as a result of those revelations she was shunned by members of the Ashram and has never been back.
67. As I have previously noted, in February 1987, APA told her father about some of the sexual abuse by Akhandananda that she had suffered. He was a Police officer with the NSW Highway Patrol based at Gosford.
68. Also around that time, Alecia revealed the sexual abuse to her mother, who immediately told a friend, Dr Sandra Smith. The Royal Commission will hear from Dr Smith and I anticipate that she will give evidence that she went to the Ashram in early 1987 and she spoke to a number of the girls, who disclosed the abuse to her. Dr Smith then accompanied the father of APA to the Gosford Police station and the first Police complaint about Swami Akhandananda was made. Dr Smith also contacted APL who was living in Queensland at the time, and after being told she too had been abused by Akhandananda, she asked her to return to New South Wales to report the abuse to Police along with the other girls.
69. I anticipate that the Royal Commission will receive evidence that a few years earlier, around March 1984, Jyoti had left Mangrove Mountain, and after telling a friend what happened to her, the friend urged her to speak with Dr Sandra Smith. Jyoti did contact Dr Smith, but I expect that



she will give evidence that she felt that was not believed at that time and there was no follow up help given to her. I also anticipate that the Commission will receive evidence that in the year 2000, Dr Smith wrote a letter to Jyoti apologising for not responding differently to her when she first disclosed the abuse. I expect that both Jyoti and Dr Smith will give evidence in relation to this.

70. On 2 June 1987, Akhandananda was charged with sexual abuse in relation to four children – APL, APB, APA and Alecia Buchanan. He denied the charges and protested his innocence.

THE ASHRAM'S INITIAL RESPONSE

71. In the course of this case study the Royal Commission will receive evidence about the initial response of Satyananda Yoga and the remaining residents of the Ashram to claims that Swami Akhandananda had sexually abused children at the Ashram. As I noted earlier, the Royal Commission is expected to hear from Shishy that she travelled to India and reported what had been happening to Satyananda, in the presence of Niranjan, and Satyananda initially declined to get involved.
72. A letter dated 28 February 1987 and signed by Swami Satyananda, informed General Members of Satyananda Ashram Australia that Swami Akhandananda had resigned from the Directorship of Satyananda Ashram Australia. The letter stated that Satyananda was appointing Swami Atmamuktananda Saraswati as Chairman of the Board under the guidance of Swami Akhandananda. The letter went on to note that Swami Akhandananda had the full confidence and support of the Bihar School of Yoga and Satyananda himself and he hoped that some time in the future he would resume the directorship.
73. Just two months later, in April that year, Akhandananda returned as Chairman. I anticipate that the Royal Commission will receive evidence that he did so after visiting Swami Satyananda in Munger India, along with several other Swamis, and convincing him that it was appropriate to do so.
74. However by June 1988, it appears that the events of the intervening period had prompted Swami Satyananda to intervene and he requested that Akhandananda resign his position as Chairman. The Royal Commission will shortly receive into evidence a letter addressed to



Akhandananda from Swami Satyananda dated 3 June 1988, in which that request is made. Part of that letter reads:

“But since I have never been kept fully informed of the true facts and all the past events which have led to the recent developments, I now feel that it is necessary for you to resign from the Chairmanship of Satyananda Ashram Australia and resolve all the charges made against you, not as the head of an organisation, but as a private citizen of the country”.

75. Swami Satyananda goes on to suggest that Swami Atmamuktananda and Swami Poornamurti should fill the vacancy and assume Joint Chairmanship in his place. I anticipate that the Royal Commission will hear that a number of the Ashram’s residents, including Akhandananda himself, Haribodhananda (Peter Wakeman), Poornamurti (Phil Connor) and Muktimurti made trips to India to seek practical and spiritual guidance as to how to deal with the situation.

CRIMINAL PROCEEDINGS AGAINST AKHANDANANDA

76. As I noted earlier, on 2 June 1987, Akhandananda was arrested and charged with child sexual abuse offences against Alecia Buchanan, APB, APL and APA. On 20 May 1988, he was committed to stand trial on 21 counts of carnal knowledge by a teacher and an act of indecency with a person under 16. He pleaded not guilty and was granted bail.
77. On 15 March 1989, Counsel for the accused made an application to sever the counts involving different complainants. That application was granted and the Crown nominated the case involving APL as the one that would proceed first.
78. On 27 April 1989, Akhandananda’s trial commenced on charges of three counts of committing an act of indecency with a child under the age of 16 years and two counts of being a teacher and carnally knowing his pupil in relation to offences against APL. In the alternative to the two counts of carnal knowledge by a teacher, he was charged with two counts of committing an act of indecency on a child under the age of 16 years. The trial ran for seven days and a defence was put forward partly based on the idea that Shishy had been trying to effect a takeover of the Ashram when she left in 1985 and she had conspired with the children to falsely allege the



sexual assault against Akhandananda as part of her power play. Shishy gave evidence for the prosecution at trial, as she had done at committal.

79. On behalf of the defence, Nadamurti (Dr Henry Sztulman) and APT gave evidence that there had been no student/teacher relationship between Akhandananda and APL. Further, Nadamurti's evidence supported the defence case that there was an attempt by Shishy and her family to takeover the Ashram.
80. On 5 May 1989, Akhandananda was found guilty of three counts of committing an act of indecency with a child under the age of 16 years and on 8 May 1989 he was sentenced to two years and four months gaol with a non-parole period of 12 months. On 19 December 1989, the NSW Court of Criminal Appeal dismissed Akhandananda's appeal against his conviction and ordered that any time already served would count towards his sentence.
81. On 10 October 1990, an application for special leave to appeal from the Supreme Court of NSW was heard by the High Court into Akhandananda's conviction on charges of indecency against APL and on 5 June 1991, the High Court by a 3:2 majority allowed the appeal and quashed the convictions, ordering verdicts of acquittal in respect of each charge in a case recorded as *Saraswati v R* (1991) 172 CLR 1. The conviction was quashed on the basis of a historical section of the Crimes Act that imposed a 12-month time limitation on the commencement of prosecutions for offences under ss 61E (indecent assault and act of indecency) and 71 (carnally knowing a girl), meaning, in effect, that the offences were stale or statute barred. In 1992, the relevant section (s.78 of the *Crimes Act 1900*) was repealed by the *Criminal Legislation (Amendment) Act 1992* (NSW) so that there is now no time limit to bring a similar charge.
82. Two months before the High Court decision, on 1 August 1990, Akhandananda was charged with two counts of indecency, one count of inciting an act of indecency and one count of sexual intercourse without consent for offences against APH. In March and June 1991, Akhandananda appeared at a committal hearing in Gosford in relation to those four charges. The Presiding Magistrate dismissed three counts and committed Akhandananda only on the charge of committing an act of indecency. On 1 July 1991, the Crown prosecutor submitted to the DPP that an ex-officio indictment should be presented against Akhandananda in respect of the two charges of indecently assaulting APH that had been discharged at committal. However the following year the DPP declined to file an ex-officio and Akhandananda's trial in relation to the single count of commit an act of indecency against APH began in September 1992. On 17



September 1992, Akhandananda was found not guilty by directed verdict in light of the High Court's decision in the matter involving APL.

83. In June of 1991 the Crown prosecutor had recommended to the DPP that proceedings in relation to APB and APA be discontinued because, amongst other issues, it was no longer open to the Crown to pursue acts of indecency on a person under the age of 16 years, given the statute bar.
84. That left one further indictment relating to Alecia Buchanan and Akhandananda's trial for charges of sexually assaulting Alecia commenced in October 1990, Akhandananda was found guilty on one count of inciting an act of indecency, and was due to be sentenced on 29 August 1991, after the High Court matter had been finalised. Following the High Court decision, the judgement was quashed and a verdict of not guilty substituted.
85. In summary then, the Royal Commission will receive evidence that as a result of the historical 12 month time limitation that operated in NSW until 1992, Akhandananda's convictions in relation to two of the survivors were quashed, and the matters in relation to other victims were withdrawn.
86. Two of the people central to the story of the abuse of children at the Mangrove Mountain Ashram by Swami Akhandananda are already deceased. Akhandananda died in Cairns on 16 June 1997 at the age of 47.
87. At the time the abuse by Akhandananda was revealed, Satyananda was still the spiritual head of the movement in India, and subsequently handed the active work of his ashram and organisation over to his spiritual successor, Niranjanananda Saraswati (known as Niranjan) and departed from Munger. It is not known whether those actions were in any way connected to the events in Australia. Satyananda died on 5 December 2009.
88. In India, Swami Niranjan remains the spiritual head of Satyananda Yoga and is now aged 52. His Facebook page notes that he is the successor of Paramahansa Satyananda, founder of Satyananda Yoga, who passed on the worldwide coordination of Satyananda Yoga to Swami Niranjanananda in 1988.



THE FUTURE OF THE MANGROVE MOUNTAIN ASHRAM

89. I anticipate that the Royal Commission will hear evidence as to changes that were made to the structure and hierarchy of the Mangrove Mountain Ashram in the wake of the dismissal of Akhandananda. I anticipate that the Royal Commission will hear that in 1995, Swami Niranjan came to Australia from India to help plan a significant restructure that took place the following year.
90. The Royal Commission will explore whether the philosophy, teaching and management of the Ashram is sufficiently changed from what it was in Akhandananda's time, to ensure that children attending there are safe from the risk of abuse. The Commission may be interested in the involvement of India in the management and development of the Ashram today.

FACEBOOK POSTS

91. In September 2012, the Ashram engaged a company called electAssociates to review their Human Resources systems. Their principal, Bert Franzen, advertises himself as a specialist human resources consultant and he did a significant amount of work for the Ashram including preparing workplace policies, occupational health and safety policies and procedures, and new workplace agreements for volunteers, employees and contractors. Mr Franzen also prepared a 'Working with Children Checks' Policy and associated disclosure forms.
92. I anticipate that the Royal Commission will receive evidence that at the end of 2013, staff at the Ashram began preparations for a celebration of the 40th Anniversary of the Ashram which the Commission will recall, opened in 1974. Around the same time, one of the former residents, Tim Clark, posted about some of his experiences at the Ashram. A number of other former residents then added significant commentary. The Commission is likely to hear that on or around 27 February 2014 the Ashram joined the discussion and posted an apology and an invitation to the 40th Anniversary celebrations. On 2 March, the Ashram sent an individual message to each of the former residents who had been posting on Facebook. On 5 March 2014, following some posts relating to Satyananda and Niranjan, the Ashram posted to the discussion on its Facebook wall, advising that several of the comments had been removed because they



were “libelous”. The Royal Commission will hear about the reaction that triggered from those who had been participating in the discussion.

93. I expect that the Royal Commission will receive evidence that the Ashram’s management team sought the advice of Bert Franzen as to how best to deal with the public posts about Akhandananda and the Ashram’s history. That advice and the subsequent actions of the current Ashram management team will be the subject of evidence.

CEASE AND DESIST LETTER

94. On or around 16 March 2014, a former resident and survivor of sexual abuse, Bhakti Manning, sent a letter by email to a number of Satyananda Yoga Teachers, and two days later a person identifying themselves as Mary Smith replied. I anticipate that the Royal Commission will hear that the Ashram’s management team sought advice from Mr Franzen about how it should respond to the two emails. On 21 March 2014 a “cease and desist letter” was sent to Bhakti Manning and Mary Smith, suggesting that they had made defamatory, erroneous, hearsay statements that defamed the Satyananda organisation and its brand. The letter warned of considerable legal consequences if the demands of the letter were not met. On 27 March 2014, the Ashram sent a letter to all recipients of the letters originally sent by Ms Manning and Ms Smith, advising them that the use of their emails was illegal and the contents of the letters defamatory. Those actions will be the subject of interest to the Royal Commission.

THE WORKING TOGETHER TASKFORCE

95. I anticipate that the Royal Commission will hear that by this time the Ashram’s management team had put together a taskforce of people to assist with the issues that the Ashram faced in the lead-up to the 40th Anniversary commemoration that included a number of people connected with the Ashram and Bert Franzen. Initially the Taskforce included Ahimsadhara (Helen Cushing), Atmamuktananda (Atma), Poornamurti (Phil Connor), Haribodhananda (Peter Wakeman), Suyamitra (Sarah Tetlow) – and Bert Franzen. I expect that the Royal Commission will hear that the representative from the Manly ashram and from the Satyananda Yoga Teachers’ Association were involved for a brief period, but subsequently left. The objective and



work of the Taskforce is a matter of interest to the Royal Commission and will be the subject of evidence.

Real Justice Australia

96. In order to assist them to engage with the survivors of Akhandananda's abuse, the Taskforce engage Terry O'Connell of Real Justice Australia. The Ashram also asked Mr O'Connell to facilitate a session relating to the abuse by Akhandananda at its 40th Anniversary celebrations over the Easter weekend in 2014. The nature of those sessions and the experience of those who attended will be the subject of evidence.

SURVIVOR SUPPORT PACK

97. As part of concluding its response to the approach that former residents had made to the Ashram about their abuse, the Ashram together with Terry O'Connell, put together a Survivor Support Pack. The Pack was an information pack explaining the moral responsibility of the Ashram to its former residents. It contains an application form to be filled in by any person seeking ongoing support from the Ashram. That support is to be provided by Terry O'Connell directly to any applicant.
98. As far as the Royal Commission is aware, only two survivors of child sexual abuse have applied for support from the Ashram.
99. Again, as far as the Royal Commission is aware, there has been no offer of compensation to any of the victims of Akhandananda's abuse.

WITNESSES TO BE CALLED

100. The witnesses to be called essentially fall into four categories:
- First, the survivors who over the course of the next two days will tell the Commission their own personal story of the abuse they experienced while living at Mangrove Mountain Ashram.
 - Second, those who were present at the time and who were witness to some of the surrounding circumstances, including Shishy, the former partner of Akhandananda, the



parents of some of the survivors, other residents at the Ashram, and non-residents who visited in the 1980s.

- Third, witnesses who are involved today with the institution of Mangrove Mountain Ashram, including a small number who were participants in the 1980s and retained their connection after the abuse of Akhandananda was revealed.
- Finally, the witnesses from outside the Ashram who help to shed light on the response of the Ashram to the abuse, then and now.

FURTHER MATTERS

101. I will shortly seek a non-publication direction and a pseudonym order with respect to certain names. Documents associated with this public hearing are being or have been redacted. Where a pseudonym order has been sought every effort has been made to ensure that the name has been removed and replaced by that pseudonym. Notwithstanding the redactions, if documents tendered or evidence given to the Royal Commission in the course of this public hearing do reveal a name the subject of the direction and order, the media will obviously comply with those orders.
102. In order to assist the media, copies of the provisions are available in the media room, together with the direction and order that I will now invite your Honour to make. Those with leave have copies.

Peggy Dwyer

Counsel Assisting

2 December 2014