23 March 2015

Our Ref: RC.YOGA.ASHRAM.RCCS.

The Royal Commission into Institutional Responses to Child Abuse
**Private & Confidential**
BY EMAIL

Dear Commissioners,

RE: CASE STUDY 21: YOGA ASHRAM – ADMISSABILITY OF ADDITIONAL STATEMENT

On March 18, 2015 we received an email from the Royal Commission providing a statement of Mr Craig Leggat SC dated March 2, 2015 indicating that its admission had been sought on behalf of counsel for “Shishy”. In that e-mail, the following was indicated,

“The Royal Commission is presently minded to accept the tender, subject to any objection by any of the parties.”

The e-mail requested that any objection be indicated in writing by 10 AM on March 20, 2015. As we had no objection on behalf of the parties we act for, we did not provide any written document in relation to the tender.

On March 20, 2015, we received a further email from the Royal Commission indicating that the presiding member,

“has received and considered objections made in relation to the proposed tender of Mr Leggat’s statement, and has determined not to admit the statement into evidence.”

We respectfully seek an opportunity to be heard by the Royal Commission and to have reasons provided for the refusal to admit the statement into evidence. So far as we are aware the statement is not inadmissible in and of itself though it is conceivable some parties may make arguments with regard to what use is made of the statement. We respectfully ask for the opportunity for argument in relation to this matter and to have that process, together with the determination thereof made public. It is important that the process of the Royal Commission in this regard is transparent, particularly as it concerns the admission of evidence that tends to support the evidence of someone who is adversely mentioned in the submissions of learned Counsel Assisting the Royal Commission.

We are uncertain which of the parties has made objection but respectfully request a copy of such submissions as there may be.

Yours faithfully,

Aaron Kernaghan
Solicitor