ROYAL COMMISSION INTO INSTITUTIONAL
RESPONSES TO CHILD SEXUAL ABUSE
AT SYDNEY

COMMONWEALTH OF AUSTRALIA

Royal Commission Act 1902 (Cth)

CASE STUDY 21

PUBLIC INQUIRY INTO
THE RESPONSE OF SATYANANDA YOGA ASHRAM TO ALLEGATIONS
OF CHILD SEXUAL ABUSE BY THE ASHRAM’S FORMER SPIRITUAL
LEADER IN THE 1970s AND 1980s

SUBMISSIONS OF YOGA ASSOCIATION MANGROVE MOUNTAIN
INCORPORATED, SATYANANDA YOGA ACADEMY LIMITED &
ROCKLYN ASHRAM
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SUBMISSIONS

THE RESPONSE OF SATYANANDA YOGA ASHRAM TO
ALLEGATIONS OF CHILD SEXUAL ABUSE COMMITTED BY
AKHANDANANDA IN THE 1970s AND 1980s.

CHAPTER 1: INTRODUCTION

1. We are instructed to act on behalf of Yoga Association Mangrove Mountain
   Incorporated (‘YAMM’), Satyananda Yoga Academy Limited (‘SYA’) &
   Rocklyn Ashram (‘Rocklyn’).

2. For ease of reference and consistency with usage in tender bundle materials
   and oral evidence, we refer collectively to those entities that we represent as
   “the Ashram”. The Bihar School of Yoga in India (including Swami
   Niranjananda Saraswati) shall be referred to as “India” for the same reasons.

Responses to learned Counsel Assisting the Commissions
Summary of Available Findings

3. We accept the ‘Introduction’ as set out in the submissions of learned Counsel
   Assisting the Royal Commission, commencing at page 6.

4. However, it is important to emphasise that which learned Counsel Assisting
   makes reference to in paragraph 2 of her submissions – that during the course
   of the inquiry additional allegations were made. This is an important
   observation for reasons that will be developed below.
5. With regard to the observations made at paragraph 3 of Counsel Assisting’s Submissions, while we agree that Case Study 21 is the first such study conducted by the Royal Commission that involves an organisation that falls outside a traditional church structure, we do not join the conclusion that the Ashram is a faith-based organisation. As much was revealed in the limited evidence of institutional witnesses where the issue of precisely what the organisation is (or has been over its history) were briefly canvassed. It is correct to characterise elements of the organisation as involving questions of spirituality and individual faith-choices though it is not a faith-based organisation per se. It is an organisation that employs philosophical and physical concepts or precepts in its practice of improving daily and individual life.

6. That is not an observation that runs to a criticism of Counsel Assisting’s point, but rather one that is made to urge caution in the characterising of the tradition and culture of the institution in this case as a non-traditional faith practice. Such an approach lacks the nuance and divergent evidence available in the tender bundle on this point.

7. With respect to those observations made at paragraph 5 of Counsel Assisting’s submissions, we take issue with the use of the term “direct”. We are uncertain what Counsel Assisting means by the use of that term.

8. We particularly take issue with the use of the term “direct” when addressing institutional responses particularly as it is seemingly joined by Counsel Assisting to the phrase “at different times”. One aspect of the institution’s response to child-sexual-abuse allegations in the present Case Study is the length of time over which allegations have been made or not made as the individual case may be and the extent to which some of the allegations made have been developed beyond or differently to those originally stated. To clarify that point further – we observe that many of the allegations of abuse
had not been made until the giving of oral evidence by survivors at the Royal
Commission hearing. Further, some of the evidence given appears *prima facie*
to diverge or be in potential conflict with evidence given at previous criminal
trials. That fact is a significant one to keep in mind when approaching the task
of considering “the Ashram’s direct response at different times”.

9. Put another way, it is relevant when judging the institutional responses at
different times, to keep in mind precisely what the institution was responding
to at each relevant stage.

10. We make a general submission that it is important when considering the
proper conduct of a hearing that an awareness and special sensitivity be had to
the issues caused by the disproportionate forensic status of “survivor”
evidence as opposed to institutional evidence. In particular, where survivors
are called upon to give evidence of their abuse in an un-edited and un-
challenged fashion there is a possibility that such a process is inherently
imbalanced where it is compared to the evidence of an institution that is tested
and questioned on each point and deprived the same considerations and
facilities of the survivors. In this regard the observations in *Firman* are
relevant to the present proceedings:

“[27] It is apparent from the submissions of counsel for the plaintiff
that their client's contention is that the conduct of counsel assisting
could be relevant in two ways first, because the hypothetical observer
would reasonably apprehend that partiality on the part of counsel
assisting was likely to reflect partiality on the part of the
Commissioner. Second, because if the conduct of counsel assisting was
or reasonably appeared to be partial, and if the Commissioner appeared
to condone that conduct, then the hypothetical observer might
reasonably apprehend partiality on the part of the Commissioner.

[28] In my opinion the conduct of counsel could be pertinent at least
on the second footing. So, for example, if the conduct of counsel
assisting showed an evident and persisting inequality of treatment as between witnesses espousing one view of matters under inquiry and witnesses espousing an (sic) opposing view, if one group of witnesses was apparently aided in giving its account of events whilst the other group was apparently frustrated in its attempts, and if a Commissioner either gave support to or took no action to redress the situation which unfolded before him, it would not be wrong to consider that support or inaction if an allegation of apprehended bias on the Commissioner's part was raised by an individual whose conduct was under scrutiny. Whether a conclusion adverse to a Commissioner might then be drawn must depend upon the particular circumstances.

[29] Failure by a Commissioner to act in such a case would be, I think, more significant than failure to intervene in the case of unfair cross-examination by counsel for a represented party. Yet in Carruthers, Thomas J (at 362) apparently considered that failure to intervene in the last-mentioned situation could be pertinent."

11. This statement of principle serves to recognise the importance of ensuring not only balance in the calling of evidence but the perception of balance to the public aspect of the inquiry. This is because the oral testimony is to a very real extent the only public aspect of the deliberations of the Royal Commission, and that is especially so in the present instance with the use of “private sessions” and their necessarily closed nature.

12. Such an approach also serves to enhance the potential for the ultimate views of the Commissioners to be seen as “independent and dispassionate, on what would typically be topical and controversial issues.”

13. That this is especially important in the present Royal Commission is confirmed because of the significant expectations upon the commissioners set

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1 Firman – Firman v Lasry [2000] VSC 240 per Ashley J.
2 Role of Counsel in Commissions and Inquiries, Peter Dunning SC at 6.
out in the opening address of McClellan J at the first sitting of the Royal Commission:

“The Commissioners accept that part of the task given to us by the Terms of Reference is to bear witness on behalf of the nation to the abuse and consequential trauma inflicted upon many people who have suffered sexual abuse as children. The bearing of witness is the process of making known what has happened. It involves the telling of personal accounts by those who have experienced child sexual abuse as well as listening to the accounts of others who may have observed these crimes.

There are many examples through history of the importance of this process, especially when an event has provoked great moral outrage. The bearing of witness informs the public consciousness and prepares the community to take steps to prevent abuses from being repeated in the future. Other outcomes may follow. The public record will be informed by the process. The memorialisation and archiving of documents for posterity is an important legacy of bearing witness.”

14. With respect to the summary of evidence given by Counsel Assisting, there are some points at which we diverge in our understanding of the full affect of that evidence or the specificities contained within the summary. To that end we have prepared and provided the following summary of the evidence as we understand it. We respectfully submit that it is a reliable basis upon which to proceed and our following submissions are made on the basis of that approach.

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3 T 3/4/2013 at 3, per McClellan J.
CHAPTER 2: SUMMARY OF EVIDENCE

Part A: SUMMARY OF EVIDENCE OF PHYSICAL AND SEXUAL ABUSE GIVEN BY WITNESSES DURING THE ROYAL COMMISSION AND SPECIFIC ENGAGEMENT AND INVOLVEMENT IN INSTITUTIONAL RESPONSES

Alecia Buchanan

1. Alecia Buchanan was actively discouraged from contacting her family whilst at the Ashram and was humiliated if she made any attempt to do so.\(^4\)

2. Alecia Buchanan witnessed APA being repeatedly beaten by Shishy at the Ashram, recalling that APA was struck at least 20 times. This also happened to APK and APL.\(^5\)

3. In 1983, at the age of 16 and for a period of two years, Akhandananda used Alecia Buchanan for sex.\(^6\)

4. In 1982, at the age of 15, Alecia Buchanan was taken on a lecture tour with Akhandananda, Shishy and Bhaktiratna. At the Melbourne Ashram, Akhandananda made Alecia touch his naked body, whilst touching her body in a sexual way. Later on that trip, at the Rocklyn Ashram Akhandananda had “full sexual intercourse” with Alecia.\(^7\)

5. Akhandananda threatened Alecia when she was molested, and told her that she wasn’t allowed to speak to anyone about it, especially her mother. Akhandananda threatened her with expulsion from the Ashram, and reminded Alecia that he had a gun.\(^8\)

6. Alecia Buchanan was instructed to supervise APO, and was made to supervise APO, wash his bedding, and give him cold showers in winter.\(^9\)

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\(^4\) Ex. 21.3; STAT.0425.001.0011_R at [28]
\(^5\) Ex. 21.3; STAT.0425.001.0011_R at [32]
\(^6\) Ex. 21.3; STAT.0425.001.0011_R at [41]; Transcript 10869: 45-46 (Day 104).
\(^7\) Ex. 21.3; STAT.0425.001.0012_R at [44, 47-48]; Transcript 10871: 8-19, (Day 104)
\(^8\) Ex. 21.3; STAT.0425.001.0011_R at [50]
\(^9\) Ex. 21.3; STAT.0425.001.0011_R at [53]
7. There were times when Muktimurti, Shishyananda, or both would let Alecia Buchanan in to the back door of Akhandananda’s room. During this time APO was left alone whilst Akhandananda would molest her.\textsuperscript{10}

8. At the time Alecia Buchanan was 16 years old, she began menstruating and haemorrhaging for a period of six weeks. Dr Nadamurti, the Ashram’s doctor, prescribed Alecia with a black tea mixture and gave Alecia a gynaecological examination. Alecia reported to Shishy that it had not stopped, and Alecia visited a gynaecologist in Gosford named Dr Kafka, who recommended going on the pill.\textsuperscript{11}

9. On Alecia’s 16\textsuperscript{th} birthday she changed her name by deed poll to Swami Shantibodhananda Saraswati, at the behest of Shishy.\textsuperscript{12}

10. Akhandananda continued to call Alecia into his hut for sex up until Alecia left the Ashram in 1986.\textsuperscript{13}

11. On one occasion Akhandananda requested that Alecia bring APH to his bed, which Alecia complied with because she was conditioned to obey Akhandananda.\textsuperscript{14}

12. After Akhandananda’s trial, Alecia Buchanan made an application for victims of crime compensation and received about $20,000. She has not received any compensation from the Ashram.\textsuperscript{15}

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\textbf{Jyoti}  \\

13. In April or May 1981, Jyoti moved to the Melbourne Ashram, and in early 1982 moved to live at the Mangrove Ashram at the age of sixteen (16).\textsuperscript{16}

14. Jyoti witnessed Shishy “brutally beating” APA.\textsuperscript{17}

15. Akhandananda began sexually abusing Jyoti in November 1982. The first occasion occurred during a trip to a Canberra retreat, where Akhandananda asked Jyoti to give him a massage, and began to grope between her legs.\textsuperscript{18}

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\textsuperscript{10} Ex 21.3; STAT.0425.001.0011\_R at [54]
\textsuperscript{11} Ex 21.3; STAT.0425.001.0011\_R at [56-57]
\textsuperscript{12} Ex 21.3; STAT.0425.001.0011\_R at [59]
\textsuperscript{13} Ex 21.3; STAT.0425.001.0011\_R at [60]
\textsuperscript{14} Ex 21.3; STAT.0425.001.0011\_R at [64]
\textsuperscript{15} T10884, 24-27 (Day 104)
\textsuperscript{16} Ex 21.4; STAT.0420.001.0003\_R at [11]
\textsuperscript{17} Ex 21.4; STAT.0420.001.0003\_R at [14]
16. Akhandananda made Jyoti give him a massage and oral sex when at the Canberra Ashram.\(^9\)

17. Akhandananda made Jyoti take pregnancy tests in Gosford, and threatened to kill Jyoti if she ever told anyone.\(^{20}\)

18. Upon return to the Ashram in late 1983, Jyoti suffered a back injury, and was not taken for X-rays or for any other treatment. Jyoti was only given painkillers by the Ashram doctor, Nadamurti.\(^{21}\)

19. Jyoti disclosed her abuse to Sandra Smith in March 1984, which she recalls was like an interrogation, where she felt very uncomfortable.\(^{22}\)

20. In 1997 or 1998, Jyoti visited the Rocklyn Ashram, where she told Swami Atmamuktananda Saraswati (Atma) about Akhandananda’s abuse. In response Atma said, “Well, the girls were very provocative.” She also said, “He propositioned me once and I just said no.”\(^{23}\)

21. Jyoti also overheard a conversation between visitors to the Ashram and Atmamuktananda. One of the visitors had asked, “I heard that there used to be hundreds of people living at the Mangrove Mountain ashram, what happened? Where did they all go?” Her response was that there had been a bit of a hiccup and there had been a bit of a difference of opinions and a disagreement.\(^{24}\)

22. Jyoti has never had an apology from the Ashram or any acknowledgement of the abuse she experienced. She was not invited to the Ashram’s 40\(^{th}\) Anniversary healing day until after she contacted Yogasandhan.\(^{25}\)

23. Jyoti believes the Ashram should pay compensation to the victims of abuse along with a very real and heartfelt apology.\(^{26}\)
APL

24. APL’s first visit to Satyananda Yoga Ashram Mangrove Mountain was in 1975 at age 7, for an Easter yoga camp. This was APL’s first encounter with Akhandananda. Years later in 1986, Akhandananda reminded APL of this meeting, where he said “The moment I laid eyes on you I knew one day you would be mine... I fell in love with you when I first saw you.”

25. APL moved to live in the Ashram in 1978 at the age of 11, with her sister APK, and her father.

26. The children at the Ashram were so hungry at times that they would break into the kitchen to steal food.

27. In 1979, APL’s mother moved to the Ashram. APL said to her, “I missed you. I have been crying during the week for you. I wish you were around more.” She told APL, “Stop being a sook. I want more than anything for you to be a good swami and learn from Akhandananda.”

28. APL’s father signed over custody to Akhandananda and Shishy when she was 13 years old.

29. APL was Shishy’s favourite until the age of 13. After this, she would be smashed across the head at random. She became a slave to Shishy.

30. Shishy and Akhandananda reinforced to APL and the children that a good disciple surrenders completely to the will of the guru.

31. Akhandananda and Shishy would send the children on “fuck patrols” in the middle of the night, which created a divide between the adults and the children at the Ashram.

32. After “satsang”, APL was called to Akhandananda and Shishy’s hut to give Akhandananda a massage, which included sex.

33. Sexual abuse began in 1983, at the age of 15 during a yoga trip around NSW.
34. When APL returned from that trip, Shishy would summon her to go and see Akhandananda. On other occasions, Shishy would have a note delivered by Muktimurti.  
35. Akhandananda would demand hard massages, force APL to have sex with him, press his anus on APL’s nose, shove his testicles into APL’s mouth, and force APL to give him oral sex.  
36. From the age of 15, Akhandananda would force APL to drink whiskey, and suck champagne out of his mouth.  
37. Akhandananda called his sexual abuse of APL “tantric yoga”.  
38. Shishy beat APL many times, these strikes were aimed at her head.  
39. When APL was 12, her, APK and APQ were all invited into Shishy’s bed and each were given a love bite on the neck.  
40. APL witnessed APA and Tim Clark receive worse beatings than what she received. APL recalls APA receiving a beating where after each slap her head ricocheted off a brick wall into a further slap.  
41. Shishy would make APO walk around in the nude, throw cold water on him and slap him in the face, while the other children would stand around in a circle.  
42. APL witnessed Tim Clark being beaten “mercilessly” by Akhandananda when he was thirteen (13). When Tim Clark was fourteen (14), APL remembers seeing him being stripped naked by Akhandananda and beaten on the back with a stick.  
43. Akhandananda also ordered APL to encourage APH to get into bed with him.  
44. Akhandananda had threatened to kill APL if she told anyone about the sexual abuse.

34 Ex. 21.05; STAT.0426.001.0002_R at [34]  
35 Ex. 21.05; STAT.0426.001.0002_R at [37]  
36 Ex. 21.05; STAT.0426.001.0002_R at [38]  
37 Ex. 21.05; STAT.0426.001.0002_R at [41]  
38 Ex. 21.05; STAT.0426.001.0002_R at [42]  
39 Ex. 21.05; STAT.0426.001.0002_R at [46]  
40 Ex. 21.05; STAT.0426.001.0002_R at [48]  
41 Ex. 21.05; STAT.0426.001.0002_R at [50]  
42 Ex. 21.05; STAT.0426.001.0002_R at [51]  
43 Ex. 21.05; STAT.0426.001.0002_R at [53]  
44 Ex. 21.05; STAT.0426.001.0002_R at [59]
45. After Shishy’s departure from the Ashram, Akhandananda’s sexual harassment increased because APL started to refuse his advances. He hit APL a couple of times, but then began to lose interest. Akhandananda would still demand for APL to come and see him and force her to drink with him. Akhandananda also bought APL marijuana to smoke, which was supposed to loosen her frigidity up.48

46. On 30 March 1987 APL received a letter from Lila. She told APL that Muktimuirti had telephoned her and said Satyananda’s message to the Ashram was to stop making any moves against Akhandananda as the outcome would be a negative one.49

47. Before Akhandananda’s trial, Swami Vajrananda approached APL and confessed to her that he had come close to murdering her on Akhandananda’s instructions.50

48. Swami’s including Adwaita, Poornamurti, Muktimuirti, Haribodha, Nadamurti, API (API) and APJ (APJ) supported Akhandananda in court during his trial.51

49. On 12 June 1996, APL received a letter from Muktimuirti referring to the time of the trial. Muktimuirti wrote in that letter, “For me it was rather like being one of the children in a particularly vicious divorce case – with custody – battle.” In that same letter, Muktimuirti wrote, “But in more recent years my attitude has shifted enough to let in a bit of compassion & to see it in terms of people struggling – and failing I suppose – to deal with power & its consequences.”52

50. APL gave evidence that no one from the Ashram has ever shown any concern for her and the treatment and abuse she received whilst in their care. APL is offended by the way she has been treated by the Ashram.53

51. APL would like to see the Ashram and Shishy financially compensate her.54

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47 Ex. 21.05; STAT.0426.001.0002_R at [58]
48 Ex. 21.05; STAT.0426.001.0002_R at [62]
49 Ex. 21.05; STAT.0426.001.0002_R at [72]
50 Ex. 21.05; STAT.0426.001.0002_R at [73]
51 Ex. 21.05; STAT.0426.001.0002_R at [75]
52 Ex. 21.05; STAT.0426.001.0002_R at [81]; PS.0664.001.0038_R.
53 Ex. 21.05; STAT.0426.001.0002_R at [90], [92]
54 Ex. 21.05; STAT.0426.001.0002_R at [93]
52. In 1975, during APK’s first visit to the Ashram, she witnessed Akhandananda beating Shishy’s brother, forcing him to fast for days on end and instructing everyone not to speak to, or acknowledge him.55

53. In November 1978, APK, her sister APL and her father moved to the Ashram permanently.56

54. A few months after arriving at the Ashram, APK’s mother also arrived, but as APL and her were living with Shishy, her mother was separated from them.57

55. In 1980, Shishy and Akhandananda led APK to believe that her parents had signed guardianship of her and APL to them.58

56. APK once called her mother in Tasmania by reverse charge, and Akhandananda smacked her across the face a number of times and verbally berated her when he found out.59

57. Nadamurti administered morphine to APK on three occasions.60

58. When Akhandananda was not in the Ashram, Shishy would invite APK, APL and APZ in to her room with her. Shishy would practice love bites on each of them, teaching them how to give and receive them.61

59. On one occasion, Shishy beat APL for being jealous. APL was beaten on several occasions, and was forced to be Shishy’s slave.62

60. APK was beaten numerous times at the time she started high school. On one occasion she was beaten so hard she was unable to control her bladder.63

61. APK was humiliated and humped by a large German shepherd “night after night”. Muktimurti was allegedly present when this occurred, but did nothing to prevent it.64

62. In 1982 or 1983 at age 13, Shishy made APK spread her legs and expose herself in front of a group of children and adults.65

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55 Ex. 21.06; STAT.0429.001.0009_R at [7]
56 Ex. 21.06; STAT.0429.001.0009_R at [8]
57 Ex. 21.06; STAT.0429.001.0009_R at [10]
58 Ex. 21.06; STAT.0429.001.0009_R at [13]
59 Ex. 21.06; STAT.0429.001.0009_R at [17]
60 Ex. 21.06; STAT.0429.001.0009_R at [19]
61 Ex. 21.06; STAT.0429.001.0009_R at [27]
62 Ex. 21.06; STAT.0429.001.0009_R at [29-30]
63 Ex. 21.06; STAT.0429.001.0009_R at [31]
64 Ex. 21.06; STAT.0429.001.0009_R at [32]
65 Ex. 21.06; STAT.0429.001.0009_R at [34]
63. At age 14, Shishy inserted a tampon into APK’s vagina to show her how to do it correctly.\textsuperscript{66}

64. At age 14 or 15, APK went on a trip with Akhandananda to Canberra. On two occasions, Akhandananda called APK into his room and touched her, but she refused his advances.\textsuperscript{67}

65. APK witnessed APA being beaten by Shishy and saw her repeatedly hit the brick wall she was standing next to. She also witnessed Tim Clark being subjected to severe physical, emotional and psychological torture at the hands of Akhandananda. APK also recalls Akhandananda pinching APO’s penis so hard it made him cry.\textsuperscript{68}

66. In March 2014, Yogasandhan contacted APK via private Facebook message. She was invited to attend the Ashram’s 40\textsuperscript{th} Anniversary.\textsuperscript{69} See “Recent Institutional Responses” at paragraph 400 of this summary.

67. APK was not involved in the 40\textsuperscript{th} Anniversary celebrations and has been insulted by the Ashram’s response. APK originally believed Yogasandhan’s attempts at communication were genuine but expressed frustration at the inconsistent communications from the Ashram.\textsuperscript{70}

68. APK believes the only meaningful way the Ashram could show it acknowledges the significance and impact of the past is by paying compensation.\textsuperscript{71}

69. APK acknowledged that the Ashram had never offered compensation and that she has not previously been in a position to ask for compensation.\textsuperscript{72}

70. APK during the course of giving evidence in response to questions from Mr Kernaghan indicated that she would instruct her solicitor Mr O’Brien to make a request for compensation.\textsuperscript{73}

\textsuperscript{66} Ex. 21.06; STAT.0429.001.0009_R at [7]
\textsuperscript{67} Ex. 21.06; STAT.0429.001.0009_R at [38, 40-42]
\textsuperscript{68} Ex. 21.06; STAT.0429.001.0009_R at [45-47]
\textsuperscript{69} Ex. 21.06; STAT.0429.001.0009_R at [58]
\textsuperscript{70} Ex. 21.06; STAT.0429.001.0009_R at [60-61]
\textsuperscript{71} Ex. 21.06; STAT.0429.001.0009_R at [68]
\textsuperscript{72} Transcript 10980: 28-36 (Day 105)
\textsuperscript{73} Transcript 10980: 3-7 (Day 105)
APA

71. Akhandananda would order her and other children to search the bush and paddocks at night to catch adults having sex.74

72. On one occasion when APA was about 12 or 13 years old, she states she went on a motorbike ride with a man who had visited the Ashram. This man took her 10 kilometres from the Ashram, and proceeded to undress in front of her and go for a swim. He also encouraged her to undress and join him for a swim. APK ran from the area and hid in a drainpipe for a period of 6 hours.75

73. From 1981, APA started Year 7. APA received many beatings from Shishy for not finishing her homework on time, or for not completing her chores to Shishy’s satisfaction. Shishy also encouraged the other children to call APA ‘dodo’.76

74. At age 13, some adult swami’s introduced APA to an addictive nicotine paste called “mungen”.77

75. APA’s sexual abuse began in 1983 at age 13. She was required to massage Akhandananda on the buttocks, and touch his penis. Many nights after Satsang, Akhandananda would put his hands up her shirt and touch her breasts.78

76. In July 1985 on a trip to Bellingen, Akhandananda called APA into his room and began to kiss and touch her. The following night, Akhandananda ordered APA to take her clothes off and get into bed with him.79

77. On 15 July 1985, on the same trip they travelled to an Ashram in Benowa. During this trip, Akhandananda made APA kiss him all over his body and perform oral sex.80

78. The following day Akhandananda insisted APA sit naked with him in the men’s sauna while he fondled her.81

79. The following night Akhandananda made APA massage his body and give him oral sex.82

74 Ex. 21.07; STAT.0423.001.0003_R at [12]
75 Ex. 21.07; STAT.0423.001.0003_R at [16-17]
76 Ex. 21.07; STAT.0423.001.0003_R at [20]
77 Ex. 21.07; STAT.0423.001.0003_R at [23]
78 Ex. 21.07; STAT.0423.001.0003_R at [28]
79 Ex. 21.07; STAT.0423.001.0003_R at [31-32]
80 Ex. 21.07; STAT.0423.001.0003_R at [33]
81 Ex. 21.07; STAT.0423.001.0003_R at [34]
80. On 31 July 1985 during a trip to Taree, Akhandananda made APA perform oral sex.\(^{83}\)

81. On 20 August 1985 during a trip to Queanbeyan and Batemans Bay Akhandananda had non-consensual sexual intercourse with APA.\(^{84}\)

82. The next morning they travelled to Queanbeyan, and APH disclosed sexual abuse to APA. During this stay, Akhandananda had sexual intercourse with APA.\(^{85}\)

83. They then travelled to Bateman’s Bay, where Akhandananda again had sexual intercourse with APA. Akhandananda also pushed APA’s swimmers aside in the spa with his foot and tried to push his toes inside APA’s vagina when APA and APH were having a spa.\(^{86}\)

84. They then travelled to Wollongong, where Akhandananda again had sexual intercourse with APA.\(^{87}\)

85. Upon returning to the Ashram, Akhandananda continued to have sex with APA. Shishy, Akhandananda or Muktimurti regularly summoned APA. They would wake APA up, and tell her either verbally or by passing a note to go to Akhandananda’s room.\(^{88}\)

86. From the time APA was in Year 7 Shishy would hit her over the head repeatedly. On one occasion she was beaten repeatedly next to a brick wall.\(^{89}\)

87. APA witnessed various beatings of the other children. APA also witnessed Akhandananda publically beat Timothy Clark.\(^{90}\)

88. When APA began menstruating at age 14, Shishy put Vaseline on her fingers and inserted a tampon into her vagina. APA was required to ask Shishy to change her tampons.\(^{91}\)

89. APA has never been offered counselling or support aside from by her father.\(^{92}\)

\(^{82}\) Ex. 21.07; STAT.0423.001.0003_R at [35]
\(^{83}\) Ex. 21.07; STAT.0423.001.0003_R at [36]
\(^{84}\) Ex. 21.07; STAT.0423.001.0003_R at [37, 41]
\(^{85}\) Ex. 21.07; STAT.0423.001.0003_R at [42-44]
\(^{86}\) Ex. 21.07; STAT.0423.001.0003_R at [45-46]
\(^{87}\) Ex. 21.07; STAT.0423.001.0003_R at [47]
\(^{88}\) Ex. 21.07; STAT.0423.001.0003_R at [48]
\(^{89}\) Ex. 21.07; STAT.0423.001.0003_R at [51]
\(^{90}\) Ex. 21.07; STAT.0423.001.0003_R at [51-54]
\(^{91}\) Ex. 21.07; STAT.0423.001.0003_R at [55]
\(^{92}\) Ex. 21.07; STAT.0423.001.0003_R at [61]
90. APA was offended by the Facebook apology rather than the Ashram personally contacting her. APA’s comments were deleted on Facebook by the Ashram.⁹³

91. APA would like the Swamis still at the Ashram to acknowledge that the abuse occurred, and would like to see Shishy held accountable.⁹⁴ In response to questions from Mr Kernaghan regarding compensation, APA acknowledged that she can instruct her solicitor Mr O’Brien for an amount of compensation.⁹⁵

APH

92. APH together with her parents moved to Mangrove Mountain in January 1979 at age seven (7).⁹⁶

93. Shishy and Akhandananda were the adults who disciplined the children; APH can’t recall being disciplined by any of the other adults there. APH was only slapped as part of a group, when Shishy lined the children up from oldest to youngest.⁹⁷

94. At the age of nine or ten, APH became aware Akhandananda had his eye on APH.⁹⁸

95. When cleaning Akhandananda’s quarters, he would trickle coffee into APH’s mouth and tickle and touch her. This started when APH was in primary school.⁹⁹

96. APH’s name would be called over the PA system by APT, who would then buzz Muktimurti in the back office. Muktimurti would tell APH that Akhandananda wanted to see her or that he wanted a massage.¹⁰⁰

97. Akhandananda tickled APH during a trip to Rainbow Beach in 1984.¹⁰¹

⁹³ Ex. 21.07; STAT.0423.001.0003_R at [65]
⁹⁴ Ex. 21.07; STAT.0423.001.0003_R at [68-69]
⁹⁵ T11000: 30-38 (Day 105).
⁹⁶ Ex. 21.08STAT.0402.001.0002_R at [5]
⁹⁷ Ex. 21.08STAT.0402.001.0002_R at [18]
⁹⁸ Ex. 21.08STAT.0402.001.0002_R at [23]
⁹⁹ Ex. 21.08STAT.0402.001.0002_R at [24]
¹⁰⁰ Ex. 21.08STAT.0402.001.0002_R at [25]
¹⁰¹ Ex. 21.08STAT.0402.001.0002_R at [28]
98. Later in 1984, APH accompanied Akhandananda and APA on a trip to Queanbeyan via Young. In Young, Akhandananda and APH shared a room, where Akhandananda tickled her and tried to touch her breasts.  

99. At age 13 or 14, APH and Alecia were asked by Akhandananda to take their clothes off and lie naked next to Akhandananda in bed. Akhandananda tried to coerce APH into sexual foreplay, but she refused. APH then witnessed Akhandananda and Alecia have sexual intercourse next to her.  

100. In 1986 APH was paged over the PA system to go to Akhandananda’s room. He kissed APH, caressed her breasts and digitally penetrated her.  

101. APH understood that when Akhandananda asked her for a massage in the evening, this was a cue to participate in sexual behaviour. There is photographic evidence of one instance of APH giving Akhandananda a massage.  

102. At the beginning of 1987, APH, Alecia and four other girls disclosed to Sandra Smith the abuse they had suffered from Akhandananda. APH only disclosed that Akhandananda had touched her on the breasts.  

103. In April 1987, APH discloses to a worker from the Department of Youth and Community Services that Akhandananda had touched her on the breast [NSW.COMS.549.001.0016_R].  

104. On 29 April 1990, APH made a statement to the police regarding the sexual abuse from Akhandananda.  

105. APH attended the 40th anniversary event at Easter and participated in the “acknowledgment” session facilitated by Terry O’Connell. APH did not disclose evidence of abuse at the session. She saw Hridayananda and Vivekananda sitting on chairs whilst everyone else was on the floor. Hridayananda also told APH that she had to drink her water outside.  

106. In APH’s statement she writes that Muktimurti greeted her in a way that seemed almost like an admission of guilt. APH believes she was trying to
justify her behaviour. During Mr Kernaghan’s cross-examination of APH, her evidence is that at first Muktimurti gave her a hug and called APH by her ashram name. Muktimurti then said: “Oh you’re so grown up and you’re so beautiful. Oh, you’ve turned out such a beautiful woman.” She then said, “You kids were an angry mob”. This as APH indicates was like Muktimurti, “loved me and wanted to connect with me and then stepped back and was sort of blaming me”.

107. Haribodhananda was rude and pushy during an interaction with APH that day. He was asking APH what her connection with the Ashram was, and whether APH was in communication with other ashram kids on Facebook. It was like an interrogation. APH in giving evidence felt she was accosted and vulnerable as a result.

108. APH wants amongst other things compensation for the victims, which was raised during the session.

109. At no time during the session with Terry O’Connell, and indeed before giving evidence before the Royal Commission, had APH identified herself as a victim.

**Bhakti Manning**

110. Akhandananda held a very privileged position at the Ashram and gave the children a lot of attention.

111. In March 1975 Bhakti Manning travelled to a yoga seminar in Toowoomba in a combi van. During the trip Akhandananda laid down with Bhakti in a bed in the combi van. He kissed Bhakti Manning and digitally penetrated her for a period of twenty minutes.

110 Ex. 21.08; STAT.0402.001.0002_R at [47-48]
111 T11021, 35-47, (Day 105); Transcript 11022, 1-12, (Day 105)
112 Ex. 21.08; STAT.0402.001.0002_R at [49]; Transcript 11016, 18-41 (Day 105)
113 Transcript 11022; 14-19 (Day 105)
114 Ex. 21.08; STAT.0402.001.0002_R at [51]
115 Transcript 11022, 21-27 (Day 105)
116 Ex 21.09; STAT.0424.001.0005_R at [18]
117 Ex 21.09; STAT.0424.001.0005_R at [20-21]
112. In April 1975 during a trip to Warralda, Akhandananda fondled Bhakti Manning’s vagina and told her to massage his legs whilst he did that.118

113. In May 1975, when at Mangrove Mountain Bhakti Manning went on a bush walk with Akhandananda where he told her, “Take your clothes off.” Bhakti Manning took her sarong off, and Akhandananda began touching her vagina under her bikini. Akhandananda then said, “Will you have sex with me?” to which she replied, “No”.119

114. At the Manly Ashram in late 1975, Swami Gorakhnath made sexual advances towards Bhakti Manning asking her for sexual intercourse. She responded saying, “It’s illegal for a girl under 16 to have sex in Australia”.120

115. Three or four weeks after Bhakti Manning’s sixteenth birthday, Gorakhnath had sexual intercourse with her.121

116. In February 1976 Gorakhnath had sexual intercourse with Bhakti Manning at the Manly Ashram.122

117. In December 1976, Swami Satyananda put his hand up the side of Bhakti Manning’s dhoti and fondled her vagina.123

118. Around this time Satyananda and Bhakti Manning had sexual intercourse.124

119. Sexual intercourse continued between Satyananda and Bhakti Manning until early 1982.125

120. Vivekananda visited Bhakti Manning’s parents and told them they needed to send a ticket for her to return to Australia from India as she was ill.126

121. In May 1977 Bhakti Manning stayed with Vivekananda for a short time. In mid May Vivekananda delivered Bhakti Manning to the Manly Ashram. Whilst here she was taunted and kicked by Akhandananda.127

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118 Ex 21.09; STAT.0424.001.0005_R at [28]
119 Ex 21.09; STAT.0424.001.0005_R at [31]
120 Ex 21.09; STAT.0424.001.0005_R at [37]
121 Ex 21.09; STAT.0424.001.0005_R at [38]
122 Ex 21.09; STAT.0424.001.0005_R at [39]
123 Ex 21.09; STAT.0424.001.0005_R at [46]
124 Ex 21.09; STAT.0424.001.0005_R at [48]
125 Ex 21.09; STAT.0424.001.0005_R at [50]
126 Ex 21.09; STAT.0424.001.0005_R at [51]
127 Ex 21.09; STAT.0424.001.0005_R at [53]
122. On 30 June 1977, Satyananda visited Australia, and had non-consensual sex with Bhakti Manning, during which he slapped her across the face.\textsuperscript{128}

123. In January 1983, Bhakti Manning commenced a sexual relationship with Swami Niranjan which lasted for a year.\textsuperscript{129}

124. On 14 February, 2014 Bhakti Manning exchanged emails with Hridayananda about the Ashram’s 40th birthday celebration.\textsuperscript{130}

125. On 1 March, 2014 Bhakti Manning read an apology posted by Mangrove Ashram on its Facebook page. She had a number of concerns with this apology.\textsuperscript{131}

126. In early March 2014, Bhakti Manning was sent copies of letters involving Akhandananda, Satyananda, Poornamurti and Atmamuktananda.\textsuperscript{132}

127. Upon receipt of Bert Franzen’s cease and desist letter, Bhakti Manning felt betrayed by the Ashram and Vivekananda and Hridayananda.\textsuperscript{133}

128. On 11 April 2014 Bhakti Manning exchanged emails with Ahimsa in which she identified herself as a victim for the first time and asked if she could attend the healing session at Easter.\textsuperscript{134}

129. Bhakti Manning recalls that amongst others, Vivekananda, Hridayananda and Atmamuktananda were sitting on chairs whilst everyone else had to sit on the ground.\textsuperscript{135}

130. On 28 April 2014, Bhakti Manning received an email from Ahimsa on behalf of the Working Together Taskforce, and emails were exchanged between the two between 30 April and 1 May, 2014.\textsuperscript{136}

131. On 13 May 2014, Bhakti Manning was emailed a copy of the ‘Survivor Support Pack’, which she felt was a cheap show-bag.\textsuperscript{137}

\textsuperscript{128} Ex 21.09; STAT.0424.001.0005_R at [54]
\textsuperscript{129} Ex 21.09; STAT.0424.001.0005_R at [58]
\textsuperscript{130} Ex 21.09; STAT.0424.001.0005_R at [67]
\textsuperscript{131} Ex 21.09; STAT.0424.001.0005_R at [68-69]
\textsuperscript{132} Ex 21.09; STAT.0424.001.0005_R at [72]
\textsuperscript{133} Ex 21.09; STAT.0424.001.0005_R at [73]
\textsuperscript{134} Ex 21.09; STAT.0424.001.0005_R at [78]; T10063, 42-44, (Day 106)
\textsuperscript{135} Ex 21.09; STAT.0424.001.0005_R at [80]
\textsuperscript{136} Ex 21.09; STAT.0424.001.0005_R at [82]
\textsuperscript{137} Ex 21.09; STAT.0424.001.0005_R at [85]
132. Despite this, on 17 May 2014, Bhakti Manning exchanged a series of emails with Yogasandhan concerning her eligibility for Terry O’Connell’s assistance.\textsuperscript{138}

133. Yogasandhan from the Ashram has acknowledged Bhakti Manning.\textsuperscript{139}

134. Bhakti Manning would like to see the Mangrove Ashram pay financial compensation to former child residents who were abused at the ashram.\textsuperscript{140}

135. Bhakti Manning could not during oral evidence definitively say that anyone in the directorship including Swami Vivekananda and Swami Hridayananda knew about the abuse from Akhandananda.\textsuperscript{141}

APR

136. APR moved to the Ashram at age three, with her mother, father and sister.\textsuperscript{142}

137. Because of thin clothing, the lack of heating, and the prevalence of untreated moulds in the rooms, APR was frequently sick at the Ashram with asthma, pneumonia and bronchitis. APR was sent to Nadamurti and when examined, she could see his underwear.\textsuperscript{143}

138. APR felt that out of all the children, Satyananda chose her as his favourite. Satyananda gave APR gifts from India. Akhandananda also made APR feel she was his favourite and at times would say she was the only kid allowed to touch him.\textsuperscript{144}

139. APR felt that her Mum (APT) was proud of her special status with Satyananda and Akhandananda. Often Akhandananda would single APR out to massage him in front of APT in her office in reception.\textsuperscript{145}

140. APR witnessed a mentally ill man being thrown down a well, which she had also been thrown down into.\textsuperscript{146}
141. APR was slapped by Shishy on one occasion so hard that she couldn’t hear for days, and witnessed other children being beaten.  

142. When in year 5 or 6, APR was bound, gagged, blindfolded and locked in a wardrobe in a visitor’s room by older boys at the Ashram.

143. At about age 10, APR went to the neighbour’s property with sister (APS). She had rope wrapped around her neck when a donkey bolted, which sliced it open. APR was initially given no medical treatment and made to sit out on the verandah of the reception as punishment. She was later taken to hospital for injections into the wound and antibiotics.

144. As a young child, APR found her mother at various times with blood on her from beating her head against the wall. APR had to clean her up and was sworn to secrecy or asked to go and get Muktimurti.

145. APR recalls a ritual whereby she was held down by her arms and legs and Akhandananda had sexual intercourse with her. While he was doing that, Akhandananda cut the skin between her breasts with a knife and then licked the blood and threw the blood into the fire. APR also recalls different men putting their penises in her mouth while she was held down.

146. APR also recalls an incident at age five or six in the children’s dormitory, where two boys, including one of the ones who later put her in the wardrobe, took turns having sex with her while the others kept watch.

147. Not read on to the record – In late 1986 Haribodh rode in the car with APR and her mother on the way back to the Ashram from the airport. Haribodh asked APR about the other children; “The children, those older kids, they’re liars, hey?” She can’t be certain that it was Haribodh asking the questions.

148. After the car trip, APR had another interview with Haribodh and Adwaita where they asked similar questions as those she had been asked by

147 Ex, 21.11; STAT.0434.001.0002_R at [29-31]
148 Ex, 21.11; STAT.0434.001.0002_R at [32]
149 Ex, 21.11; STAT.0434.001.0002_R at [34-35]
150 Ex, 21.11; STAT.0434.001.0002_R at [46]
151 Ex, 21.11; STAT.0434.001.0002_R at [52]
152 Ex, 21.11; STAT.0434.001.0002_R at [60]
the adult in the car. This information was used to build a defence for Akhandananda.153

149. In or around 2009, APR visited Jemima Brewer from Fosters Lawyers and started a victims compensation tribunal process, however due to triggered memories APR stopped this process and has not resumed it.154

150. APR thought the Ashram acknowledging that abuse had occurred was good in principle, but found it to be insensitive. APR did not attend the Easter celebration.155

151. Prior to 2009 and commencement of the victim compensation claim, APR was against compensation.156

152. APR wants to see four things arise from the Royal Commission. Firstly, she would like the children of the Ashram offered extensive trauma counselling appropriate to their experiences. Secondly, she would like to see the Ashram in its current form shut down. Thirdly, she would like Shishy to be held accountable for her actions and for her to be prosecuted for child abuse and for facilitating the sexual abuse of children. Finally she would like to see some form of compensation for all of the Ashram kids.157

Timothy Clark

153. Timothy Clark arrived at the Ashram in about 1981 or 1982. On 4 January 1983, his parents signed a statutory declaration assigning guardianship of him to Akhandananda and Shishy.158

154. Timothy Clark began having regular sex with girls from the Ashram including APK. He also had sex on a number of occasions with other women who were visiting the Ashram or were residents.159

155. Timothy Clark said to Shishy, “You know, well I feel horny. You know? Like... I’m randy.” Shishy then said, “Well, look, you know if you feel that way again, you can come to me and talk about it and I’ll sort you out”. After

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153 Ex, 21.11; STAT.0434.001.0002_R at [62]
154 Ex, 21.11; STAT.0434.001.0002_R at [86]
155 Ex, 21.11; STAT.0434.001.0002_R at [94-95]
156 Ex, 21.11; STAT.0434.001.0002_R at [98]
157 T11119, 31-47 (Day 106)
158 Ex 21.13; STAT.0433.001.0001_R at [12-13]
159 Ex 21.13; STAT.0433.001.0001_R at [16]
this Shishy would act in a more sexual way doing things like flashing her vagina at him.\textsuperscript{160}

156. Timothy Clark had a conversation with APK and she told him that Akhandananda had tried to get her to go to bed with him.\textsuperscript{161}

157. At the beginning of Year 9, Shishy said, “I don’t think school is really working out for you. We have decided that it’s better for you to work in the gardens.”\textsuperscript{162}

158. During oral evidence, Timothy Clark said: “I was taken at that point… taken from school and denied an education from that point forward.”\textsuperscript{163}

159. Timothy Clark worked twelve (12) hour days, where he was treated like a slave. If he did not do as he was told then Akhandananda would be given a bad report and then Timothy Clark would be hit or punished in some way.\textsuperscript{164}

160. During oral evidence, Timothy Clark said: “The days would start very early, like sometimes 2.30 in the morning, 3 in the morning… I would be woken by a variety of techniques when I wouldn’t get up and I just couldn’t physically move. They would be anything from pouring water on my head to wake me up, or they would smother me.”\textsuperscript{165}

161. Another task Timothy Clark was given was to look after Hanuman. Hanuman would masturbate in front of Timothy Clark all the time. Timothy Clark would take his Vaseline away so that he couldn’t masturbate, but he would physically attack him to get it back.\textsuperscript{166}

162. During oral evidence Timothy Clark said: “I cannot say for sure whether I was sexually molested by that man”.\textsuperscript{167}

163. In around 1984 when Timothy Clark turned 15, he was starved, mistreated and frequently beaten because Akhandananda saw him as a threat to him having sex with the girls.\textsuperscript{168}

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\textsuperscript{160} Ex 21.13; STAT.0433.001.0001\_R at [17]\\
\textsuperscript{161} Ex 21.13; STAT.0433.001.0001\_R at [20]\\
\textsuperscript{162} Ex 21.13; STAT.0433.001.0001\_R at [21]\\
\textsuperscript{163} Transcript 11129, 24-26, (Day 106)\\
\textsuperscript{164} Ex 21.13; STAT.0433.001.0001\_R at [21]\\
\textsuperscript{165} Transcript 11130, 26-33 (Day 106)\\
\textsuperscript{166} Ex 21.13; STAT.0433.001.0001\_R at [22]\\
\textsuperscript{167} Transcript 11131, 8-9 (Day 106)\\
\textsuperscript{168} Ex 21.13; STAT.0433.001.0001\_R at [25]\
\end{flushright}
164. At age 15, Timothy Clark was punished for leaving the Ashram to see a rock concert. He was made to sit in the same spot on the same stone courtyard of the Ashram for three days and nights without food or water, and was not allowed to move, speak or look at anyone.169

165. In March 2014, Timothy Clark phoned the Ashram and was put in contact with Ahimsadhara. They exchanged a number of conversations, and Timothy Clark explained to Ahimsa the concept of a duty of care asking; “How would a reasonable person expect to be cared for in that situation in the Ashram?”170

166. During conversations with Bert Franzen, Timothy Clark became aware that Haribodhananda was working on the Taskforce. Bert told Timothy that in regards to Haribodhananda sitting on the Taskforce that, “He realised the error of his ways and now he wants to make good”.171

167. Timothy Clark feels that some form of monetary compensation would be appropriate in this case even though it will never give back what was taken from the children.172

APT

168. The next witness on the list was to be APT. The Royal Commission no longer required APT to give evidence. Her statement was tendered.173

169. APT worked with Muktimurti in reception, and she states; “At night, the only place Mukti could go was the front reception, as she always had to be in reach of the phone in case Akhandananda or Shishy needed to contact her.”174 This corroborates Muktimurti evidence under cross-examination by Mr O’Brien at Transcript 11438 (Day 109) onwards.

170. APT recalls seeing physical abuse inflicted upon children at the Ashram by Shishy.175

169 Ex 21.13; STAT.0433.001.0001_R at [29]
170 Ex 21.13; STAT.0433.001.0001_R at [39-45]
171 Ex 21.13; STAT.0433.001.0001_R at [53]
172 Ex 21.13; STAT.0433.001.0001_R at [65]
173 Ex 21.15; T11153, 10-14 (Day 107)
174 STAT.0431.001.0001_R at [26]
175 STAT.0431.001.0001_R at [51]
171. In regards to physical abuse by Akhandananda, APT wrote, “It was quite common to see people being hit at the Ashram. Akhandananda had something called a Kundalini stick which he would use to beat people.” Further, “There was one occasion where the boys were out the front of reception and made to strip off naked and do ‘salutes to the sun’ in front of everyone as punishment.”

172. In regards to sexual abuse at the Ashram, APT suspected there was something happening between APL and Akhandananda, once witnessing APL at age 15 straddle Akhandananda outside reception.

173. During a trip to Newcastle, Akhandananda digitally penetrated APT. She later heard Alecia Buchanan and Akhandananda giggling in the same room, after she had left.

174. APT found out about the allegations of sexual abuse from Akhandananda in 1987. When she arrived at the Ashram, APJ said to her “You know he’s been sexually abusing the children”. She writes in her statement, “... and to my deepest regret now, because it sounds so callous, and I now know that the allegations were true, I said something in reply like words to the effect ‘I’d be proud to have him initiate my daughter’. I defended him, but worse, I denigrated and disrespected my daughter.”

175. In regards to the trial, she states, “I gave evidence in the trial for the defence. As I was about to walk into the court in Gosford Akhandananda said to me “make sure you say the right thing, otherwise I’ll go to gaol.” Haribodhananda said, “don’t be swayed by that.”

176. In 2007 she was told of the sexual abuse by APR and APL.

APV

177. APV provided a statement to the Royal Commissions but was not called.
178. On a trip to Brisbane with Akhandananda, Akhandananda walked in to the showers whilst APA and APV were both naked. Akhandananda told them to jump up and down so he could watch their breasts bounce as they jumped.  

179. In 1983 or 1985 Akhandananda came to a seminar at the New England University in Armidale, and asked APV in to his hotel room. She states, “Akhandananda told me to sit on the bed and asked me to lay my head on his stomach, which I did... He told me that I would be staying with him for the night. He started to stroke my face and push my head down into his crotch. I had a really awful feeling in my stomach. I knew that something wasn’t right and I quickly jumped up.”  

180. In relation to sexual abuse, APV states, “In the time I was at the Ashram I was often sexually harassed by Akhandananda. He regularly sexually harassed all of the teenage girls at the Ashram. This included groping my breasts and buttocks and suggestions of a sexual nature.”  

181. In regards to physical abuse, she states, “Akhandananda was unpredictable. He would hit me across the face very hard sometimes for no apparent reason. He would grind his stubble into my cheeks until it hurt.”  

APB  

182. APB provided a statement to the Royal Commissions but was not called.  

183. In regards to sexual abuse by Akhandananda, APB in her statement provides that at the age of 13, in early 1986 Akhandananda began making sexual advances.  

184. She writes, “During that period I would make Akhandananda a cup of coffee every morning. When I gave him his coffee, I would give him a hug and a kiss... On a couple of occasions he lifted up my top while I was hugging him
and put his hands on my breasts. There were also a few occasions when he kissed me and put his tongue in my mouth." 190 APB at IND.0203.001.0022_E has documented this in a diary entry.

185. On occasion APB would receive a slap across the face from either Akhandananda or Shishe. 191

186. APB was one of the four complainants in the criminal proceedings against Akhandananda that commenced at the end of 1987. 192

187. In regards to compensation, APB writes, “I feel there should have been compensation for those that were more severely abused. I don’t know if I deserve financial compensation for what happened to me.” 193

Shishy (SHISHY)

188. At age 16 or 17 in 1974 Shishe first met Akhandananda. 194 She acted effectively as Akhandananda’s handmaiden. 195 Shishe then began a sexual relationship with Swami Akhandananda within six months of meeting him. 196

189. At age 19, Shishe had a sexual experience with Satyananda. 197 Shishe in oral evidence described her experience with Satyananda on a continuum between bland and quite perverse; she remembers Satyananda enjoying Shishe crouching over and kissing his feet while he inserted a wooden implement into her anus. 198

190. In regards to Shishe’s role at the Ashram towards the children who are now adults, “Initially not much at all, but it did evolve over time into something quite big and complex. I never was bestowed a particular role, but a role did evolve out of the situation. We spent a lot of time together and I oversaw schoolwork, bought their clothes, acknowledged their birthdays and Christmases and things like that - that kind of thing.” 199

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190 STAT.0430.001.0001_R at [10]
191 STAT.0430.001.0001_R at [16]
192 STAT.0430.001.0001_R at [19]
193 STAT.0430.001.0001_R at [36]
194 T11159, 3-12 (Day 107)
195 STAT.0430.001.0001_R at [9]
196 T11160, 10-16 (Day 107)
197 T11164, 1-2 (Day 107)
198 T11165, 34-46 (Day 107)
199 T11172, 23-31 (Day 107)
191. The children at the Ashram were encouraged by Swami Akhandananda to see him and Shishy as their parents or parent figures. However Shishy rejects that the children were encouraged to worship her.

192. Shishy accepts that she slapped some of the children very hard, but does not recall lining the children up youngest to oldest or oldest to youngest and being slapped by her one by one, as is the evidence given by the former child residents.

193. Shishy cannot recall slapping APA so hard that her head hit the back of a wall in the presence of other children.

194. In oral evidence Shishy answered in response to the question, “Were there any other occasions when you recall that you hit children too hard?” She replied, “I think any hit that I gave them was too hard. I regret all of them. I think any hit that I ever gave a child at that time was too hard.”

195. In response to the children feeling betrayed by Shishy as adults she responded: “I would like to say that I deeply, deeply regret and feel quite desperately sorry for anything that I did or that I didn’t do that had caused any of these people and their families any pain whatsoever and any ongoing impact from me being in their lives at that time. I understand that that’s never going to be enough, but it is deeply meant. I am deeply sorry. In my wildest dreams, I just wish that I could be back there and have done so many things differently.”

196. Shishy did not recall an incident where Timothy Clark was made to stand naked in front of adults and other people at the Ashram.

197. Shishy recalled on one occasion Timothy Clark being hit by Akhandananda with a “Kundalini Stick”, and did not intervene. This was because it was the same treatment that Shishy received.

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200 T11173, 29-33 (Day 107)
201 T11175 2-7 (Day 107)
202 T11180-1, 40-47, 1-8 (Day 107)
203 T11181, 10-18 (Day 107)
204 T11184, 18-22 (Day 107)
205 T11186, 38-46 (Day 107)
206 T11187, 4-8 (Day 107)
207 T11189, 14-27 (Day 107)
208 T11189, 40-47 (Day 107)
198. Shishy’s memory of APK’s evidence regarding exposing herself in front of Shishy is, “that I [Shishy] was sitting down having lunch. She came to me and said that she thought that she had a tick high up on her leg, in the groin, and I said, “Can you show me?” and she did, and then I realised that she wasn’t actually wearing any undies…”

199. Shishy was only aware that Akhandananda was having sex with Alecia and APL. However if she had suspected that Akhandananda was having sex with other children in addition to APL and Alecia, Shishy accepts that she would have assumed that, that was okay.

200. Shishy recalls becoming involved with two of the girls when they got their first period. With one of the girls she helped guide the tampon. She recognises that this is an “incredibly intimate relationship” between her and the children.

201. Shishy rejects the notion that she ever gave any of the children a love bite.

202. At about the age of 25, Shishy commenced a relationship with APQ who was 14 or 15. In regards to this, Shishy in evidence stated, “It is the most shameful thing of my life, probably…” She maintained that the only reason she commenced this relationship was because Akhandananda told her to.

203. In response to questioning from Ms Hall (Counsel for Alecia Buchanan), Shishy recalls that on occasion, Muktimurti would summon Alecia to Akhandananda’s hut.

204. In response to Mr O’Brien’s, “Do you agree with the proposition that between 1982 and 1985, you facilitated child sexual abuse at the hands of Akhandananda?” Shishy responded: “Of course retrospectively, but at the time I really didn’t see it that way, sir. I hope I’ve manage to convey that.”

209 T11192-3, 45-47,1-4 (Day 107)
210 T11197, 1-4 (Day 107)
211 T11197, 14-17 (Day 107)
212 T11202-3, 1-2 (Day 107)
213 T11204, 32-33 (Day 107)
214 T11204, 35-47 (Day 107)
215 T11205, 9-23 (Day 107)
216 T11226, 19-21 (Day 107)
217 T11238 43-47 (Day 107)
Mr O’Brien then asked, “You didn’t see it that way, but that’s certainly what you did - you facilitated child sexual abuse in those years, didn’t you?” Shishy responded: “Yes, I did.”

In response to cross-examination from Mr Kernaghan in the context of a line of questioning exposing the high level of secrecy within the Ashram, and the role Shishy played in concealing the nature of abuse occurring, Shishy said: “Mukti was always just a gopher. She didn’t really know anything. Most people didn’t know anything. Even all the people that you know, I’ve hated for a long time were only doing what they thought - people that escorted him to the conspiracy to murder trial, they believed in him at that time. They all did.”

Mr Kernaghan asked, “You didn’t tell Muktimurti that your partner, the next one up the rung, was sexually abusing children in your hut?” to which she responded, “No, I didn’t tell her any such thing.”

In responding to Ms McGlinchey’s cross-examination based on Exhibit 21.0019 [EXH:021.019.0001] Shishy said, “the guru was everything to me and that he would completely take care of my spiritual growth and he would think for me and that he had a divinity that I could utterly depend on... I should not accept any responsibility for myself and that all of the difficult and painful, and, now that I see, abusive treatment that I received was all for my own good.”

In oral evidence Shishy read the third paragraph of Exhibit 21.0021 [EXH.021.012.0001] “Bundle of Emails, Letters and Pictures Attached to Letters” which was an email exchange between APK and Shishy on 27 February 2014: “Thank you for your apology. It does mean a lot. Mangrove was a good experience for me overall and I was one of the lucky ones who Akhandananda didn’t get to, mostly because I am feisty and told him no. I have felt some anger over the years at various times, mostly about how unprepared it left us emotionally, financially, to deal with things out in the world. But I did realise too that you were only 16 when you were thrown into

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218 T11239, 3-6 (Day 107)
219 T11247, 27-32 (Day 107)
220 T11249, 3-6 (Day 107)
221 T11262, 32-35 (Day 108); Transcript 11263, 31-34 (Day 108)
it all, and I do remember walking into the back hut at times and hearing Akhandananda hitting you, and that good disciple thing, that’s a hard habit to kick even when you’re no longer anyone’s disciple.”

209. Before these proceedings Shishy had never heard any suggestion that she was sexually inappropriate with Timothy Clark and denied ever having been.

210. Shishy denies the allegation that she hit APA’s head back and forth against the wall.

211. In responding to Ms. McGlinchey’s question, “What would you like to see come out of this Case Study in the Royal Commission?” Shishy said: “That’s a really good question. I would like to see all the victims receive the financial compensation that they deserve, and I really sincerely hope that that brings some closure and peace for them. As far as the institution is concerned, I would like to see them extricate - I’d like to see the Australian chapter extricated from all the Indian connection. If anyone wants to have affiliation with Niranjan in India, they should go to India. I would like to see the Australian institution completely separate and that mechanisms are put in place so that this can never happen again, and certainly so that nobody could ever be put in the situation that I was and that be okay.”

212. In re-examination Shishy was asked a series of questions by counsel assisting in relation to WEB.0010.001.0001. Dr Dwyer asked, “It lends the lie to the fact that that period of time at the ashram was some idyllic wonderful time for you and others who were there. Do you accept that?” Ms McGlinchey objected to this question, to which Dr Dwyer said, “It is my respectful submission it’s directly related to the institutional response because it promotes the idea that that ashram was a place of ideal spirituality and growth where people were learning the path to healing, enlightenment and ecstasy.”

222 T11288, 32-47 (Day 108)
223 T11290, 38-43 (Day 108)
224 T11291, 2-8 (Day 108)
225 T11294, 16-31 (Day 108)
226 T11302, 20-22 (Day 108)
227 T11302, 43-47 (Day 108)
213. Mr Kernaghan objected to that question, “Your Honour, I object to that. How it could be said that what’s in this document reflects on the institution, I’m not certain that counsel assisting means to say that. But if that is what’s meant to be said, that this somehow reflects back on the ashram, well, then I make an objection to the relevance of this question.” Dr Dwyer responded, “I’m not suggesting that the ashram can control this witness’s use of her former name in promoting herself; that’s not suggested, I don’t know how it could be suggested. But this witness was a part of the institution in the 1980s and it relates to the response.” The Presiding Member Justice Coate allowed the question, and in addressing Mr Kernaghan’s objection said, “Mr Kernaghan, to come back to your issue, that sounds to me that that’s a matter that you will come back to and address in your submissions.”

Sandra Smith

214. Counsel assisting asked a series of questions regarding Jyoti’s statement [STAT.0420.001.0010_R at [38]]. Sandra accepts that Shishy and Akhandananda denied any sexual abuse of Jyoti and suggested she was delusional, schizophrenic and was on drugs.

215. Dr. Smith recognised in evidence that her obligation as a doctor in terms of reporting any suspected sexual abuse was that is was necessary to report to the police any. However, at the time in 1984 she did not report the story Jyoti had told her, because she believed Jyoti to be in her late teens and early 20’s at that time. Had she thought Jyoti was a child Sandra said, “I would have done something about it.”

216. Dr Dwyer asked, “Dr Smith, it’s fair to say, isn’t it, that that relationship that you had with Akhandananda as guru and disciple blinded you to the risk of him abusing children?” to which she responded, “It did.”

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228 T11302, 43-47 (Day 108); T11303, 4-28 (Day 108)
229 T11333, 9-10 (Day 108)
230 T11333, 20-23 (Day 108)
231 T11333, 25-32 (Day 108)
232 T11335, 11-14 (Day 108)
Dr Henry Sztulman

217. When asked by Dr Dwyer, “Is it your view that Shishy was in charge of the children?” Dr Sztulman answered, “Absolutely.”

218. Dr Sztulman denies Swami Akhandananda ever saying or doing anything prior to him leaving that made him concerned that he was sexually inappropriate or physically abusing the children.

219. Dr Sztulman only has a very “vague memory” of APR’s neck being injured.

220. Dr Sztulman was never instructed by Shishy or Akhandananda not to treat anyone, and has no specific recollection about examining children.

221. However, Dr Sztulman also said somewhat contradicting his prior evidence that he had never performed a vaginal examination on a child without a chaperone, which would have been Shishy.

222. At the time of the allegations about Swami Akhandananda’s sexual abuse of the children at the Ashram, Dr Sztulman did not believe them.

223. In response to cross-examination by Ms Hall, Dr Sztulman admitted that he administered a tea mixture that contained black tea, chilli, ginger and garlic, which was used as a “naturopathic remedy for upper respiratory viral infections”, despite having no training as a naturopath.

224. Dr Sztulman accepts that Alecia Buchanan came to see him because she was bleeding from the vagina.

225. Dr Sztulman rejects the notion that he administered the naturopathic treatment of tea mixture to treat Alecia Buchanan for vaginal bleeding.

226. Instead, Dr Sztulman maintains that he referred Alecia Buchanan to a gynaecologist.

233 T11362, 46-47 (Day 108)
234 T11366, 11-21 (Day 108)
235 T11366, 37-39 (Day 108)
236 T11367, 36-45 (Day 108)
237 T11368, 35-40 (Day 108)
238 T11373, 38-40 (Day 108)
239 T11381, 29-41 (Day 109)
240 T11382, 6-9 (Day 109)
241 T11382, 11-16 (Day 109)
242 T11382, 18-21 (Day 109)
Dr Szulman never observed any public beatings of children or adults by Swami Akhandananda.\textsuperscript{243}

Dr Szulman never treated any injuries of either adults or children, which in his opinion were consistent with a beating.\textsuperscript{244}

Muktirmurti Saraswati

During examination in chief by Dr Bennett, Muktirmurti was taken to paragraph 33 of APK’s statement [STAT.0429.001.0001_R]. This has been documented earlier at paragraph 61 of this summary. Muktirmurti when asked, “Do you recall that occurring?” She answered, “No.”\textsuperscript{245}

Dr Bennett took Muktirmurti to paragraph 63 of her statement which referred to unaccompanied minors at the Ashram: “I recall we always had a very strong policy at the Ashram about not allowing unaccompanied children to come and visit the Ashram without having an adult with them. I don’t know if this policy was oral or written.”\textsuperscript{246}

Dr Bennett also took Muktirmurti to paragraph 73 of her statement, which refers to her limited role at the Ashram: “I was very much a gofer at the Ashram, and didn’t have any real authority. I was a junior sort of assistant.”\textsuperscript{247}

Dr Bennett further took Muktirmurti to paragraph 79 of her statement, referring to her role in fetching children for Akhandananda and “I don’t ever recall being asked to fetch any of the children for Akhandananda late at night.”\textsuperscript{248} In response to Dr Bennett’s question, “Sorry, yes, you state at paragraph 79 that you don’t recall being asked to fetch any children for Shishy or Akhandananda late at night?” Muktirmurti answered, “No, I don’t recall. That’s not to say it might not have happened; I was sent all day to fetch people, adults, children, visitors, that was my job.”\textsuperscript{249}

\textsuperscript{243} T11389, 40-42 (Day 109)
\textsuperscript{244} T11340, 4-7 (Day 109)
\textsuperscript{245} T11417, 18-19 (Day 109)
\textsuperscript{246} STAT.0417.001.0001_R at [63]; Transcript 11419, 9-17 (Day 109)
\textsuperscript{247} STAT.0417.001.0001_R at [71]; Transcript 11419, 33-39 (Day 109)
\textsuperscript{248} STAT.0417.001.0001_R at [73]; T11420, 20-22 (Day 109)
\textsuperscript{249} STAT.0417.001.0001_R at [79]; T11420, 23-25 (Day 109)
233. Dr Bennett further pressed about the time of night, asking, “And late at
night, you’d remember that?” Muktimurti responded, “Well, I don’t remember
it being late at night, and I would imagine that the children who slept in that
back hut would be more likely to have been sent off to get any other children,
but I don’t have any recollection about it.”

234. In regards to Muktimurti facilitating child abuse, Dr Bennett asked,
“Are you aware that some of the victims of Akhandananda’s sexual abuse
have stated that some of the abuse occurred late at night in Akhandananda’s
bedroom where his access to them was facilitated by you going to fetch
them?” Muktimurti answered, “I’m aware of that now that you are telling me,
but of course I was not aware of anything like that at the time.”

235. Muktimurti was taken to paragraph 38 of APL’s statement
[STAT.0426.001.0002_R], which refers to an instance of APL being
summoned by Akhandananda, using Muktimurti to deliver a note. This has
been previously referred to in this summary at paragraph 34. Dr Bennett
asked, “Do you recall taking notes from Shishy to [APL] during the night?”
Muktimurti answered, “No, I don’t recall. APL slept in the same building as
Shishy. It doesn’t make sense.”

236. Muktimurti was taken to paragraph 48 of APA’s statement
[STAT.0423.001.0003_R], which refers to further allegations of summoning
children for Akhandananda’s child abuse. This has been previously referred to
in this summary at paragraph 85. Dr Bennett asked, “Do you have any recall
of these events?” Muktimurti responded, “None, and I had no way of opening
the back door.”

237. Muktimurti was also taken to paragraph 54 of Alecia Buchanan’s
statement [STAT.0425.001.0011_R], which again refers to allegations of
summoning children into Akhandananda’s bedroom. This has been previously
referred to in this summary at paragraph 7. Dr Bennett asked, “Do you recall

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250 T11420, 27-31 (Day 109)
251 T11420, 33-39 (Day 109)
252 T11421, 16-19 (Day 109)
253 T11422, 4-5 (Day 109)
on reading this, Muktimurti, that this in fact happened?” Muktimurti said, “I can recall absolutely and categorically it never happened.”

Dr Bennett further took Muktimurti to paragraph 186 of Muktimurti’s statement, which reads, “One of the reasons I find the Royal Commission hearing distressing, is that if the accusations are true that is a dreadful thing, but if they are not then the alleged victims are being venal.” Dr Bennett asked, “Can you explain what you mean by venal?” Muktimurti said, “If they are not true, then so many people are being hurt by this, so many innocent people’s lives are being affected adversely by the fact that the Royal Commission is on. The publicity I have seen in the media, it’s appalling, it’s all over the world and people who are teaching yoga are just trying to do a little bit of good in the world and who have associated with our tradition are having to face horror and suspicion from students and other people because of the association with the name and the things that are being reported in the press; it is incredibly distressing. And it has been my life since I was 17 years old and I’ve taken pride in leading an innocent life and as pure a life as possible with spiritual aspirations, and that has been publically tarnished.”

Dr Bennett further asked Muktimurti, “Are you aware that the ashram has acknowledged that child abuse, including sexual abuse, was committed and that the ashram has apologized for this?” Muktimurti answered, “Yes.”

In responding to the general question asked by Dr Bennett, “Do you believe it happened?” Muktimurti responded, “I don’t know. It looks rather likely, but I don’t know.”

At the end of evidence in chief, Muktimurti was asked to reflect on “whether there might have been something you might have done to protect the children?” Muktimurti answered, “I was in no position to protect the children. You have to understand, there was a very distinct pecking order, and the children are actually higher in the pecking order than the rest of us adults. I

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was certainly in no position to do anything, but I tell you, if I’d known about it, I would have tried.”

242. Mr O’Brien in cross-examination asked the question, “You remain sceptical of these accusations, you remain sceptical of the abuse at Akhandananda’s hands, don’t you?” Muktimurti responded, “How do you know that I remain sceptical or not? I haven’t said that. I said I don’t know what happened and I don’t know what I believe and I don’t feel that I’m in a position to say that what happened to people who are claiming that these awful things happened to them. That doesn’t mean that I remain sceptical. I don’t know. I’m not in a position to be definitive, and please, I feel you’re trying to put words in my mouth.”

Atmamuktananda Saraswati

243. Dr Bennett took Atmamuktananda to ID number [NSW.0038.001.0050], which was a letter read on to the record, “Due to Swami Akhandananda’s resignation from [it probably says chair something directorship of Satyanandashrams, Australia, I am appointing Swami Atmamuktananda Saraswati as the chairman [lady] and [something] of the board, under the guidance of Swami Akhandananda Saraswati.” Atmamuktananda denies that she was ever appointed as chairperson or to the directorship following this letter.

244. Dr Bennett also took Atmamuktananda to ID number [IND.0176.003.0001], a letter from Satyananda to Akhandananda, informing him that Swami Atmamuktananda and Swami Poornamurti fill the vacancy left by Akhandananda as Joint Chairs of Satyanandashrams, Australia. At this point Atmamuktananda acknowledged that she assumed some duties, but Akhandananda still had control. Her being a director was more in name. It was

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259 T11426, 21-31 (Day 109)
260 T11436, 28-29, 40-47 (Day 109); T11427, 1 (Day 109)
261 T11451, 3-10 (Day 109)
262 T11451 35-38 (Day 109)
263 T11453, 34-35 (Day 109); T11454, 30-34 (Day 109)
only when Akhandananda went to gaol that he ceased being in notional charge.264

245. Dr Bennett took Atmamuktananda to paragraph 36 of her statement, which reads, “As director of Rocklyn Ashram I am involved with viewing the child protection policies and procedures. I see that the policies provide adequate protection to children and are implemented at both the Mangrove and Rocklyn Ashrams.” 265 Dr Bennett then asked, “In terms of implementation, can you tell me what precisely you mean by that?”266 Atmamuktananda then provided an example, “While I was away we had a resident come and he was booked in for one month, and after about 10 days or so we got a phone call from the Child Protection Services to say that he was charged with sexual abuse of children, and so we put our policies into action and we asked him to leave; that kind of thing, the current policies we used.”267

246. When asked about current child protection policies and who in particular needs to see them, Atmamuktananda responded, “We have, anybody who stays in the ashram for longer than a month, or anybody who takes on a month or longer as a residential stay gets through what we call Rocklyn handbook. In that, it has child protection policy, and that person has to have a child protection, a card.”268

247. During cross-examination by Mr O’Brien, a question was asked, that in around 1997 or 1998 Jyoti mentioned to Atmamuktananda that she had been abused by Akhandananda, which Atmamuktananda acknowledged as true.269

248. Atmamuktananda did not use the word provocative as suggested in Jyoti’s statement [STAT.0420.001.0003_R at [49]]. This has been previously referred to in paragraph 20 of this summary. Atmamuktananda instead used the word “flirting”.270

249. Mr O’Brien put a further question to Atmamuktananda regarding Jyoti’s statement at [49], “If someone came to you and said there was abuse,
and that person happened to be a victim of that abuse, and you said, “Well, the girls were flirting”, do you think that’s an appropriate comment to be made to someone in that position?” Atmamuktananda responded, “No, probably not, but it was my experience; I saw it, it was my experience, so I’m saying I saw this.”\(^{271}\)

250. During cross-examination by Mr Taylor, Atmamuktananda was asked, “Is there any rule or policy currently in existence in relation to children under the age of 18 years living in an ashram with their family?” Atmamuktananda responded, “Their family has to be there, or they have to have consent.”\(^{272}\)

251. Specifically on the matter of the Taskforce, Mr Taylor asked, “To your knowledge did anyone from the taskforce approach any of the people who spoke out about child sexual abuse experiences that they had experiences at the ashram on the healing day?” Atmamuktananda said, “I believe Bhakti Manning was the only one talking about child experiences in the ashram.”\(^{273}\)

252. In re-examination by Dr Bennett it was asked in the context of Atmamuktananda not being able to fulfil her duties as director, “But did you not think it was important for the head of the organisation, who’d given you directions to do something, to communicate back to them that that was not possible because of the behaviour of the head of the organisation in Australia?” She answered, “I probably should have done something like that, but I didn’t. I waited. I thought, you know, it would turn over, but it didn’t. But I should have done something earlier.”\(^{274}\)

253. Further, Dr Bennett asked whether Atmamuktananda ever reported the advances made by Akhandananda during his foot massage to Satyananda. She said that she did not, as she was an adult who could make up her own mind.\(^{275}\)

254. Further, Dr Bennett asked that in terms of getting a child to massage an adults feet that it would be inappropriate, to which Atmamuktananda responded, “Of course.”\(^{276}\)

\(^{271}\) T11466, 24-30 (Day 109)  
^{272}\) T11474, 11-12 (Day 109)  
^{273}\) T11477, 35-40 (Day 109)  
^{274}\) T11488, 4-12 (Day 109)  
^{275}\) T11491, 36-45 (Day 109)  
^{276}\) T11492, 12-15 (Day 109)
Sarah Tetlow (Suryamitra)

255. As CEO, Sarah provided an overview of the organisational structure of the Ashram, “SYA’s the Satyananda academy and that’s the - well I suppose you could call it the overarching organisation, but there’s no actual control or ownership between the different entities... YAMM, which stands for Yoga Association of Mangrove Mountain, is the ashram itself. The trading name is Mangrove Yoga Ashram. YAMM is an affiliate of SYA...”

256. Dr Bennett asked, on the organisational structure of the Ashram, “Does the SYA have significance to ashrams around Australia?” Sarah responded, “Well, there are only two ashrams in Australia. The other one, Rocklyn is owned by SYA, and so YAV, which is the Yoga Association of Victoria, is also an affiliate of SYA and it rents the property.”

257. Ms Tetlow was shown an email with ID number [YAMM.0004.001.0001_R]. Dr Bennett asked, “Did you notice there that India appeared to refer to the work of the Royal Commission as a, and I quote, “an investigation of 20 year-old sex scandals”? She further asked, “From the ashram’s perspective, do you consider that referring to the work of the Royal Commission in that way represents the gravity and seriousness of what’s currently being investigated?” Ms Tetlow responded, “No, of course not.” Dr Bennett further asked, “Did the ashram take this issue up with India when it apologised and responded to India?” to which Ms Tetlow responded, “No”.

258. Dr Bennett asked regarding child protection policies, “What is the current procedure to be followed if somebody suspects child abuse, child sexual abuse at the ashram?” Ms Tetlow responded, “If there’s a suspicion or a complaint, then it would be taken to someone, a senior member of staff, most likely one of the leadership team. Then, depending on the nature of the complaint, it would be either reported to DoCS or escalated in other ways.”

277 T11502, 25-47 (Day 110)
278 T11503, 11-15 (Day 110)
279 T11514, 28-41 (Day 110)
280 T11515, 1-5 (Day 110)
259. Ms Tetlow gave evidence that in the past there has been training to detect the signs of sexual abuse, and there are plans to do some more training in the future.281

260. Dr Bennett on the issue of child protection also asked, “And you’re aware that there have been allegations that some of the girls were taken out of their beds at night and taken to Akhandananda. Would a situation like that, where girls are individually picked out and taken to some person individually, would that be detected or would the system you have in place deal with that?”282 Ms Tetlow replied, “Well, in the current policy it just couldn’t happen because, for one thing, we don’t have any children living in the ashram; (2) if there are any children staying or living in the ashram, they stay with their parents or guardians. We do not allow unaccompanied minors to stay in the ashram, so they would always have a parent or guardian with them.”283

261. Ms Tetlow accepts that based on the evidence available before the commencement of the hearing that child sexual abuse did occur.284 Further, she states, “These events occurred within the organisation, so regardless of the fact that none of us were personally responsible, or whatever at the time, we do accept that the organisation apologises for that. I think any other response would be insensitive and inappropriate.”285

262. Dr Bennett also asked, “In this, is it the case that the apology recognises the ongoing effect of the abuse and recognises that failures to deal with this issue adequately has added to the original harm?” Ms Tetlow responded, “Definitely the way the organisation has responded has not been helpful to the victims.”286

263. Dr Bennett drew particular attention to one aspect on the apology issued by the ashram at the beginning of the proceedings, “[Mr Kernaghan] later stated that his clients recognise that those first steps may have seemed trivial or even pathetic to many and that his clients accept that judgement.”

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281 T11515, 10-15 (Day 110)
282 T11515, 30-35 (Day 110)
283 T11516, 7-13 (Day 110)
284 T11517, 25-30 (Day 110)
285 T11518, 27-31 (Day 110)
286 T11518, 41-46 (Day 110)
She goes on, “When the ashram refers to mistakes and errors that have been made this year, in the first and early steps that have been made, does it refer to the steps and decisions such as the decision to initially issue an apology on Facebook?” Ms Tetlow responded, “It’s all the events of this year.”

Included in these events were the following:

a. The decision to block certain people from using the posts on Facebook;

b. The issuing of the cease and desist letter;

c. The Easter weekend events - and that’s the 40th anniversary celebrations where the issues of child sexual abuse were raised in the context of a celebration;

d. The issuing of the survivor support pack.

Ms Tetlow was asked about paragraph 96 of her statement; The overriding feeling in the organisation and the Ashram is that we will do whatever it takes to make things right. She was asked specifically and whether this remains the current position of the Ashram, to which she responded, “Absolutely”.

Mr O’Brien in cross-examination asked a series of questions regarding the establishment of the Taskforce and the inclusion of Haribodhananda in that Taskforce. He asked, “So again, I ask you in retrospect, putting him on the taskforce, particularly if you didn’t have a good idea of what went down and how it all happened, was a very poor judgment call?” Ms Tetlow answered, “I accept that it could have - yeah, it was a poor decision.”

Mr O’Brien further asked a series of questions in relation to the response made by the organisation, in light of Facebook communications by Tim Clark. He asked, “The first time it flows that it started to be minuted and discussed was when one of the victims came forward and raised it as a concern in a public manner.” He further goes on, “Is that, right there, a failing of the organisation in and of itself; that it never had the fortitude to
look into what had happened in the past, what had happened to these children? ” Ms Tetlow responded, “You could say that, yes.”

267. In regards to financial compensation as a current and future institutional response, Mr O’Brien asked Ms Tetlow, “Do you accept, Ms Tetlow, that financial compensation is an important part of the redress that you’re promising to these victims of Akhandananda Saraswati’s emotional, sexual and physical abuse?” Her response, “Yes”. Further, Mr O’Brien asked, “And do we expect then that there will be an offer of financial compensation from your organisation to at least my clients in the foreseeable future?” Ms Tetlow responded, “I expect that we will engage with individuals and look at each case on its own terms.”

268. Mr Taylor also took Ms Tetlow to paragraph 92 of her statement, and asked, “When did you come to the conclusion that Ms Manning’s correspondence was balanced and reasonable?” Ms Tetlow replied, “Probably around May-June time.”

269. In terms of the institutional response, and India’s involvement with the Australian organisation, this is non-existent.

270. In relation to the institutional response on Facebook found at document [ID YAM.001.001.1407_R], Ms Tetlow acknowledged that this was a genuine attempt to apologise.

271. In relation to the current and future response of the organisation, in regards to compensation and civil action or legal proceedings, Mr Kernaghan asked, “Is it your hope that what can be achieved is not the threat of civil action or legal proceedings, but rather, a meaningful discussion and an attempt to resolve the needs of those people who have survived abuse?” Ms Tetlow responded, “Yeah, we hope to engage in a discussion about this.”

291 T11537, 10-19, (Day 110)
292 T11547, 17-30 (Day 110)
293 T11560, 15-18 (Day 110)
294 T11560, 15-18 (Day 110)
295 T11570, 16-18 (Day 110)
296 T11573, 31-35 (Day 110)
272. In terms of future recompense, Ms Tetlow, Yogasandhan and Jayatma will consider the matters that have been raised by Mr O’Brien.297

Bert Franzen

273. Mr Franzen had no previous experience in developing child protection policies and procedures before his involvement with the Ashram.298 He states, “It is my view that the child protection systems currently in place at the Ashram exceed the requirements as stated in the [Child Protection (Working with Children) Act 2012].”299

274. Mr Franzen has no experience in:
   a. developing or implanting support services to victims of sexual abuse;
   b. developing and implementing redress and/or compensation for victims of crime; and
   c. no experience in facilitating organisation responses to allegations and instances of child sexual abuse.300

275. Mr Franzen states that on Ashram instruction, he issued a cease and desist letter to Bhakti Manning and Mary Smith via his legal associate.301

276. Mr Franzen spoke to Timothy Clark about the physical abuse he suffered during his time at the Ashram, and subsequently ceased all communication [STAT.0398.001.0307].302

277. Mr Franzen provided unqualified advice to the Ashram including:
   a. “I advised the Ashram that based on discussions with my legal representative that, as the Ashram had not been culpable in the abuse taking place, it appeared it did not have a legal responsibility to make financial reparation to the victims.
   b. The taskforce decided in a meeting on the 8th May, 2014 to not completely close this door.

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297 T11583, 7-13 (Day 110)
298 STAT.0398.001.0001_R at [3a(ii)]
299 STAT.0398.001.0001_R at [3a(ii)(d)]
300 STAT.0398.001.0001_R at [3(a)(iii)-3(a)(v)]
301 STAT.0398.001.0001_R at [3(e)(i)4-5]
302 STAT.0398.001.0001_R at [3(e)(i)17]
c. I advised the Taskforce that based on my discussion with my legal advisors that the victims could have sought legal and financial redress from the perpetrator of the crime Swami Akhandananda Saraswati.

d. I advised the Ashram that based on my discussion with my legal representative that, as the abuse was by a single individual who was incarcerated and, as there had been not a single case of child sexual abuse occurring during the following 30 years, that the abuse cannot be classified as having been ‘Systemic’ as referred to clause f of the Royal Commission’s terms of reference.

e. Further the term ‘Systemic’ is not defined in the terms of reference. A reasonable person would conclude that the common usage of the word as defined in the Macquarie dictionary would be the meaning.

f. The Royal Commission obviously does not agree with this interpretation.

g. I offered the Ashram the opportunity to have a written legal opinion provided but this offer was declined due to budgetary constraints.

h. I produced the first draft of the “Survivors Pack” based on input from the Taskforce and Real Justice. "$^{303}$

278. Mr Franzen states he “was instrumental in doing a lot of the research that was provided to the taskforce members as input for a planning meeting held on 9 May, 2014.” "$^{304}$ He provided a “Planning Document for Meeting -9th May, 2014”, which includes but is not limited to a tabled victim analysis "$^{305}$

Terry O’Connell

279. Mr O’Connell travelled to the Mangrove Mountain Ashram on Thursday 3rd April, and “suggested that offering an apology, whilst well intentioned was misguided, as the Ashram victims would only interpret this gesture as all about the Ashram leadership feeling good about themselves.” "$^{306}$

280. From Mr O’Connell’s view, the Easter Session was a success because:

\[303 \text{STAT.0398.001.0001\_R at [3(e)(ii)7-14]}\]

\[304 \text{STAT.0398.001.0308\_R at [3(e)(iii)1]}\]

\[305 \text{STAT.0398.001.0001\_R at [3(e)(iii)1]; STAT.0398.001.0308\_R at [0310-0313]}\]

\[306 \text{STAT.0399.001.0001\_R at [51]}\]
a. “the history of the abuse and its impact on so many was out in the open for the first time - the ‘elephant in the room’ had finally been seen.
b. those present began to get some sense of the impact this abuse had on victims, their families and the Ashram generally.
c. It was an opportunity for some to vent their painful emotions in a supportive and caring environment.
d. the conversation had changed, many left with a sense of hope and optimism.
e. importantly the victims and their families were acknowledged.307

EX 21.31 Further Statements

Elisabeth Buchanan

281. On December 13th 1984, Elisabeth was asked by Shishy to take Alecia to see a gynaecologist. After examining Alecia, the gynaecologist told her emphatically that she needed to think about contraception. Elisabeth on this topic stated, “Although I wasn’t sure exactly what the gynaecologist meant, I thought it was something to do with sexual practices but certainly not with the boss of the Ashram more with another peer at the Ashram, so I wasn’t overly concerned because I would not have suspected Akhandananda in a million years.”308

282. On the weekend of the 17th of January 1987, Alecia disclosed her sexual abuse to Elisabeth.309 Elisabeth then spoke to Dr Sandra Smith that night, and Sandra called Shishy to ask her whether the allegations of sexual abuse were true. Shishy confirmed they were true.310

283. Elisabeth went to the Easter weekend because, “I found out that the Ashram had arranged for a man named Terry O’Connell to facilitate a group discussion in relation to the abuse.”311

307 STAT.0399.001.0001 at [56]
308 STAT.0412.001.0001_R at [15]
309 STAT.0412.001.0001_R at [18]
310 STAT.0412.001.0001_R at [21]
311 STAT.0412.001.0001_R at [30]
284. During the meeting, Terry asked Elisabeth, “*What do you want to come out of this?*” Elisabeth responded, “*I want the truth to be out. I don’t see any need for revenge or to avenge that system of the people who weren’t involved, but I think it needs to be known that this organisation has this history and that they have made certain steps that this will never happen again.*”\(^{312}\)

285. Elisabeth admits that, “*I think the Ashram did very well to engage Terry.*”\(^{313}\)

286. Elisabeth has not thought about compensation. She knows that Alecia received a victim’s compensation payment.\(^{314}\)

**APM**

287. APM is the mother of APL and APK.\(^{315}\)

288. In 1974, APM sent APL, who was 7 at the time to a children’s Easter camp in Mangrove Mountain at the behest of Akhandananda. APM did so.\(^{316}\)

289. During the time around 1976, APM was “*often told by Akhandananda and others connected to the Ashram that I [she] was too gross for my children and that I had corrupted them.*”\(^{317}\)

290. “*Once the girls had moved permanently to the Ashram, Akhandananda told me that the only way I would be able to see them was if I joined the Ashram too.*”\(^{318}\)

291. APM was told by AQA that her “*continued contact [with] APL and APK was undermining their relationship with Shishy. She also told me that I was no longer able to return to the Ashram.*”\(^{319}\)

292. She was told by Nadamurti that her children hated her and to stay away from them.\(^{320}\)

\(^{312}\) STAT.0412.001.0001_R at [33]
\(^{313}\) STAT.0412.001.0001_R at [36]
\(^{314}\) STAT.0412.001.0001_R at [37]
\(^{315}\) STAT.0428.001.0001_R at [5]
\(^{316}\) STAT.0428.001.0001_R at [7]
\(^{317}\) STAT.0428.001.0001_R at [10]
\(^{318}\) STAT.0428.001.0001_R at [16]
\(^{319}\) STAT.0428.001.0001_R at [22]
\(^{320}\) STAT.0428.001.0001_R at [23]
293. APM witnessed Akhandananda throw mentally ill people who disobeyed him into a deep freezing well who were left there. On another occasion, APM challenged Akhandananda after he physically humiliated a child aged three or four by pulling the boy’s penis in front of visitors.321

294. On occasion, she would telephone and spoke to Akhandananda to enquire about the welfare of APL and APK. Akhandananda told her, “they were fine and that I [she] needed to detach from them as they were no longer my [her] children.”322

295. On 4 March, 1987 APM was told of the accusations levelled against Akhandananda. Akhandananda said to her, “I haven’t slept for three weeks. I am leaving the Ashram because I am sick of the politics. Shishy has accused me of molesting children, drinking alcohol and embezzling funds.”323

296. Afterwards, APT told APM: “[You] should feel honoured that my child had been chosen to have sex with Akhandananda. It was at this time that APA told me that it was true that the children had been abused by Akhandananda.”324

297. In the lead up to Akhandananda’s trial, APM says she, “was harassed, my personal property was destroyed and I received numerous anonymous threats from people who I presume were supporters of the Ashram but I don’t recall who they were.”325

298. Prior to her involvement in the Royal Commission process, APM had never been shown the Survivor Support Package.326

299. APM was not involved in the Easter event and only heard about it after the event took place. APM angrily responded on Facebook to a comment by APY, and has never heard of Yogasandhan or had any communication from her.327

300. APM has “no views on compensation or redress except to say that the children who were abused in the ashram, now suffer from PTSD and it would
seem appropriate for the ashram to pay for them to have ongoing therapy from professionals who have no connection with the ashram.”

Peter Wakeman (Haribodhananda)

301. Mr Wakeman had a good relationship with Akhandananda, however he “didn’t agree with or understand everything that he did. This involved the way he conducted himself with various persons at the Ashram at different points in time or with specific persons.”

302. In regards to Shishy’s relationship with the children, Mr Wakeman observed, “I considered their relationship with Shishy to be a bit obsessive from the children’s point of view. I didn’t think the relationship between Shishy and the children was very balanced. There was an over adoration towards her from them.”

303. Mr Wakeman in his statement says in regards to the general population’s interaction with the children that for “97 per cent of us, the kids were this little swarm that milled around Shishy all the time. Outside of just a little bit of general interaction, we really had nothing to do with them and they really had nothing to do with us.”

304. Mr Wakeman had heard that Shishy might discipline the children by slapping them, but he never saw it.

305. Mr Wakeman “was told of the allegations by Akhandananda himself in or around February 1987.” He asked Akhandananda whether the allegations were true, to which he responded, emphatically, “no!” He later states, “At that time I had no reason to disbelieve what he said - there has been nothing that I had heard, seen or been made aware of to think that it could have happened.”

306. Mr Wakeman travelled to India in May of 1987, where he was privy to a conversation between Swami Satyananda and Akhandananda. Satyananda
asked Akhandananda if he had done what was alleged, and Akhandananda denied it. Swami Satyananda had said to Akhandananda that if he hadn’t done it then there would be nothing to worry about, but if he did do it then he will go to gaol.335

307. Mr Wakeman acted as a liaison between Akhandananda and his legal representatives. He assisted Akhandananda by obtaining information for the legal representatives from people at the Ashram, accepted his denials and was willing to help.336

308. Shortly after the trial was due to start, Mr Wakeman saw some of the evidence that was to be used in the case for the first time. He states, “It caused me to change my view on the allegations and I started to believe that they may be true.”337

309. The night before the trial started, Mr Wakeman confronted Akhandananda about the allegations. Akhandananda said “it only happened once, in Queensland, with one girl.” Mr Wakeman states, “As a result of what he had said, I ceased believing his denials of the allegations.”338

310. Mr Wakeman admits that he “never thought to report the admission made in regards to the girl to police. He soon after went to gaol and so I thought that was the end of it.”339

311. In regards to his role after Akhandananda was sent to gaol, Mr Wakeman says, “I did not stay to help Akhandananda and certainly not to do anything to cover up what he had done. Once Akhandananda was convicted I felt that justice had been achieved for the survivors.”340

312. Mr Wakeman was not aware of the Facebook apology & posts until he visited the Ashram in 2014 and Yogasandhan told him about what was going on.341

313. Mr Wakeman was reluctant to make an apology, because it was being made by people who had not been there at the time the abuse took place. Further, he acknowledges in his statement that, “My view was that things were...
progressing too quickly. An example of this was the cease and desist letter that I believe was sent out by Bert and really shouldn’t have been so quickly.” 342

314. Mr Wakeman was a member of the task force, however he had reservations about being a member due to his support of Akhandananda at the time of the abuse. Mr Wakeman is aware of this concern that was raised by Alecia Buchanan at [YAM.0001.001.0931] where in an email to the Taskforce, Alecia wrote, “Why does the taskforce accept one of Akhandananda’s most avid supporters of the time into its team?” 343

315. Following this, Mr Wakeman stepped down from the Taskforce. 344

316. Mr Wakeman attended the 40th Anniversary Celebrations. 345

Philip Connor (Poornamurti)

317. Mr Connor’s perception was that in the period from around 1976 to around 1987, Swami Shishy supervised the children completely. 346

318. Mr Connor states in relation to the abuse, “The children seemed to me to be a very happy bunch. In hindsight, there was a big problem when the kids reached puberty, and Swami Akhandananda started abusing them. But I did not personally see that because I was not living at Mangrove Mountain.” 347

319. In 1987, Mr Connor was phoned by somebody from Mangrove Mountain, asking if he could go to Mangrove Mountain to assist with a crisis. When he arrived, he was told for the first time about the allegations. 348

320. Mr Connor was involved in forming the articles of association for SYA, which were different to Satyananda Ashram Ltd. This was because Mr Connor along with Swami Vivekananda, Swami Niranjananda and Swami Adwaita agreed “the problems in the previous Ashram model had arisen due to one person, Swami Akhandananda, having too much charisma and control,
with a lot of people becoming both financially and mentally dependent on him.”

321. As a result he states; “To reduce the chance of this happening again, we created a precedent by establishing three overseas members of SYA.”

322. In early 2014, Swami Yogasandhan called Mr Connor advising him that the current management of Mangrove Mountain wanted the benefit of his experience of what happened with Swami Akhandananda back in the 1980s. He subsequently became a member of the Working Together Taskforce established on 18 March 2014.

323. Mr Connor agreed with Bert’s recommendation that a cease and desist letter be sent to Bhakti Manning and Mary Smith as soon as possible. The email dated Wednesday 19 March, 2014, was addressed to Bert Franzen and Yogasandhan. Mr Connor wrote, ‘I agree - they should both be sent a legal notice to desist asap.'

324. Mr Connor attended the 40th celebration at Mangrove.

325. Mr Connor was part of the team that developed the Survivor Support Pack. He states, “I felt that the offer we made as part of the Survivor Support Pack was a fair offer given that what happened to the former child residents happened on the Mangrove Mountain premises. But, on the other hand, I did not and do not feel that Mangrove Mountain is responsible for what happened. Rather, it was an individual who was responsible.”

326. In terms of redress and compensation, Mr Connor states, “In all of the cases of former child residents coming forward to Mangrove Mountain claiming they were abused, in my opinion the acts were the acts of an individual. There has not been a systematic process by an institution to do anything. I think if this sort of situation occurred many times, then a case could be made against the institution, but (in my opinion) there is not an institutional issue if only one or two people are involved in an issue.”
Mary Thomson (Rishi Hridayananda)

327. Hridayananda at the time of her return to Mangrove Ashram on 14 November, 1995, she “was completely unaware of the allegations against Swami Akhandananda Saraswati. It was not until quite sometime later that I found out about what had happened.”356

328. In regards to child protection policies and guidelines, Hridayananda does not play a role in their composition. She states, “We try our best to be compliant with the rules and procedures and keep up to date. Sometimes we fail at that, but we do the best we can with what we have.”357

329. In regards to what Hridayananda wants to do for the survivors, she states, “I would like to know how we can help the survivors. Maybe the Ashram can’t, but if we can help them, and they wish for our help, then we will do whatever we possibly can.”358

Dayasagar Saraswati

330. In 1986, Swami Savitananda informed Dayasagar that there had been some allegations of child sexual abuse.359 She later states, “I had not heard the full allegations or accusation at that time. I felt it was not my business as I was neither directly nor personally involved.”360

331. In regards to Akhandananda and the allegations, she states, “I know Swami Akhandananda served a gaol sentence, but am unsure for how long. I do not know the full details of the allegations and charges. I do not know who the victims are or where any of this happened.”361

332. In regards to child protection policies and procedures in place at the Ashram, Dayasagar states, “Whilst a board member I was not involved in any formation or reformation of policies or procedures in relation to child protection.”362

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356 STAT.0409.001.0001_R at [16]
357 STAT.0409.001.0001_R at [21]
358 STAT.0409.001.0001_R at [38]
359 STAT.0409.001.0001_R at [26]
360 STAT.0408.001.0001_R at [31]
361 STAT.0408.001.0001_R at [37]
362 STAT.0408.001.0001_R at [53]
Alison Ely (Omdyanham)

333. Alison Ely became involved in Satyananda Yoga in 1995, and has had minimal involvement in any institutional response to child sexual abuse.363

Helen Cushing (Ahimsadhara)

334. In regards to the cease and desist letter as an institutional response of the Ashram, Ahimsadhara states that she “had misgivings about sending the cease and desist letter to Bhakti Manning as I did not feel her email warranted such an action.”364

335. Ahimsadhara was a member of the Taskforce, along with Bert Franzen, Poornamurti, Haribodhananda, Suryamitra and Atmamuktananda. She agreed to take on the role as chairperson.365

336. The mission statement of the Taskforce is contained in SYA.0003.001.0168, which was authored by Atmamuktananda, and sent to Ahimsadhara and others. The objectives are threefold;

a. to protect the mission and vision of Satyananda Yoga from the destabilising effects of sexual abuse and other events which occurred in the past;

b. to ensure that all possible policies and precautions are in place to prevent sexual and physical abuse on our properties and in SYA yoga classes around Australia; and

c. to help and support those who suffered under the leadership of Swami Akhandananda including developing a relationship of trust in the current organisation.366

337. It was the suggestion of Ahimsadhara, that Terry O’Connell facilitate a session on Easter Sunday for the victims and any other interested parties in relation to what happened at the Ashram during Swami Akhandananda’s time there.367

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363 STAT.0427.001.0001.
364 STAT.0414.001.0002_R at [26]
365 STAT.0414.001.0002_R at [28-29]
366 STAT.0414.001.0002_R at [39]
367 STAT.0414.001.0002_R at [42]
338. Before the 40th anniversary celebrations, Ahimsadhara sent a letter inviting victims to attend and described in that letter what the Taskforce had been working on for the victims or survivors [YAM.0001.001.0066].

339. As Chairperson of the Taskforce, Ahimsadhara was the central contact point for the victims that wanted to speak to the Ashram. She wrote a letter to Alecia Buchanan [YAM.0001.001.0142], outlining a comprehensive list of mechanisms the organisation had put in place to prevent the recurrence of child sexual abuse. Ahimsadhara also received a letter from APV [YAM.0001.001.0672], which raised concerns about the ability to comment on the Facebook page and the inclusion of Haribodhananda on the Taskforce. She also spoke to Timothy Clark by phone on several occasions.

340. Shortly after the 40th Anniversary celebrations, Ahimsadhara stood down from her role as chairperson of the Taskforce. The effect of this, particularly on Tim Clark was a point of cross-examination that Mr O’Brien identified as a failure of the organisation when Ms Tetlow gave evidence. This can be found at transcript 11537 (Day 110), and in this summary at paragraph 266.

341. The payment of compensation was never raised by any of the victims that Ahimsadhara had contacted.

Clive Salzer

342. Mr Salzer recalls that there were children living at the Ashram when he started living there in 1978 until when they left with Shishy in around 1987. He states; “The children lived in Akhandananda and Shishy’s house and in their own little huts up on the hill. I recall seeing children entering and leaving Akhandananda and Shishy’s house.”

368 STAT.0414.001.0002_R at [48]  
369 STAT.0414.001.0002_R at [51]  
370 STAT.0414.001.0002_R at [55]  
371 STAT.0414.001.0002_R at [55]  
372 STAT.0414.001.0002_R at [59]  
373 STAT.0413.001.0002_R at [17]
343. In 1987, Mr Salzer was informed of the allegations that Akhandananda had been abusing children at the Ashram. He maintains he had heard nothing about any allegations against Akhandananda until then.\(^{374}\)

344. In regards to discipline and physical abuse at the Ashram, APY states; “If one of the children at the Ashram did something wrong, they would get slapped across the face by Shishy or Akhandananda or hit across on the legs or buttocks with the ‘Kundalini Stick’ (a carved wooden stick with a tapered end) by Akhandananda. I remember seeing Shishy hitting two of the little boys who had taken some flower seeds... My daughter told me that Akhandananda used to slap the girls hard on the face, even if they hadn’t done anything, though I never saw him do this myself. Often all of the children would be hit if only one of them had done something wrong. My daughter told me once, after admitting to not having brushed her teeth, Shishy instructed two other children to flush her head in the public toilet.”\(^{375}\)

345. In regards to sexual abuse at the Ashram, in 1984 APY received a letter from Jyoti saying that Akhandananda had taken her to a hotel and had sex with her. She took the letter to Shishy, but she had nothing further and so she assumed that something had been done.\(^{376}\)

346. APY wrote a letter to Swami Niranjan in 1995 outlining her personal grievances in relation to sexual, psychological, physical, emotional and financial abuse [SYA.0006.003.0007]. In reply Niranjan sent a book, and said for her to put grief behind her, let bygones be bygones, stay in the present and work for the future [IND.0206.001.0001].\(^{377}\)

347. APY wants open acknowledgement of the abuse that took place, and compensation offered as a gesture of genuine good will.\(^{378}\)

\(^{374}\) STAT.0413.001.0002_R at [24]
\(^{375}\) STAT.0432.001.0001_R at [20]
\(^{376}\) STAT.0432.001.0001_R at [22]
\(^{377}\) STAT.0432.001.0001_R at [37]
\(^{378}\) STAT.0432.001.0001_R at [38]
348. APD is the father of APA (summary paragraph 71-91). As her father, APD was initially against APA moving to the Ashram, however eventually gave in and allowed APA to move to the Ashram at age 10.\textsuperscript{379}

349. APD recalls seeing Akhandananda put his arm around a girl’s shoulder (name unknown) when accompanying him on a drive and tickling her on the side of her breast. APD confronted Akhandananda saying, “That was a bit inappropriate.” He brushed it off and said, “It was fine, she loves me, I was only playing, don’t worry about it.”\textsuperscript{380}

350. In early 1986, a female Swami who was living in a cave behind APD’s property, approached APD. She was 17 or 18 years old, and lived with APD and his wife for a couple of weeks. He states, “During her stay with my wife and I she told me that she had fallen pregnant to Akhandananda and that Shishy had arranged for her to get an abortion.”\textsuperscript{381}

351. In February 1986 APA disclosed sexual abuse by Akhandananda to APD. On two occasions, APD confronted Akhandananda about the allegations. On 21 February 1987, APD asked, “Swamiji I want to know the truth from you. Did you have sexual intercourse with APA?” Akhandananda responded, “Yes, I have to tell the truth, I did but I don’t want it to go public. If it goes public, many thousands of people will be hurt and it could destroy the Ashram.”\textsuperscript{382}

352. On one occasion, APD had a conversation with APT in which she said, “The abuse didn’t happen, but if it did, how wonderful is it that the girls were introduced into adulthood by Akhandananda.”\textsuperscript{383}

353. APD reported the abuse to Gosford Police but was not taken seriously. He provided a signed statement to the Gosford police, however was told by detectives that they couldn’t do anything unless they had received a written complaint from the girls who were abused. These statements were attained by APD, however police said they were not sufficient, and that the girls would have to give their statements directly to the police. APD then arranged for

\textsuperscript{379} STAT.0411.001.0001\_R at [7, 8 & 11]
\textsuperscript{380} STAT.0411.001.0001\_R at [14]
\textsuperscript{381} STAT.0411.001.0001\_R at [20]
\textsuperscript{382} STAT.0411.001.0001\_R at [22-25]
\textsuperscript{383} STAT.0411.001.0001\_R at [28]
detectives to meet the girls in Sandra Smith’s home in Gosford, and the matter was transferred to police in Chatswood and was investigated by Arthur Webber.384

354. In 1988, APD received a phone call from Vajrananda. Vajrananda told APD that Akhandananda had asked him to kill APD and the girls who reported the abuse. In APD’s statement on this matter it states, “Vaj said at first he agreed but when Akhandananda wanted the children poisoned he couldn’t do it. Vaj made a statement to the police and Akhandananda was charged with conspiracy to murder. There was a committal hearing. The charges were later dropped due to a finding that a jury may not convict.”385

355. APD posted on the Ashram’s Facebook page about the abuse, however it was subsequently removed and he was blocked from making any further comments.386

Shirley Hetherington

356. Shirley Hetherington was employed as a DoCS worker and between 1987 and 1991 contributed to investigating allegations of child sexual abuse, and the investigation conducted by detectives.387

Dr Michele Bruniges

357. Dr Bruniges is the Secretary of the Department of Education and Communities, and sets out the legal and policy framework relating to the provision of distance education in New South Wales during the period 1 January, 1974 to 1 January, 1992 as it applies to the Ashram.388

358. In regards to the education provided to children at the Ashram, according to records [NSW.2026.001.0141] and [NSW.2026.001.0149] each of the following individuals were enrolled as Isolated Home Pupils in long distance education; APA, Alecia Buchanan, Timothy Brendan Clark, APK,
APB, APH and APV. On the assumption that the nominated students lived at the Ashram, it would appear that they would have been eligible to enrol in “correspondence tuition”.389

Fiona Steiner (Yogasandhan)

359. In regards to the current policies and procedures in place at the Ashram in responding to child sexual abuse, they are contained and would be handled under the “Grievance Policy” [SYA.0007.002.0002].390

360. In regards to the operations of SYA, if a complaint were made in relation to the operations of SYA and child sexual abuse it would be handled under the “Child Protection Policy” within the “Policy and Procedure Manual” [see SYA.0003.001.5639]. The Child Protection Policy Statement at .05665 provides:

a. “Satyananda Yoga Academy is committed to the prevention of child abuse and the protection of children. Satyananda Yoga Academy believes that one of the primary concerns of any community should be the health and well being of its children and young people. Children and young people should be able to grow up in an environment which enables them to develop physically, intellectually, spiritually and socially in conditions of freedom and dignity. This commitment means that the interests and welfare of children are our prime consideration when any decision is made about suspected cases of abuse or neglect. The value of the family unit is respected but not the detriment of the well being of the child. SYA aims to be diligent in promoting a safe environment for all children.”

b. The Manual also provides “Guidelines for Staff Students and Residents” in dealing with children.

c. The Manual also contains guidelines on “Reporting of Incidents or Concerns”.391
361. In regards to Facebook communications, it was the decision of Yogasandhan along with Katie Hinshelwood to remove Timothy Clark from the Facebook page [YAM.0001.001.1256].

362. Yogasandhan drafted the apology issued on Facebook, and posted it on 27 February, 2014 [SYA.0003.001.0822].

363. Yogasandhan was assigned the role of communicating with people on Facebook. It was hoped this would allow the Ashram to develop a timeline of what actually happened, and secondly to show that the Ashram had changed.

364. On 20 March, 2014 the leadership team decided to remove the messages relating to the abuse as well as blocking people from further posting. The list of people who were blocked included, APV, Alecia Buchanan, APP, APK, APA, APD, Jyoti, APH, Tim Clark, APZ and APL.

365. On or around 21 March, 2014 the Working Together Taskforce was formed at the behest of Suryamitra and Atmamuktananda and an email was sent to confirm this [SYA.0003.001.2499].

366. Yogasandhan, Suryamitra and Gurubhakta organised to meet with Terry O’Connell on Thursday 3rd April, 2014. Yogasandhan states, “Through his assistance, we started to get some idea of what we were actually dealing with, not just in relation to the victims but across the whole yoga community and within ourselves.”

367. Following the Easter celebration, Yogasandhan in consultation with Terry O’Connell, Bert Franzen, Suryamitra, Gurubhakta, Hridayananda, Vivekananda, Kriyatma and Poornamurti decided to offer a victim support package. This was entitled the Survivor Support Package [YAM.0001.001.1224].
368. Those involved in the management of the Ashram have discussed whether compensation should be paid to the victims of abuse.\textsuperscript{400}

Part B: SIGNIFICANT ALLEGATIONS MADE AGAINST INDIVIDUALS WITHIN THE ASHRAM

Muktimurti Saraswati

369. Throughout the proceedings, significant allegations were levelled against Muktimurti Saraswati. At the beginning of the proceedings, Dr Dwyer indicated:

“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 the ashram, but the Royal Commission will investigate whether they suspected that the sexual abuse of children was occurring and, if not, why not.”\textsuperscript{401}

370. The particular allegations levelled against Muktimurti Saraswati indicate that she unknowingly facilitated child sexual abuse at the hands of Swami Akhandananda and Shishy. In particular, allegations have been made by former child residents that Muktimurti in her role as “gofer” delivered notes and ushered children at night to Swami Akhandananda and Shishy’s hut, whereby Akhandananda performed acts of a sexual nature on the children.

371. An allegation of this nature is found in paragraph 54 of Alecia Buchanan’s statement [STAT.0425.001.0001_R]:

“There were also times during that period when Muktimurti, Shishy’s personal assistant, would tell me late at night I was required by Akhandananda in his bedroom. I would leave APO alone in my office, asleep on the floor, while I walked to another building and was let in through the various doors to the ‘back room’ by Muktimurti, or Shishy,

\textsuperscript{400} STAT.0415.001.0001_R at [78]
\textsuperscript{401} T10845, 4-9 (Day 104)
or both. APO would be alone and unsupervised for approximately 40 minutes to an hour while Akhandananda sexually assaulted me." 402

When Ms Hall (counsel for Alecia Buchanan) cross-examined Shishy on this issue, Shishy admitted that on occasion Muktimurti also summoned Alecia as suggested above. 403

372. A similar allegation has been documented at paragraph 34 of this summary, referring to APL’s statement [STAT.0426.001.0001_R at [37]]:

“After that I was summoned regularly by Shishy to go and have sex with Akhandananda. She would come at all hours of the night and wake me up if I was asleep or knock on my door and say “Swamiji wants to see you”. Swamiji was a name we all used to refer to Akhandananda. Other time she would have a note delivered to me by Muktimurti. Sometimes Shishy would slip a note to me herself if we weren’t alone.” 404

373. A further allegation has been made on this issue by APA, which is referred to in this summary at paragraph 85, referring to paragraph 48 of APA’s statement [STAT.0423.001.0001_R].

“When we returned back to the Ashram, Akhandananda continued having sex with me on a regular basis. I was regularly summoned by Shishy to go into their hut to have sex with Akhandananda. She used to make Bibble (Alecia Buchanan) or her assistant Muktimurti come and find me, sometimes waking me up, and tell me either verbally or by passing me a note to go into Akhandananda’s room. When I went to his room I was ushered in through a back door by Shishy or Muktimurti. Sometimes it was simply just left open for me.” 405

When cross-examined on this issue, Muktimurti denies any recall of these events, further stating, “I had no way of opening the back door.” 406

402 STAT.0425.001.0001_R at [54]
403 T11226, 19-21 (Day 107)
404 STAT.0426.001.0001_R at [37]
405 STAT.0423.001.0001_R at [48]
406 Transcript 11422, 4-5 (Day 109)
A further allegation was made on this issue by APH, referred to in this summary at paragraph 96, referring to APH’s statement at paragraph 25 [STAT.0402.001.0001_R].

“I used to get called over the Ashram’s PA system by APT the receptionist. She would then buzz Muktimurti in the back office who would then tell me that Akhandananda wanted to see me or that he wanted a massage.”407

During the time of Akhandananda’s trial, there are allegations that Muktimurti acted as an intermediary between India and the complainants. This has been referred to in paragraph 46 of this summary, referring to paragraph 72 of APL’s statement [STAT.0426.001.0001_R].

“On or around 20 March 1987 I received a letter from Lila, a woman who lived at the Ashram with her daughter [see PS.0664.001.0044]. Lila told me in her letter that Muktimurti had telephoned her and said Satyananda’s message to the Ashram was to stop making any moves against Akhandananda as the outcome would be a negative one.”408

There are further allegations that Muktimurti was present and did not do anything to prevent APL being humiliated by a German shepherd. This has been referred to in paragraph 61 of this summary, referring to paragraph 33 of APK’s statement [STAT.0429.001.0001_R].

“While APL and I were living in the back hut I was often subjected to humiliation. The Ashram’s dog, a large German shepherd, was encouraged by the other children to hump me. Regardless of how distressed I was or how many times I asked for it to stop, they wouldn’t call him off until everyone watching got bored. I endured this night after night and learned to call up in a ball and wait for it to be over because getting upset just encouraged others to egg the dog on. Adults like Shishy’s personal secretary, Muktimurti, were also present when it occurred and did nothing to prevent it and appeared to find it all amusing despite the distress it obviously caused me.”409

407 STAT.0402.001.0001_R at [25]
408 STAT.0426.001.0001_R at [72]
409 STAT.0429.001.0001_R at [33]
When asked specifically about this incident in cross-examination by Mr O’Brien, Muktimurti can not recall that occurring. However when asked, “Do you think it might have happened?” Muktimurti said,

“Well, you see, I would have been over the other side of the room at a desk doing paperwork, with my back usually turned to whatever the kids were doing. They’d be doing whatever they were doing, making their noise, making their ruckus, and I - you know, I was just doing my work until I could leave and go to bed. So, I can’t really say what did or didn’t or may or may not have happened, but I have no recollection, and especially of laughing at a child in distress.”

377. See also paragraph 106 of this summary.

Atmamuktananda Saraswati

378. During the proceedings, there was an allegation made against Atmamuktananda Saraswati handling the disclosure of abuse in around 1997 or 1998. As director of Rocklyn Ashram and as a current member of the Working Together Taskforce, her response was inadequate and failed to properly address the abuse that occurred. This has been referred to in paragraphs 20 and 21 of this summary, and refers to paragraph 49 of Jyoti’s statement [STAT.0420.001.0001_R].

“When I visited the Rocklyn Ashram I told the Head of the ashram, Atmamuktananda (Atma), about Akhandananda’s abuse. In response, she said, “Well, the girls were very provocative.” She also said, “He propositioned me once and I just said no.” I was horrified by her comment that the girls at the Ashram (At Mangrove Mountain) were provocative. I felt as though she was suggesting that the children brought the abuse upon themselves. I have also heard Atma refer to the time of the abuse as “a bit of a hiccup in the history, there was a bit of a disagreement, a difference of opinion.”

410 T11417, 18-30 (Day 109)
411 STAT.0420.001.0001_R at [49]
Atmamuktananda acknowledged that this was an inadequate response under cross-examination from Mr O’Brien, referred to in paragraph 249 of this summary.

379. Furthermore, it highlights that Atmamuktananda may not have been aware of the specific instances of sexual abuse against children at the time, but certainly that Akhandananda had desires of a sexual nature, particularly as Akhandananda had propositioned her. Under cross-examination from Mr O’Brien, Atmamuktananda admitted that she had been asked by Akhandananda to massage his feet in 1987, before Akhandananda had been charged.\textsuperscript{412}

Peter Wakeman (Haribodhananda)

380. There are implicit allegations that at the time the sexual abuse from Akhandananda became public knowledge, Haribodhananda played a role in building a defence, particularly the Swamiji Defence Fund. In doing so, there are allegations that Haribodhananda interviewed APR, accusing the children of being liars. It was also never disclosed to APR that the interview material was being used to build the defence for Akhandananda.\textsuperscript{413} This has been documented in this summary at paragraph 147 and 148, referring to paragraph 60 and 61 of APR’s statement [STAT.0434.001.0001_R].

Part C: RESPONSES TO ALLEGATIONS MADE AGAINST INDIVIDUALS WITHIN THE ASHRAM

Police Investigation and Akhandananda’s Trial

381. On 2 June 1987 Akhandananda was arrested and charged with sexual abuse offences against Alecia Buchanan, APB, APL and APA.\textsuperscript{414}

\textsuperscript{412} T11464, 24-29 (Day 109)
\textsuperscript{413} STAT.0434.001.0001_R at [60-61]
\textsuperscript{414} T10847, 40-42 (Day 104)
382. On 20 May 1988 he was committed to stand trial on twenty-one (21) counts of carnal knowledge by a teacher and an act of indecency with a person under the age of 16.415

383. Akhandananda pleaded not guilty and was granted bail.416

384. On 15 March, 1989 application was made to sever the counts involving the four different complainants. The application was granted, and the Crown nominated the first case involving APL as the one that would proceed first.417

385. 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 sixteen (16) and two counts of being a teacher and carnally knowing his pupil in relation to the 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 sixteen (16).418

386. On 5 May, 1989 Akhandananda was found guilty of three counts of committing an act of indecency with a child under the age of sixteen (16) years. On 8 May, 1989 he was sentenced to two (2) years and four (4) months gaol, with a non-parole period of twelve (12) months.419

387. On 19 December, 1989 the New South Wales Court of Criminal Appeal dismissed Akhandananda’s appeal against his conviction and the Court ordered that any time served would count towards his sentence.420

388. On 10 October 1990, an application for special leave to appeal from the Supreme Court of New South Wales was heard by the High Court into Akhandananda’s conviction on charges of indecency against APL. On 5 June 1991 the High Court by a majority of three to two, allowed the appeal and quashed the convictions ordering verdicts or acquittal in respect of each charge in the case Saraswati v R (1991) 172 CLR 1.421 The conviction was quashed on the basis that the offences were stale or statute barred.422
389. 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.\textsuperscript{423}

390. In March and June 1991 Akhandananda appeared at a committal hearing in Gosford, and the presiding magistrate dismissed three counts and committed Akhandananda only on the charge of committing an act of indecency. 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.\textsuperscript{424}

391. In June 1991 the Crown prosecutor recommended to the DPP that proceedings in relation to APB and APA be discontinued because, amongst other things, it was no longer open to the Crown to pursue acts of indecency on a person under the age of sixteen (16) years, given the twelve (12) month time limit.\textsuperscript{425}

392. 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.\textsuperscript{426}

393. Following the High Court decision, the judgment was quashed and a verdict of not guilty substituted.\textsuperscript{427}

394. In summary, Akhandananda’s conviction in relation to two (2) of the victims of child sexual abuse were quashed and matters in relation to the other victims were withdrawn and a verdict of not guilty substituted.\textsuperscript{428}

\textbf{Specific Response to Allegations against Muktimurti Saraswati}

395. In addition to the specific denials to the allegations made against Muktimurti Saraswati in cross-examination, Shishy provides evidence relevant for consideration. Namely: that Muktimurti as Shishy’s personal secretary was merely a “gofer”. This is particularly important as it is Shishy who firstly in

\textsuperscript{423} T10849, 15-19 (Day 104)
\textsuperscript{424} T10849, 21-25, 36-38 (Day 104)
\textsuperscript{425} T10849, 40-45 (Day 104)
\textsuperscript{426} T10850, 1-5 (Day 104)
\textsuperscript{427} T10850, 7-8 (Day 104)
\textsuperscript{428} T10850, 10-15 (Day 104)
counsel assisting’s assertion in opening addresses and secondly in evidence given throughout the course of the proceedings bore witness to a significant amount of the sexual abuse of some of the children.\textsuperscript{429} At paragraph’s 205 and 206 of this summary, Shishy explains that she never told Mukti that Akhandananda was abusing the children.

396. Furthermore, it is evident that Muktimurti Saraswati has undergone a substantial change, as she no longer supports Akhandananda and has come to the realisation that child sexual abuse likely occurred [see paragraph 49 & 240 of this summary].

**Recent Institutional Responses to Allegations Made Against the Ashram**

397. During the time between Akhandananda’s trial and 2014, there was no institutional response made by the Ashram to alleged instances of child sexual and physical abuse. Indeed, it was recognised in an address by the Ashram read on to the record by Mr Kernaghan, that 2014 was the first time that the Ashram had; “committed themselves to their first real steps towards any form of accountability or reconciliation. They [the Ashram] recognise that those steps have been limited in nature and that they are flawed by the necessarily early stage of those efforts.”\textsuperscript{430}

**i. The Working Together Task Force and Facebook Communications**

398. At the end of 2013, staff at the Ashram received Facebook communications from a former resident, Timothy Clark on their Facebook page. A number of other former residents after this also offered significant commentary. On 13, December 2013 there was a coordination meeting, including discussion of Facebook comments and how to respond [YAM.0001.001.1250].

399. On or around 27 February 2014, the Ashram joined the discussion and posted an apology and an invitation to the 40\textsuperscript{th} Anniversary celebrations, recalling that the Ashram opened in 1974 [YAM.0001.001.0386].

\textsuperscript{429} T10833, 13-16 (Day 104)  
\textsuperscript{430} T10855, 41-45 (Day 104)
On 2 March, 2014 the Ashram sent individual messages to each of the former child residents who had been posting on Facebook:

i. Between Yogasandhan and Alecia Buchanan [YAM.0001.001.1407_R];

ii. Between Yogasandhan and APB [YAM.0001.001.1413_R];

iii. Between Yogasandhan and APA [YAM.0001.001.1417_R];

iv. Between Yogasandhan and APL [YAM.0001.001.1421_R];

v. Between Yogasandhan and Elly Buchanan [YAM.0001.001.1424_R];

vi. Between Yogasandhan and APV [YAM.0001.001.1443_R];

vii. Between Yogasandhan and Surya and Chandra Clark [YAM.0001.001.1457_R];

viii. Between Yogasandhan and APP [YAM.0001.001.1483_R];

and

ix. Between Yogasandhan and APK [YAM.0001.001.1483_R].

On 5 March, 2014 the Ashram posted to its Facebook wall, advising that several of the comments had been removed because they were libellous.

Initially the Taskforce included Ahimsadhara, Atmamuktananda, Poornamurti, Haribodhananda, Suryamitra and Bert Franzen.

ii. Cease and Desist Letter

On 16 March, 2014 Bhakti Manning sent a letter by email to a number of Satyananda Yoga Teachers, and two days later Mary Smith replied [IND.0176.013.0010_R]. On 21 March, 2014 a “cease and desist letter” was sent to Bhakti Manning and Mary Smith. This letter suggested that they had made defamatory, erroneous, hearsay statements that defamed the Satyananda organisation [SYA.0003.001.3378_R]. On 27 March, 2014 a further letter was sent by the Ashram to all recipients of the letters originally sent by Ms Manning and Ms Smith, advising that the use of their emails was illegal and the contents of the letters defamatory.
iii. The 40th Anniversary Celebration

404. The Working Together Taskforce engaged the assistance of Mr Terry O’Connell of Real Justice Australia. He facilitated a session at the 40th Anniversary Celebration over the Easter weekend in 2014, relating to the abuse by Akhandananda.

iv. The Survivor Support Package

405. The Ashram with the assistance of Terry O’Connell compiled the Survivor Support Pack, which was designed to explain the moral responsibility of the Ashram to its former residents. It contained an application form to be filled in by any person seeking ongoing support from the Ashram [YAM.0001.001.1224].
CHAPTER 3: RESPONDING SUBMISSIONS ON BEHALF OF THE ASHRAM

RESPONSE TO AVAILABLE FINDINGS – PAGE 26

406. With regard to F1 of the learned Counsel Assisting’s submissions, we would submit that the function and purpose the Ashram should also be considered in light of the Articles of Association of SYA setting out SYA’s objects, referred to in paragraph 55, p.24 [SUBM.0021.001.0024]. Within that document is expressed the principal object of SYA:

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 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. 431

407. We respectfully disagree with F2 of the submissions of learned Counsel Assisting the Royal Commission (replicated at paragraph 43 of page 20 in the submissions). Whilst the Satyananda name is inherently linked with the Ashram it is an oversimplification to suggest that it is integral to the function and purpose of the current Ashram. In oral evidence Ms Tetlow was asked the following:

Q: You’d agree that the name “Satyananda” is certainly an integral part of both the establishment and the function of the ashram?

A: The academy, yes, but the Mangrove Yoga Ashram, the core side of things, not so much…

431 Ex 21-0001, YAM.0001.001.1899_R
Q: So you’d agree that it’s certainly fundamental in terms of the constitution at a company level?

A: Within the constitution, yes.\(^{432}\)

Ms Tetlow was asked questions in relation to [YAMM.0004.001.0001_R] in which India threatened the Ashram with six actions, of apparently particular importance:

5. No Australian institution will be permitted to use the name of Swami Satyananda, Swami Niranjan or Bihar School of Yoga in any documents, publicity material, website, email etcetera. All pictures of the Guru Parampara are to be removed.\(^{433}\)

In evidence at the Royal Commission, Counsel Assisting asked Ms Tetlow:

Q: If India did carry out those six actions, is it the case that this would have an enormous commercial repercussion for the ashram?

A: It would have some commercial repercussion; I don’t know about enormous. Because a lot of people who come to visit Mangrove for example, I can’t speak about Rocklyn, don’t really have any association with the Satyananda tradition and they just come because they like the yoga and the courses. So it would have some, but I don’t know about enormous.\(^{434}\)

That evidence was not challenged, including by those representing India at the Royal Commission. The qualification made by Ms Tetlow is a significant point of dissent from the premise of the question put to her. The observations made on this point by Counsel Assisting greatly diminish or fail to give any weight to this qualification. In light of the above un-contradicted evidence, the name of Satyananda and Satyananda yoga cannot be considered as integral to the function and purpose of the Ashram, as it exists today. The Ashram is not reliant on the name of Satyananda; rather the name is symbolic.

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\(^{432}\) T11513: 32-45
\(^{433}\) T11512: 28-34
\(^{434}\) T11513: 21-30
408. We do, however, accept that the name “Satyananda” throughout the period of 1974 to 1987 once held more meaning than it presently does. Today it is emblematic rather than pragmatic.

409. We adopt the available findings F3 (at page 26 of submissions [SUBM.0021.001.026]) – with the singular qualification that it is improper for the Royal Commission to find that the institution “discouraged” other “traditional relationships” including between parent and child. This submission is made for two reasons:

i. Evidence exploring the relationships between children at the Ashram between 1978 and 1987 was restricted by Counsel Assisting and evidentiary rulings by the Presiding Member away from issues pertaining to parents. Evidence was not lead nor tested that revealed the relationships between parents who placed their children in the care of the Ashram or Akhandananda nor were questions touching upon the role of parents permitted to be asked.

ii. It is not in issue that some of the children at the Ashram in the period 1978 to 1987 were present with their parents or had parents who were themselves active participants in the organisation both at Mangrove Ashram and elsewhere.

While it is accepted that the traditional role of parent did not appear to have the significance to Akhandananda that it conventionally may have, it is not clear the details or practices of that beyond the limited evidence given by survivor witnesses. There is insufficient evidence to conclude that the traditional relationships were discouraged without qualification. There is evidence of qualification and we ask that in considering this finding, the Royal Commission may seek to qualify the wide ambit of the statement as set out in submissions of Counsel Assisting.
410. We are not instructed to make submissions with regard to F4 as set out by learned Counsel Assisting, involving as it does a finding ostensibly about “Shishy”. However, to assist the Royal Commission, it is worth noting that it is difficult to understand if that finding is meant to mean that the “consensual” sexual relationship started when “Shishy” was a child and Akhandananda was an adult and while there was a “power imbalance” between them. For our part, and to the extent that it is relevant, we urge the Royal Commission to exercise great circumspection when asked to characterise any child-adult sexual relationship as “consensual”.

ON THE SUBJECT OF OTHER ADULT KNOWLEDGE OF ABUSE

411. We respectfully agree and adopt the submission at paragraph 206 of Counsel Assisting’s submissions that there is no evidence that any other adults were actually aware that Akhandananda was sexually abusing some of the children.

412. With respect to what is extracted by Alecia Buchanan in her oral evidence before the Royal Commission, there is nothing in that statement that goes beyond the truism that with the benefit of hindsight a great deal can be made of behaviour that in its context might be otherwise innocuous or unremarkable. We submit the Royal Commission cannot accept the assertion made by the witness in this regard.

413. With regard to what is submitted at paragraph 208 of Counsel Assisting’s submissions (concerning Mr Clive Salzer) being present when a 14 year old child was sleeping, he was not asked to give evidence on this point and was not afforded an opportunity to account for his behaviour. In that regard, it is unfair and not appropriate to publish a statement in the effect of that made at paragraph 208.
414. As to what else is contained under this section of Counsel Assisting, we simply repeat our observation that evidence predicated and conditioned upon “hindsight” must have little to no weight when considering the actual events – to the extent that it is even necessary for the Royal Commission to contemplate the particular incidents as opposed to the response of the institution to child sexual abuse claims generally.

RESPONSE TO AVAILABLE FINDINGS – PAGE 104

415. We have no instruction to contest Findings F5 through F16.

RESPONSE TO AVAILABLE FINDINGS – PAGE 136

416. We have no instruction with regard to F17 through F23 inclusive (at page 136 of submissions [SUBM.0021.001.136]).

417. With respect, F24 of learned Counsel Assisting the Royal Commission submissions is an inappropriate submission for the Royal Commission. The assertion that “the Ashram did not believe that the children were telling the truth and so was hostile to several of the survivors” is a generalisation. It is clear from the evidence that some members of the Ashram were hostile and did not believe the children however there is evidence that others were not. Moreover it was not explored (to a complete extent) who those persons were nor what role within the Ashram they played. It ought go without saying that the opinions of individuals are their own opinion and it is a different thing to assert that those opinions represent the Ashram’s position.

418. Indeed in learned Counsel Assisting the Royal Commission’s submissions reference is made that “Shishy explained that reactions were
divided between those who supported the children and those who refused to believe that the Guru was capable of wrongdoing."435

419. In this regard, what can be gleaned from the available information (and Counsel Assisting did not seek to explore the trials or criminal proceedings in any depth in the Case Study) is that there was significant confusion and disruption within and without the Ashram in response to the criminal proceedings. The fact of criminal proceedings were well known but it is less clear that every relevant party were comprehensively versed in the particulars of the complainant’s allegations of abuse. Indeed, a review of some of the transcripts of those proceedings suggest that some of the complainants have changed their recollection of events between the trial and the present day or at least in one case, had a different view of both Shishy and the Ashram than they claim presently to hold.

420. That is not a criticism of survivors but an observation that in any criminal proceedings it is unusual in the extreme for a member of an institution to be granted access to the brief of evidence or even to be informed to any great extent of its contents. There is a vacuum around criminal proceedings, one created by deference to those proceedings and the desire to avoid interference or inappropriate involvement. It is difficult and in our submission improper to criticise individuals for exercising an opinion at the time of a criminal proceeding including one of disbelief or the exercise of doubt. It will not escape this Royal Commission that all accused persons are innocent until proven guilty and it is not appropriate to criticise individuals for abiding by that central principle of our legal system.

421. Knowledge of a criminal complaint is distinct from knowledge of abuse. An allegation of sexual abuse is a condition precedent, necessary and (usually) sufficient for a criminal complaint but a criminal complaint does not necessarily flow from an allegation of sexual abuse. The extent to which there

435 Paragraph 294, Page 101
were allegations of sexual abuse outside of the criminal proceedings in the present case is not clear in the evidence. The extent to which individuals, including those in positions of authority within the Ashram, had knowledge of sexual abuse allegations as distinct from criminal proceedings per se is not clear in the available evidence. The history of particulars of the criminal processes were not subject to substantive scrutiny in the case study. Consequently we submit that F24 is not so readily made a finding as is suggested. To do so risks the Royal Commission’s finding being criticised of being based upon a whitewashed or un-nuanced account of the relevant history.

422. We adopt the available findings 25-27 (at page 137 of submissions [SUBM.0021.001.137]).

423. With regard to F27 it is worth noting that this determination by the then NSW Department of Youth and Community Services must be taken by the Royal Commission into consideration with the finalisation of the various criminal processes involving the allegations of child sexual abuse. That the outcomes were as they were must have played a role in the decisions and choices of individuals at the time, including proceeding to act, in good faith, in reliance upon those determinations. Absent testing of the evidence of those witnesses about the reasons for their conduct, views or opinions at the time, it is neither fair nor necessary for the Royal Commission to express a view, if one is sought to be expressed, about the appropriateness of those responses.

RESPONSE TO AVAILABLE FINDINGS – PAGE 143

424. In respect of finding 28 (at page 143 of submissions [SUBM.0021.001.143]) we rely upon our earlier submission that some, but not all members of the Ashram supported Akhandananda throughout the criminal process. It is apparent that the allegations on any account of the
evidence created a significant divide in the Ashram only healed after the proceedings were finalised and a new ‘matrix management structure’ of the organisation was created.436

425. It was not explored in evidence the details of what the Ashram was following its structural disruption caused by the criminal proceedings against Akhandananda or in the weeks, months and years that followed.

426. We adopt the available findings 29 (at page 143 of submissions [SUBM.0021.001.143]).

RESPONSE TO AVAILABLE FINDINGS – PAGE 178

427. We accept the available findings F30 (at page 178 of submissions [SUBM.0021.001.178]). However we note that during the hearing of evidence during the case study Mr Franzen was not called upon by learned Counsel Assisting to give evidence and provide an explanation for his actions. In light of that we submit that the Royal Commission would proceed with caution before making an adverse finding against Mr Franzen.

428. In relation to F31 and F32 of learned Counsel Assisting the Royal Commissions submissions we submit that there is sufficient evidence to suggest that the responses were well-intentioned yet at times ill-informed. The vast majority of the responses were never intended to be hostile or defensive and it would be hard to claim legitimately that was so. Indeed, that characterisation, as put by Counsel Assisting to the witness Sarah Tetlow, focuses improperly upon the nature of the two cease and desist letters to the apparent exclusion of all other efforts. That the process was hostile and

436Learned Counsel Assisting Submissions at p.55 para 49-50 (SUBM.0021.001.0022 at 49 – 50)
defensive is belied by many of the statements and actions of the survivors at that point in time.

429. In that respect, Ms Tetlow’s evidence should not be so narrowly confined and instead read in its full entirety and given proper context. Ms Tetlow’s evidence for the basis of this finding is far from definitive, and should be read cautiously.

Q: So that’s in fact part of the reflection that’s underway at the moment - -
A: Yeah.
Q: - - that an impulsive, at times hostile and at times defensive response - -
A: Possibly, yeah.
Q: - - has not served the institution well? Is that a fair observation? I’m reflecting that back to you.437

Far from a conclusive answer, Ms Tetlow’s answer should not be construed as definitive and importantly should not be used to substantiate the basis for a finding of hostility or defensiveness as a description for the contemporary response as a whole. To do so grossly oversimplifies the reality of the conduct that occurred over a relatively small period of time.

430. With regard to F33, we submit that this finding necessarily suggests that an institution should act under a burden to make enquiries to locate former child residents of the Ashram for the purpose of determining if they were the victims of Child Sexual Abuse. We submit that to the extent that is suggested, such an approach is improper and likely to lead to unforeseen consequences. At the very least, this is not an appropriate Case Study in which to determine the issue of whether or not an institution should proactively seek out victims of historical child sexual abuse. If we are wrong about that, then the Royal

437 T11586: 23-32
Commission should seek further evidence on this topic – one that was in no way examined in the hearing.

431. We do not accept F34 is a well-made finding. Evidence was not adduced before the Royal Commission that each and every survivor felt additional or exacerbated harm as a result of the contemporary response nor is there sufficient evidence available to the Royal Commission to conclude that the harm suffered would not have been occasioned by any survivor of child abuse engaging in any process of redress or reconciliation.

432. That observation raises the consideration of precisely what it is that the Ashram was responding to. It is important not to mistake the gravity of the evidence given at the hearing for the reality that confronted the Ashram at the end of 2013 and in early 2014.

433. An important aspect raised by this is that despite the shortcomings of the contemporary response, the majority of the survivors did not attempt to engage in the processes that were heavily criticised by the survivors and in part by learned Counsel Assisting. It is often said that hindsight is a wonderful thing and it is true that with hindsight the Ashram would have handled their contemporary response differently. Part of that is because with the benefit of the information and identification of issues revealed in oral evidence at the Royal Commission, the Ashram is more informed than it could ever have possibly been in the informal approaches of survivors or their supporters at the time under question.

434. However, as submitted above the failings of the contemporary response only came about because the Ashram tried to engage with the survivors and to create a dialogue with the focus and purpose on helping those who had suffered. Without the dialogue (albeit flawed) then the survivors would be left in the same situation as they were between the early 1990’s and 2013. It is difficult to conclude responsibly that the conduct of the Ashram in
2014 contributes to the original harm. This is especially where it has not been revealed until the processes of the Royal Commission of what the original harm is said to be (indeed, it has changed and enlarged in significant aspects when compared that originally the subject of criminal proceedings).

435. We submit that with respect to F35 the finding is too narrowly put and seeks to misconstrue the true nature of the evidence. It is accepted that the following evidence was given by Sarah Tetlow (CEO) during the hearing when asked the following question by Commissioner Milroy:

Q: Do you think that you're at a level now where you've got sufficient confidence in the training and in the policies and in the way that the training is done that staff or other people that are residents of the ashram would have sufficient confidence in knowing what to do and how to go about reporting, particularly if it was regarding perhaps a more senior member of the organisation?

A. I think the policies are there, but I think where we fall down at the moment is the training and the implementation of them, and that's one of the things that we've already been in touch with someone, an external expert in this area, to provide training on; because I can't hand on heart say that we would do that brilliantly at the moment.

436. Such an answer should not be construed that the current staff are not sufficiently trained. Rather, the organisation (in particular the CEO) would prefer greater training and implementation of the polices to ensure the highest level of child protection policies and training are available at the Ashram.
Evidence given of the current child protection policies by Sarah Tetlow (in addition to those clearly outlined in her statement) was as follows:

“If there’s a suspicion or a complaint [about child abuse], then it would be taken to someone, a senior member of staff, most likely one of the leadership team. Then, depending on the nature of the complaint, it would be either reported to DoCS or escalated in other ways.”

Ms Tetlow went on to discuss that there has been training to detect signs of sexual abuse and that there are plans to complete further training in the future. That evidence was not contradicted nor challenged.

Finally and perhaps most importantly, Ms Tetlow was asked the following question by Learned Counsel Assisting, Dr Bennet:

Q: And you’re aware that there have been allegations that some of the girls were taken out of their beds at night and taken to Akhandananda. Would a situation like that, where girls are individually picked out and taken to some person individually, would that be detected or would the system you have in place deal with that?

A: Well, in the current policy it just couldn’t happen because, for one thing, we don’t have any children living in the Ashram; two if there are any children staying or living in the Ashram, they stay with their parents or guardians. We do not allow unaccompanied minors to stay in the Ashram, so they would always have a parent or guardian with them.
440. We note that no evidence was provided to the commission of any failure of the current child protection policies or training during the hearing of evidence at the Royal Commission. Furthermore the Ashram by any standards in modern times has a comprehensive set of policies and actively seeks to have the most up to date training (including from external experts) and are confident that they would be able to implement the policies currently in place.

441. To suggest that the staff and members of the Ashram are not sufficiently trained in the implementation process of the current policies is a misrepresentation of the evidence and the Commission would proceed with great caution before making such a finding.

**RESPONSE TO AVAILABLE FINDINGS – PAGE 188**

442. We adopt F36 (at page 188 of submissions [SUBM.0021.001.188]).

443. We disagree in part with Finding 37, namely that the Bihar School of Yoga did have involvement in the Ashram’s response to the Royal Commission. The available evidence may suggest that the Bihar School of Yoga attempted to influence the Ashram’s response to the Royal Commission as indicated in [YAMM.0004.001.0001_R]. However had no direct impact on the Ashram’s response. Ms Tetlow in oral evidence indicated as much.

Q: Does the ashram take orders from India?
A: No.

Q: Has the ashram sought to take instructions from India about how it should deal with the Royal Commission?
A: No.

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442 T11587, 28-34 (Day 110)
443 T11526, 6-10 (Day 110)
Q: Has the ashram been involved in the presentation of information to the Royal Commission?
A: The Indian Ashram?
Q: Sorry, has India been involved in the ashram’s presentation of information to the Royal Commission?
A: No.\footnote{444}

We would therefore submit that it is inaccurate to find that the Bihar School of Yoga had any control or actual involvement in the Ashram’s response to the Royal Commission. It is accepted that the Bihar School of Yoga attempted to involve itself in the Ashram’s response to the Royal Commission and in the very preliminary stages was in contact with the Ashram.

444. This observation resonates with the way in which the Ashram sought to conduct the hearing, including issuing an apology to the survivors of the abuse on the first day of the hearing, in stark comparison to India who remained largely silent during proceedings. Of course, that is no criticism of India or its representatives, rather a clear example that India’s response to and involvement with the Royal Commission was exclusive to that of the Ashram.

It is self-evident that the Ashram did not try to keep India “out of” the proceedings or avoid references to it. For that matter, the Ashram fully disclosed the evidence of India’s erstwhile email to the Royal Commission and thereby instigated and welcomed a summons to produce it.\footnote{445}

445. In this regard, the evidence of Ms Tetlow appearing for the institution is relevant when in cross examination, the Chairperson directed the Commission’s attention to the issue of how India came to be aware of what the Ashram had provided to the Royal Commission:

THE PRESIDING MEMBER: Mr Kernaghan, could you just assist us: I’m not clear about how the organisation in India gets

\footnote{444}{T11565: 29-42 (Day 110)}
\footnote{445}{T1156:44 to T1157:5}
to see those documents.

MR KERNAGHAN: Yes. I was going to ask a question about that, Your Honour.

THE PRESIDING MEMBER: Thank you.

MR KERNAGHAN: I'll come to that directly.

Q. It's clear from this email that India, to use that term in its generic sense, India was aware of the document in question?

A. Yes.

Q. And they had seen that initial draft that had been provided to the Royal Commission?

A. It seems so, yes.

Q. Do you know how they came to see that?

A. No.

Q. Is it your understanding that somewhere along the lines a copy of it was emailed to India?

A. Yeah, I think it must have been.

Q. But it's not the case that that was done under your auspices?

A. No.

Q. And it wasn't a case that was done by way of a formal process by the ashram?

A. No.\textsuperscript{446}

\textsuperscript{446} This shows the extent to which the Ashram was not formally or officially communicating with India regarding the Royal Commission and the issue of how it responded to the Child Abuse. When India sought to involve itself, it did not do so with any success. Moreover, the entire issue of how the
Ashram responded to the Royal Commission can be seen as inclusive and open.447

447. We agree with learned Counsel Assisting the Royal Commission available finding F38 (at page 188 of submissions [SUBM.0021.001.188]). Further, we submit that on the basis of Ms Tetlow’s evidence, that India referring to the work of a Royal Commission, as an investigation of a ‘20 year-old sex scandal’ does not represent the gravity and seriousness of what’s currently being investigated.448 This reflects the current position of the Ashram.

Q: Did you notice that India appeared to refer to the work of the Royal Commission as a, and I quote, “an investigation of a 20 year-old sex scandals”?  
A: Mm-hmm.

Q: From the ashram’s perspective, do you consider that referring to the work of the Royal Commission in that way represents the gravity and seriousness of what’s currently being investigated?  
A: No, of course not.449

448. We submit this reveals a credible and proper attitude on the part of the modern Ashram and it’s responses to Child Abuse.

449. We agree with learned Counsel Assisting the Royal Commission as to Part 7 – Available findings on the systemic issues relevant to the case.

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447 T1156:42 to T1157:9.  
448 T11514: 33-37.  
449 T11514: 28-37.
FURTHER SUBMISSIONS ON BEHALF OF THE ASHRAM

450. When the public hearing into the response of the Satyananda Yoga Ashram located at Mangrove Mountain, New South Wales was announced the following scope and purpose of the commissions inquiries was to examine:

(1) 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.


(3) The systems, policies and procedures in place at the Ashram between 1974 and 1989, and currently, in relation to raising and responding to allegations of or concerns about child sexual abuse.

(4) Any related matters. 450

451. Addressing the first purpose of the Commissions inquiry it is clear that the response of the Ashram to allegations or reports of child sexual abuse made against Swami Akhandananda Saraswati (Akhandananda) between 1974 and 2014 can be broken down into a number of stages.

452. The first stage, or ‘historical stage’, was between 1974 and 1989. That time period representing the time of the establishment of the Ashram until the time that Akhandananda was charged by the NSW Police involving some of currently known the allegations of child sexual abuse.

453. During that period of time it is clear from the evidence that the Ashram was a disorganised, non-conventional institution that became subject of control by Akhandananda.

454. The second stage, could be regarded as between 1989 and the mid 1990’s. This period extended between the time of Akhandananda’s criminal proceedings and the initial restructure of the Ashram.

455. Finally, the current stage of the Ashram which has evolved from the mid 1990’s to the institution that it is today.

456. It is clear that the institution has moved considerably away from the historical stage and has sought to differentiate by substantially restructuring itself and reforming its organisational command and control processes.

457. The restructure from the historical stage, for the most part, was as a result of the criminal proceedings against Akhandananda. During the proceedings the evidence is clear that there was a division within the Ashram during the protracted court processes.

458. It is worth noting that on the issue of people taking sides; that the court processes against Akhandananda all ultimately resulted in a dismissal or acquittal of the charges against him. That is not to suggest that the complaints of the survivors of abuse against Akhandananda are somehow illegitimate. However, it gives understanding to why some individuals might consider themselves justified in exercising caution in accepting the totality of the complaints at the time of the original complaints (during the historical stages of the Ashram) and to some extent even today.
459. A clear example of this is a portion of the evidence of a current member of the Ashram, Muktimurti who referred to in both her statement and during her oral evidence:

“One of the reasons I find the Royal Commission hearing distressing, is that if the accusations are true that is a dreadful thing, but if they are not then the alleged victims are being venal.” 451

460. Such a statement should not be read as anything more than a statement of principal that is nearly a truism in nature. The statement has the initial appearance of some form of doubt or rejection of the evidence of the survivors but, upon closer inspection, is far from it.

461. The statement must be read against the background that the Royal Commission spent little time looking at in tested-evidence – one marked by various and (typically) protracted criminal court outcomes involving Akhandananda. As protracted and significant as those processes and outcomes were, there were those such as Muktimurti who were never involved in any significant way in those proceedings. In that regard judicial notice can be taken that those in a position like Muktimurti would not have had access to the Crown brief nor other materials regarding the proceedings, there is no evidence they had that knowledge of anything of the kind, at no point during the hearing was it put to her that she knew the details of the individual allegations. Rather she had generic knowledge of the issue.

462. Therefore it is understandable that such a statement could be made and furthermore it contextualises what can be perceived (and is submitted by learned counsel assisting 452) as a ‘continued doubt’ of the evidence of the survivors by some of those who remain in the Ashram today. In direct contrast to that position Muktimurti herself accepted when asked if she believed if the abuse (in general terms) happened, replied:

451 T11424: 19-23 (Day 109)
452 Learned Counsel Assisting Submissions at p.177, 178 para 509 – 513.
(SUBM.0021.001.0179)
“I don’t know. It looks rather likely, but I don’t know.”

463. That statement highlights the difficulty shown by the criminal process – where even the Courts with their infinite wisdom and process, did not bring Akhandananda to justice or uncover the truth. If that is so then how is it fair and possible to impose such a burden on an individual such as Muktimurti to fully comprehend the truth, gravity and extent of the allegations as they were then and even as they exist today.

464. In a similar way, the difficulties with criticised the position of “Atma” are demonstrated by the fact that the complaint made to her was generic and against a backdrop of inaction following the apparent resolution of the criminal process.

465. Therefore the Royal Commission should proceed from a position of caution before criticising individuals such as Muktimurti and Atma on their perceived views and practices. To do so oversimplifies the issue and does not place the appropriate weight on the complex history of the matter.

466. However, to be abundantly clear – any view contrary to that stated in the public apology issued by the Ashram at the commencement of the hearing at the Royal Commission does not reflect the current thinking nor position of the Ashram as an organisation.

467. In passing, it is important to note that the Ashram sought to conduct itself at the hearing in a way that departed from a conventional defensive posture. It did not seek to test witness complaints, it did not seek to disrespect nor challenge evidence received by the commission that could have been challenged. It did so in deference to the interests of openness and candour and having careful regard to the focus of the Royal Commission not on what

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453 T11425:27-30 (Day 109)
happened but on what was done about complaints about what happened. The Ashram apologised for what part it played and recognised its responsibility.

468. Yet that approach appears to have received little recognition as the legitimate and entirely appropriate step that this Royal Commission might properly encourage and praise. Rather, the treatment of the Ashram in both the submissions of Counsel Assisting and by some of those appearing for survivors was marked by contempt and disrespect for the institution and the organisation’s contemporary practices.

469. No better example of that can be found in the intemperate condemnation of the fire ceremony by at least one representative of the “survivors”. A ceremony may be quaint, it may even be non-conventional but it is not appropriate to use the forum of the Royal Commission to disrespect it. Least of all because this is a Royal Commission that properly and respectfully commenced its important work with a welcome to country of the traditional owners – something that any modern and conventional institution might ceremonially do with justification and wisdom and without complaint nor criticism. People’s beliefs and practices are important and sensitive and deserving of dignity.

470. To that end it is important that the Royal Commission consider the earnest steps taken by the Ashram to deal fairly and properly with the issue of child abuse and set a precedent that encourages institutions in the future. If that is not the case, then institutions will be encouraged to approach the Royal Commission with an attitude of defensiveness and hesitation lest they be taken out of context, confronted by unfairly lead evidence and subjected to a public humiliation that is no better (and of no more social utility) than being locked in the stocks in a medieval town square. To that end, questions of witnesses that demanded their shame be expatiated on the seeming-altar of the witness box were inappropriate and grossly unfair. They set an alarming precedent for the proper practice and procedure of a reputable Royal Commission.
THE RESPONSE POST-AKHANDANANDA

471. At some point during the ‘formative stage’ and after the allegations of child abuse came to light Akhandananda was recalled to India. There is some ambiguity as to the nature of what really went on however it is clear from the evidence that at that time India ordered Akhandananda be removed as leader of the Ashram and replaced by Swami Atmamuktananda (‘Atma’) alongside Swami Poornamurti.\textsuperscript{454} However, little other direction or guidance was given to the Ashram who were by all accounts now divided and left without their once charismatic and powerful leader.

472. At that time India failed to provide adequate leadership and instruction to those left without a CEO and leader, who this particular organisation was then highly dependent on. As a result, those who sought to restructure the Ashram did so by moving it towards the ‘consensus approach’ to management referred to in the statements of the institutional witnesses.

473. As a consequence of the limited guidance from India and the resulting new management structure that flowed from the criminal proceedings and ultimate removal and exile of Akhandananda, the evidence tends to show that the responses were ad-hoc and often misguided. However, there is no evidence to suggest that the institution sought to constrain, conceal or to participate improperly in the criminal process. To the extent that it was suggested\textsuperscript{455} the inevitable partisanship, trauma and heartache that usually occurs in criminal proceedings of this nature should be the outer limit of those findings of the Royal Commission. Those positions do not necessarily speak of an institutional defect.

\textsuperscript{454} Ex 21-0001, IND.0176.003.0003
\textsuperscript{455} Learned Counsel Assisting Submissions at p.138-140 at para 398-403 (SUBM.0021.001.0179)
The outcome of the criminal processes between 2 June, 1987 when Akhandananda was charged and 5 June, 1991 when the High Court quashed his convictions, including the intervening convictions, appeals, termination of proceedings and withdrawal of charges meant that there was a lack of sufficient definition as to precisely what happened for a considered opinion to be determined by the Ashram.

We would therefore accept the conclusion of the Commission as to when the institution reached the clarification or understanding of exactly what happened. It is our submission that it did not occur until the hearing of evidence at the Royal Commission.

To answer the obvious question as to why that did not happen until 2014 and moving into the ‘final’ or ‘current’ stage of proceedings it is conceded that for better or worse, the Ashram proceeded on the basis that the criminal proceedings were final – as indeed they were. Even lawyers rely upon that principle with integrity and without impeachment of that position (reference is here made to the principle of *res judicata*).

What is clear from the evidence is that once the criminal processes had been completed the children at the Ashram had left and that there was no reason for the Ashram to re-engage in the issue. A fundamental change in the operations and principles of the Ashram had begun. That is to the institution’s credit.

It is also revealed from the evidence that after Akhandananda left the Ashram significant corporate upheaval to institution took place and a re-genesis of command and control replacing Akhandananda occurred. That is evidence of an appropriate institutional response to the situation that the Ashram found itself in. Effectively removing the opportunity for a charismatic
leader to put the institution and those in its care at risk of abuse, in particular child sexual abuse.

479. The fact that there has been no evidence of further complaints (of that nature) to some extent highlights that the institutional response in that respect was successful and in our submission it is open for the Commission to make such a finding.

**2014 RESPONSE**

480. Moving to the contemporary response in 2014 by the Ashram it must be noted that the initial complaints were not to the Ashram but about the Ashram in a public forum (Facebook). The Ashram became aware of these complaints and dealt with them on the same *ad hoc* basis by which they were raised.

481. However, any criticism about the initial response has to be placed in the proper and fair context of the highly generalised nature and manner of what was happening “online”. The Ashram attempted to be proactive with dialogue with the complainants but was often limited by the fact that the Ashram did not know the identities of those persons and the fact that it was in a public rather than private forum.

482. It is clear that an effort did develop over a short period of some months, which in some cases created dialogue with some of those people. In that regard there can be no criticism of an institution that seeks to have individual dialogue in an informal way, to try and redress what are the immediate needs of those people.
483. We accept that as events unfolded in a relatively short period, errors in judgments including threats to take action against at least one person occurred. Records show the missteps were the subject of internal debate and dispute within the Ashram and lead to an effort to retract and redefine those steps – again to the credit of the institution.

484. After that occurred, a new process was developed by an external expert Terry O’Connell. His engagement was designed to create a situation where survivors felt they had a voice; that the situation was objective, and; that there was a detached figure to engage with people who didn’t feel comfortable in consulting with the Ashram directly. It is noted that Mr O’Connell was not called during the proceedings to further explain his role during the response period or the processes and workshops he provides to assist those survivors of child sexual abuse.

485. Those efforts mentioned above have to be seen in their true context – they were not formal court processes, rather they involved *ad hoc* correspondence and engagement of a mostly informal nature. However, there can be no suggestion that the Ashram was trying to hide behind lawyers (except for the one letter issued by Mr Franzen) or in anyway manipulate the survivors for the benefit of or to the whims of the Ashram. The evidence is to the contrary and suggests that the Ashram for better or worse, was doing the best it could with the information it was confronted with at that time (which is, as previously noted, significantly less than that which the Royal Commission possesses).

486. The evidence is clear that the majority of the complainants did not wish to proceed with initiatives or engage with the institution at a detailed level. In so saying we do not criticise those individuals but rather, seek to highlight the difficult nature of finding the appropriate way in which to engage with survivors of historical child sexual abuse.
487. It is submitted that by the time the maligned-Easter Celebration fire ceremony in 2014 had taken place the opportunity for meaningful complaint had passed and had moved into the Royal Commission process. That is demonstrated in that none of the evidence heard during the hearing or through the tender bundle sought to explore what happened thereafter.

488. The existence and function of a Royal Commission well underway by July 2014 had some role to play in the dampening down of further processes of redress or response by the Ashram. The window of opportunity had in the contemporary climate been limited to a period of approximately six months. Seen in that light the response of the institution can be seen as remarkable, not for what was not achieved but for what was attempted in such a small space of time.

489. It would be the experience of the Royal Commission with much larger institutions that responses into allegations of child sexual abuse often span years if not decades and that redress and conclusion are highly unlikely in a small time frame such as some six or so months.

490. That observation highlights the presumptuous argument of condemning efforts of the Ashram in 2014 which can only said to have been at most in their formative stages when the survivor’s understandable desire to participate in a Royal Commission removed the whole issue to a much larger arena. That is not a criticism of the Royal Commission nor the survivors but a simple fact of the timing of events and how the matter has come to pass.

491. It is also an observation that supports the contention that we seek to make that the Royal Commission is itself an important aspect of contemporary institutional response and that such a Commission can continue to serve a function in providing appropriate and long-standing responses and investigation into these most significant issues. In particular we submit that
the Royal Commission should become a standing institution in Australia that works with survivors and institutions to ensure clarity, redress and repression of child sexual abuse.

492. These observations also help to articulate the way in which the Ashram lacked significant historical knowledge; a lack of experience with the issues, and; an ad-hoc response to survivors – all of which apparently created a level of dissatisfaction with those survivors who they were engaged with. However, it is difficult to determine if they could have done anything more meaningful in such a short time frame with the knowledge, skills and experience they possessed at the time.

493. The contemporary response of the Ashram is a sobering lesson for all modern organisations into matters of this type – namely that even at the most initial stage complainants and disenchanted people will rely upon what you say you are prepared to do as indicating the totality of what you are prepared to do. In that regard the Ashram’s initial 2014 efforts were dismissed by complaints (not without cause) as being insufficient or trivial as if they were the only efforts the Ashram prepared to do.

494. However, there was no evidence that those were to be only efforts and in fact the evidence strongly suggests the process was designed to empower survivors to guide the process by inquiring what they would want and how they might achieve resolution. Where that was not offered a faltering first few steps at least created an opportunity for a dialogue to occur.

495. Because the long term plans of redress were not interrogated during the hearing there is a limit to which the Royal Commission can look at long-term efficacy of efforts other than to say we would accept the majority of survivors did not wish to engage in the initial response. Again, that is of no criticism to the survivors.
SUBMISSIONS IN GENERAL

496. An important aspect of the evidence of the modern nature of the Ashram is found in the evidence given by Ms Tetlow, for the institution:

Q. I'd like to ask you, is it the case that there is no expectation that you have a guru at the ashram?

A. No, you don't have to have one.

Q. Is that an expectation that in your experience is existing elsewhere in the practice of Satyananda yoga?

A. I think so, yes.

Q. Is it also the case that there is no expectation that you have to obey a guru if you do have one?

A. No - well, no, I don't think so.

Q. In relation to that, as you've indicated in terms of your own relationship with your guru, in your day-to-day life, including any professional work that you might be doing, in the relationship there is an ability or a facility to dissent and disagree?

A. Yes.

Q. Consistently with that your corporate functions as a CEO have given you occasion to do that?

A. Yes.\(^{456}\)

497. That evidence articulates a position that is both at once marked by a heritage and history of sensitivity to an instructor or a guide but also the facility for disparity of views and for dissent. This addresses criticisms that the guru-disciple relationship is inherently corrupted by the sort of risks that Counsel Assisting has reduced the relationship to in a broad brush stroke submission. In truth, the relationship is complicated and diverse in nature. It is capable of moral and criminal turpitude as that of a priest and penitent or

\(^{456}\) at T1156 10/12/2014(110).
teacher and student. Perhaps it is a truism to note that most relationships carry the capacity for corruption.

498. The case study highlights the real question in modern Australia – whether it is ever possible to resolve for survivors of child sexual abuse the horror and profound victimisation that occurs to them. The answer is for those institutions to do the best they can by seeking guidance from appropriate experts to assist in that course. This hearing is not the proper forum to provide and find such experts – such was not subject of evidence in the hearing nor the tender bundles.

499. What is known from most of the complainants who gave evidence during the hearing, is their view of what would satisfy them seemingly amounts to compensation, counselling and destruction or dissolution of the Ashram (even to the point of “burning it down”). These are statements of emotion and powerful demonstration of the profundity of the feelings maintained by Complainants. It is not to be disregarded and we are instructed to indicate our position that we have taken note of those feelings.

500. However, during proceedings the matter of compensation was raised. Complainants represented by Mr O’Brien each sought $1 million in compensation from the Ashram in full satisfaction of their claim. Whether or not that request indicates their actual feelings on the matter or is by-product of intemperate considerations cannot be determined. However, that sort of ambit-claim approach is likely to hinder any meaningful dialogue to support survivors as it is predicated on formal processes of civil courts and all the conditions that such a process necessarily entails. That position should be compared and contrasted at the pre-hearing time – what they would like is a meaningful response that doesn’t require them to go and get it, through the Courts or some other process.
501. It is worth noting that a formal process did not appear to be what any of the survivors wanted prior to the case study. That is evidenced by the fact that not one individual has ever brought a civil process against the Ashram for child sexual abuse.

502. Furthermore the survivors were directly and substantively involved in the criminal proceedings. Their access to and knowledge of judicial and court process options to seek redress cannot be doubted. Finally, the evidence of redress in that form was rather limited and did not form any significant part of what was examined by learned Counsel Assisting during the hearing.

503. It is important that the relevance and integrity of the Royal Commission is maintained by closely guarding against acting upon the evidence of survivors as if they were instructions. At several points during the hearing evidence was lead that would be inadmissible in any court room in the world (including dream-“memories” and recovered-memories). The Royal Commission ought require of its Counsel Assisting that it deploy appropriate standards of ensuring witnesses are not called to give evidence or relied upon that tend to bring the proceedings or their evidence into disrepute. In that regard, the Guidelines and Policies of the NSW Director of Public Prosecution might be considered a worthy template for consideration at a practical level.

504. The Ashram has considered the views, opinions as well as testimony of all witnesses. The evidence was given by many who were profoundly affected and appeared honest and forthright. The Ashram has sought to redress the hurt of survivors but has failed to do so effectively – in no small part because their initial efforts were in vain. The extent to which the failure of those efforts was attributable to their lack of experience, requisite knowledge and expertise or the intransigence or resistance (understandable or otherwise) of survivors may never be able to be fully assessed. That this is the state of the situation is worth noting as one part of the unremittingly sad and deeply regrettable result of child sexual abuse.
What we are able to see from the un-contestable evidence is that the Ashram did what it could when confronted by even generalised and preliminary complaints by adults of historical sexual abuse incidents. They did so without obfuscation and they issued an appropriate apology, seeking to further the process and open a dialogue. The following lengthy but important extract of transcript from the evidence of Ms Tetlow is directly relevant to this issue:

Q. I just ask that the following be placed on the screen, Ringtail YAM.001.001.1407_R. If we can scroll down to the words, "Dear Alecia" at the very top, the first line. This is the text of an apology sent to Alecia Buchanan, but that's of no consequence, it's an apology that, as you understand it, was sent to a number of persons on Facebook and the Royal Commission has a copy of that information?

A. That's right.

Q. It was sent in essentially the same terms; is that right?

A. Yes, it was.

Q. This apology here was issued on Facebook under the hand of Yogasandhan who's been sitting with you during these proceedings at the Royal Commission?

A. Yes.

Q. And is no longer required to give evidence, but nonetheless she's been here with you to assist?

A. Yes.

Q. It is the case that when this was sent it was sent with your knowledge?

A. Yes, it was.

Q. And the consent and agreement of those in positions of responsibility?

A. That's right, yes.

Q. You see that it refers to Mangrove's history and to the existence of the Royal Commission just in the first 10 lines?
A. Yes, that's right.

Q. It does offer an apology?

A. Yes.

Q. Even at that very early point, which was February of this year?

A. Yes.

Q. February or March I think. I think it was March of this year. Is that right?

A. Yes, that's right.

Q. If we scroll down to the second page, so 1408, and at the bottom of that page, you see if we keep going, that it says there:

On behalf of Mangrove Yoga Ashram.

A. Yes.

Q. From Yogasandhan, and then there's a response. You heard Alecia Buchanan give evidence of that response and how she later modified her position as she came to have a greater understanding of her own personal situation?

A. Yes.

Q. Do you tell the Royal Commission that that letter, via Facebook, was a genuine attempt to apologise?

A. Oh, definitely.

Q. Although you've been asked to accept that people at various times haven't liked that effort, and you've accepted their feelings about that, you I take it didn't think that this would be the end of the process?

A. No, this was just the beginning.

Q. And you sought to extend it by the engagement of Terry?

A. Yes.

Q. And you did that in response to further complaints about Bert Franzen; is that right?

A. Yes, probably.
Q. When Terry suggested to you that there might be a more informed and a more modern way of approaching a dialogue with survivors of abuse, you enquired into that?

A. Yes, especially as he had experience in that area.

Q. And then that process commenced and I understand is ongoing with some people?

A. Yes, he's still working with some.

Q. And that's a process that doesn't involve you; he doesn't inform you of the contents of that process, that's something that's done in an independent setting?

A. Yes, and I don't want to know either; that's entirely between him and the individuals.

Q. And that process --

A. Is private.

Q. -- is designed to provide them with privacy and continuity so that they can express those issues of concern to them?

A. Yes.

Q. Is it the case that, when you issued this apology on Facebook - and by saying "you", I mean the organisation that you're a CEO of - you were attempting to shut down any victims?

A. No.

Q. Is it the case that you were trying to stop the prospects of compensation?

A. No.

Q. Is it the case, and clearly it mustn't be because there's a reference to the Royal Commission there, but is it the case you were trying to defer people away from participation in this process?

A. No.

Q. Is it the case that, when you tried to get Terry involved to provide some assistance you were - well, what were you trying to do there?

A. We were trying to open it up further, you know, and
provide an avenue for people to engage with us.

Q. Was part of that engagement you sought, to find out what people wanted?
A. Yes.

Q. Before posts started appearing on Facebook, had there been such an engagement?
A. No.

Q. Had anyone who identified as a survivor come forward seeking anything of you?
A. No, not to my knowledge.

Q. So the Facebook was the start of an opportunity to engage?
A. Yes, that started with Tim.

Q. You heard Mr O'Brien's questions that there was no effort by the organisation prior to the Facebook issues at the end of last year, so just about 12 months ago, to look into its history or to expose or ventilate these issues?
A. Yes.

Q. You accept that, obviously, do you?
A. Yes, I do.

Q. Conversely, there was no attempt from without to do that; is that right?
A. Yes.

Q. Without the organisation?
A. Yes.

Q. But when there was, in the form of the posts on Facebook, a process began?
A. Yes, it did.⁴⁵⁷

⁴⁵⁷ T 1156:1- T 1159.25.

506. It is legitimate to consider if the Ashram could reasonably do more at that point in time? In this regard we emphasise what has been said already in
these submissions. Additionally: the Ashram is not to be criticised if their desire for dialogue was met with rejection.

507. The Ashram has presently and continues to implement changes to its structure and organisational affairs to ensure long-term resolutions and responses to child abuse that can be meaningful and acceptable to survivors. Although the Ashram is now confronted by the possibility of formal legal action of a civil nature bought by almost every complainant, it continues to seek to behave earnestly and with integrity by recognising the errors of the past and the need to help anyone it possibly can. We are instructed to beg the Royal Commission to at least consider that a worthy and reasonable position for any institution to take. In this regard we repeat the apology issued on behalf of the Ashram (see below in Appendix 1).

508. This Case Study has highlighted the grave difficulties confronted by an institution in a modern setting with allegations of child sexual abuse. The hearing itself was unable to contain the scope of the allegations (spreading to all forms of abuse, neglect and life) without providing an opportunity to contemplate the full context of those events. Specifically, the hearing did not address nor consider the role of poverty, parental responsibility and complicity and disenfranchisement of children in the facilitation of abuse or the suppression of an adequate response to it. It is important that the Royal Commission considers each case study in as wide a context as reality dictates if its conclusions and findings are to carry meaningful weight in the future of organisations across the country.

509. As has been noted, this case involves allegations that were not fully stated until the hearing of evidence at the Royal Commission. What an institution can do in circumstances where it has limited means by which to engage with complainants or survivors (however defined) without the powers of a Royal Commission, is unclear. Although much has been submitted that is critical of the Ashram, little has been developed in the submission of counsel
assisting that assists the Royal Commission to a credible formulation of what an appropriate response on the part of the institution would or could look like.

510. To the extent that complainants and survivors do not wish to engage with an institution (often for understandable reasons) there must be seen to be a limit to the reasonableness of expecting an institution to respond above a certain degree. What that degree might be seems to remain a matter of case-by-case analysis and determination and presently, though the Ashram has been found in submissions of Counsel Assisting to have fallen short-of-the-mark, it is by no means clear how the mark is determined nor precisely what that mark is.

511. Judgement of the Ashram’s modern responses must be seen not in a vacuum but in the context of the reality, only some of which has been examined at this Commission. Finding a pathway toward useful recommendations is at once both difficult and complicated and must be informed by pragmatism and reasonableness – lest the ambit of the Royal Commission’s wisdom becomes too wide to apply.

RESPECTFULLY SUBMITTED FOR
THE CONSIDERATION OF THIS
ROYAL COMMISSION:

Aaron Kernaghan
Solicitor
APPENDIX 1: ASHRAM APOLOGY

[Taken from Transcript provided by the Royal Commission]

MR KERNAGHAN: May it please your Honour and Commissioner Milroy, my name is Aaron Kernaghan, and I act on behalf of the Mangrove Mountain ashram and the Rocklyn ashram, as well as others related to those organisations.

My clients have instructed me that they wish to, on this occasion, honour all survivors of abuse and, in particular, to accord sensitivity and respect to them as they come here to give voice to their histories. My clients have reflected at great length upon the reports of abuse that have already been set down in writing in the form of statements from the many witnesses who have come forward to this Commission.

Those statements have been met with distress and deep despair on the part of those who are responsible for the ashram today at the horrifying and previously unheard claims recorded in those documents, as well as claims previously known. That is accepted and acknowledged to be of little consequence when compared to the profound pain experienced by those whose story it is to tell.

My clients have reflected in particular on the mistreatment of all children at any time and by anyone in the history of the ashram and the movement that it is a part of. That abuse to them represents the most appalling and disgraceful chapter in the organisation's history, and my clients wish it be known to all that they understand it as such.

True it is that the understanding my clients have reached may have come far too late to give any form of solace or resolution to those who have survived the abuse. It is also true that some of that understanding is as a result of this Commission and the very case study we are here for.

However, most of that understanding has come from the survivors who, empowered by this Commission, have come forward to be heard and to report experiences with a clarity and forcefulness that has perhaps been impossible to them before now, no doubt in part due to the way in which they have been treated by the ashram.

It is in those circumstances that my clients have come to learn much that is profoundly wrong about its past, and even more about the wishes of the survivors and
their families, and the hurt that they have to report in the present.

My clients, in this year, have committed themselves to their first real steps towards any form of accountability or reconciliation. They recognise that those steps have been limited in nature and that they are flawed by the necessarily early stage of those efforts. They hope that there is an opportunity to continue to develop those efforts through improvement and expansion with the wisdom that can be received from this Royal Commission and the hearing of the evidence that will be given by so many survivors.

However, my clients also recognise that those first steps may seem trivial or even pathetic to many, and it is a case of too little too late. My clients accept that judgment and say that in the days that follow, as evidence falls that condemns and shames the ashram and many of its people, the ashram will continue to do whatever it can to redress and respect all survivors of abuse.

My clients begin this stage of that effort in two ways: firstly, by seeking earnestly the findings and recommendations of this Commission and providing meaningful cooperation with its efforts; and, secondly, perhaps most importantly, by providing the following statement which I am instructed to make on behalf of my client.

We apologise for the failures of the Ashram, its people and its leaders, throughout its history and to the present day.

We recognise and acknowledge that there has been child abuse in our history and that it has inflicted profound grief and suffering upon vulnerable children.

We apologise, especially, for the acts of sexual abuse committed by those within our movement who victimised children by claiming authority over them or who, in any way, used the principles that we believe in to harm innocent people.

It was profoundly wrong and it is a disgraceful reflection upon our organisation historically and to the present time.

To date the response of our organisation has focused on rectifying the
systems, policies and procedures that allowed such abuse to take place. We recognise now that we have failed to address the hurt, the shame and the harm that has been the ongoing effect of the abuse.

Until this year we did not fully understand the impact that the abuse has had on the victims, their families and indeed the whole organisation. By failing to respond to all who have been affected by this abuse, in particular the victims and their families, we understand that we have added to the original harm that occurred. For this we are sincerely sorry and ask for their forgiveness.

Finally, this is a turning point in the culture of our organisation and one that has been made possible by the strength and courage of the survivors in telling their stories and by the Royal Commission and this very Case Study. We recognise the need to be accountable and we will do what we can do to be so.

We recognise that some may not believe our sincerity or doubt our intentions. For any role that we have played in causing such a loss of optimism, we also say that we are very sorry.

It is true that the Ashram today is a very different organisation to what it was at the time that the abuse occurred. That does not in any way change nor reduce our responsibility to act consistently with our beliefs and our principles and to seek redress for those who it has caused to suffer.

We do not know how best to interact with survivors, some of whom have not wished to interact with us. We have attempted reconciliation and have often made mistakes and errors of judgment in those efforts.

We are trying and hope to continue to try to play a role, for anyone who is willing to have us.

But, we wish to be clear: for the abuse of our innocents, our most vulnerable members of our society, our children, we say sorry.

To their mothers and their fathers, their brothers and their sisters, we say sorry.
For all that you have gone through, we are deeply sorry. We respect your survival, your strength, your individuality and your history.

We work toward a future of responsibility and integrity. We seek to introduce the right process, the correct procedures and the honest conduct of an organisation that is modern and informed by expertise and its own history.

We seek out the counsel of independent experts to help us to be correct and contemporary in our approach and to ensure that what has happened never happens again.

None of that changes what the responsibilities are that exist nor what has happened.

Most importantly, none of that changes our sense of deep and persistent sadness at what has occurred.

We are and shall always be sorry.

End of quote. May it please your Honour and Commissioner.