ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

Public Hearing - Case Study 21 (Day 108)

Level 17, Governor Macquarie Tower
Farrer Place, Sydney

On Monday, 8 December 2014 at 10am

Before
The Presiding Member: Justice Jennifer Ann Coate
Commissioner: Professor Helen Milroy

Counsel Assisting: Dr Peggy Dwyer
Dr Hayley Bennett
DR DWYER: Thank you, Your Honour. Again, I apologise for the late start today, I'm grateful for the Commission's time, there were just some issues that had to be clarified this morning.

THE PRESIDING MEMBER: Thank you, Dr Dwyer. Ms McGlinchey, I think we were about to commence with more questions.

<SHISHY, on former affirmation: [10.10am]

<EXAMINATION BY MS McGLINCHEY:

MS McGLINCHEY: Q. Shishy, as you know, my name is Karen McGlinchey and I appear for you in these proceedings. Please tell me if you can't hear me at any point. Shishy, I'm going to ask you questions about your life experience before you entered the ashram. Can you tell me, did you have any sexual experience before you entered the ashram?
A. No, I didn't.

Q. You started to attend between 14 and 15 years old?
A. Yes.

Q. You've told Counsel Assisting that you came from a fairly middle-class background, but is there anything you can add to that in terms of the philosophical background that you came from?
A. Yes, I would say that my parents were always interested in spiritual questions and had interest in religious things, philosophical things related to the big questions of what does it all mean, why am I here, things like that.

Q. Before they became involved in Satyananda they were invoiced in a christian --
A. They were Rosicrucians.

Q. For those of us who don't know what that is, can you explain that to us in very simple terms?
A. I don't know a lot about the organisation actually, but I believe that it pursues understanding about philosophical and spiritual matters from a more christian bent.

Q. You had no younger brothers and sisters?
A. No.
Q. You had an older brother?
A. Yes.

Q. Were there children in your family, I mean other children, cousins, other younger children around?
A. I didn't see my cousins very much because they came from cities, not Sydney, they came from Adelaide.

Q. Would you describe yourself as a serious young girl or a flippant young girl, or a fun loving young girl? How would you describe yourself?
A. I think probably fairly serious actually; I didn't participate in a lot of the things that my contemporaries were; didn't drink or party or smoke or any of those kinds of things and was probably fairly philosophically minded myself?

Q. Did you have many friends?
A. Yes, I did have good friends but I wasn't particularly interested in doing the things that they were doing when I was a teenager.

Q. And did you have hobbies?
A. Music, singing.

Q. I just want to take you to the time when you first became involved in the ashram to get some perspective from you about how that affected your life. When you commenced attending, in the period before you actually moved in, how did it affect you?
A. How did the ashram affect me?

Q. Yes?
A. I began to be really drawn into the philosophy and the teachings and I would say that it caused me to withdraw quite profoundly from my normal teenage life, and as I became more and more involved I think that my other life fell away more and more.

Q. Did you continue your relationship with your friends that you had prior to the ashram?
A. I didn't really associate with them outside of school at that time, only at school.

Q. What drew you to the philosophy or the culture of the philosophy?
A. When I was a kid I actually wanted to be a nun at one point. I think I was really attracted to the sense of community, the sense of a higher purpose, the sense of doing something really good for the world.

Q. Your involvement with the ashram, did it accelerate quite quickly or did you just go very, very slowly once a month or once every couple of months, how would you describe your involvement?
A. Initially it was attending classes in Manly and Bondi and then that progressed to weekend visits to the country ashram. Once I met Akhandananda it progressed very quickly.

Q. In that period of progression did you continue to or did you read books other than Satyananda type books?
A. No, I really didn't. I began to really almost crave any information or any literature that came from the organisation, that became my sole focus.

Q. You said that you met Akhandananda at Bondi. What was your first reaction to him?
A. I actually first remember seeing him at Mangrove Mountain. What was my first reaction?

Q. Yes?
A. I was aware of seeing him through the orchard and I was aware that he was very keenly focused on me, and I felt, I don't know, some sort of surprise that someone could focus that intently on me at that time; that was my first impression.

Q. Did you see him as a potential boyfriend?
A. Oh, no; no.

Q. Did you see him right from the start as a spiritual person?
A. Yes.

Q. You've given evidence, and I won't get you to go through that again, that he made you feel special, he told you that you were special in terms of the philosophy that you were leaning to, that you were a special person?
A. Yes.

Q. In that period had you ever heard the term grooming?
A. No.
Q. Did you know what it was?
A. No.

Q. Did you have anybody in your life who was able to say to you, "Look, Shishy, watch out, this could just be a scam, this could just be about sex?" Did anybody warn you?
A. No.

Q. Did you have any reason to think there was any ulterior motives here other than spiritual growth?
A. No, not at that time.

Q. What about your parents? Did they ever warn you to take care?
A. No. I remembered when I said that I wanted to move into the ashram, my mother questioning me quite specifically about my reasons, but she never warned me away from going.

Q. You became a Swami?
A. Yes.

Q. You would have appreciated that you were giving up quite a lot to be a Swami?
A. Yes.

Q. Did your parents ever discuss with you that you should consider other life paths?
A. No.

Q. Because, as I understand it, being a Swami does exclude home, husband, children, career?
A. Yes.

Q. So you're giving up all of that?
A. Yes.

Q. Nobody advised you to think very carefully about that?
A. No.

Q. I want to talk to you now about the period of time after you moved to Mangrove Mountain, so can we move forward in time. I take it that Mangrove Mountain is just by virtue of its location quite isolated?
A. Yes, it's actually quite isolated, particularly in those days, I don't know what the road's like now but it
was in the middle of a very long dirt road and no real
direct neighbours.

Q. After you moved in, how would you describe your
contact with non-Satyananda people?
A. That would have only been via visitors who came or
perhaps when I went shopping or something like.

Q. You said before that you became quite keen on reading
about Satyananda and Satyananda's teachings. Did Mangrove
Mountain put out a newsletter which I gather started in the
late 70s or early 80s?
A. Yes, It was a monthly yoga magazine.

Q. It was called "Yoga", and as I understand it, it was
produced both at Mangrove Mountain and in Bihar.
A. Yes.

Q. Did you have some role in compiling the information
for that magazine?
A. At times I was a proof reader.

Q. When these magazine came out, I think you said that
they were very popular; people really wanted to --
A. Yes; everyone really clamoured to read the next
edition.

Q. Could I show you this copy of a magazine.
Your Honour, the book's a bit frail because it's from 1982,
so I haven't made copies, but I will be asking for it to be
tendered. Can you identify that magazine as Yoga Magazine?
A. Yes, it's the July 1982 edition.

Q. Can you open up to page 1 and does it say that it's in
volume XX, No.7?
A. Yes.

Q. Would that accord with your memory that by July 1982
there had been approximately 27 previous?
A. Approximately, yes.

Q. I want to just take you to some parts of the
magazines, but how did you consider this magazine? I mean,
how did you value the information in it?
A. Each time a new magazine came out they were highly
prized and I recall people clamouring to read them, and
they were sent out to other people who had subscribed as
Q. And whose writings were included?
A. Mainly Swami Satyananda's, often Swami Akhandananda's and then other Swamis on particular subjects.

Q. I'm just going to ask you to read some of the texts that I've put a sticker on. Perhaps when I've finished that I will invite Counsel Assisting to tender the whole magazine and I would ask that Your Honour and Commissioner read the whole magazine to get the tenor and not just the parts that I'm reading out to get the effect of the matters in there. Can you go to page 3 and start reading the passage starting with, "Many expectations"?
A.

Many expectations bring doubt and confusion. Again we are led back into darkness and the vicious cycle continues. Therefore it is better if we leave our sat guru to guide our soul alone and not our body, intellect, family and friends. Then we make better progress and we don't have to go to the guru as a beggar, we don't have to beg him for anything, not money, knowledge blessings or grace. He comes himself and picks us up with his thousands of divine hands and he looks at us with divine eyes which we may not be able to feel but he does."

Q. What did it mean to you when you read it?
A. At that time it meant the sat guru, the guru was everything to me and that he would completely take care of my whole spiritual growth and he would think for me and that he had a divinity that I could utterly depend on.

Q. Can you start from page 4, starting with "Guru's grace" and read that for us?
A. From the top or from what's marked?

Q. I think from what's marked.
A.

That is the guru's only way of teaching. If he is bent on raising us, then this can be a very unpleasant stage in our life for he will use his strongest and best methods to prick and hurt us. At times we may
consider his graces something very painful
and unrewarding but in the long term it is
really far more beneficial than kind words
and soft treatment. Sometimes the guru
seems so horrible, so insulting and so
fierce like a lion, but we must remember
that it is only within the boundary of our
limited intellect that we understand his
actions."

Q. Does it go on to have a paragraph about, in
circumstances where the guru might actually be nice to
people?
A.
On the other hand if guru is reluctant or
does not care about us then he can be so
charming and sweet. His behaviour is
always favourable and pleasant, never
insulting. He takes care of our each and
every emotional need yet this is not a sign
of his acceptance. It actually indicates
that he does not feel any real
responsibility for such a disciple. When
he does not care why should he bother to
prick or insult us? Because the Guru's way
of awakening is like whipping but why
should not she do all this to an ordinary
disciple who is still like an animal?

Q. So, what did that say to you when you read it?
A. Basically it said to me that 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.

Q. And the abusive treatment you saw around you?
A. Yes.

Q. Did that attitude inform you later when you were
experiencing the violence and the abuse?
A. Yes, it did. I still - it took me a long time,
some years actually, to extricate my way of thinking out of
that, you know, maybe there is some higher point to all
this; maybe the pain is all for some higher purpose.

Q. Could I take you to page 17, this is the last one I'll
get you to read out, the magic key or the magical key.
A. Whatever is happening to me is the concern of the guru. It is not my concern. My concern is with my duty to him - that is all. For the disciple service of the guru becomes the sole nectar of life. Of course he eats, sleeps and works because these are the necessities of a healthy life, but he neither needs nor wants any more than that. His mind is actually always pre-occupied with the Guru, his nature, his form, his words and instructions, the sound of his voice, the nature of his work in mission. This is how an intelligent disciple lives and thinks and in this way his awareness quickly evolves."

Q. I'd invite Counsel Assisting to tender the newsletter.

DR DWYER: And I do tender that, Your Honour.


EXHIBIT #21-19 YOGA MAGAZINE - JULY 1982 EDITION

MS McGLINCHEY: Q. Do you tell the Commissioner that the sentiments expressed in that newsletter were fairly typical of the philosophy, did that explain what it was all about?
A. Yes.

Q. I just want to ask you some questions about your role as assistant to Akhandananda and how that evolved. In the early days I think you described yourself in your statement as handmaiden?
A. Yes.

Q. What were the types of tasks that were assigned to you by Akhandananda?
A. At the time?

Q. Yes?
A. I didn't have a lot of responsibility in those days; I would say that I was essentially somebody that served his personal needs, so I might cook or I might clean, you know, change the sheets on his bed or be available for sex.
Q. At Mangrove Mountain did your roles evolve so that you took on perhaps more complicated roles or roles involving trust?
A. I began to take on more administrative work, perhaps collecting and banking money, writing cheques, answering mail, that kind of thing; but even towards the end those things, a lot of those things were passed off to other departments too because it all became quite a big and complex job.

Q. Were the level of supervision, let me say, applied to you, did you have much discretion to say --
A. No.

Q. -- decide how money could be spent?
A. No. No, I never made any of those decisions.

Q. How a bill should be paid, even something like electricity, when there was electricity?
A. Every single piece of mail in went to Akhandananda, then it would come to me. Every single piece of mail or actionable mail, I might address it but it would all go to him first before it was actually sent out. He checked everything.

Q. On Friday you were asked some questions and you've said that you could drive a car?
A. Yes.

Q. In what circumstances could you drive a car?
A. Perhaps to go and do shopping or to drive him somewhere. It wasn't a situation where I could just say "I feel like going for a drive" because at that time all of the keys to all of the different parts of the ashram, including vehicles, were kept in a wooden cupboard on the wall and he kept the key to that cupboard.

Q. Akhandananda didn't actually do any physical work himself, did he?
A. No, not really.

Q. What did he do through the day?
A. He would often walk around and check other people's work or have discussions with different departments about what was to be done.

Q. Would he give you directions on what he wanted you to
Q. Would they include passing messages on or --
A. Yes.

Q. -- perhaps passing on his approval or disapproval to other people?
A. I wouldn't say his approval or disapproval so much; I would say more just directives about what was to happen.

Q. He asked you to bring people to him or let them know that he wanted to see them?
A. Yes.

Q. In what circumstances would he want to see people?
A. All manner of circumstances. If he wanted to see someone about work or to send them to another centre, or what would have to be done for the day; a range of circumstances.

Q. Would it be fair to say that you got to deliver some bad news that people didn't want to hear?
A. Yes.

Q. Such as transfers --
A. Yes.

Q. -- that needed to be effected in the next 30 minutes?
A. Yes.

Q. What other sort of decisions?
A. Change of living situation, change of work, transfers to other centres, things like that.

Q. Was part of your role signing legal documents or signing papers?
A. Signing, at times, yes.

Q. You became a JP at some stage?
A. Yes, that was - two of us were asked to be JPs because there was often a lot of documentation to witness and sign and, rather than having to take the documentation into Gosford for instance, it was all done within the ashram itself.

Q. In what circumstances would you come to sign your name...
to a document?
A. It would be something that he would decide needed to happen and some signatures would need to be witnessed and so I would witness the signatures.

Q. There are some documents in the papers that are guardianship documents or documents that relate to children?
A. Yes.

Q. That you have signed?
A. Yes.

Q. Do you recall ever seeking any legal advice on those documents?
A. No. I did what I was told to do in regard to those documents.

Q. Was it ever your intention to take on legal responsibility for the children in the ashram?
A. No.

Q. Were you ever consulted on that?
A. No.

Q. Did you ever have any conversations with the parents about that?
A. Not any conversations about, you know, that this is going to happen.

Q. As far as you understand it, why were guardianship papers executed?
A. Akhandananda really wanted to make sure that the ashram got the child endowment money and the child endowment money couldn't be received by the ashram if there wasn't some sort of paperwork to say that they were living there separate to their parents.

Q. Children seemed to come to the ashram in greater numbers over the years?
A. Yes.

Q. Were you ever consulted on the decision about whether that was appropriate?
A. No.

Q. Were you ever consulted on individual children's
comings or goings?
A. No.

Q. Who made those decisions?
A. Akhandananda.

Q. In consultation, do you think, with the parents?
A. Well, I know of a few occasions where it was in consultation with their parents, but I wasn't privy to every conversation.

Q. I just want to take you to a letter which is in the documents, it probably doesn't need to be brought up, but it's a letter from Satyananda dated 3/6/88 to Akhandananda and it refers to administrative decisions being handled by a local council or a local committee?
A. Committee.

Q. Were you ever aware of a local committee that handled decisions?
A. No.

Q. So if there was a committee, you didn't know about it?
A. Anything like directorship was a matter of - how to describe it - it was a formality to fulfil requirements of a charitable institution or that type of thing, so different people - and there are a variety of people who have said that they were asked to be director in name et cetera of the ashram, but there were never any meetings or anything like that.

Q. You never attended any meetings?
A. No, I never attended any meetings.

Q. Were you ever consulted, even in an informal sense, on any important matter to do with the ashram's management?
A. No.

Q. Your relationship, for want of a better word, with Akhandananda has been described in the evidence and in the documents variously as, some people saw you as his wife, you have been referred to as his partner and a person in a relationship. Did you ever consider that you were Akhandananda's partner?
A. No. I was his student.

Q. Did you ever feel that there was any equality between
you?
A. Absolutely not.

Q. You were asked by Counsel Assisting on Friday if, initially at least, the sexual intercourse between you was consensual and you said that it was. Can you expand on what you meant when you said that it was consensual?
A. Well, he wasn't holding me down or forcing me at that time, but I felt, even though I was kind of enamoured with him, I felt under quite a lot of pressure to comply.

Q. Was it something that you did initiate or would ever have initiated?
A. No, I never would have thought that he would be having sex, I was actually quite shocked, I thought he would be a celibate Monk-like person.

Q. I want to talk to you about violence, you've given some evidence about that already?
A. Yes.

Q. You said on Friday that it started virtually straight away. What did that involve initially, the violence to you?
A. At first it would be slaps and things, you know, if I hadn't cooked something correctly or if I'd used too much oil. He was quite particular about his own personal things, so at that time it was at that level.

Q. When was the Kundalini stick introduced to you?
A. Probably in about a year after I was there.

Q. And how frequently did you experience that?
A. Not a huge amount in the beginning, but it did escalate towards the last, possibly four or five years that I was there.

Q. Was it predictable what you would be hit for?
A. No, it really wasn't. I felt a lot of the time, particularly towards the end, that I was on considerable tenterhooks; I felt that he became a lot more unpredictable as I lived there longer and lived with him longer.

Q. Did the violence become more extreme over time?
A. Yes.

Q. You have alluded to a knife incident in your
statement; can you give the Commission some details about how a knife was used on you?

A. I think that in the last two or three years of my time there I was becoming probably less immediately compliant, I had resistances. I remember a conversation that I overheard between Akhandananda and Satyananda on one of Satyananda's visits and they always forgot that I understood Hindi well in those days; they were just talking over lunch, you know, like it was just a casual conversation. I came up as a topic and the conversation was about, that I was becoming a little bit more difficult and Satyananda said, "Well, you know, you'll have to apply more pressure". It wasn't long after that, that he had a really sharp pocket knife that he liked and when we'd be talking about something and I was a bit resistant or not immediately compliant, he would just bring it out and he would hold it up against certain places on my body and say things like, "Oh, look what I can do with this", and then he would poke it in a little bit. That progressed to prodding around various moles that I had on my body. There were a few times where he actually cut the moles out. I remember the one on my neck so that, when it was covered, I could honestly say I've had a mole removed. Two of those were really quite deep and - oh, this is really difficult, I'm sorry.

I asked him if I could get them stitched up because I was young and pretty then, you know, and I was concerned about scars. Of all the things to be concerned about I was concerned about scars, and he wouldn't allow me to get medical attention, so I actually sewed those two up myself with thin fishing wire.

Q. Can I show you two photographs. I've handed you two photographs stapled together. Do you confirm that you've provided those photographs to me?

A. [Nods].

Q. When did you have those photographs taken?

A. Over the weekend.

Q. Can you just describe the first photograph, the one where the light is shown?

A. That one's on the inside of my right breast and that was one of the ones that I stitched up myself.

Q. What about the second photograph?
A. The second one's on the front of my right shoulder
and, yes, that's the other one that I stitched up myself.

Q. How old would these scars be?
A. Maybe 20 years old. Oh no, actually, probably
30 years old.

Q. How did you feel when Akhandananda was using the knife
on you like that?
A. I think that - it's hard for me to even answer that
question because I think - well, terrified, but also really
trying to not feel too much at all because, if I felt - I
think if I had allowed myself to really feel the full
horror of it I don't know that I would have actually been
able to, I don't know - I think I would have just lost it
completely.

Q. You have also alluded to an incident with a gun in
your statement?
A. Yes, I have.

Q. Would you tell the Commissioner about that incident?

MR O'BRIEN: Your Honour, can I object at this stage?
Isn't this in the statement?

THE PRESIDING MEMBER: It is in the statement.

MR O'BRIEN: Is it necessary to go through each of these
instances one matter at a time in order to assist this
Commission? I don't think it assists, it can't possibly
assist Your Honour in relation to the institution's
response to child abuse at this man's hand.

MS McGLINCHEY: When I had spoken to Counsel Assisting
about whether evidence should, for any of the previous
clients, be restricted, I was told that this is an
opportunity for victims to tell their story. This isn't
just for us here. Shishy has received the most shocking
trial in the media and I think that the media should have
the opportunity to report her story as well.

THE PRESIDING MEMBER: The issue is about the Royal
Commission and maintain your focus on that please,
Ms McGlinchey. If you can just respond to that part of the
objection, which is that this incident that I think you're
about to take Shishy to is in her statement.
Commissioner Milroy and I have had the opportunity to read it. The statement, as I understand it, obviously has already been tendered.

MS McGlinchey: I'll just say two things about that, Your Honour. I know this is about the Royal Commission and I know that the Royal Commission will be looking at my client's behaviour in relation to what she did, and what I'm trying to do is to put it in the context of how she was indoctrinated and treated herself.

THE PRESIDING MEMBER: That's clear that that's exactly what your questions are directed to, Ms McGlinchey, and you're not being stopped, certainly by the Commission, to allow you to do that.

MS McGlinchey: I just think that, when a person tells the story of how something like that happened to them, they can tell the story in so many more ways than just putting it in a piece of paper. People can say how they felt, people can say their reaction, people can paint the picture of what was happening to them.

THE PRESIDING MEMBER: If that's where you're going with it, you want to ask some more questions about that; is that what you're saying?

MS McGlinchey: Yes.

THE PRESIDING MEMBER: Do you want to say anything about that, Dr Dwyer?

DR DWYER: No, Your Honour.

THE PRESIDING MEMBER: Thank you.

MS McGlinchey: Q. Shishy, the details of the, let's call it the gun incident in your statement, in brief you were sexually assaulted with a shotgun; yes?
A. Yes.

Q. Can you tell the Commission, during that act how were you feeling?
A. I felt like, if I moved or did anything other than receive it, that - I actually wasn't 100 per cent sure that he wouldn't fully pull the trigger, to be honest.
Q. Were you terrified? Did you feel that you had the
power to object to that happening to you?
A. No, I didn't.

Q. There was also an incident where - just back to the
begun incident, did that just happen once or on other
occasions?
A. I remember about four times.

Q. Approximately when did that happen?
A. Around the 1984 mark.

Q. So, late in your time at the ashram?
A. Later in my time, yes.

Q. Is that the same with the knife incidents?
A. Yes, they were later in my time.

Q. Without perhaps going into too much detail, there was
also times when your vagina was cut with scissors?
A. I was sort of sliced at with a pair of nail scissors,
yes.

Q. Did that happen on a number of occasions?
A. It happened three times.

Q. Did you receive any medical assistance?
A. It wasn't ever as severe to receive medical attention.

Q. There were also threats to kill you; is that correct?
A. Yes.

Q. How often did that happen?
A. I would say that that started quite early on, because
it was often said in a kind of like a jest, "If you leave,
you know, I'll come and find you and kill you", like,
"Ha-ha". Then later on I actually felt that it had more
energy behind it.

Q. Did you believe that he was capable of ever doing that
or organising it?
A. At that time I think I thought he was capable of
pretty much anything.

Q. When you say "that time", is this also towards the end
of your time?
A. Towards the end.
Q. I'm going to ask you some questions about some other acts which I don't think were in your statement that have just arisen in our conversations which I will call humiliating acts. Can you tell the court what amaroli is?
A. Amaroli is the practice of drinking urine for urine therapy.

Q. Was that practice applied between Akhandananda and yourself?
A. Yes, it was.

Q. How did that happen?
A. One of the aspects of amaroli is for contraception and fertility, and for people that had fertility issues, they were encouraged to drink each other's urine - sorry, their own urine; for contraceptive issues, was encouraged to drink your partner's urine.

Q. This was a practice which was presented to you by Akhandananda?
A. Akhandananda and Satyananda, I was required to drink the urine straight from their penis in order to be immune from falling pregnant to either of them.

Q. With Akhandananda in your relationship, did that start - when did that practice start and how frequent was it?
A. Well, it started in my 20s, because he wanted me to go on the pill, but actually I was diagnosed with a heart murmur at that time so I was not a good candidate and IUDs didn't work for me very well for me either because I had a lot of breakthrough bleeding and heavy periods, so he reverted to more traditional methods.

Q. Traditional?
A. Yoga methods.

MS McGLINCHEY: Your Honour, just because this is such a foreign practice to me, I did do a little bit of research and uncovered on the Yoga magazine archives 1981 an article written apparently by Satyananda himself on this very practice. Could I hand up a document? It's just by way of --

THE PRESIDING MEMBER: Have you seen that document?
DR DWYER: No, Your Honour. I don't think there's anything the witness needs to take us into, but I will refer to paragraph 7 actually, if she could see the document.

DR DWYER: Your Honour, it seems appropriate to tender that if Ms McGlinchey's going to refer to it in evidence.

MS McGLINCHLEY: Can you just read that very short paragraph 7, female yogis?

A.

Female yogis also practised amaroli because long term use influences the levels of prostaglandin hormone in the reproductive system. These hormones destroy the ova before they have matured."

Q. When we're talking about long term use, what did that mean in terms of your contraceptive practices?
A. With Satyananda it would start as soon as he arrived in Australia, I would be required to drink his urine so that he could have safe sex with me, and with Akhandananda, it was regular.

Q. As it turned out, it wasn't very effective as a contraceptive method?
A. Not for me, no, it wasn't.

Q. You became pregnant twice?
A. Yes, I did.

Q. And on both occasions you were coerced into having abortions?
A. Yes, I was.

Q. Can you tell the Commission about the first occasion?
A. The first occasion was a - how to describe it - incognito trip to a Surry Hills clinic. The second one was, I was only five weeks at the time and I had had sex with Akhandananda and Satyananda, and so it was unknown whose sperm it was and Akhandananda told me that the decree had come from India that I was to get rid of the baby as quickly as possible. At that stage, as I remember it, terminations were only done from six weeks onwards and there was some sort of intensity about me having it done as soon as possible.
Akhandananda gave me a mixture of different herbs and things that he had known of in his village in India, and then he insisted that I sit in a really hot bath with turmeric in it. I drank the potion and eventually I did start bleeding but I came quite unwell for a few days.

Q. Did you receive any medical assistance?
A. No. He went to the doctor and asked for antibiotics for me, saying that I had a chest infection; that's how I got the antibiotics.

Q. Because there was a concern you might get an infection from the --
A. Yes.

Q. -- abortion. I'm just moving to a completely different topic, the role of children in the ashram. How old were you when the children started to arrive at the ashram?
A. I'm not really clear, but I am guessing about 18 or 19.

Q. How did you come to have a role with the children?
A. It just evolved really; I just really liked them and it wasn't ever said "you are responsible for the children", it evolved because I interacted with them.

Q. Just to be clear, you had no teacher training?
A. No.

Q. You had no childcare experience?
A. No.

Q. You had no experience with children?
A. No.

Q. But you quite liked them?
A. Yeah, I did.

Q. Was your role made up of giving to them for the older children their school work, their correspondence school work?
A. Eventually that's true. Initially there wasn't any children there, there weren't any children there who were doing high schooling, but eventually, yes, that was how it was.
Q. You provided activities for the children?
A. Yes, we did lots of things.

Q. Is that because you enjoy doing those things with the children?
A. Yeah, it actually was, and also because somehow I felt that - I felt that it was harsh to expect that children wouldn't have any enjoyment or any fun really.

Q. You of course didn't have any children of your own?
A. No, I didn't. For the most part I was probably about 10 or 12 years older than the children that I had the most to do with.

Q. Regardless of your contribution to their activities, they slept separately to you?
A. Yes.

Q. And they ate communally like everybody else?
A. Yes. I did too, I ate communally as well.

Q. The numbers grew; what's your estimate to the highest number that were there?
A. I recall probably being around 12 to 15 maybe at the maximum, but I'm not really clear about that.

Q. Other witnesses have said more I think; some other witnesses said up to about 20?
A. I don't recall it being that many living there but I could be incorrect about that.

Q. Was it a dangerous environment for the children?
A. Dangerous?

Q. Well, there was a river?
A. Yes.

Q. There were roads?
A. Yes. There was a river and a dirt road.

Q. Were the children basically allowed to just run free?
A. Most of the time, yes.

Q. I think you've said in your earlier evidence that you've described a feeling of responsibility to keep things under control?
A. Towards the end I really did feel that quite strongly,
particularly as people became older teenagers and things like that. There were many times with the river and just the way that the set-up was, that I really felt like I was chasing my tail. I felt like there could be a disaster at any moment.

Q. And there was a near disaster with a little boy?
A. Yeah, there was.

Q. Can you tell the Commission about that?

MR O'BRIEN: Can I object to this? Your Honour, my friend, Ms McGlinchey, was pretty strident in opposing additional material being put before the Commission in relation to my clients, wherein we'd put it in writing. We'd put it in writing, we'd served it. It might have been served late, but at least it was received, and so the witnesses could be questioned about it.

This is new additional evidence, without it being served, in the absence of any existence or relationship to the statement before the Commission, and so, it's a carte blanche exercise in adducing further evidence, really in contravention of her own objection during my clients' giving evidence in these proceedings.

MS McGLINCHEY: Your Honour, an objection which I did make which was overruled in favour of Mr O'Brien being able to have some latitude in introducing new matters, and I think that that was a topic of conversation at the time.

Look, these are not matters that have anything to do with his clients, these are matters that were circumstances which I will hope to be able to say in submissions informed and led to and perhaps created an environment where my client slapped children. That's the purpose of it. How she was feeling at the time, the environment, her feelings of responsibility and how that played out. They're matters which other witnesses have been able to give evidence about.

THE PRESIDING MEMBER: Do you want to say anything about this, Dr Dwyer?

DR DWYER: Your Honour, it did appear to me to be getting too tenuous. I can understand what Ms McGlinchey is saying now. But it's not obvious to me that that is directly
related to the institutional response or indeed that that would be any justification for slapping the children in the way that is alleged by the children.

MS McGLINCHEY: It certainly wouldn't justify beating or bashing heads against walls if that is in fact what happened.

THE PRESIDING MEMBER: I understand what you want to do, you're trying to put in context the evidence that's gone before. I'll allow you to proceed.

MS McGLINCHEY: Thank you, Your Honour, I will be brief.

Q. Did a little boy nearly drown in the river?
A. Yes. [APO], when he was moved from sleeping basically under my supervision into sleeping away from where I slept, I used to - he used to wander quite freely and I used to go and find him every day and sit down and have a little chat with him about what his mum and dad might be doing because he missed them terribly.

One day I couldn't find him and I began to panic quite seriously and I went down to the river and I found a little pile of clothes and I saw him, it was a tidal river and the tide was going out, and I saw him actually floating downstream, just with little arms and a little white head, and of course I leapt in and pulled him out.

I remember talking to Akhandananda about it and saying, you know, like, "This is just beyond me, I can't possibly keep track of all these children". He gave me quite a physical hard time for that, but after that there was some parameters put in place that meant that children weren't allowed to go swimming without an adult present.

Q. Who was responsible for enforcing those parameters?
A. I think it was basically, it would have been left to me and to the receptionist, [APT], and other parents that were still at the ashram.

Q. Just to be clear, you have conceded that you did slap children?
A. Yes.

Q. Do you deny that you ever slapped a child hard enough
to affect their sight or hearing?
A. Yes, I do.

Q. You do deny?
A. Yes, I do deny that.

Q. There has been various evidence about an incident where a girl or several girls' heads were hit against the wall; do you deny that incident took place?
A. Yes, I do.

Q. Do you deny that you abused a little boy, [APO], in the way that the evidence has come --
A. Yes, I do.

Q. Have you ever used an implement or a stick or anything else on a child?
A. No.

Q. Clearly, one matter which may be relevant to the Royal Commission is the lack of protection for children in this circumstance.
A. Yes.

Q. Did you ever do anything to deny a parent access to their child?
A. I don't think so, but I can't be 100 per cent certain on that. I don't recall ever doing anything like that.

Q. We've heard some evidence from some of the witnesses that you - that their parents did write to them but you stopped them getting the letters?
A. I wouldn't have done that because I wouldn't have received the letters first.

Q. Who would have received those?
A. Akhandananda.

Q. You have given evidence in this Royal Commission and in your statement and in a court of law that you did witness two girls having sex with Akhandananda?
A. Yes.

Q. And you didn't intervene?
A. No.

Q. And that's a matter that there has been quite a deal
of criticism --
A. Yes.

Q. -- for you. Do you remember considering at the time
whether you should intervene?
A. Honestly, at the time I really didn't consider
intervening, because it was exactly what had happened to
me. I believed the party line that it was all for our
enlightenment in our highest good. I wouldn't have
interceded on that.

Q. In witnessing those two incidents, was there anything
in the incident itself which indicated that the matters
were non-consensual?

MR O'BRIEN: I object to that.

MS McGLINCHEY: I did want to define that, I did want
to --

MR O'BRIEN: I object to that. This is abuse of children
which needs now to have a third party, a witness to the
abuse, now to give some sort of historical account as to
whether there was consent or not on those children's
behalf. It is offensive to those witnesses who have given
evidence to have that sort of evidence adduced from this
witness.

MR KERNAGHAN: Your Honour, can I be heard on that point,
in relation to a matter that will need to be considered by
the Commission at some course during this morning.

The question that my friend has asked is relevant to a
course of conduct engaged in by the solicitor for the
complainants. I can't take it any further than that at
this point, but that sort of a question has become relevant
because of events that have transpired at the end of last
week. I can't say anything at this point further than
that, but Counsel Assisting is aware of some issues that
require some thought as to how to proceed.

DR DWYER: Well, I'm not aware, there may be others at the
Bar table that may be aware.

MR KERNAGHAN: The other two counsel.

THE PRESIDING MEMBER: Far too mysterious for me at the
moment, Mr Kernaghan.

MR O'BRIEN: And it's utter rubbish.

MR KERNAGHAN: I object to that comment.

THE PRESIDING MEMBER: Let me stick with the objection, Mr Kernaghan, unless it's on point with this objection.

The objection is to the use of the word "consent", as I understand it, in the question

MR KERNAGHAN: Yes - well, perhaps it's a matter where --

THE PRESIDING MEMBER: I'm not quite sure. Perhaps, if you just take a seat at the moment, Mr Kernaghan.

MR KERNAGHAN: Yes, Your Honour.

THE PRESIDING MEMBER: I'm not quite sure where this is going, Ms McGlinchey. Given the evidence that's gone before it, given the state of the law, I do question the use of the word and I'm not sure where it's going in any event.

MS McGLINCHNEY: That's interesting, Your Honour, because Counsel Assisting used that word in talking to my client about a sexual assault on her when she was the same age, so it's interesting about the use of that word.

Now, I have gone back to that word with this witness and got her to explain that when she said it was consensual, that was in a situation of very little power. What she meant was, she wasn't physically held down and, in the common parlance, raped, alright.

My questions to this witness are not designed to say that there was any justification at all for what was happening to those two girls. What my questions are what her perception was at the time and I have tried to lay the groundwork about how much power she thought she had in a situation. It's only about what she thought was happening at the time.

THE PRESIDING MEMBER: You've put that question.

MS McGLINCHNEY: Now, I was about to ask the question
across, in any circumstance to be wrong, but this is what
at the time she thought, that's all, Your Honour. There's
no attempt at all to say, you know, it was all okay.

THE PRESIDING MEMBER: Sorry, I'm not sure that I'm
understanding where it's going though. Are you going to
ask your client to give an assessment as to whether or not,
in her assessment, these young girls were consenting?

MS McGlinchey: No, I'm going to ask if, at the time when
she witnessed that sex, there was anything that made her
think at the time that the girls weren't consenting. It's
a very delicate question, Your Honour, I do understand the
sensitivities.

THE PRESIDING MEMBER: It doesn't advance any issue before
the Commission that I can see, Ms McGlinchey. Your
client's given evidence, she was asked by you about her
rationale for not intervening and she's given evidence
about that, that she didn't consider intervening because -
really, there's two parts, as I understand the evidence.
She didn't consider intervening, (a) because it happened to
her in the context in which she's given that evidence, and
(b) I think in your client's own words, "I was following
the party line that I believed that what the guru did was
for the good of the disciples.

To go any further than that, I don't see how that
assists the Commission's tasks.

MS McGlinchey: Assists these proceedings. Alright, I
respect your ruling, Commissioner, and will move on.

THE PRESIDING MEMBER: Thank you.

MS McGlinchey: Q. It's the case, isn't it, that you
summoned many people to Akhandananda?
A. Yes.

Q. A little bit earlier in the evidence we've talked
about the various matters that Akhandananda would want to
see people.
A. Yes.

Q. Did you ever knowingly summons girls to attend on
Akhandananda for the purpose of sex?
A. No.
Q. Other than the two girls that you gave evidence about your knowledge at the District Court and also here --
A. Yes.

Q. -- did you know, before you left the ashram, that other girls had been sexually abused by Akhandananda?
A. No, I didn't know.

Q. You left in about 1985?
A. Yes.

Q. You've given some evidence about why you left. The word "choice" was bandied about a bit. Can you tell me how you were feeling in the period that you left the ashram; did you feel you'd made a choice or was something else operating on your mind?
A. The way that I understand choice is that, you know, there's some sort of, I guess, rational weighing up of options. I never felt that I was rationally weighing up options at that time in my life. I felt that I was reacting away from a situation that had become excruciating and untenable for me, and that it was more of an emotional reaction away from that.

Q. When you left, in at least one of your letters you left your contact details for the young people?
A. Yes.

Q. And you invited them to contact you at any time?
A. Yes.

Q. Most of the witnesses that have given evidence in these proceedings have contacted you?
A. In the years directly following leaving the ashram I had quite a lot of contact with some of them.

Q. And occasional contact with some others?
A. Yes.

Q. I want to ask you a general question: In those contacts, and we will go to them individually, have you encountered anything like the anger that's been expressed to you here in these proceedings?
A. No. In fact, when Mr Giugni told me that some serious accusations have been made, I was actually genuinely surprised; I really didn't know what was coming for me.
Q. That's Mr Giugni, the solicitor here?
A. Yes.

Q. When you were contacted about your involvement in these proceedings?
A. Yes.

Q. I just want to touch on each of the people that have given evidence and your contact with them. I'll deal first with [APK]. She says that you exposed her?
A. Yes, she does.

Q. Her genitals. Did that happen?
A. No.

Q. How did you get along with her at the ashram?
A. I would say that we got on well. I remember her as a highly creative, feisty, wild streak of a girl.

Q. She left after you?
A. Yes.

Q. Later she lived on the Gold Coast and you became in contact with her; how did that happen?
A. She contacted me and I spent a lot of time helping her set up her flat, and she spent a lot of time at my place. I bought her a bike to get around in, helped her out quite a lot, just basically in life processes, setting up flats and finding work and things like that.

Q. What was the period of that involvement?
A. Possibly 1986 for some years and then she moved - I'm not sure, maybe it was Tasmania when she was 23 or 24 and she became pregnant and she wanted to have a home birth, that was her sincere wish, and I paid for half of the midwife's fees because she didn't have enough money, and then the baby was born and I had quite a bit of contact with her around that time. And she came to visit me and stayed for a while with the baby when the baby was about six months old.

Q. How long do you think she might have stayed with you in that period?
A. Not 100 per cent certain, but my memory is around a couple of weeks.
Q. Is your recollection that [APK] got in touch with you again around about the time of your mother's death?
A. Yes, in 2009 she phoned me up and she had heard that my mother had died and my mother was fairly close to some of the children in the ashram too and she just expressed that that must be really hard for me. I didn't get the call, but I tried to call back but then I emailed her.

Q. Was there an exchange of emails between the two?
A. Yes.

Q. Can I show you this email chain. Is this an email chain between yourself and [APK]?
A. Yes, it is.

Q. As these things go, you start at the back. Is this an email from you --
A. Yes.

Q. -- to her on 26 February 2010?

DR DWYER: Can I just interrupt my friend and say I haven't received this email before now, as far as I'm aware, someone will correct me if I'm wrong, and so my learned friends at the Bar table have not had an opportunity to read this email. To that end I doubt Mr O'Brien has had an opportunity to speak with his client about it.

MS McGLINCHEY: Commissioner, I admit that's the case. My client initially thought that she didn't have any correspondence, she's been digging around and finding quite a lot, it was a long time ago and she's had to really go back over her records and her emails, so it's come to me in little bits and pieces. I do apologise, I'm not seeking any advantage by the late service, there's a lot of letters to get through and I'm not really sure how we can overcome that.

DR DWYER: I accept that. Can I just ask that at the least Mr O'Brien get a copy of that so that he can follow it now, because it's not on Ringtail and it can't be put on the screen.

MR O'BRIEN: I might ask through you, Your Honour, if there might be any other documents that might be in this category.
MS McGLINCHEY: There's a lot.

MR O'BRIEN: Oh, there's a lot?

MS McGLINCHEY: Yes.

MR O'BRIEN: Well, that puts us at some disadvantage I would have thought.

MS McGLINCHEY: If the Commissioners would like to have a five-minute break I can provide to Mr O'Brien the copies that I will be putting to this witness?

THE PRESIDING MEMBER: Perhaps we'll take the mid-morning break now, Ms McGlinchey, and you can discuss the material that you have please with Dr Dwyer and we'll deal with it that way. Thank you.

SHORT ADJOURNMENT

MS McGLINCHEY: Your Honour, I've provided copies of the documents to both Mr O'Brien and to Counsel Assisting, and I also left a copy on the chair for the court officer to give to you.

I've had a conversation with Dr Dwyer and we've agreed that probably the most economical way of getting the documents before you is to just tender them as a bundle. I will ask Shishy particular questions about the circumstances of how she may have wrote the letters or received them. Would that be acceptable?

THE PRESIDING MEMBER: Yes.

DR DWYER: I propose to tender those as a bundle then, Your Honour.

THE PRESIDING MEMBER: I don't think I announced the previous tender which was the notes of the practice on amaroli, which is 21-20.

EXHIBIT #21-20 NOTES OF THE PRACTICE ON AMAROLI

THE PRESIDING MEMBER: This bundle of emails and letters --
DR DWYER: Emails and pictures attached to letters for example.


EXHIBIT #21-21 BUNDLE OF EMAILS, LETTERS AND PICTURES ATTACHED TO LETTERS

DR DWYER: Could I just enquire whether there are any additional copies for the Commissioners to have access to? Sorry, I'm told they're being obtained now.

MS McGLINCHEY: Q. Shishy, you've heard what I've said to the Commissioner.

A. Yes.

Q. We're just going to go to the documents and say - perhaps put them in the context of how they came to you or how they came to be written.

A. Yes.

Q. Before the break we were talking about communication with [APK]. There was an email exchange and she sent an email to you on 27 February. Do you have that in front of you?

A. Yes, I do.

Q. Can you read the third paragraph that starts with:

A. Thank you for your apology ...

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 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."
Q. It does go on to talk about the difficulties that her sister had.
A. Yes.

Q. And those matters are before the Commission as well.
A. Yes.

Q. Going back to some correspondence with other young people: [APL], have you got the student in front of you?
A. No, I don't, but I know the letter that you're talking about.

Q. When you were both in the ashram, did she write you a letter in 1984?
A. Approximately, yes.

Q. Do you have a copy in front of you?
A. I don't, but I do recall the letter.

Q. Can you tell me the circumstances of receiving the letter?
A. I was on tour with Swami Akhandananda and Swami Satyananda for programs. The children were a bit unhappy about me going so I said I'd write them letters and so I wrote regularly while travelling. The letter that you are referring to is the one that [APL] sent me just giving quite a lot of detail about the different fun things that they'd been doing and talking about the horse that was difficult, and he was difficult, and a warm chatty letter.

Q. Do you agree that the letter describes children or young people playing on bikes, being a bit mischievous, swimming in the river and in the pond and doing generally quite playful, happy things?
A. Yes, I would.

Q. Did that surprise you when you got that letter, that?
A. Did it surprise me?

Q. Reading that letter, does that describe the --
A. Oh, describe.

Q. -- your recollection of life for the kids at the ashram?
A. For the most part, yes, it does.
Q. There was also hard work?
A. There was hard work. I don't think as a group children were expected particularly to do such hard work. As they became more adult I think more was expected of them, but as children they basically had pretty free reign.

Q. You had contact with [APL] after you left?
A. Yes, I did.

Q. And she came to visit you at some stage --
A. Yes, she did.

Q. -- before you went to India, can you tell the Commission about that?
A. Not very long after I left she came to visit me. The conversation went something in terms of, I said to her, "How long do you want to stay?" She said, "Forever if you'll have me". I said, "If you want to do that, you'd better go back and basically sort out things, because you can't stay here without any preparation for that", and she went but I never saw her.

Q. Just briefly about Tim. Do you recall any particular problems that you had with Tim when he was in the ashram?
A. He was quite a feisty sort of strong-spirited, you know, verging on rebellious young man, but I didn't find that particularly offensive, I just saw that as his strong will really.

Q. Can you tell the Commission the contact you've had with him after the --
A. Following leaving the ashram, I actually had quite a bit to do with him. He came to my house numbers of times. When he ended up having baby, he was really pleased about that and I met the baby in the street one day; things like that.

Q. Have you ever before these proceedings heard any suggestion that you were sexually inappropriate with him?
A. No, I haven't.

Q. And were you sexually inappropriate with him?
A. No, I wasn't.

Q. [AAP], this is the child that the allegation of the head hitting and backing on the wall --
A. [APA]?
Q. I'm sorry, yes. You deny that incident took place?
A. The reason why I know that would never have happened
is because of her father and the agreement that we had when
[APA] and I had the incident that I explained on Friday. I
would have been way too intimidated by her father to ever
have done such a thing, and she would have gone straight to
him and told him. He only lived up the road.

Q. We see from some of the letters that the children went
up and back from his place?
A. Yes, they did, quite - well, I wouldn't say regularly,
but it did happen.

Q. And again, the first time that you have heard that
allegation, of hitting someone in these proceedings?
A. Yes.

Q. Never heard of it --
A. Never heard of it before.

Q. And you've had some correspondence with [APA]?
A. Not correspondence, but when I was asked to give
evidence at the conspiracy to murder preliminary hearing
when Akhandananda had wanted to kill me and other people,
her father was really helpful to me; he was very kind and
he transported me to and from my accommodation in his squad
car. At one point during that time he took me out to see
[APA] and she had horses and we had quite a big discussion
about collecting the horse onto the bit and various
technical things about horse riding that she'd come to
learn since leaving the ashram and it was a really
enjoyable meeting actually.

Q. [APH], you had some dealings with her after?
A. Yes. Well, she was the one that contacted me in
the months following me leaving the ashram which inspired
me to go back and see how things were. She wrote to me and
she said that she wanted information about contraception.
I don't actually have that letter, but I do remember the
gist of it. She was interested in a boy that lived over
the river from the ashram and she wanted information about
contraception. I was a little bit more horrified that she
wasn't talking to her mum about it. But anyway, I did
write back and give her some information.

And I just - I don't know, I just didn't feel right,
so it was actually that that was one of the things that prompted me to - and also, just that I had had distance from it and gotten my own mind back to some extent. Then she was one of the children that I met up the road at night and I asked them, you know, how things were and they told me that it was going on. She was the one that I contacted when I got back from India after I confronted Satyananda and I said to her really clearly, "Please start telling your parents and I'll support you 100 per cent". She said, "I will", but that's the last communication that I had with her.

Q. You've already given some evidence about the letters that you wrote in 2010.
A. Yes.

Q. What brought that letter writing exercise on?
A. What brought me to that?

Q. Yes.
A. I was involved in a pretty ghastly scenario in the Family Court and it just prompted me to think back to the ashram days again, and I just realised how completely and utterly ill-equipped I was, and then as a mother myself, and in the Family Court it brought up the whole situation for me, just how ill-equipped I was at 10 or 12 years older than they were to really deal with all the issues.

I had this really strong urge to contact whomever I could at that time and just express my regret and my sorrow for it happening at all. I didn't really know exactly specifically what I was apologising for, more that I tried to be a good disciple, that it ever happened at all, that I didn't have the wherewithal and the knowledge and the understanding to march them all out of those gates sooner, you know, really. That was the context.

Q. I think I neglected to ask you about [APR]. What do you recall about her, your contact with her in the ashram?
A. I really didn't have a whole lot to do with her, she was quite a bit younger, her mother was still there and, besides her being involved perhaps in the evenings in stories or different things like that, I really didn't have very much to do with her day-to-day situation.

Q. Did you ever deny her medical treatment?
A. No. In fact, I did observe in her mother's statement
that her mother has a completely different recollection of
that situation.

Q. There is quite a lot of evidence before in the
documents about the criminal trials. I just want to ask
you very briefly, you were approached to make a statement
in those trials?
A. Yes, I was.

Q. Did you willingly make the statement?
A. Beg your pardon?

Q. Did at any stage you refuse to make a statement?
A. No, I didn't.

Q. You made a statement with the police?
A. Yes.

Q. You made yourself available to give evidence?
A. Yes, I did.

Q. You were quite rigorously cross-examined?
A. Very.

Q. So it was an extremely unpleasant experience?
A. Extremely.

Q. Were you aware when you made the statement that you
did not need to do that?
A. I don't understand the question.

Q. When you were approached by the police and asked to
make the statement, you had the right to --
A. Yes, I did have the right not to.

Q. Why did you choose to go ahead with it?
A. Because I felt that it was really, really important
and I wanted to support those girls 100 per cent. They all
thanked me at the end.

Q. Just to finish off, what have been the consequences of
the abuse/indoctrination in the ashram for you?
A. I fell into a really abusive marriage and had to
extricate myself and my children from that. I would say
that was precipitated by quite a long-standing lack of
self-worth, and I still tend to suffer from putting other
people's opinions about me and experiences about me ahead

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of what I know about myself.

I would say this Commission is a very intense result of those times and it has been extremely stressful for me and my family and quite humiliating, I would say.

I have had to have the most difficult conversation of my entire life with my eldest daughter in the last two weeks.

In childbirth, I tore three times for the three children that I've had along the slit, tore quite badly along the slit that was made with the nail scissors. Things like that.

Q. What would you like to see come out of this Case Study in the Royal Commission?
A. 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.

For myself, I ask for a little compassion, and if not compassion, perhaps a little bit of understanding for the young girl and the young woman that I was then and maybe some mercy so that I can go on getting my youngest child through school and caring for my father and, if everyone could just please leave us alone now, it's enough, it's enough.

MS McGLINCHEY: Thank you, Shishy, I don't have anything further, Your Honour.

THE PRESIDING MEMBER: Thank you. Dr Dwyer, re-examination.

DR DWYER: I could do have some re-examination, thank you,
Your Honour.

RE-EXAMINATION BY DR DWYER:

DR DWYER: Q. I asked you on Friday whether or not you still promoted Satyananda in your teachings - I'll take you to the exact question I asked. Transcript page 11214, line 27.
A. Yes.

Q. I asked:

Have you maintained your links with Satyananda yoga after 1986?
Do you remember that question?
A. Yes, I do.

Q. Your response to that was:

No, I don't, I don't teach anything in his name.
A. Yes.

Q. Later you said:

What about Satyananda yoga itself as a brand?
And you said:

No, no, no, not at all.
Do you remember giving that answer?
A. Yes, I do.

Q. Do you remember that Ms Hall, who appears for one of the survivors, asked you some questions about the particular brand of yoga practised at the ashram, Satyananda yoga?
A. Yes.

Q. She asked you whether it was fair to say that you were presently involved or run an organisation that promotes matters that are spiritual in nature.
A. Yes.
Q. Your reply was:

I don't run any organisation at all at the moment.

Do you remember saying that?

A. That's right. Yes, I do.

Q. She went on to say, page 11228:

Are you currently involved, Shishy, in any organisation that maintains an element of people looking up to you?

And your response that that was:

I'm not involved in any organisation. I live a really simple life, I've been raising my children, looking after my father, studying. I live a very, very small, simple life.

That was your answer?

A. Yes, I remember.

Q. Later in the day, transcript 11253 for the benefit of my friends, you said that you wanted to add something to an answer. Remember that?

A. Yes, I did.

Q. And you said:

It was a question in relation to, have I ever continued on using the name that was related to the philosophies of Satyananda?

A. Yes.

Q. You said:

Yes. I actually - the one thing that I've continued on that has been an important practice for me is chanting mantras, sacred mantras. I've put out some CDs and things in relation to that, and that's definitely strongly been influenced by my experience in the ashram. And if I recall, on one of
the CD covers I might have mentioned some 
sort of connection with Satyananda ashram 
or Satyananda in that regard.

And you say:

*It just came to me as we were talking. I just wanted to mention it, that I failed to account for that.*

A. That's right.

Q. Is it the case that the only time you have promoted Satyananda yoga or mentioned Satyananda yoga is in relation to your CDs on chanting?

A. I don't actually teach, I don't teach any yoga.

Q. Is it the case that the only time you've used the brand name, Satyananda, since you left the ashram, is it in relation to your CDs?

A. That's my memory, yes.

Q. Before you finished answering questions on Friday, did you see someone here at the Bar table with a photocopy that related to one of the CDs?

A. A photocopy? I wasn't handed any photocopy.

Q. That wasn't my question. My question was, did you see somebody here at the Bar table turn over a photocopy that related to one of your CDs?

A. No, I didn't.

Q. I hand you a photocopy, I'll bring this up on the website. WEB.0010.001.0004. Could you look at this document please. That's the details of a CD promoting your work; is that right?

A. That's right.

Q. Does that talk about chanting the divine name?

A. Yes, it does.

Q. Under the "author bio" you will see that your pseudonym has been put there?

A. Yes.

Q. It notes that you have been chanting for 35 years?

A. That's right.
Q. You lived as a Sannyasin in a yoga ashram for 12 years as a teenager and young adult where you learned to chant sacred mantras in the path to healing?
A. That's right.

Q. Is that what you were referring to in terms of you using your time at the ashram or Satyananda to promote your work now?
A. That's right.

Q. Is that the only recollection you have of using the name of Satyananda or your time at the ashram to promote your work?
A. Yes, it is.

Q. Do you recall being interviewed by a journalist for a magazine called Living Now?
A. Could you tell me approximately when it was?

Q. I'm not able to tell you that actually.
A. Okay.

Q. Do you know a journalist by the name of Jill Fraser?
A. No, I don't. I don't recall a journalist by the name of Jill Fraser.

Q. Do you know a magazine called Living Now?
A. Yes, I do.

Q. Have you ever been interviewed for Living Now?
A. I do have a memory of it, but honestly I had completely forgotten, not intentionally.

Q. When were you interviewed?
A. I don't know, it would have been quite some years ago I expect. Quite some time ago.

Q. In the last 10 years?
A. Oh, gosh, I'd be really guessing; I don't have a clear memory.

Q. Can I ask that this come up on the screen, WEB.0010.001.0001. When were you living on the Sunshine Coast, Shishy?
A. I've never lived on the Sunshine Coast. I actually haven't lived on the Sunshine Coast ever.
Q. Can that document be scrolled down to reach the pseudonym "Shishy". Do you see that reads:

Another Sunshine Coast dweller, Shishy, spent most of her youth living in ashrams in Australia and India. She was blessed to have in her audience the esteemed presence of Osho and Paramahansa Muktananda.

Are they people you know?
A. I don't actually know them personally, no.

Q. Have you ever been in their presence?
A. Only, like, as in a lecture, not in their personal presence.

Q. Can you read that quote underneath there as I'm reading it out loud:

I was in India with my guru, Paramahansa Satyananda ...

That was your guru, wasn't it?
A. Yes, it was.

Q. ... and ended up spending quite a bit of time with Muktananda in a remote village.

A. I didn't spend any time with Muktananda in a remote village.

Q. Read that quote to yourself. Is that a quote that comes from you?
A. No, because I didn't spend quite a bit of time in a remote village with Muktananda. I had nothing to do with him personally, he was actually the preceptor of a whole other organisation.

Q. Can I have this up on the website, WEB.001 --
A. I did meet Osho on a street though, that's true.

Q. Sorry?
A. I did meet Osho on a street.

Q. Did you dance at all?
A. Did I dance?

Q. Yes, did you dance at all with Osho or in front of Osho?
A. No.

Q. Can I have the next one on the screen, WEB.0011.001.0001. Are you familiar with the Voices of Divine Feminine Women's Retreat?
A. Yes.

Q. What's your involvement in that?
A. I was invited to do the chanting.

Q. Is it chanting sacred mantras?
A. Yes.

Q. For what purpose are you doing the chanting at that retreat?
A. It was a music-based seminar with - it was a women's retreat and I was invited to do the chanting aspect of it and the music aspect of it as part of the experience of being on the retreat.

Q. Do people pay to go on those retreats?
A. Yes, they do.

Q. Are you paid for your services as well?
A. I wasn't paid for these services; I came as a guest. I didn't actually set this seminar up.

Q. In other circumstances are you paid for your services in chanting?
A. Very rarely; normally it's just a matter of being paid for my travelling expenses or something like that, and I actually don't do very much of it anyway any more at all.

Q. Does most of your funds in relation to any chanting you do come from your CD sales?
A. Generally, yes, although I don't really receive much from them any more either.

Q. In relation to your appearances at any of these workshops, are you promoted as somebody who has been a yoga Sannyasin?
A. Sometimes, yes.
Q. Are you promoted using your Swami name?
A. Sometimes people like to do that because it pulls a particular audience. I'm not particularly keen about it myself.

Q. Have you ever objected to it?
A. Sometimes.

Q. Did you object to it for these people running the Voices of the Divine Feminine?
A. No, I didn't.

Q. If you could scroll down there, you will note under the "Special guest", just have a look at your facilitators. These two facilitators talk about, take Ms Charles there, she's a master Quodoushka teacher and has been an apprentice of the Sweet Medicine SunDance Path of Turtle Island since 1987.

Do you know what Quodoushka is?
A. Quodoushka, as I understand it, is part of the SunDance path of sacred sexuality.

Q. Do you take part in any of these workshops?
A. I've never been to a Quodoushka.

Q. Do you understand that lending your services to this promotes in effect the activities at the retreat?
A. Can you explain to me more clearly what you mean?

Q. Do you understand that lending your services to this promotes in effect the activities at the retreat?
A. The activities of the seminar, yes, I do, but this seminar wasn't a Quodoushka seminar.

Q. If you scroll down to, "Special guest", it notes:

Shishy has been chanting for 35 years. She has lived as a Sannyasin in a yoga ashram for twelve years where she learned to chant sacred mantras as a path to healing, enlightenment and ecstasy.

A. Yes.

Q. And can I tell you that that also uses your Swami name which has been redacted there. Do you have any discomfort
in relying on those years at the ashram which you have now
told us were extremely difficult and damaging to you and
where young children were sexually abused, do you have any
difficulty relying on those times in the ashram that you
spent as part of your promotion of yourself?
A. Well, I think it's a really good question. I think
that at times, and it would be very few times, that I have
wanted to extract everything possible that I can out of all
of those years, and if that meant that I could earn some
money from my sacred chanting, I actually didn't really
object; I didn't, it's true.
Q. Do you see any difficulty with that now, in that it
promotes those years --
A. Yes.
Q. -- at the ashram?
A. Yes, I do.
Q. 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 McGLINCHHEY: Can I object to this? It's a description
of what she's done in her life, alright. That's really -
the one that we looked at previously was in a bio. Really,
are people not allowed to recount where they have been?
Does it mean that everything that happened there was
wonderful and there was no problems? I just object to
going to this. It's so tenuous to what the Commission is
looking at. If it's matter of credit, it doesn't really go
to credit because, isn't this her being honest about where
she's been in her life? That's my objection.

DR DWYER: I press the question. The witness has asked
for a pseudonym in these proceedings and a pseudonym has
been given to her. But the full extract referring to her
as a special guest uses her current name, then her Swami
name, and then notes that she lived as a Sannyasin in a
yoga ashram for 12 years where she learnt these skills of
chanting the sacred mantra.

In 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.
MR KERNAGHAN: 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 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: 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: Actually as matter of fairness to your client, Ms McGlinchey, I will let her answer that question.

MS McGLINCHEY: Thank you, Your Honour.

THE WITNESS: What's the question please, Your Honour?

THE PRESIDING MEMBER: Dr Dwyer will put it to you again. Whilst that's being done, 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.

MR KERNAGHAN: Yes, Your Honour.

DR DWYER: Q. What I asked you, Shishy, was whether you have any discomfort in relying on those years at the ashram, which you've now told us were extremely difficult and damaging to you, and where young children were sexually abused, do you have any difficulty relying on those times in the ashram that you spent as part of the promotion of yourself?

A. I understand the question. I was really careful not to relate it to any particular ashram in general. It was a really significant part of my life and I have done my best to extract whatever is good out of that.

This process is focused on all of the terrible, ghastly, hideous things that were bad, but somewhere in my life I also had to extract what was good for me. And what was good for me was the fact that I learned to sing, I
learned to chant and that's become a great source of solace for me, so that's my answer to the question.

Q. So do you tell this Royal Commission that in your life going forward you are content to use your former Swami name?
A. I can tell you, I will never be using it again, ever.

Q. You have told the Royal Commission about your relationship with [APQ] - if you need to remind yourself of the pseudonym.
A. Yes.

Q. Have you been in contact with [APQ] regularly over the years?
A. Yes, we have a very good relationship, especially in terms of our daughter.

Q. You tell this Royal Commission that you have told the truth about your relationship commencing when he was 14?
A. Yes.

Q. Your sexual relationship, I mean?
A. Yes.

Q. Had you always intended to tell the Royal Commission the truth about that?
A. How do you mean? I'm not sure what you're asking me.

Q. Had you always intended to come to these public hearings --
A. To the public hearings?

Q. -- and tell the Royal Commission the truth?
A. Yes.

Q. That you had a sexual relationship with him when he was underaged?
A. Yes.

Q. Before you made that admission, did you contact [APQ] and discuss it with him?
A. Did I contact him?

Q. Yes.
A. I told him that - I gave him basically a heads-up and said, look, this is happening and this is what I'm going to
be saying.

Q. Did you first tell him that you were going to tell the Royal Commission that you were 19 when you had sex?
A. No. I didn't tell him any such thing.

Q. Did he say to you that you should tell the Royal Commission that, actually, he was 14 because he'd already disclosed that?
A. No. No, that's not the conversation that we had at all. The conversation was that I said, "I've been to the private hearing, I have to correct something with the Commission and that's what I'm going to do as soon as I get back."

Q. Your Honour, I note the non-publication order in relation to the reference to a private hearing.
A. It was not the conversation.

Q. When was the first time that you ever told anybody that it was Swami Akhandananda who had made you have the relationship with [APQ] when he was 14 years old?
A. I told my lawyer.

Q. So you've never mentioned that at any stage before?
A. No I haven't ever mentioned it before. It was a subject that I hoped I never ever would have to talk about.

Q. How would Swami Akhandananda have known whether or not you had a sexual relationship with [APQ]?
A. How would he have known?

Q. I'll take one step back. You told the Royal Commission that it was Swami Akhandananda who made you have a sexual relationship with [APQ] when he was 14?
A. That's right.

Q. Is that right?
A. That's right.

Q. Did he actually direct you to have sexual intercourse with him?
A. Yes, he did.

Q. You then followed that direction; is that right?
A. Only after having my vagina cut three times and having him threaten to do that to other people.
Q. How would Swami Akhandananda have known if you had just not had sex with [APQ]?
A. How would he have known?

Q. Let me ask you this way: Couldn't you just have declined to have sex with [APQ]?
A. I did, three times; more than three times.

Q. Did you ever tell [APQ] that you were --
A. No, I didn't. I didn't tell anybody. That's the point really, that I didn't tell anyone.

Q. The philosophy of the guru/disciple relationship involves somebody surrendering to the guru. Do you agree with that?
A. Yes.

Q. That's an intense relationship where the disciple has devotion to the guru?
A. Yes.

Q. That was your relationship with Akhandananda; do you agree with that?
A. Yes.

Q. I suggest to you that it doesn't fit with that relationship that Swami Akhandananda would tell you to go and have a relationship, sexual relationship, with [APQ]. What do you say to that?
A. I don't really understand your perspective.

Q. You've acknowledged that the relationship of guru and disciple involves the disciple surrendering to the guru. You agree with that?
A. Yes.

Q. That's an intense relationship between guru and disciple?
A. Yes.

Q. Your understanding of the relationship before you started to have sexual relationships with Akhandananda was that ordinarily the guru doesn't have sex. Is that right?
A. Originally, yes, that was my understanding.

Q. But when you started to have a sexual relationship
with Akhandananda, you considered that that was because you were a particularly enlightened being, because that's what he told you; correct?

A. He didn't tell me I was an enlightened being. He said I was special and that I was chosen, but after that he was having sex with so many people that that became a bit of a nonsense really.

Q. Akhandananda wanted you to be someone who completely submitted to him; you agree with that?

A. Yes.

Q. I'm suggesting to you that it doesn't fit with that evidence that he would then go on to tell you to have a sexual relationship with [APQ]?

A. I don't see why, actually.

Q. Was Akhandananda teaching you to be a guru?

A. No, he wasn't teaching me to be a guru.

Q. Why do you think he directed you to have sex with [APQ]?

A. Well, that was what went on in India as well, that - you know, it wasn't only the - it wasn't only the males that did it, it was also the females that did it.

Q. Do you mean the female gurus that did it?

A. No, I mean the consorts or whatever you want to call them. There were no female gurus at that time.

Q. So is it your evidence that the female consorts also had sexual relations with other men?

A. Yes.

Q. You commenced a relationship with [APQ] around the time that Akhandananda was sexually abusing the girls in the ashram; is that correct?

A. After, it would have been a couple of years after that.

Q. So when do you say, what year do you say you first had a sexual relationship with [APQ]?

A. Around 1983.

Q. And you became aware that Akhandananda was sexually abusing the girls around 1981, did you?

A. Well, he was two years younger than the oldest two
girls, so somewhere in there there's a two year disparity, in terms of, if they were 14 or 15 when they started, then they were two years older than he was, then he would have come after them.

Q. Shishy, did you start that relationship with [APQ] around the time when the physical abuse of you by Akhandananda was getting worse?
A. Yes, because that was part of the whole situation.

Q. Is it the case that you actually started a relationship with [APQ] because you were looking for some comfort?
A. No. No, it's not - that's not the case at all.

Q. After you left the ashram in 1985 your relationship with [APQ] continued?
A. Yes, it did.

Q. From the time you got out of the ashram for many years afterwards; correct?
A. That's what I was referring to, about the 19 thing, because originally I had said that that was when it became known to other people that we were in a relationship, when he was 19; that was the reference to that age particularly.

Q. What you've maintained all along until you came to these public hearings is that you commenced a relationship with [APQ] when he was 19?
A. I didn't actually maintain anything particularly; I just didn't talk about it at all.

Q. Do you recall that Ms Hall on Friday asked you about whether you accepted that there was some manipulation of the children on your behalf? Do you remember those questions?
A. Yes.

Q. You asked her what she meant by that?
A. Yes.

Q. And Ms Hall asked you:

Was it the case, Shishy, that what you were doing in the way that you treated the children was to keep them uncertain about whether they would have your affection at a
particular time?

And you said:

I don't think so.

Do you recall that?

A. Yes, I do.

Q. Did you mean to suggest to the Royal Commission that it was difficult, with so many children, to give each of them an equal amount of attention at all time?

A. I don't think it was ever a question of being equal at all, because some of the children were there without their parents, some were there with their parents. It was an impossible situation to even consider being completely equal with that many children.

Q. Do you accept that there were occasions after Akhandananda started sleeping with girls, that you withdrew your affection from them because of that?

A. No, I don't. I don't accept that.

Q. Do you accept that you were at any time hurt and angry that Akhandananda had started to sleep with the girls?

A. I would say confused more than hurt and angry.

Q. Do you recall the evidence given by Alecia that she took a trip with you and Akhandananda, a lecture tour, in 1982 when she was 15 years old?

A. I'm a bit vague on that to be honest, I don't specifically recall it but it's likely.

Q. Do you remember going away with Alecia and Akhandananda?

A. It is a bit vague, I have to say. There was a lot of travelling that got done, it's a little bit vague, I'm not 100 per cent certain.

Q. Do you have some memory of it?

A. I'm saying that it's likely.

Q. What she says about that at paragraph 45 in the statement is that:

On that trip I felt lonely and awkward.
Shishy behaved differently towards me, she
was much colder, rejected my hugs and
avoided contact or conversation whilst
simultaneously giving warmth and friendship
to Bhakti.

Not Bhakti Manning, another Bhakti. Having heard that
evidence, does that jog your memory of a time when you were
cold to Alecia because of what was happening to her with
Akhandananda?
A. It really doesn't, and I'm sorry that it doesn't, but
it just doesn't.

Q. You told the Royal Commission last week that you
thought any discipline you used on the children was done at
the direction of Swami Akhandananda. Is that the case?
A. I would say most of the time, yes.

Q. Were there any times when it wasn't at the direction
of Swami Akhandananda that you can recall?
A. Not that I can recall, but I think on the balance of
probability that there would have been some, but I don't
recall anything specifically.

Q. You were asked by Ms Hall about an incident when
Alecia was slapped after Tim Clark sent her keycard back to
her when he'd run away. Do you remember that?
A. No, I don't.

Q. You don't remember that incident at all?
A. I remember the keycard incident vaguely, but I don't
remember many details about it to be honest.

Q. I think you told Ms Hall you had a vague recollection
of what had occurred?
A. Yes, I have a vague recollection.

Q. Do you have a vague recollection that you slapped
Alecia in the kitchen?
A. I don't have a vague recollection.

Q. Do you have a vague recollection that you were angry
that Tim Clark had left?
A. Yes, I do have a recollection of - I have a
recollection of the situation in general and I have a
recollection of being really quite afraid that there'd be
consequences.
Q. Consequences for who?
A. For them, for me.

Q. So does it fit with that, that you would have disciplined Alecia after you discovered that the keycard had been sent back to her?
A. It could, but I don't actually have a specific recollection of it.

Q. Does it fit with what you regarded as appropriate, in terms of the lifestyle at the ashram and the guru/disciple relationship and the teachings of Satyananda, that you would have physically disciplined Alecia for that?

MS McGLINCHEY: Commissioner, can I just interrupt. We've had a lot of questions about this incident, the keycard incident. She doesn't recall it.

THE PRESIDING MEMBER: Yes.

MS McGLINCHEY: We're sort of strapping it together on what you might have thought.

THE PRESIDING MEMBER: Yes.

MS McGLINCHEY: Thank you.

DR DWYER: I'll move on, Your Honour.

THE PRESIDING MEMBER: Thank you.

DR DWYER: Q. Shishy, you recall that [APK] told the Commission about a time when she exposed herself in public at your direction?
A. Yes.

Q. You say your memory of what she says is different about the time when she exposed herself?
A. Yes, I do.

Q. Do you remember a time when she exposed herself?
A. I remember the incident as I explained it the other day.

Q. Which involved a tick, is that right?
A. Yes.
Q. Was there an occasion when you heard from one of the children a detail about the physical anatomy of [APK] that you wanted to check?
A. The physical anatomy?

Q. Yes.
A. I don't understand the question.

Q. Do you recall hearing something from one of the children about [APK]'s vagina or vulva or something that you wanted to check?
A. No.

Q. You deny that?
A. I don't ever remember having any such conversation.

Q. In response to the [APK] memory of her exposing herself, you told the Royal Commission about the tick?
A. Yes.

Q. That's how you remember it. In relation to the incident of [APA] hitting her head against the back of the wall; you know who [APA] is?
A. Yes.

Q. You tell the Royal Commission that you remember it differently, that actually she struck out at you first and then you struck her and you both ended up on the ground?
A. No, we ended up in the wall, but that sounds like a completely different incident to the one that's being talked about.

Q. You told the Royal Commission that any time you hit the children for the most part it was at the direction of Swami Akhandananda.
A. Yes.

Q. You want this Royal Commission to be left with the thought that you issued only minimal physical discipline and anything you did was at Swami Akhandananda's direction. Is that the case?
A. What I'd like to leave with the Royal Commission is that, I'm definitely not the monster as portrayed; that physical discipline, as far as I'm concerned wasn't every other day, it was actually quite rare and there were many times when that was at Swami Akhandananda's direction and there was sometimes when it wasn't. But certainly not at
the level that's been put in all of these statements; absolutely not.

Q. You've said sorry on a number of occasions in letters to the former child residents.
A. Yes.

Q. What is it that you take responsibility for in terms of what you did when you were living at the ashram as an adult to those children?
A. It's a very hard question. As the uninformed person that I was, I take responsibility for not thinking for myself, for trying to be a good disciple, for not taking action sooner, for even raising my hand under any conditions, for not having the capacity to step outside of the system and see it for what it was.

Q. You were an adult when you were living at the ashram, weren't you?
A. For part of the time I was, yes.

Q. I think you were 19 when you first went to live there; is that correct?
A. No, that was when I actually became initiated; I went there younger than that.

Q. When you first were living there when the children came you were around 19 years of age?
A. Around 19, yes.

Q. You remained on the ashram for nine years; is that right, or thereabouts?
A. About 10 years.

Q. So by the time you left the ashram you were about 28 years old?
A. That's right.

Q. You were 10 or 12 years older on your own evidence that the youngest child there?
A. No, not from the youngest child.

Q. Sorry, from the oldest child?
A. 10 years older than the oldest child, yes.

Q. So, you accept what I'm telling you, that you were an adult there?
A. Yes.

Q. And you had responsibilities to those children; you accept that?
A. I accept it now, of course I accept it now; then it was a whole different story, and I'm really, really disappointed that I haven't been able to get that across. It was a completely different story. Now it's abundantly clear to me.

DR DWYER: Nothing further, Your Honour. Sorry, Your Honour, there is one topic that I haven't gone to which I've neglected.

Q. Can I have the transcript up at T11265, line 30. Do you recall being asked questions this morning about the structure of the organisation at Mangrove Mountain?
A. This morning, the structure?

Q. For example, who took responsibility for various things?
A. Yes.

Q. I'll just wait until this comes up. You were asked questions by your lawyer as to whether you were aware of a local committee that handled decisions. Do you remember that?
A. Yes.

Q. Your answer was, "No".
A. I don't know of any local committee.

Q. The next question was:

So, if there was a committee, you didn't know about it?

There wasn't a committee.

Q. Your answer was:

Anything like directorship was a matter of - how to describe it - it was formality to fulfil requirements of charitable institution or that type of thing, so different people - and there are a variety of people who said that they were asked to
be a director in the name of et cetera of the ashram, but there were never any meetings or anything like that.

Do you recall giving that evidence?
A. Yes, I do.

Q. The next question was:
You never attended any meetings?

Your answer was:
No, I never attended any meetings.

Do you stand by that?
A. I don't recall ever attending any meetings. I recall minutes being fudged though.

Q. What do you mean to say in terms of minutes being fudged? Who was responsible for that?
A. There was one of the secretaries at the time - am I allowed to say the name?

Q. Can you just look down on the pseudonym list?
A. It's not here.

Q. Then yes.
A. I can say the name?

Q. Yes.
A. Her name was Swami Mayananda, and she lived in the Gosford ashram, and for the purposes of, I guess, the requirements of the institution in terms of the paperwork, often times minutes were constructed in order to say that certain meetings had happened in order to ratify something that was to happen.

Q. So, whose responsibility was it to fudge those meetings minutes?
A. Sometimes it would be her quite a bit of the time, sometimes it was sort of a collaborative effort between Akhandananda or her or me or various options, but there weren't ever any really legitimate minutes to meetings because any of those kinds of things were already decided and then the paperwork was put into place to ratify that.
Q. So you would expect that to be the evidence of any other witnesses in this Royal Commission who were present at that meeting?
A. I wouldn't even know if anyone else ever knew about that, to be honest.

Q. Can I have on the screen SYA.0006.005.0025_R. Scrolling to page 16, do you see there that that relates to a meeting at Mangrove Mountain ashram in 1977. Noted to be present is Dr Sztulman, Swami Nadamurti, Akhandananda, [AQA], Mayananda who you just mentioned, and yourself?
A. Yes, I do.

Q. Do you tell the Royal Commission that there was not a meeting on 3 September 1977?
A. To be honest, I have actually obviously no memory of this meeting. If that's something that happened in 1977 and there's the proof of it, honestly I can't deny that. But in general, particularly as the years went on, that was - this kind of thing was just put together afterwards.

Q. Can I ask that it be scrolled to page 86. Do you see there reference to a meeting on 6 June 1981?
A. Yeah, I do; I do.

Q. A number of people being listed there, including yourself?
A. I have absolutely no memory of that. Maria Kingsland, - wow. Okay, I don't remember that having been done.

Q. If I tell you that the Royal Commission has evidence of minutes from 19 meetings between 1977-1981, what do you say about that?
A. Well, they're clearly correct, but it's not my memory of how it was and I only have the memory basically of things being put together in order to support whatever had been ratified previously.

Q. So you have a clear memory of the forgery of minutes of meetings; is that right?
A. Numbers of minutes of meetings, yes.

DR DWYER: Nothing further, Your Honour.

THE PRESIDING MEMBER: Given that it's 5 to 1 now, Dr Dwyer, we might break for lunch. I'll excuse this witness and then start with the next witness at 2.
DR DWYER: Yes, thank you, Your Honour.

THE PRESIDING MEMBER: Shishy, thank you for your attendance at the Royal Commission. You are otherwise excused. We will adjourn now until 2.

<THE WITNESS WITHDREW

LUNCHEON ADJOURNMENT

DR DWYER: Your Honour, the next witness is Dr Sandra Smith. I call Dr Smith. While she is coming into the witness stand, can I take the opportunity to tender as a bundle three documents with web references that were referred to during the examination of Shishy. They relate to web addresses from Big Shakti, Living Now and Divine Women.

THE PRESIDING MEMBER: Thank you. 21-22.

EXHIBIT #21-22 THREE INTERNET DOCUMENTS FROM "BIG SHAKTI", "LIVING NOW" AND "DIVINE WOMEN"

DR DWYER: Thank you.

<SANDRA SMITH, sworn: [2.02pm]

<EXAMINATION BY DR DWYER:

DR DWYER: Q. Dr Smith, could you tell the Commission your full name?
A. Sandra Smith.

Q. You've provided the Commission with a statement which is dated 19 November 2014?
A. Yes.

Q. Do you have a copy of that statement with you there?
A. No.

Q. I'll just ask that it be provided to you. Have you had the opportunity to read through that statement recently?
A. Yes.
Q. Is the information in that statement true and correct to the best of your knowledge?
A. With a couple of matters I'd like to raise.

Q. Okay. I'll just wait until the copy of that is handed to you and you can take us to any corrections that you wish to be made to that statement. In paragraph 37, I'd like to say that, as my recall of that meeting I had with Jyoti is somewhat sketchy, I would like to say that I no longer think that she said anything about being pregnant?

Q. In your original paragraph 37 you include a sentence:

Jyoti told me that she was pregnant and that Akhandananda wanted her to have an abortion and that Shishy was going to arrange it.

A. Yes. No, I would like to say that I would like that disregarded, please.

Q. So, you want that whole sentence deleted; is that correct?
A. Only that she came to me and said that she'd had a sexual relationship with Akhandananda.

Q. Is it appropriate, in terms of the accuracy of your statement, to delete the last sentence in that paragraph 37?
A. Yes.

Q. Thank you, and is there any other correction that you wish to make to the statement?
A. When I was talking with the girls out the front of the ashram, I think now that [APL] --

Q. If you have a look at paragraph 45, that may be what you're referring to?
A. Yes, paragraph 45. [APL] and [APK] were not present.

Q. So, you think you spoke to Alecia and [APH] and [APA]? 
A. Yes.

Q. So, three girls who had been sexually abused you spoke to on that occasion; is that correct?
A. Yes.
Q. Are there any other corrections?
A. No, that's all. The only other thing was that I recall when I first did this statement was somewhat difficult about the time that Shishy left the ashram. I didn't realise it was at the end of 1985 when I prepared this statement.

Q. Anything else, Dr Smith?
A. No, that's all, thank you.

Q. You trained as a medical doctor in the late 1960s; is that right?
A. Yes.

Q. So, you graduated in 1969?
A. Yes.

Q. You worked in Sydney in several hospitals as a medical officer; is that correct?
A. Yes, it is.

Q. You then trained in psychiatry; is that right?
A. That's correct.

Q. Whereabouts did you do your training in psychiatry?
A. I started off at Morisset Hospital and then Callan Park in Gladesville in Sydney.

Q. Did you end up as a consultant psychiatrist?
A. Yes.

Q. Is it the case that since 1981 you have been practising as a psychiatrist in private practice in the Gosford area?
A. Yes.

Q. You continue to practise in that --
A. Yes.

Q. In the capacity as a psychiatrist; is that right?
A. Yes.

Q. In the late 1970s you became involved in Satyananda yoga, is that correct?
A. That is.

Q. Which ashram did you become involved in?
A. Mangrove Mountain.

Q. Were you involved in anywhere else that was teaching Satyananda yoga prior to Mangrove Mountain?
A. No.

Q. What attracted you to Satyananda yoga at the ashram?
A. I liked the idea of teaching people to practise meditation and relaxation in order to control anxiety and other symptoms, and I also thought that the ashram was a very peaceful place to visit.

Q. In addition to teaching others about meditation, did you also have a practice yourself and become involved and interested in the principles of Satyananda yoga?
A. Yes, I did, yes.

Q. You were in fact initiated as a Sannyasin Swami; is that right?
A. Yes.

Q. Were you given a particular Swami name?
A. Swami Shekarananda Saraswati.

Q. Who were you initiated by?
A. Satyananda.

Q. When you first became involved and were initiated, how did you regard Satyananda?
A. As a respected teacher of yoga.

Q. Did you see him as your guru?
A. Not really.

Q. What did you see Akhandananda's role was in the organisation when you first became involved?
A. I saw him as the director of the ashram in Australia and that he was responsible for all the administrative decisions and also the teacher.

Q. Did you consider that he was a very respected senior Swami?
A. I did.

Q. You regarded him as the head of Satyananda yoga in Australia?
A. Yes.
Q. The chief disciple or representative of Satyananda?
A. Yes.

Q. In paragraph 9 of your statement you note that you were a householder Sannyasin?
A. Yes.

Q. So you never actually lived at the ashram?
A. No.

Q. But you did spend a substantial amount of time there, didn't you?
A. A few days at a time, you know, a week at the most.

Q. From what period did you start to spend time there?
A. From the late 1970s until 1987.

Q. You tell the Royal Commission that you stayed there often for days or weeks at a time. That's what's in your statement?
A. By weeks I think I was referring to the two trips I made to India, when obviously that took more than - that took several weeks to do.

Q. When did you make those trips to India?
A. Look, I can't remember the exact years, but they were in the early 1980s.

Q. Who was with you on those trips?
A. Akhandananda and Shishy, Shishy's mother on one of them, Alecia's mother.

Q. Was it an honour to be taken on those trips --
A. Oh, yes.

Q. -- with Akhandananda. On those trips did you stay at the ashram in Munger in India?
A. Yes, I did.

Q. Did you regard yourself then as part of a close circle around Akhandananda?
A. I saw myself as a friend of Akhandananda's, yes.

Q. Did you see yourself as somebody who was deeply interested in the movement of Satyananda yoga?
A. I wouldn't say I was deeply interested in it; it was
more that I was interested in the practice of yoga and how it could help people.

Q. You held Akhandananda in high regard when you first started, didn't you?
A. I did.

Q. You tell the Royal Commission this, paragraph 21:
I became very close to Akhandananda while I was involved in the ashram and I'm aware from what others at the ashram have told me, that I was regarded as Akhandananda's close friend.

A. I was.

Q. But in fact you also regarded yourself - you thought of yourself as a close friend of Akhandananda, didn't you?
A. Yes.

Q. You note you didn't have a sexual relationship, but he did give you special attention?
A. He did.

Q. As an example of that you tell the Royal Commission that when you bought your house in Gosford, other Swamis came out to the ashram to help renovate it?
A. That's correct.

Q. And that was at the direction of Akhandananda, is that right?
A. It was.

Q. You note that Akhandananda singled you out regularly to talk to him?
A. He did.

Q. That made other people at the ashram feel jealous of you?
A. Yes.

Q. Did that also give you a sense of pride - I'm not being critical, it's a genuine question - pride in the way that Akhandananda saw you as a special person?
A. Yes, you could say that.
Q. You tell the Royal Commission that Shishy, as she's
known in this Royal Commission, was Akhandananda's female
offider; correct?
A. Yes.

Q. And the second in charge at the ashram?
A. Yes.

Q. What gave you the impression that she was the second
in charge?
A. Everyone would look up to her, everyone would regard
her as responsible for the children. They saw her sharing
accommodation with Akhandananda. She was seen as having a
special role in the music at the ashram.

Q. Did the fact that she was so close to Akhandananda
give her a particular status within the ashram?
A. It certainly did.

Q. Can you explain that for us? Is that relevant to
people looking up to her?
A. Oh, definitely, especially the children.

Q. Did it give her a power within the ashram as you saw
it?
A. Yes, it did.

Q. Did you consider that Shishy was Akhandananda's
partner?
A. Not initially in a sexual sense, but in a spiritual
sense, yes.

Q. Did you come to realise later that they were having a
sexual relationship?
A. Yes, I did.

Q. Why didn't you think they were initially having a
sexual relationship given that they shared the room
together?
A. That wasn't as I saw it the culture of the ashram.

Q. You were told, were you, when you first became
involved in the ashram that Swamis were supposed to be
celbite; is that right?
A. Yes, I was told that.

Q. Was it your view when you first became involved that
Akhandananda would have been celibate?
A. It was.

Q. And that was part of his obligations as a disciple of Satyananda?
A. It was, yes.

Q. And you thought he was genuine in abiding by his obligations when you first started?
A. I did at the time.

Q. Akhandananda taught a lot of classes at the ashram and around Australia, you tell the Commission?
A. Yes.

Q. You note that you don't think that he actually taught Tantric sex, but he went to classes with somebody else who was teaching Tantric sex. When did you find that out?
A. That would have been in the 1980s.

Q. While you were still involved in visiting the ashram?
A. Yes.

Q. When you look back on that now, can you tell the Commission what you thought back again of Akhandananda attending Tantric sex classes? Did you think that was a normal thing to do?
A. No. Not now.

Q. At the time did you question --
A. I was puzzled by it.

Q. -- his practice. When you look back now does it seem very naive to you?
A. It does.

Q. You tell the Royal Commission about these two trips to India, it was the senior Swamis who were allowed to go on these trips to India; is that correct?
A. Yes.

Q. On one of those trips you met Mother Teresa?
A. That's correct.

Q. Was Shishy on that trip?
A. Yes, but I remember going there to Calcutta with her mother.
Q. With Shishy's mother?
A. Yes.

Q. Was Akhandananda on that trip?
A. He went to Munger but I don't think he came to Calcutta.

Q. You tell the Royal Commission that Akhandananda was a strict disciplinarian as you knew him at the time of the ashram?
A. Yes.

Q. What do you mean by that?
A. That he would expect people to obey him and that, in that context, they usually did. And that he was held in, I suppose now I would see it as fear but I didn't recognise it as that then.

Q. Is it fair to say that Swami Akhandananda was revered at the ashram during your time there?
A. Yes.

Q. But are you also telling the Royal Commission that, looking back on it, he was feared by people there?
A. Yes.

Q. Including the adults?
A. Yes.

Q. Including yourself?
A. Towards the end, yes.

Q. Did you ever see Akhandananda physically hit somebody?
A. No, I didn't see him hit someone; I never saw him hit anyone.

Q. What was it about Akhandananda that makes you appreciate that people were fearful of him?
A. There was a meeting towards the end of the time when I was at the ashram, this was after he had specifically requested me to go and visit Shishy up on the Gold Coast, and when I came back and the place was in turmoil and there was this big meeting on and he was up the front on the stage, and he said, "I never told Shishy to go there." And I thought, you're lying, you know. The atmosphere in the room was extremely threatening.
Q. Was it at that point where he called you a liar, when you knew in fact he had asked you to go and see Shishy --
A. Yes.

Q. -- that the scales fell from your eyes about who Akhandananda was?

MR KERNAGHAN: I object to that, Your Honour. I object to the question put in those terms. I invite my friend to rephrase "the scales falling from eyes". It's not been established that that's what this witness says.

DR DWYER: I'll rephrase the question, I'm not sure how it relates to Mr Kernaghan's client but I'll rephrase the question.

Q. Dr Smith, you gave evidence earlier that Akhandananda was revered?
A. Yes.

Q. He was well respected when you first started going to the ashram?
A. Yes.

Q. You certainly respected him as a teacher?
A. Yes.

Q. And as Satyananda's chief disciple in Australia?
A. Yes.

Q. You talk about this particular meeting which you were present at after you had been asked by him to go and see Shishy, where he called you a liar.
A. Mmm, yes.

Q. At any stage before then had you started to doubt that in fact Akhandananda was as spiritual as he professed to be?
A. I think I was already having doubts. I think his behaviour in that last year was, as people describe, erratic.

Q. Can you tell the Royal Commission about that. What was it about his behaviour that caused you to have some doubts?
A. He was unpredictable in many ways, and people started
spreading rumours about what was going on.

Q. Let me come back to your role within the ashram. Did you teach classes at the ashram?
A. Not at Mangrove but I did at Gosford and in the community.

Q. Did you attend Mangrove Mountain as somebody who was yourself a pupil?
A. Yes.

Q. Did you ever refer any of your patients to Mangrove Mountain?
A. I suggested that people might like to visit there and go to some classes.

Q. Were they patients who had a mental illness on occasion?
A. Mainly people who had problems with anxiety and depression.

Q. Why was it that you suggested they go to Mangrove Mountain?
A. I saw yoga as being helpful and in a lot of my experience I'd seen people being over-prescribed medication.

Q. So you thought that Mangrove Mountain would be a place of healing for them; is that right?
A. Yes.

Q. Did you spend much time with Shishy when you were at Mangrove Mountain?
A. Not a lot.

Q. Were you close to Shishy at any stage during your time there?
A. I was closer to Akhandananda than I was to Shishy.

Q. You tell the Royal Commission that Shishy did not appear to have much of a role in running the education classes, she was more responsible for the children.
A. Yes.

Q. What gave you the impression that she was responsible for the children?
A. Because of the amount of time she spent with them and

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the way they looked up to her.

Q. You noticed that when you were spending time at the ashram yourself?
A. Yes.

Q. You said that the children looked up to Shishy. Was it your observation that some of the children became very reliant on her for their emotional needs?
A. Definitely.

Q. Did you understand that it was part of the teachings of Satyananda yoga as they were practised at Mangrove Mountain ashram to separate children from their parents?
A. I understood it but I didn't approve of it.

Q. Why did you not approve of it?
A. I didn't think it was a correct way to bring up children.

Q. Did you ever express that to anybody?
A. I talked it over with my friends who also went there.

Q. Did you ever raise it with Akhandananda?
A. I asked him about it, but he always gave explanations that were somewhat convoluted.

Q. Did you think it was cruel to the children to separate them from their parents?
A. I do now. Yes, I did then, yes.

Q. Was there ever anything else about the children's relationship with Shishy that concerned you?
A. There was an element of dependence in the children upon Shishy that Shishy seemed to foster.

Q. You tell the Royal Commission this at paragraph 33:

Initially I looked up to Shishy. She was an extremely talented musician and she had a beautiful voice. However, towards the end of Shishy's time at the ashram I started to see that she had odd ways of disciplining the children.

Can you tell the Royal Commission about that?
A. I saw her as clearly having favourites.
Q. What you go on to tell the Royal Commission is that some of those favourites would then change?
A. Yes.

Q. First it would be one child and then it would be another child?
A. Yes.

Q. You tell the Royal Commission that you felt Shishy favoured the boy [APQ]?
A. Yes.

Q. He would be allowed to sing with her and spend time with her a lot, and he would not be disciplined in the way the others were. You stand by that evidence?
A. Yes, he was given special favours.

Q. One of the disciplining techniques you saw Shishy use was to not take kids on trips or to tell them to stay in their quarters. Did you ever notice what impact that had on some of the children?
A. They would be a bit withdrawn after she withdrew her affection at the time, but by that stage they were teenagers.

Q. As a psychiatrist, did you have any concern for the impact on those children in terms of their emotional well-being?
A. That's something that's concerned me for the last 30-odd years.

Q. At paragraph 34 you note:

The children were a pretty wild bunch at times. I never saw any violence at the ashram, but some of the children later told me, when they were disclosing their sexual abuse to me in or around February 1987, that Akhandananda and Shishy went to lengths to prevent me from seeing them hit the children, and that the children were told to be on their best behaviour near me.

A. Yes.

Q. You have written, since you left Mangrove Mountain
ashram, about the ashram in your time there when
Akhandananda was the head, being a cult. Is that correct?
A. I do.

Q. That's your genuine belief?
A. Yes.

Q. You tell the Commission that in the early 1990s you
started going to quite a few conferences on cults, and you
joined the Cult Awareness Network?
A. I did.

Q. Which was started by some people who had lost their
son to Scientology?
A. That's correct.

Q. Did you join that Awareness Network because of your
particular experiences at Mangrove Mountain ashram?
A. Yes, I did.

Q. Do you consider yourself to have been someone who was
captured up in that cult?
A. I do.

Q. Do you believe that that cult was fostered by the
guru/disciple relationship?
A. Yes.

Q. Can you just in your own words explain that to the
Commission, how that captured you and led you to becoming
involved in this?
A. Sorry, can you repeat the question?

Q. You tell the Royal Commission that you believe that
the cult, with Akhandananda at its head in Australia, was
fostered by the guru/disciple relationship; is that right?
A. Yes.

Q. You tell the Royal Commission that you think you
yourself were caught up in that cult?
A. Yes.

Q. Is there anything else you want to say to help us
understand that as to how you get caught up in that?
A. I think people get caught up in cults at vulnerable
times of their lives. I think that the emphasis on
obedience and denial of your own feelings certainly
fostered that relationship, and that's how people, if they
didn't do what the guru said, they were seen as bad
disciples, and anyone who left was ostracised.

Q. Is it the case that you were trying to be a good
disciple while you were there at the ashram?
A. Yes, I was.

Q. Given that guru/disciple relationship, were you until
the latter half of the 1980s - did you seek Akhandananda's
approval?
A. As?

Q. As his disciple?
A. Not in the late 1980s.

Q. At some stage when you first became involved in the
ashram did you seek his approval?
A. Yes.

Q. Is it your view that that guru/disciple relationship
is one that comes with a risk that the guru might abuse
their power?
A. Definitely.

Q. Dr Smith, you've read the statement of Jyoti that's
been provided to the Royal Commission. Is that right?
A. Yes.

Q. You understand that her evidence is that in 1984 she
made a complaint to you about being sexually abused by
Akhandananda?
A. Yes.

Q. That's something you've reflected on a lot; is that
right?
A. Yes.

Q. Can I ask that Jyoti's statement be put on the screen
for Dr Smith to read, STAT.0420.001.0010_R. Dr Smith, you
can read this with me, I'm reading from paragraph 38.
Jyoti notes:

My meeting with Sandra [that's Dr Smith]
was in or around March 1984. It was awful.
It was like an interrogation. Sandra sat
me down and fired all sorts of questions at

.08/12/2014 (108) 11331 S SMITH (Dr Dwyer)

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me like 'What happened', 'When', 'How many

times?' There was not the remotest sign of
warmth or comfort or safety at all. It was
a very traumatising experience. It wasn't
until much later on that I found out how
close to Akhandananda Sandra had been.

How does that make you feel when you read her
reollections?
A. I feel really upset about it. I was when she told me
about that in 2000.

Q. I'll come to that, I'll show you the letter that
relates to that. Do you accept that, at the time that
Jyoti first told you about her experiences with
Akhandananda, you didn't believe her at that time?
A. I was - I wouldn't say I didn't believe her; I thought
it was certainly worth investigating and that's why
Ramtirtha and I went to confront Akhandananda about what
Jyoti had told me.

Q. What happened when you confronted Akhandananda about
that?
A. Both he and Shishy made up some story, which obviously
I believed.

Q. I'll just ask you to refer to her as Shishy, we're
just using that as a pseudonym. What was it that
Akhandananda and Shishy told you?
A. I haven't a clear recollection of it but --

Q. Just to the best of your memory.
A. But what Jyoti has said in her statement sounds
probable.

Q. So what Jyoti says there is that:

After I spoke with Sandra, I believe that
she and Ramtirtha, and [perhaps somebody
else] went to the ashram to confront
Akhandananda about what I had said. Jyoti
was later told what had happened. She was
told that Akhandananda denied it and Shishy
defended him.

Is that what happened?
A. Yes.
Q. She then said:

I understand that both of them had said to
Ramtirtha and Sandra that Jyoti was
delusional and schizophrenic and was on
drugs.

Do you accept that that's probably what happened?
A. I accept that that's probably what happened.

Q. Do you say to the Royal Commission that you have a
memory of Shishy being engaged in that conversation?
A. Yes.

Q. Did you then believe what they were telling you about
Jyoti?
A. I think in retrospect I must have believed it.

Q. What did you regard to be your obligations at the
time, as a doctor, in terms of reporting any suspected
sexual abuse?
A. That it was necessary to report to the police any.

Q. At that time in 1984 you didn't report the story that
Jyoti had told you?
A. I was unaware of Jyoti's age; I thought Jyoti was in
her late teens and early 20s at that time.

Q. So, if you had thought that Jyoti was a child?
A. If I thought Jyoti was a child I would have done
something about it.

Q. I just want to be clear, in 1984 after you went to
Akhandananda and you had that conversation with
Akhandananda and Shishy, you didn't actually believe that
Jyoti had been sexually abused, did you?
A. When I went to him, I thought it was a possibility.

Q. After the conversation with Akhandananda and Shishy,
you no longer believed it to be a possibility; is that
right?
A. I suppose I had my doubts, but he and Shishy were very
persuasive.

Q. At that stage you still regarded Akhandananda --
A. Yes.
Q. -- as a teacher?
A. Yes.

Q. And an important Swami in the ashram; correct?
A. Yes.

Q. Around 2000 you wrote to Jyoti, didn't you? Is that correct?
A. Yes.

Q. That's because you had heard from Jyoti; is that right?
A. Jyoti wrote me a letter.

Q. Jyoti told you about how hurt she had been by your reaction to her disclosure?
A. Yes.

Q. You wrote back to her?
A. Yes.

Q. Can I ask that a document R01.0013.001.0005_R be placed on the screen. You sent a letter back to her dated 15 September 2000?
A. I did.

Q. What was your intention in writing that letter to her?
A. To apologise to her.

Q. At that stage you accepted that Akhandananda had abused children at the ashram?
A. This is in 2000.

Q. Yes.
A. This is after I reported it to the police.

Q. Yes, that's right.
A. Yes.

Q. So by that stage you did believe Jyoti?
A. Oh, definitely.

Q. You understand that that has caused her significant anguish, the fact that you didn't believe her in 1984?
A. I do.
Q. You also understand that there were other children that were sexually assaulted after 1984?
A. I do.

Q. Can you just tell the Royal Commission how that makes you feel now, that you didn't act to protect children after you found out about Jyoti's disclosure in 1984. How does that make you feel now?
A. Extremely bad.

Q. 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?
A. It did.

Q. At paragraph 35 of your statement you tell the Commission that you didn't actually see any of the sexual abuse of the children --
A. No.

Q. -- while you were at the ashram. But there were some things that made you think Akhandananda had been inappropriate, weren't there? At one stage he commented on the size of [APA]'s breasts. Do you recall that? That's in your statement at paragraph 35.
A. (Witness Nods).

Q. You tell the Royal Commission that you were unimpressed by that comment; correct?
A. Yes.

Q. You glared at him, but you don't recall saying anything else to him at that time?
A. I don't recall.

Q. There was another occasion around the mid-1980s when you and Akhandananda had returned from a trip to the Darwin ashram; do you remember that?
A. Yes.

Q. And you saw that Alecia was sitting up waiting for Akhandananda outside his hut?
A. Yes.

Q. Was that at night-time?
A. Yes.
Q. Did that make you suspicious?
A. It did.

Q. That was something inappropriate at the time?
A. I thought that was odd.

Q. But that at the time wasn't enough to trigger an idea that Akhandananda might be sexually abusing the children?
A. No.

Q. Did those two incidents happen before or after Jyoti's disclosure to you?
A. I'm not sure because I don't have a good recall of that first - of the talk I had with Jyoti.

Q. In or around February 1987, you say a few weeks after Shishy left the ashram?
A. Well, that's incorrect, it was --

Q. Sorry, thank you.
A. Yes.

Q. Was it a short time after Shishy had left the ashram?
A. No, no, no, no. I said in the beginning I'd mis-remembered when Shishy left the ashram. So it would have been - it was the beginning of 1987.

Q. So over a year after Shishy had left the ashram?
A. Yes.

Q. In the beginning of 1987 Elly Buchanan came to your house; is that right?
A. Yes.

Q. She told you that Alecia had disclosed sexual abuse of her and other girls at the ashram?
A. Yes.

Q. You tell the Royal Commission that at that time you were horrified but not surprised?
A. Yes.

Q. Why were you not surprised?
A. I think, because I had a clear recollection of Alecia waking up for Akhandananda when we came back from Darwin.

Q. A few days after that you and Elly went to the ashram?
A. Yes.

Q. Is that right, and you spoke to three of the girls, you tell us?
A. Yes.

Q. And they disclosed that Akhandananda had sexually abused them?
A. Yes.

Q. Did you believe the girls then?
A. Oh, definitely.

Q. You thought the girls were relieved to talk about the abuse with you?
A. I did.

Q. You tell the Royal Commission that you asked them why they didn't told you earlier about the abuse?
A. Yes.

Q. And they said that Akhandananda had told them not to tell anybody?
A. That's right.

Q. The girls told you that, because you were such a good friend of Akhandananda, they thought that you wouldn't believe them?
A. They did.

Q. You felt devastated when they said that?
A. I did.

Q. You tell the Commission you felt devastated when they said that because "I felt that I would have believed them and so I told the girls words to the effect of, 'oh, yes, I would have'." That's correct?
A. Yes.

Q. Dr Smith, you can understand why the girls felt that you won't believe them, can't you, because in fact in 1984 when Jyoti had made a disclosure you didn't immediately believe that, did you?
A. This was three years --

MR WATTS: I object to the question in that form, Your Honour, and I gather Your Honour has before you - my
name is Watts and I appear for Dr Smith.

The question, as it's put, is asking the witness to assume that other children at the ashram knew what Jyoti had told her in 1984 and there's no evidence to suggest that.

DR Dwyer: No, that's not - I'll rephrase the question just to make that clearer.

The Presiding Member: Thank you.

DR Dwyer: Q. Dr Smith, you did have a close friendship with Akhandananda prior to the disclosure of this abuse in 1987; is that right?

A. For most of the time, yes.

Q. You are not surprised to know that the children would have understood you to have had a close friendship with Akhandananda?

A. Yes.

Q. So it wouldn't surprise you that the children were too frightened to tell you about it?

A. No, it didn't surprise me.

Q. Did Swami Akhandananda ever admit to you that he had sexually abused the children?

A. Never.

Q. Is it your evidence that from that time that you had spoken to those three girls, you accepted that he had abused the children?

A. Yes.

Q. You were involved in the criminal proceedings that were brought against Akhandananda; is that right?

A. Yes.

Q. You gave evidence for the prosecution; is that correct?

A. Yes.

Q. As a result of the evidence you gave for the prosecution, or in fact your involvement in bringing this sexual abuse to light, how were you treated by some of the other members of the ashram?
A. I was ostracised, they avoided me, people who'd previously been very friendly towards me refused to even speak to me.

Q. How did that make you reflect on your time at Mangrove Mountain ashram?
A. Well, I saw that people who'd left before me had been treated in a similar way, so I wasn't surprised.

Q. Did you ever go back to the ashram?
A. No.

Q. You tell the Royal Commission that you kept in touch with Shishy for about a year from 1987; is that right?
A. Yes.

Q. You went to see her on a number of occasions in Queensland?
A. A few, yes.

Q. At the time you went to see her, was she involved in a relationship with [APQ]?
A. Yes.

Q. Did you understand that to be a sexual relationship?
A. Yes.

Q. Did you understand that he was a child under the age of 16 years?
A. Not then. I didn't realise then that the relationship had started as early as it had.

Q. In 1987 was it your belief that [APQ] was 16 years or older?
A. I'm sorry, I don't know how old he was.

Q. You tell the Royal Commission in your statement at paragraph 54 - I'll just ask that that come up on the screen - halfway down that paragraph:

I recall that [APQ] had been about 14 years old when I became aware that he and Shishy had a special relationship at the ashram, though I was unaware of the exact nature of that relationship.

Is that correct?
A. Yes.

Q. Did you have your suspicions at that stage that it was a sexual relationship?
A. Not then, no.

Q. You tell the Royal Commission that:

   In or around 1987 or 1988 I began to think Shishy's relationship with [APQ] may be abusive.

A. Yes.

Q. What do you mean by that?
A. I saw that he and she were extremely close and I didn't see that it was a healthy relationship.

Q. You told the Royal Commission that, in relation to [APQ], he was one of the children that she had favoured --
A. Yes.

Q. -- when they were living at the ashram?
A. Yes.

Q. Were you concerned that that relationship either had become sexual or might become sexual by the time that you saw Shishy in 1987?
A. I don't - I think I had suspicions.

Q. Did you ever discuss that with Shishy?
A. No.

Q. Finally, Dr Smith, can I direct you to paragraph 62 of your statement. Could you just read that onto the record please, paragraph 62?
A.

   I am now suspicious of any quasi-religious spiritual organisation, because of the amount of authority that's given to the leader. Any place that has children needs to be investigated and observed by independent people. I think that Working With Children Checks would help protect children in a place like the ashram, but I am not confident that they would stop all abuse."
Q. Dr Smith, is there anything else that you want to tell
the Royal Commission about what would make you more
confident that it would prevent any sexual abuse of
children in an environment like an ashram?
A. I think there does need to be independent visitors,
and I never saw anything of that nature when I was at the
ashram.

Q. Independent visitors who can check on the welfare of
any children?
A. Yes.

DR DWYER: Thank you, nothing further.

THE PRESIDING MEMBER: Going along the Bar table,
Mr Taylor?

MR TAYLOR: No thank you, Commissioner.

MS McKENZIE: No, Your Honour.

MR TERRACINI: No.

THE PRESIDING MEMBER: Mr O'Brien?

<EXAMINATION BY MR O'BRIEN:

MR O'BRIEN Q. My name's O'Brien, I represent, amongst
others, Jyoti. When you saw Jyoti in 1984, she saw you at
your office in Gosford; is that right?
A. Not in my office; I think I saw her at Gosford ashram.

Q. Is your memory on that somewhat limited or might you
be mistaken about that?
A. I'm sorry, Mr O'Brien, can you move closer to the
microphone, I can't hear you very well.

Q. Is that better?
A. Yes.

Q. I said, is your memory clear about where you met Jyoti
or could you be mistaken about that?
A. I could be.

Q. If I were to suggest to you that it was at your office
in Gosford, that might be the case?
A. In 1984 my office was downstairs from my home.

Q. In Gosford?
A. Yes.

Q. She at that stage was, as you understood it, living at the Gosford ashram; is that right?
A. She was brought to me by the Swamis in Gosford, but I wasn't sure where she was actually living.

Q. Someone brought her to you?
A. Yes.

Q. And she told you that she had had a sexual relationship with Akhandananda?
A. Yes.

Q. Did she say that that had happened some time ago?
A. I don't recall.

Q. Can I suggest that she might have told you that she'd come back from Perth where she'd been told to go to from Akhandananda. Do you remember if she told you that? Do you remember if she told you that?
A. I don't recall the interview I had or the discussion I had with Jyoti in any great detail.

Q. But this is quite an alarming type of conversation, wasn't it, I mean, someone coming to you --
A. Oh, it was. It was alarming enough for me to go and confront Akhandananda.

Q. It's alarming because it's a young girl by any measure speaking to you about someone who you revered; is that right?
A. Yes.

Q. And so, again, that would have been quite an impressive type of memory, surely?
A. I'm sorry, but my recall of it is not very clear.

Q. Okay. In any event, I'm suggesting that she told you that this had happened some time earlier, perhaps she said to you that it happened 18 months earlier. Do you recall that?
A. Mr O'Brien, I said in the letter I wrote to Jyoti in 2000 that I didn't recall it clearly.
Q. Okay. In any event, it was sufficiently concerning for you that you decided that you would approach Akhandananda and Shishy about it?
A. Yes.

Q. And your recollection is that they told you a story and made you effectively disbelieve Jyoti?
A. Yes.

Q. I think you've accepted in your letter and also in your evidence that, of course, had you acted sooner, had you acted on that information, that others might have been spared future abuse?
A. Yes.

Q. You said in your evidence earlier that you thought it was worthy of investigation, what Jyoti had told you. Do you remember saying that?
A. Yes.

Q. But your investigation only extended to a discussion with Akhandananda and Shishy; is that right?
A. Yes.

Q. And, once they told you something to the effect that Jyoti was schizophrenic or delusional or on drugs, that was enough for you. Is that right?
A. I think I was mostly satisfied with their explanation, yes.

Q. Do you think that it might be worthwhile asking other girls that were around, similar in age to Jyoti or younger that you'd become familiar with whether they had similar experiences?
A. It probably would have been.

Q. I expect that you regret that now?
A. I do.

MR O'BRIEN: Thank you for your time.

THE PRESIDING MEMBER: I'll come back to you, Mr Watts. At the back of the Bar table. Ms Hall?

MS HALL: My friend, Ms McGlinchey, got to her feet first, Your Honour, I'm happy to wait.
<EXAMINATION BY MS McGLINCHEY:

MS McGLINCHEY: Q. Dr Smith, my name is Karen McGlinchey and I represent Shishy in these proceedings. Can I ask you to look at paragraph 42 of your statement. That's a paragraph about - that at a time after Shishy left the ashram, Akhandananda asked you to go to visit her in Queensland, and you in fact did do that, you drove to Queensland and you saw her.

A. Yes.

Q. You said in your statement that she was very distressed. What do you mean by that?

A. Pardon?

Q. You said in your statement that:

When I saw Shishy, she was very distressed ...

A. Yes.

Q. What do you mean by that?

A. She was very upset. She wasn't the person I remembered from the ashram.

Q. Was she crying? I mean, did she - I'm just trying to explore that a little bit further, about what you mean, she wasn't the person you knew at the ashram?

A. She said she was very distressed about the circumstances of all that had happened at the ashram, but when I asked her to talk further, she wouldn't elaborate.

Q. You said in your statement that she told you that awful things had happened at the ashram and there was no way she was coming back. She didn't elaborate. Did you press her on that?

A. I was asked by Akhandananda to ask her if she was coming back.

Q. When she told you that "awful things had happened at the ashram", that would have made you feel quite alarmed, this was an organisation that you were very involved in?

A. Sorry, I can't hear you. I wear hearing aids and it comes through the microphone. I can't hear what you're saying clearly.
Q. Alright, I'll try to be a little bit clearer. When Shishy told you that awful things had happened at the ashram, did you press her on what those awful things were?
A. I did, and she didn't elaborate.

Q. Not at all?
A. No.

Q. Do you recall a conversation with her at that meeting where she said, or where you suggested that she was depressed?
A. That she was?

Q. Did you suggest at that meeting that she was depressed?
A. I'm sure she was.

Q. Did you suggest that she undertook any medical examination?
A. No, no. I wasn't there as a psychiatrist, I was there as - on Akhandananda's instruction.

Q. Is it the case that, because you were there on Akhandananda's instruction, you didn't see yourself in a psychiatrist role?
A. No.

Q. Did you believe that the suggestion that "awful things had happened at the ashram" was something that you should pursue?
A. I tried to.

Q. By asking Shishy?
A. Yes, and Akhandananda when I got back and, as I said, when I got back there was this meeting where the whole tenor of the place was very threatening towards me.

Q. You were asked some questions by Counsel Assisting about the meeting that you had with Shishy and Akhandananda after Jyoti made the allegation to you.
A. Yes.

Q. I think you've said to my friend, Mr O'Brien, that in your letter to Jyoti, which came quite some time later, that you said you didn't have a clear recollection. What did you mean by that?
A. That I didn't recall. Until I received Jyoti's letter, I didn't recall that situation.

Q. And by "that situation" you mean what?
A. When she came to me and talked to me.

Q. When you received Jyoti's letter, did you recall then or did you accept that what Jyoti was saying was true?
A. I had a recollection of going and talking to Akhandananda and Shishy, but I couldn't recall it clearly.

Q. Taking a step back: At the time you received the letter from Jyoti, did you have a recollection of Jyoti's original complaint to you?
A. Jyoti had mentioned it in the letter she sent to me.

Q. If Jyoti had not mentioned it in the letter, would you have any recollection of the complaint to you?
A. Probably not.

Q. And what about sitting here today? Do you have a clear recollection of Jyoti's complaint to you?
A. I'm sorry, can you repeat that?

Q. Sitting here in the witness box today, do you have a clear recollection - not what Jyoti told you - but of her original complaint to you?
A. Not a clear recollection, no.

Q. Any recollection?
A. I remember Ramtirtha, because he was a Swami in the Gosford ashram, and I remember talking to him and going with him to Mangrove, but that's all I remember.

Q. Now I want to ask you some questions about your meeting with Shishy and Akhandananda. You were asked some questions earlier today by Counsel Assisting about that meeting where you confronted Akhandananda after receiving the information from Jyoti.
A. Yes.

Q. You were asked the question:

What happened when you confronted Akhandananda about that?

And your answer was:
Both he and Shishy made up some story which 
obviously I believed.

And then you were reminded to use the pseudonyms, and 
then you said:

I haven't got a clear recollection of it 
but --

Does that mean you were saying, were you, that you 
don't have a clear recollection of that meeting with Shishy 
and Akhandananda?

A. No.

Q. Then the transcript records that you were asked to 
just do your best, and then you said:

But what Jyoti has said in her statement 
sounds probable.

Is that correct? You've said:

What Jyoti said in her statement sounds 
probable.

A. Yes.

Q. For your memory of that meeting between Akhandananda 
and Shishy, are you relying on what Jyoti has said in her 
statement?

A. Not completely; I do remember meeting Akhandananda and 
Shishy and discussing it with them.

Q. You've said that a story was made up and that there 
was some suggestion that she had a mental illness. Do you 
remember who said what at that meeting?

A. No.

Q. So you don't remember what Akhandananda said and you 
don't remember what Shishy said?

A. No.

MS McGLINCHEY: Thank you, Your Honour.

THE PRESIDING MEMBER: Ms Hall?
MS HALL: Thank you, Your Honour.

<EXAMINATION BY MS HALL:>

MS HALL: Q. Dr Smith, my name is Hall, H-A-L-L, and I'm asking questions on behalf of Alecia Buchanan. You knew Alecia's mother, Elly, for some period of time before you got involved with the ashram; is that right?
A. Yes.

Q. You and Elly Buchanan and some other colleagues got involved at Mangrove around about the same time; is that right?
A. Yes.

Q. But you'd known Alecia since she was a little girl; is that right?
A. Yes.

Q. So you'd known her since she was about 4; is that fair?
A. Yes, that would be right.

Q. And you watched her grow up?
A. Yes.

Q. Were you aware that she had asked her mother if she could go and live at the ashram on a permanent basis?
A. Yes.

Q. At the time, did you discuss with Elly whether or not that was a wise idea?
A. I remember Elly telling me about it, and I wondered about it at the time, but at that stage the ashram was seen as a very pleasant place for children.

Q. You told us earlier that you didn't think it was a correct way to bring up children, to let them live at the ashram without their parents; is that correct?
A. Yes.

Q. Is that a view you've always held or you only came to that view a little later?
A. I think I gradually came to that awareness when I talked to Swamis who were separated from their children.

Q. Was that before or after you learnt about the sexual
abuse that occurred at Mangrove?
A. That was before, because I was aware of Swamis who had been separated from their children.

Q. Was Elly Buchanan one of the colleagues of yours that went to the ashram that you discussed this concern about children living at the ashram without their parents?
A. Yes.

Q. Did you discuss with her your concern about Alecia living at the ashram without her mother?
A. I think I saw that as Elly and Alecia's decision.

Q. That wasn't an area for you to intrude in; is that right?
A. Not then, no.

Q. Dr Smith, you told us earlier that you didn't actually witness any discipline being handed out by Akhandananda during your visits to the ashram; is that correct?
A. Yes.

Q. You also told us there were a few things that occurred at the ashram that raised some concern within your own mind; correct?
A. Yes.

Q. Can I just take you to paragraph 36 of your statement. In that paragraph you told the Commission about an example or an incident where your son, who was 4 years old, was dangled over the well by his ankles by Akhandananda; is that right?
A. Yes.

Q. That was a reasonably serious incident to have occurred, was it not?
A. In retrospect it was, but at the time Akhandananda said he was being playful.

Q. You knew that on occasions people had been thrown into the well, as either a form of discipline or a way of making a joke of someone. You knew that, didn't you?
A. I heard rumours; I didn't see it.

Q. The time when Elly Buchanan told you that Alecia had disclosed sexual abuse occurring at the ashram was some 12 months at least after Shishy had left; correct?
A. Yes.

Q. The events that occurred were firstly that Elly came to your house and told you what Alecia had disclosed?
A. Yes.

Q. And then the next day you went up to the ashram and there were police and other agencies that were involved in speaking to the children; is that correct?
A. As a result of that, yes.

Q. Elly wasn't with you at that time, was she?
A. I don't recall.

Q. You also told us about a meeting where you spoke to three girls at the ashram out the front of the ashram, is that right?
A. Yes.

Q. Alecia wasn't there during that meeting, was she?
A. I can't recall now.

Q. You told us also about an occasion where your suspicions were aroused when you came back from Darwin with Akhandananda and saw Alecia waiting for him; correct?
A. Yes.

Q. You'd known Alecia for a long time by then?
A. Yes.

Q. You never discussed those concerns with her, did you?
A. No, I didn't discuss it with her at the time.

Q. You didn't speak with her mother about any discussions or suspicions you might have at that time, did you?
A. No.

Q. Is it fair to say that, because of your reverence for Akhandananda, you didn't want to think that he was doing anything wrong, did you?
A. No, I didn't want to think, because obviously then the whole ashram was not what it purported to be.

Q. And the ashram was a significant part of your life and your lifestyle then, wasn't it?
A. Yes, it was at the time.
Q. And you at that time were conducting lecture series on behalf of the ashram?
A. Yes.

Q. And you travelled throughout the country to deliver those lectures?
A. Yes.

MS HALL: There's nothing further. Thank you, Commissioner.

THE PRESIDING MEMBER: Anyone else? Mr Kernaghan?

MR KERNAGHAN: No, thank you, Your Honour.

THE PRESIDING MEMBER: Mr Watts?

MR WATTS: Thank you, Your Honour.

<EXAMINATION BY MR WATTS:

MR WATTS: Q. Dr Smith, as you know, my name is Watts and I am appearing for you in your appearance before the Commission. I want to take you to a couple of matters I want to ask you about. Can you hear me?
A. Could you get close, thank you.

Q. You've been asked some questions which relate to how accurate your memory is of certain things that happened many years ago, such as the conversation with Jyoti about 30 years ago in 1984.

In recent times you completed the statement that's before the Commission, I think it was completed on 19 November. Did the process of preparing that statement take some time, up to 19 November?
A. Yes.

Q. We're talking about over a period of I think a couple of months or thereabouts; is that right?
A. Yes.

Q. In recent times, have you had a medical procedure undertaken upon you which you believe in part may have - the medical problem you had may have contributed to some of your memory being a bit sketchy?
A. Yes. On 6 November I had a parathyroidectomy.
Q. Particularly with your background, are you able to tell the Commission what effect you believed - well, prior to having that operation, whether that medical condition you had, did that impact on your memory or not?

A. The symptoms of a parathyroid adenoma which I had removed, muscle cramps, forgetfulness and fatigue.

Q. In relation to that meeting with Jyoti which you cover in your statement at paragraphs 37 and 38, that was one of the matters, certainly in paragraph 37, you wanted to correct some parts of what's in paragraph 37?

A. Yes.

Q. When you commenced your evidence today and I think, was that in part from you've in recent times, in the last week, had the opportunity to see Jyoti's evidence about that meeting?

A. Yes.

Q. Did that assist your recollection to realise that what you'd put in paragraph 37, at least part of it, may well be incorrect?

A. Yes.

Q. Remaining with Jyoti for a moment, you've seen in her evidence - and this is reflected at paragraph 38 of her statement made to the Commission - and it's been raised with you today, that you're aware that Jyoti has written in her statement and given evidence before this Commission that she felt at the time she spoke to you that effectively she was being interrogated.

Do you have any recollection now of what Jyoti's demeanour was like at that meeting or not?

A. I remember her being extremely distressed by all of this, as was I.

Q. Were you asking questions to try and elicit from her just what had happened; what she was alleging? Was that what you were trying to do?

A. I was trying to, yes.

Q. Would it be fair to say that you were simply trying to make it reasonably clear in her mind what it was that she was telling you before you then went and did - well, as you did, you confronted Akhandananda about what she was telling
you?

MR O'BRIEN: I object to the question. The witness has said candidly and I think fair enough that her memory of this particular meeting was - well, it appears to be very sketchy at best. To put that sort of proposition is simply leading to a gratuitous response which isn't going to be of assistance given the nature of the recollection that the witness has.

MR WATTS: Perhaps I'll withdraw the question and ask this question, Your Honour.

THE PRESIDING MEMBER: Yes.

MR WATTS: Q. What were you trying to do? What was your motivation for the questioning of Jyoti at that time? What did you have in mind? And I'm asking you if you actually have a recollection about that; if you don't have a recollection, please say so?

A. I don't have a clear recollection of it, but I would imagine that I was feeling a lot of anger towards Akhandananda.

MR O'BRIEN: Sorry.

MR WATTS: Again, perhaps I'll simplify matters if I ask this question and I should have been more precise in my question a moment ago.

Q. Do you recall what your motivation was in speaking with Jyoti? Do you recall what your motivation was?

A. What Jyoti was telling me was not consistent with my picture of the ashram and Akhandananda, and I was trying to work out what she was really trying to tell me.

Q. You've indicated in your statement, and I think your evidence today, that when that conversation with Jyoti took place, you say in your statement that you believed she was in her late teens or early 20s. Correct?

A. I'm sorry, Mr Watts, I'm not hearing you very clear.

Q. Sorry, I'll get a bit closer. In your statement at paragraph 37 you've said that when Jyoti came to speak to you, you've said in or around the early 1980s, but I think you accept that that's the March 1984 meeting that she's given evidence of --
A. Yes, I would.

Q. -- that your belief was at that time she was in her late teens or early 20s; is that correct?
A. I'm sorry, I didn't hear that.

Q. Your belief at the time, when you first met Jyoti, March 1984, that you thought how she appeared to you was that she was in her late teens or her early 20s?
A. Yes.

Q. And bearing that in mind, you were asked some questions about this, about the reporting of what she told you to anyone in authority, did you think that was anything you had any responsibility for given her age?
A. Not at that time.

Q. I think, to complete that area, you look back now and in retrospect you realise, and you feel some considerable anguish, that you didn't accept what she told you and do something about it?
A. I do.

Q. One other matter I was going to ask about. The meeting with some of the girls from the ashram that you refer to from paragraph 44 onwards in your statement, in particular paragraph 45, you talk about there being an occasion in February 1987 when Elly Buchanan and you went to the ashram and you talked to a number of girls; correct?
A. Sorry, I didn't hear. I'm sorry.

Q. No, it's all right, it's my fault. In February 1987 when you went to the ashram with Elly and you went there to speak to girls at the ashram, was that done in a way where it was arranged for the young girls to come out and speak to you outside the ashram?
A. This was outside the ashram.

Q. Was that done by you in the hope that they would be more likely to open up to you?
A. Yes.

Q. As a result of that meeting with those girls, you then reported what you'd been told to the police?
A. Yes.

MR WATTS: I have nothing further. Thank you,
Your Honour.

DR DWYER: Just one matter arising, thank you, Your Honour.

<RE-EXAMINATION BY DR DWYER:

DR DWYER: Q. Could I have on the screen ROI.0013.001.0005_R. Dr Smith, this is the letter that you wrote to Jyoti in 2000. That will come up on the screen there. Do you see in the third paragraph beginning the sentence:

"Your letter came as a great shock to me."

Do you see that?

A. No.

Q. What about now, Dr Smith, is that on your screen? Can you see that there or would you prefer I read it to you? It reads:

"Your letter came as a great shock to me - it seems as though I have repressed the memory of talking with you about this --"

A. "Until you reminded me".

Q. Thank you. Then you write:

"My recollection is patchy but I must have believed you as I do remember confronting Akhandananda and Shishy with what you told me."

Back in 2000 when you wrote that letter to Jyoti you clearly wrote to her, "I do remember confronting Akhandananda and Shishy", didn't you?

A. Yes.

Q. You've underlined the words "I do". Does that emphasise the fact that you did have a memory in 2000 of that meeting with Shishy and Akhandananda?

A. Yes.

Q. You go on to write:
I wasn't convinced by Akhandananda's response but I was impressed [is that the word there?] by Shishy.

A. Can you scroll it up?

MR WATTS: I think it may be "persuaded".

DR DWYER: Thank you. I'll read that again:

I wasn't convinced by Akhandananda's response but was persuaded by Shishy.

A. I can't read that, it's not on the screen.

Q. I wasn't convinced by Akhandananda's response but was persuaded by Shishy whom, I then believed, really cared for all the children and would not betray them.

A. Is that what you wrote there?

A. Yes.

Q. Do we take it from that that there was something in the actions or words of Shishy when you spoke to them, after what Jyoti said to you, that supported the view that Jyoti was not to be believed?

A. Yes.

DR DWYER: Nothing further.

THE PRESIDING MEMBER: Yes, thank you, Dr Smith. Thank you for your attendance and you are otherwise excused.

MR KERNAGHAN: Your Honour, I'd just invite Counsel Assisting to tender the statement.

THE PRESIDING MEMBER: Yes, thank you. Yes, you are excused Dr Smith.

<THE WITNESS WITHDREW

THE PRESIDING MEMBER: The statement of Dr Smith will be Exhibit 21-23.

DR DWYER: Your Honour, I tender the statement of

Transcript produced by Merrill Corporation
Dr Smith, and I also tender a curriculum vitae that's kindly been provided by Dr Smith and her counsel.

THE PRESIDING MEMBER: As part of the same exhibit?

DR DWYER: Yes, thank you, Your Honour.

EXHIBIT #21-23 STATEMENT OF DR SMITH AND CURRICULUM VITAE

DR DWYER: Your Honour, the next witness and the final witness for today is Dr Sztulman. I've just received a message that concerns Dr Sztulman. Might I just ask for a five minute break to address that before we come back?

THE PRESIDING MEMBER: Yes. Take a short break.

SHORT ADJOURNMENT

DR DWYER: Your Honour and Commissioner I'm grateful for that time, that's resolved that issue. I call Dr Henry Sztulman.

<henry sztulman, affirmed: [3.35pm]

<EXAMINATION BY DR DWYER:

DR DWYER: Q. Sir, could you tell the Commission your full name?
A. My name is Henry Sztulman.

Q. You're trained as a general practitioner; is that right?
A. Yes.

Q. Are you currently practising as a doctor?
A. Yes.

Q. You've provided a statement to assist the Royal Commission which is dated 31 October 2014. Do you have a copy of that statement in front of you?
A. Yes.

Q. You've read it recently?
A. Well, I read it at the time that I wrote it, and then I emailed it to my solicitor for him to check, then he sent it back to me and we just cross-checked it, so I have not read it in the past month but I'm I've got no particular
reason to want to change it.

Q. So the information in this statement is true and correct to the best of your knowledge?
A. That is right.

Q. You completed your training as a general practitioner in 1976; is that right?
A. Yes.

Q. For three years you worked as a general practitioner in Sydney in sole practice?
A. Yes.

Q. After that time did you go and live at Mangrove Mountain ashram?
A. In 1979, yes.

Q. By that stage you had had three years experience as a doctor in a sole practice?
A. Yes.

Q. When did you first become involved with Satyananda yoga?
A. I first met Swami Akhandananda in late 1975 when he came to Melbourne, and he was - I already had an interest in yoga and I was practising yoga. And after a conversation with him he invited me to come up to Sydney. At the end of my third postgraduate year, during the year of university holiday - I was working for Melbourne University at that stage. During the holidays I went up and spent a month living in the ashram there and they had - rent a small house in Bondi, and there was also the Mangrove Mountain Centre.

Q. Why did you go and live at the Mangrove Mountain ashram in 1979?
A. Because I wanted to immerse myself more fully in the yoga class.

Q. How long did you stay living at Mangrove Mountain ashram?
A. From the second half of 1979 until either end of 1989 or early 1990. I think I might have written - look, it was that summer.

Q. Were you initiated as a Swami?
A. Yes.

Q. When did that happen?

Q. Who initiated you?
A. Swami Satyananda.

Q. Were you given a spiritual name?
A. Yes.

Q. What was that spiritual name?
A. Swami Nadamurti.

Q. Do you still use that spiritual name?
A. My wife calls me Nad, an abbreviation; most other people call me Henry.

Q. Are you still involved in Satyananda yoga?
A. No.

Q. When did you stop practising Satyananda yoga or being involved in the philosophies of Satyananda yoga?
A. Some time after I left the ashram, I would still get involved, come for visits or if there was a convention or something like that. About four or five years ago I stopped.

Q. Why did you stop?
A. I thought you received a text about an issue.

Q. That causes you some personal difficulty to explain why?
A. Yes. I'll be quite happy to discuss it but not in the open.

Q. I'll withdraw that question. Was part of the reason that you stopped being involved in Satyananda yoga because you lost faith in the philosophies taught by yoga?
A. Yes.

Q. Was Swami Akhandananda a charismatic figure?
A. Very.

Q. Did you regard him as your guru when you first met him?
A. No.
Q. How did you regard him in terms of your relationship?
A. Our relationship evolved.

Q. From what to what?
A. From when I first met him and the time I first came from Melbourne to Sydney, for that month during our holidays, and I developed a very high regard for him.

Q. Why was that?
A. He seemed to be a man of wisdom. He had incredible knowledge of yoga. Those were the things that attracted me.

Q. Who was your guru at the time that you were connected with Satyananda yoga?
A. Swami Satyananda.

Q. And you met Swami Satyananda himself; is that right?
A. I met him, yes.

Q. Did you regard him as a very spiritual man?
A. Exceptionally.

Q. Did you also regard Swami Akhandananda as an exceptionally spiritual man in the time --
A. Not in the same level as Swami Satyananda.

Q. Did you regard him as Swami Satyananda's chief disciple in Australia?
A. Yes.

Q. You knew that he was somebody who Satyananda had great faith in?
A. I would say, yes.

Q. Is that something that made you trust Swami Akhandananda?
A. Well, to some extent, and I also trust Swami Akhandananda because of my personal interactions with him.

Q. When you moved to the Mangrove Mountain ashram in 1979, what was your role?
A. Initially, I didn't - I went there for my own personal - I could say for my own personal spiritual growth, okay. So, I attended classes, I did all kinds of - I worked. I did some teaching. I had already done some
teaching even when I was living in Sydney before I came to
the ashram. By nature of my professional training, I dealt
with any medical issues which were relatively minor.

Q. So you were happy to accept a responsibility as a
doctor for the medical needs of those living at the ashram?
A. When those needs - yes, when I was needed.

Q. But you explained to the Royal Commission in your
statement that from your perspective you weren't needed
very often because it was a young and generally healthy
population?
A. When I was - there were fairly minor issues that
needed my attention.

Q. I'll come to some of those shortly. You tell the
Royal Commission that your relationship with Akhandananda,
when you first went to live at the Mangrove Mountain
ashram, evolved but was generally a very close one; is that
fair?
A. I felt it was a very good relationship.

Q. How did you regard Shishy at the ashram? Were you
close to her?
A. I was comfortable with her. I don't know that I was
particularly close to her. It was a relatively small group
of people then in '79 living at Mangrove Mountain so we all
interacted with each other.

Q. Did you come to understand that Shishy was
Akhandananda's partner?
A. I had no conception of a - when you say "partner", in
terms of a sexual relationship, there was no conception of
that whatsoever.

Q. Prior to Akhandananda leaving the ashram around 19 --
A. 87.

Q. -- 87 did you have any idea that he had a sexual
relationship with Shishy?
A. None whatsoever. The message from him was inevitably
one of abstinence.

Q. Did you see or hear anything that made you suspect
that in fact he wasn't practising abstinence?
A. Not remotely.
Q. So, you believed that he genuinely practised what he preached about that?
A. I had no reason to think otherwise.

Q. Did you understand that Shishy was someone who was his spiritual partner?
A. I'm sorry?

Q. Let me ask you a different question. You knew that Shishy and Akhandananda shared a room together, is that right?
A. Yes.

Q. Did you regard them as being very close?
A. I would have thought, yes.

Q. Did you think that he had a particular spiritual or connection or relationship with Shishy?
A. It's a bit difficult question to answer. I guess - I mean, I find it a bit of a vague question, but I guess overall it was the feeling of the organisation, it was the feeling of the whole community that - can you ask me the question again please?

Q. Sure, I'll withdraw it, I'll ask you this question: Did Shishy have a particular role within the community that you saw?
A. Yes.

Q. What was her role?
A. I would say she was second in charge.

Q. Did you regard her as somebody who was particularly close to Swami Akhandananda?
A. Yes.

Q. Did her closeness with Akhandananda give her a particular power or status within the community?
A. I would say, yes.

Q. Is one of the reasons you say she was second in charge, because you saw her give orders to other people in the community?
A. Yes.

Q. Is it your view that Shishy was in charge of the children?
A. Absolutely.

Q. Why do you say that?
A. They seemed to be very attracted to her, and they would listen to what she told them to do, but they certainly wouldn't listen to the other adults; at least, they wouldn't take orders from adults. I mean, you could talk to them and sort of say - like for example, if I was giving a class and they were making a lot of noise outside I'd go outside and say, "Guys, I'm in the middle of a class", they'd go, "Fair enough we'll go somewhere else", but in terms of being told what to do, it was Shishy.

Q. So is it your experience that the children always did what they were told to do by Shishy?
A. So far as I could see.

Q. Did you understand that it was part of the philosophy of Satyananda yoga as practised as Mangrove Mountain to separate children from their parents?
A. I guess that that was true in some ways when Swami Satyananda, I heard some of his lectures and - now, I don't remember them verbatim because they were going back well over 30 years, but he would say, "For us adults, we need to practice yoga", right, because of our sickness, because of all the stuff that we're carrying, but the children, just let them play, and don't put your own stuff onto them.
That's my general overview.

Q. You talk in your statement about the children bonding so closely with Shishy that she had a strong influence over them. Is that fair to summarise it?
A. Yes.

Q. You refer to the children being devoted to Shishy. Is that something you noticed?
A. In terms of the behaviour, in terms of them hanging around her - well, basically, yes.

Q. Some of the girls went so far as to having the nickname "Shishy" tattooed on their forearm; is that right?
A. Definitely one of them. Do I don't know whether it was Shishy, but yes.

Q. That was in an era when it wasn't customary for females to have tattoos?
A. Absolutely, yes.
Q. Where did that child get the tattoo from?
A. That, I don't know.

Q. Do you remember being concerned by that?
A. No. They just accept it as part of their devotion to her.

Q. Back in those days when you were heavily involved in Satyananda yoga, did you question at all the worship of Shishy by some of the children?
MS McGLINCHIE: I think we're going a little bit far when we're talking about worship. I don't know whether that's a word that's popped up.
DR DWYER: I'll withdraw the question, I'll ask it this way.

Q. Back in those days, in the 1980s when you were involved in Satyananda yoga, did it concern you at all the level of devotion that the children showed to Shishy?
A. No.

Q. Looking back on it now, does it concern you?
A. In view of what I know now?

Q. Yes.
A. Oh, yes.

Q. What was the attitude to sexual relationships amongst consenting adults at the ashram?
A. It was definitely frowned upon.

Q. By whom?
A. Definitely by Swami Akhandananda, and I can't remember whether Shishy at any stage made some derogatory comments about it. Over a period of some seven, eight years I can't remember obviously everything that I was told, but my general impression was, it was frowned upon.

Q. What gave you that general impression?
A. I guess some things that Swami Akhandananda said and some things that Shishy - look, I'm sorry, I always refer to her as Shishy, it's in my head, I've never gone for the kind of diminutive. What gave me that impression? Sorry, could you please restate your question.
Q. What gave you the impression that sexual relations between consenting adults were frowned upon?
A. I guess things that came from both, mainly from Swami Akhandananda and also things that came from Shishy. She didn't give any lectures on it, but just interactions, she'd make a remark, a denigrating remark.

Q. You nevertheless did have a sexual relationship with one of the women who had a child at the ashram - I'm not asking you to name that person.
A. Two children.

Q. You had two children at the ashram?
A. Yes.

Q. How long did that relationship last for?
A. Some years.

Q. Did anybody else know about that relationship when you were at the ashram?
A. It wasn't exactly a - after a while it wasn't exactly a secret.

Q. Did Akhandananda ever say anything to you about that?
A. No. He knew, but there was never any comments made about it.

Q. Even though it was frowned upon, you yourself thought that you could have that relationship and you wouldn't be punished for it?
A. No, I wasn't denigrated over it.

Q. In relation to Shishy, did her behaviour or mood change at all that you noticed over the period that she was living at the ashram when you were there?
A. There was nothing really obvious to me.

Q. The Royal Commission has heard some evidence that Swami Akhandananda's nightly talks - is that the satsang?
A. Satsang.

Q. Got a little more bizarre after the mid-1980s. Is that something you can comment on?
A. I don't recommend it as being bizarre.

Q. Did you ever recall hearing any element of sexual talk
in that nightly satsang?
A. I remember one evening something came up and it seemed
like one of the Swamis had some sort of a brief sexual
liaison.

Q. Did Akhandananda ever say or do anything at the
nightly satsang or indeed at any time that gave you the
concern that he was sexually inappropriate?
A. He said something - sorry?

Q. I'll just ask the question again. Did Swami
Akhandananda ever say or do anything prior to him leaving
that made you concerned that he was sexually inappropriate?
A. No.

Q. Were you aware of what the approach to physical
punishment of children was at the ashram?
A. No.

Q. Did you ever see anybody hit the children?
A. No.

Q. Do you have a document in front of you which is a list
of pseudonyms?
A. Yes, I do.

Q. Could you look down that pseudonym list and see the
name [APR] so that I can ask you questions about that
person who was a child.
A. Yep.

Q. You recall that person who lived at the ashram?
A. Yes, indeed.

Q. Do you recall an incident where her neck was injured
by a donkey?
A. Until I read the - not the transcripts but the
original submission, that was completely out of my mind.
Having read it, I only have a very vague memory of that.

Q. But you do have some memory of her neck being injured?
A. Yes.

Q. What she says in her statement - paragraphs 34 and
35 - is that there was an incident involving a fellow who
was corralling the horses and donkeys:
The donkey bolted and the rope got wrapped around her neck, slicing it open. She was carried in a canoe back to the ashram.

She said:

The first thing Shishy did when I was carried back to the ashram ... asked where the accident happened. As soon as she found out I was off ashram property, no medical attention was given to me at all and, despite bleeding profusely from the neck, I was made to sit on the veranda of the reception as a punishment for not obeying.

Do you see a reference to yourself:

Nad's doctor's room was right next to the reception and he also had to look at me sitting there all day.

Do you remember that now?

A. No.

Q. She says:

Eventually my neck got so infected and I became really ill with fever and I had to go to hospital for injections into the wound and antibiotics.

Do you recall her neck getting infected?

A. No.

Q. Were you ever instructed by Shishy or Akhandananda not to treat somebody?

A. No.

Q. Do you recall ever examining any of the children now, when you think back on it?

A. Well, again, I - not specific. I read the submissions, but I can't say that I remember specifically examining children. I probably would have, but I have no specific recollection.

Q. I'll read to you something from Alecia's statement.
Have you read Alecia's statement previously?
A. Yes.

Q. Have you read the statement of all the witnesses who were children who have given evidence?
A. I don't know that I've read all of them.

Q. Alecia says when she was about 16 years old she was menstruating but then began haemorrhaging and it continued for about six weeks. The bleeding would not stop. She was certain that was caused by Akhandananda's repeated sexual assaults. She told Shishy what was happening, and:

... as she instructed, as she did every time I was sick or injured, she talked to Dr Nad, a medical doctor who resided at the ashram.

Do you remember seeing Alecia as a result of her bleeding profusely?
A. No.

Q. You're not telling the Royal Commission that didn't happen, are you?
A. No, no, I'm not saying it didn't happen. I mean, I read her statement and - yes, I read her statement and it seems like she was - I suspect from what she wrote that I referred her to a gynaecologist. I'm only saying it because in her statement she didn't say she saw another general practitioner who then sent her to see Dr Kafka. Shishy took her to see a gynaecologist, so I presume, not remember the situation, it was me who referred her to the gynaecologist.

Q. Do you recall doing any vaginal examinations of any of the children while you were there?
A. No. I may well have performed a vaginal examination on her, as she states there. I never performed a vaginal examination on anyone without a chaperone. If it was a child it would have been Shishy.

Q. Do you recall noting that any of the children had thrush?
A. Never.

Q. Do you recall noting any unusual gynaecological conditions in the children?
A. I don't recall any gynaecological conditions in children.

Q. Do you recall examining Shishy herself?
A. Again, I read her statement. I don't - it may well have happened but I don't, I have no recollection of it.

Q. What she says is that she was made by Akhandananda to have an internal examination by yourself, who said that there was nothing wrong with her vagina. You just can't remember that?
A. I don't. Again, it was events of more than 30 years ago.

Q. Doctor, is it the case that adults tended to wear dhoti at the ashram?
A. Yes.

Q. And they didn't wear underpants underneath the dhoti?
A. I can't speak for everybody.

Q. What about yourself?
A. Me, quite often I didn't. Oh, no, I'd say when I was wearing a dhoti I would not have been wearing a pair of undies.

Q. Are you aware of any evidence given by [APR] that she could see your genitals at some stage?
A. I read that. I was quite surprised, because normally a dhoti is a full length clothes going down to your ankles, and when you tie it up, I was very fastidious about it, there was an overlap of at least a foot and a half. Okay, so I asked myself, how could this have happened? A couple of possibilities, either I was wearing a pair of shorts or sometimes in the summer you tied it up so it was more, it looked more like a kilt, okay. I mean, these are the only situations where I could imagine this happening.

Q. Do you remember that adults showered communally with the children for a period of time?
A. The males were separated from the females.

Q. Do you remember that always being the case?
A. Yes. I've never seen - well, there was a girls' showers and boys' - well, women, female showers and male showers and that was always the case.
Q. In the statement of [APR], paragraph 83 she says:

In or about 1998 or 1999 when she was back
visiting her mother at the ashram Nad
happened to be there.

1998-1999?

Q. Yes:

When he saw me, he burst into tears and
apologised to me, though he did not say
what for.

Do you remember any occasion when you were tearful and
you apologised?

A. Now, I don't remember this occasion, okay, but I
remember other occasions. And when I read this, I mean,
this reminded me of other occasion, and when I read this -
look, it reminded me of, for me personally, of the loss
that occurred to me as a result of everything that
happened. Because I put my heart, body and soul into the
ashram. So when things began to fall apart, I found it
incredibly painful. I was very idealistic when I went
there, and remained idealistic until things began to
seriously fall apart, and I felt a sadness. In fact, when
I was reading this statement from [APR], I mean - and this
was only a few - I don't know, a few days ago or a couple
of weeks ago, it started coming up for me again, the sort
of sadness that what could have been, a dedication of all
these idealistic people.

Q. So do you say that you were only tearful in front of
[APR] because when you saw her it reminded you of your own
loss?

A. And something happened with some other people, exactly
same sort of situation, we're there together and then it
suddenly - I remember being with a couple of other Swamis,
and I started crying and they did too and I knew that we
connected about the same sense of personal loss.

Q. Doctor, could you have a look at that pseudonym list
again and look for the name [APL].

A. Yes.

Q. Do you recall an occasion around 1989 or 1990 when you
apologised to [APL]?
A. No. I read her initial statement.

Q. Do you know that in her initial statement she says that on that occasion you came up to her and you apologised for your past threatening behaviour and you told her that you believed her about the abuse --

A. Yes.

Q. -- by Akhandananda.

A. I don't remember it but I have no reason to disagree with that.

Q. In 1987 you became aware that some of the children were reporting sexual abuse by Akhandananda; is that right?

A. Yes, certainly [AQA], that was Shishy's mother, came to the ashram and she told me about it, said the police are going to be informed and various other things.

Q. Did she tell you that it involved more than one of the children?

A. That, I cannot remember.

Q. What did you think when she first told you about that?

A. The phrase that came from me, and I remember talking to my wife about it just recently, sort of saying, it felt like there was an earthquake under me.

Q. You didn't believe it, did you, when you were first told?

A. There was an ambivalence in me because around about the same time a letter came to the ashram - I didn't see it personally - a letter came to the ashram to address the ashram kids and it was in Shishy's handwriting. She has a very distinctive handwriting, and Swami Adwaitananda, who was in charge of the office, saw it and he actually opened it. Now, again, I didn't see that letter because at that stage I was in India, but when I came back Adwaitananda said to me, she wrote to them saying he's been found, he's been abusing and we're going to take over the ashram. So I felt there was like a coup there, there was more than one issue going on, which made me respond in a somewhat disbelieving manner.

Q. I see. So, as a result of what you were told about the contents of that letter, you believed that perhaps Shishy was trying to stage a takeover?

A. Yes.
Q. Did you think that it was possible then that a child or some of the children were fabricating this idea about Akhandanananda sexually abusing them?
A. I found the whole experience so emotionally traumatic, and that was the reality for me. I don’t know how objectively rational my thinking process went.

Q. And doctor, is that --
A. Because I had a huge faith, a huge faith in him, and there were these totally conflicting images.

Q. You’ve anticipated my next question. Is it the case that, because Akhandanananda was somebody you held in such high regard, you didn’t think he would be capable of doing what was alleged?
A. I didn’t - I can’t even say I even thought about it as logically as that.

Q. Why were you in India at that time?
A. Because at the time that the allegations came out Akhandanananda asked me to go to India and speak to Swami Satyananda and get directions from him.

Q. And did you do that?
A. I went.

Q. Did you speak to Swami Satyananda?
A. I spoke to Swami Satyananda and he actually typed up a letter for the ashram population and he typed up another copy - or maybe it was the same one - another copy with a lot of Hindi writing on it directly for him.

Q. Directly for Akhandanananda, is that right?
A. Yes.

Q. So you couldn’t read the Hindi writing on it; is that correct?
A. Correct.

Q. I’ll just show you up on a screen a letter addressed to the General Managers, Satyananda Ashram Australia, signed by Swami Satyananda. Is that the letter you’re referring to, dated 28 February 1987?
A. I’m waiting.

Q. I’m sorry, I’ll just read onto the record?
A. It's not on the screen.

Q. NSW.0038.001.0050. That's it. If that could be scrolled down and if you can take a moment to read it to yourself?
A. 28 February. It's not very clear.

Q. It's 28 February 1987?
A. Yeah, that would be - I know that the whole thing happened in February; I don't know exact dates, when I went to India, so I think that would correspond to that.

Q. Do you recall that the gist of that letter was to confirm that Swami Satyananda was giving his full confidence to Akhandananda?
A. I can't - I honestly can't remember the details of the letter.

Q. Do you recall the details of the conversation you had with Swami Satyananda?
A. I told him what had happened, or my perception of what had happened. And he said, again I don't remember the details but he probably said I will write a letter.

Q. Did you tell Swami Satyananda that it was your perception that there was some power play going on with Shishy and that --
A. Yes - no, no, I don't remember but I would have, I guess I would have.

Q. So, you accept that you would have told Swami Satyananda that in fact you didn't believe the allegations that were being made?
A. That, I can't say. I don't remember exactly what I told him, as in the allegations, probable the allegations were made and I also felt that there was this power play.

Q. But at the time you didn't believe the allegations, did you?
A. No. I suspect no, sorry.

Q. Did you attend court to support Akhandananda after he was charged with offences?
A. I attended court as a witness, yes.

Q. You would have recalled the evidence of [APL], that she has a memory of you being in court to support
Akhandananda. You accept that?

A. I was - well, it was a closed court and I appeared as a witness when it was my turn.

Q. You appeared for Swami Akhandananda; is that right?

A. Yes.

Q. What was your attitude towards other members or people who had formerly been members of the ashram who were supporting the children in the prosecution case?

A. I think I would have been distrustful.

Q. Distrustful, is that right?

A. I think so, yes.

Q. Do you accept that you would have been hostile towards some of them?

A. I don't remember expressing any hostility, other than according to what [APL] said, you know, I was a bit hostile to her right at the beginning of the process and, as I said, later - as you also pointed out, that a couple of years later I changed my attitude towards her.

Q. Doctor, you certainly believe now what the children said about being sexually abused by Akhandananda, don't you?

A. After reading their statements I was quite horrified.

Q. When is it that you first started to appreciate that in fact they could be telling the truth about Swami Akhandananda?

A. There are really two components here. I think it was a gradual process. It wasn't like a binary issue; one day I did and next day I did; that things begin to sort of gel in my mind.

Q. When is it, can you tell the Commission, that you came to fully accept that Swami Akhandananda had sexually abused those children? Is it recently?

A. No. No, not just recently. I mean, recently I found out so much more about it. But certainly around about - certainly after he was found guilty of - well, he was actually found guilty of acts of indecency, and not having seen the actual evidence, I would have thought that the jury system would have probably gotten it right.

Q. But you went to visit him in gaol, didn't you?
A. I did visit him in gaol.

Q. How many times did you visit him while he was in custody?
A. I don't know exactly; I don't know, maybe two or three times.

Q. Didn't you visit him in custody with [APR] and [APT]?
A. I don't remember being there with [APR]. I remember being at there once with [APT].

Q. Did you visit him in custody because you had some sympathy for him?
A. It's not - even though things were fading in terms of my relationship with him, I felt I still had a bit of - a connection with him, just in terms of all the positive things he had done in the many years that I'd known him.

Q. In the period while he was in custody did you continue to think at least it might not be true, the accusations?
A. I can't remember my thoughts then, but in terms of if you were to put it in a spectrum of my admiration to him, to none whatsoever, it was obviously moving in the direction of losing.

Q. Do you accept now that at the time these accusations were made, or at the time these revelations came out in relation to Swami Akhandananda's abuse of the children, you were blinded by your faith in Swami Akhandananda?
A. Undoubtedly.

Q. Do you accept some failure on your part not to respond appropriately to the allegations when they were made?
A. Looking at it objectively now, without having had the kind of relationship I had with him - so repeat the question please? I suspect my answer will be yes, but could you repeat it?

Q. Do you accept that there was some failure on your part not to have responded appropriately to the accusations?

MR AINSWORTH: I appear for the doctor, and respond appropriately to whom?

DR DWYER: I'll withdraw the question, I'll frame it differently.
Q. You've told the Royal Commission that you didn't believe the children when the revelations were first made?
A. Initially.

Q. You went to India and you told Swami Satyananda that you didn't believe the allegations; is that right?
A. I can't remember what I told him.

Q. You accepted I think earlier that you would have told him that you didn't believe the allegations; is that right?
A. I am being honest with you, I can't remember what I told him. I said the allegations were made and there was issues of Shishy's takeover. Those are the things that I remember. I don't remember whether I made any personal comments, personal observations, personal opinions and that.

Q. You gave evidence in court on behalf of Swami Akhandananda?
A. I gave evidence that I was the main yoga teacher in the ashram; that's what my evidence was about, so yes.

Q. You were emotionally supportive of Akhandananda throughout those trials?
A. I would say, yes.

Q. And you were distrustful of others who had spoken out to support the children?
A. Distrustful, I'd say, yes.

Q. Do you regret that now?
A. If I caused - I regret causing anybody pain, and I even regret the fact that I told [APL] that I distrusted her.

Q. You've told the Royal Commission that you have had no specific training in psychology but you've had basic training in psychiatry as part of training as a general practitioner?
A. Our training in psychiatry was pretty - not in terms of any kind of counselling work - identifying major psychiatrist disorders. I can't remember whether I wrote it out, probably.

Q. You've given great consideration, haven't you, since these revelations have been made to exactly how this came about at Mangrove Mountain ashram, in terms of
Akhandananda's abuse of the children?
A. Have I given great consideration to it?

Q. Yes.
A. I could see how it could have happened because he was charismatic, he was a man in power, and if he chose to abuse the power, you're saying power corrupts and you know the rest. So, can you repeat the question please?

Q. I'll withdraw that one, I'll ask you this question: Is it fair to say the guru/disciple relationship is one that is open to abuse in some circumstances?
A. Absolutely, we know that.

Q. Has the welfare of the children at the ashram who were abused by Akhandananda affected you over the years?
A. Yes. I didn't know what happened to them. After I left the ashram I did not know what happened to them, and in a relatively close interaction I didn't know what happened to them.

Q. It took you --
A. You know what I mean, it was that close interaction, in terms of my relationship with [APT].

Q. You had a relationship with the mother of one of the girls who was abused; is that right?
A. Yes.

Q. Did you become aware at some stage that she was abused prior to the Royal Commission?
A. Not remotely. Not until I read this information, whenever it was, two or three weeks ago. Whenever it came, whenever I received the bundle, whatever it is, information.

Q. You now are aware of the full extent of the abuse, having read the statements, or you're aware of what has been said by some of the survivors --
A. Yes.

Q. -- about the way in which they were abused?
A. Yes.

Q. You're aware that the survivors who came forward to bring criminal charges against Akhandananda, you accept that they were telling the truth about that?
A. Absolutely.

Q. Do you regret that you supported Akhandananda through that process given what those girls had been through?
A. Yes, I'm really sorry. I mean, reading the children's, well they were children then, reports I find it quite - I find it very distressing. Very stressing that we have - they were lovely kids. Well, even if they weren't, they were still kids.

Q. Finally, doctor, can I ask you about the meetings of Satyananda Ashram Ltd. Do you recall attending any meetings?
A. I was appointed at some stage a director of Satyananda Ashram. I can't remember the technical details because what happened, somebody moved on and Swami Akhandananda come to me and said, "Now they want you to be a director", I said "Okay". I mean, other than having my name on paper, that was about the end of it. He made the - in terms of decision making, the overall decision directions were his.

Q. Do you recall attending any meetings in relation to the ashram and the management of the ashram?
A. I can't remember there being any. Maybe there was an annual general meeting which was more like a - look, if something happened it would have been so vague, would have sat down, had a cup of tea, that would have been the end of the story.

Q. I'll just put one document on the screen for you to see, doctor. It's SYA.0006.005.0025_R, and if it can be scrolled down to page 16. Doctor, do you see there the minutes of a meeting that Satyananda ashram held on Saturday, 3 September 1977?
A. Yes.

Q. You see that present there listed is yourself?
A. Yes.

Q. Swami Akhandananda and Shishy?
A. Shishy, yes.

Q. I appreciate that this is a significant period of time ago, but do you recall now any meeting back in 1977 in the early days of the ashram?
A. They couldn't spell my name right. At one stage he appointed me chairman. It was just, whatever it was in
name only. I was still then living in Sydney, I had a
practice in Mosman and, you know, I'd go down to Mangrove
on the weekends and so on. I have no recollection of that.

DR DWYER: Nothing further. Thank you, Your Honour.

THE PRESIDING MEMBER: I assume that there are some
questions from others at the Bar table.

MS McKENZIE: Your Honour, I have questions for this
witness but I do notice that it's almost 4.30.

THE PRESIDING MEMBER: So we'll adjourn until 10 tomorrow.
Dr Sztulman, the time that we would normally finish has
passed, so before I invite the other members of the Bar
table to ask questions of you, we're going to adjourn,
resume at 10.

AT 4.23PM THE COMMISSION WAS ADJOURNED
TO TUESDAY, 9 DECEMBER 2014 AT 10AM
series [1] - 11351:1
serious [4] - 
11258:10, 11258:13, 11284:45, 11349:35
seriously [2] - 
11279:24, 11370:26
set-up [1] - 11278:3
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severe [1] - 11273:28
sewed [1] - 11270:31
sexual [41] - 
SEXUAL [1] - 11256:13
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youth [1] - 11299:6