ROYAL COMMISSION INTO INSTITUTIONAL
RESPONSES TO CHILD SEXUAL ABUSE

Public Hearing - Case Study 21
(Day 109)

Level 17, Governor Macquarie Tower
Farrer Place, Sydney

On Tuesday, 9 December 2014 at 10am

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

Counsel Assisting: Dr Hayley Bennett

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THE PRESIDING MEMBER: Good morning.

DR BENNETT: Commissioners, my name is Hayley Bennett and I remain as Counsel Assisting for the remainder of the public hearing.

THE PRESIDING MEMBER: Thank you, Dr Bennett. I understand Dr Dwyer had finished with this witness and we're about to commence now with the remainder of the Bar table.

DR BENNETT: That's correct.

HENRY SZTULMAN, on former affirmation: [10.06am]

THE PRESIDING MEMBER: We'll start down the back, Ms Hall.

EXAMINATION BY MS HALL:

MS HALL: Q. Doctor, my name is Ms Hall, I represent Alecia Buchanan. Do you remember Alecia Buchanan as one of the child residents of the ashram?
A. I do.

Q. Have you had an opportunity of either seeing her evidence or reading her statement?
A. I read her statement.

Q. You remember that she speaks in her statement of being treated by you and being provided a tea mixture that contained black tea, chilli, ginger and garlic. Do you remember reading that?
A. Yes.

Q. Was that something that you used to provide to the children when they reported that they had had an illness?
A. That was basically used as a naturopathic remedy for upper respiratory viral infections.

Q. Are you trained as a naturopath, doctor?
A. No.

Q. That was something that you decided was appropriate in the circumstances; is that right?
A. I didn't decide it, Swami Akhandananda actually said that he had experience with it, and upper respiratory viral illnesses, there's no actual medical treatment for it.
Q. So as far as you knew, did Akhandananda have training or experience as a naturopath?
A. That, I don't know.

Q. You're aware that in her statement Alecia Buchanan stated that she came to you because she was bleeding from the vagina?
A. I accept that statement.

Q. Is it your memory that you used that same naturopathic treatment of the tea mixture to treat her when she complained to you about bleeding from the vagina?
A. Not at all. That is a treatment purely for, as I said, for viral - common simple viral illnesses, upper respiratory viral infections.

Q. So what was the treatment that you used when she was bleeding from the vagina?
A. There was no specific - obviously I referred her to a gynaecologist.

Q. It wasn't the case, doctor, that Shishy (sic) rang her mother and directed her to a gynaecologist?
A. Now, I don't remember the exact details, I'm just actually, I don't remember the consultation, but I'm just reading Alecia's statement and I can only deduce from that, that she saw me obviously, and if I saw her and in any situation if I could not sort of deal with it - it was obvious to some that it was appropriate for her to see a gynaecologist.

Q. Is it fair to say, doctor, that you don't have specific memory of this particular incident, you're assuming that you would have done certain things in the circumstances?
A. Yes.

MS HALL: I have nothing further, thank you, Commissioner.

THE PRESIDING MEMBER: Ms McGlinchey?

<EXAMINATION BY MS McGLINCHEY:

MS McGLINCHEY: Q. Dr Sztulman, my name is Karen McGlinchey. I represent Shishy in these proceedings. Doctor, as I understand your practice, you resided at the
ashram at Mangrove Mountain between 1979 and 1987; is that correct?
A. Between 79 and probably late 1989, maybe early 1990, that summer.

Q. Your medical practice was located at the ashram?
A. Yes.

Q. In addition to that, you lived in the ashram?
A. It's probably the other way around. I lived in the ashram as a Sannyasin, as a Yogi, and when calls were made on my medical skills, I applied them, but I couldn't - I wasn't running a medical practice like I do now. It was, the medical part or practice of it was relatively peripheral, wasn't the key aspect of my life at the ashram.

Q. That was my next question. Did you have what we would term a surgery located at the ashram?
A. No.

Q. So you didn't run medical hours any particular way?
A. No.

Q. It was as required, request as required?
A. I would often go days without anybody needing - or somebody would come up and say I've got a bit of a sore throat; that would be a fairly common sort of symptom, which you'd go back to the ginger and garlic tea.

Q. Did you attend to people who were resident at Mangrove Mountain?
A. Yes, I did.

Q. What about the other ashram, say Gosford, we've heard evidence that people would come from Gosford to Mangrove Mountain, would they have consulted you if they needed a doctor?
A. You mean, Gosford residents or Swamis from Gosford?

Q. Swamis from Gosford?
A. Gosford ashram; sometimes. I remember, Swami Mayananda who was in charge of Gosford ashram saying she was seeing one of my colleagues in Gosford, so it was their choice.

Q. When you were living at the ashram, were you accommodated in a dormitory style situation with the men
and boys, or did you have your own accommodation?

A. When I first came, most of it for a long time - no, I'll go through it in chronological order. When I first came to the ashram I was living in a little "A" frame hut on the side of the hill for a few weeks, and then there was a room that I had for a while, and then I spent some years living in a dormitory with a number of the other guys. Then we built a little stone hut, which is actually called a stone hut for want of a better term, and that was originally the reception and when a new reception building was built, which was not far from the stone hut, I was moved into the stone hut, that was my accommodation, and also that's where I used to teach individual private class on a one-to-one basis, and that's where I kept any equipment that I had.

Q. What about your meals? Did you eat in the communal dining room?

A. Well, I ate with everybody else, not necessarily in the communal dining room, often sit out, depending on the weather. Often we would be sitting outside. I don't know if you've been to the ashram, but there were places there where you could sit either on stone steps and there was also a lot of grassed area, so you just sat with whoever you wanted to sit with.

Q. So you didn't take your meals in your own private accommodation?

A. No.

Q. Generally did people take three meals a day at the ashram? Is that the practice, breakfast, lunch and tea?

A. Breakfast, lunch and tea.

Q. You referred to the ashram as a community. Were you referring to something more than just strangers living in the same location?

A. I'm sorry?

Q. You've referred in your evidence yesterday to the fact that you were a community.

A. Yes.

Q. Is the implication of that for you something more than just that you are a group of strangers who lived in the same location?

A. Oh, yeah, it wasn't like the suburb that I live in.
So I meant as a community, people come to the ashram, everybody have their own reasons for coming there, but I think there was a general feeling people wanted to use the yoga experience for their own benefit. So there was a common purpose, and Swami Satyananda's teachings where, in fact one of the earlier books was titled "From Shore to Shore", and subsequently said, you know, you want to spread the message of yoga from shore to shore and from door to door. So when people come to the ashram generally speaking it's for personal development through yoga practices, and also to be part of that movement. This was my rationale and I think most others would have said pretty much the same thing.

Q. You would have been - 1979 you would have been one of the first residents or a very early resident?
A. No.

Q. No?
A. No. When I first visited the ashram in, I think it was either end of - no, it was 1 January 1976 when I first came; not so much the Mangrove but to the centre that was in Bondi.

Q. Let me just, so that I'm clear, I just want to confine you to the time from the time you moved in at Mangrove Mountain to the time that you moved out.
A. Okay.

Q. Would you agree that you were an early resident there, the numbers were small when you moved in; would that be correct?
A. By the time I moved in in 1979, I don't know the exact numbers because at that stage there was a three year Sannyasin yoga training course going on, and there were about maybe 40-odd people who were part of the course, in addition to the people that had already been living at the ashram, so I would take a reasonable guess at somewhere between 50 and 80 people living at Mangrove, but look, this is an approximation.

Q. No, that's fine, that's all I'm asking. What about when you left, how many people would have been there on your reasonable estimation then?
A. When I left in 1990?

Q. Yes?
A. How many people were living at Mangrove itself?

Q. Yes.

A. Because of all the issues that occurred, that the Commission is familiar with, a lot of people had left.

Q. Putting that aside, and I realise I didn't make that clear, before the issues occurred, so at the last time that you estimated you had like a normal community there before everything --

A. Before the February 1987?

Q. Yes, just on an estimate how many people would have lived there?

A. Including sort of long time - there were long time residents and there were medium term residents and short term residents, so if you want me to include everybody, I'll take a guess at maybe 100-150, okay.

Q. So we have a population varying between, I think you said 80 and 150 people?

A. During the relatively peaceful times in the ashram, is that what you're referring to?

Q. Yes.

A. Yes.

Q. So a relatively small community?

A. Relatively small community, yes.

Q. In the period that you lived in the ashram, and I'm just taking you back to the taking of meals, is your recollection that there were adequate amounts of food available for the people that lived in the community?

A. Absolutely.

Q. Did that include adequate amounts of food for the children?

A. The children lined up for the meals; no, there was always adequate amount of foods, ample amounts of food.

Q. What about the quality of the food, was that also adequate?

A. It was vegetarian diet, with rice, split pea dhal, vegetables and chapattis. And, look, I really enjoyed that diet. I know that one of the other Swamis in her submission said she didn't like the food; I loved that
food, so I can only give you my opinion.

Q. Did you ever observe any malnourished children?
A. No.

Q. Did you ever receive any complaints either as a doctor
or just as a member of the community that children were
being not provided with adequate amounts of food or
adequate quality of food?
A. That surprises me. Like, the children used to get
some extras, like cheese chapattis or things they used to
take to school with them and they often come back with it.
I was never under the impression that the children were,
from my observations, that the children were starved of
food, if that's --

Q. Were you aware of any instances where the children
were punished by depriving them of food?
A. Not to my knowledge. Can I go back a step?

Q. Yes.
A. It's not so much punishment. When somebody had a cold
or a fever, a viral fever, again it's more of a
naturopathic approach of, feed the cold, starve the fever.
When I say cold, not as a runny nose, but somebody who's
physically cold, and if somebody has a fever, there's that
approach of, minimise the food intake until the fever
settles down and that used to take two to three days, which
is what people used to spend in the sick bay.

Q. Was that practice applied equally across the board to
both adults and children?
A. I can't remember ever the little kids being in the
sick bay. Sometimes the teenagers might be for a couple of
days until the fever settled, then they would leave.

Q. I think your evidence is that they were generally a
fairly healthy lot, both adults and children?
A. As I said, there wasn't much call on my medical
skills.

Q. You say in your statement that a number of girls had
Shishy's name tattooed on their arm?
A. I did say that. Now, I don't know if it was a number
or only one; I just reflect back on it.

Q. Who was the one?
A. I can't remember actually seeing it myself, but something came up in his original trial, okay, that the barrister representing him spoke to [APL], and he said - and again, this is sort of third-hand information, it's not something that I actually saw, at least I don't remember seeing it.

Q. So you didn't see the tattoo?
A. I did not see the tattoo, but it came up in the trial that she had Shishy's name tattooed on her arm.

Q. Were you there listening to that evidence?
A. No, it was closed court.

Q. So somebody told you - can I just be clear - somebody told you but you didn't hear that something was said in court about something that you never saw (indistinct)?
A. Yeah, the solicitor actually told me, the defending solicitor told me.

Q. That it had been said in court?
A. Correct.

Q. You knew [APL], didn't you?
A. Yes.

Q. Did you ever treat her at the ashram?
A. I can't - look, everybody develops a bit of a runny nose or a bit of a fever, viral fever from time to time.

Q. I suppose the point of the question is that, you didn't explore that and actually ask to see any tattoo on [APL]'s arm?
A. I wouldn't have the reason - I mean, I've got a tattoo myself of an Om symbol. It wouldn't have been relevant. I mean, other people do whatever.

Q. I don't mean any criticism at all. I just wanted to - just on that, how did you come to make your statement to the Royal Commission, the one that we've been provided with?
A. Amanda Dean rang me and she said she wanted to come out with a tape recorder and for me to make a statement, and then I contacted my solicitor about it, and he said he will get in touch with them, and what they did was, they emailed Peter, Peter Szanto my solicitor, a series of questions which they wanted answered. So in that case
actually quite right, I need to alter my statement to that extent because I said "several" rather than "one" and I don't remember actually, I might have seen some tattoos but I didn't actually read them so I have to come back on that, okay?

Q. When you were preparing your statement --
A. Can I go on?

Q. I think you've answered my question, but I just want to ask you about your statement. In making your statement, did anybody suggest to you that you should perhaps make it clear in your statement when you were relying on evidence or information from other people and when you were relying on information or matters that you'd actually observed yourself? Did anybody actually point that out to you?
A. No. I just made my statement, I emailed it to Peter, he said a couple of things about my expression, and he emailed it back to me and I read it and I thought I'm happy with that, I signed it.

Q. Physically, you have observed that most people in the ashram were a pretty healthy lot?
A. Generally speaking, yes.

Q. Did you consider you were in any position to assess any psychological problems shown by the children?
A. I can't answer whether I was in a position. I certainly didn't see any overt unusual behaviour, or at least in the way that they were interacting with me. I mean, they would talk to me, not necessarily in my medical capacity, but they would talk to me like - they would just sort of talk to me in the course of a day. They were fun loving kids basically and they played around, and so there would be some interacting and there would be some jokes and stuff.

Q. The Commission has heard evidence that both adults and children were subjected to public beatings where adults stood around and did not intervene. Were you ever an adult that observed a public beating?
A. I have never seen that. One, stop. I didn't actually see it, but one of the guys, I remember talking to one of the male Swamis, an adult, and he said something happened and Swami Akhandananda slapped his face. Then he said to me, "But it was really strange, it felt like he slapped me hard but there was no pain". I remember that because it
seemed, like, unusual. That is the only example I've come across.

Q. Did you ever treat any injuries of either adults or children which in your opinion were consistent with a beating?
A. Not at all.

Q. Did you just, not necessarily in your practice but in your moving around the ashram, do you recall ever observing any injuries on either adults or children that you were concerned about?
A. No.

Q. Were you ever directed by anybody not to provide medical treatment to children?
A. I have no recollection ever being directed by anybody to not provide medical treatment to anyone.

Q. You didn't need permission to provide medical treatment, did you; if someone asked for it, you provided it?
A. Sure, they would just come to me with whatever the issue was.

Q. Do you recall an incident around 1984 or 1985 when Akhandananda asked you for medicines for a chest infection for Shishy?
A. I don't recollect that.

Q. Could that have happened?
A. It possibly - it could have. Very occasionally people have, rather than just a viral illness, there are occasions people have bacterial infection so I occasionally will be using antibiotics.

Q. You said that you were in India after Shishy left the ashram, so just in time, at a time when Shishy had already left the ashram, and you recall hearing about a letter that was received at the ashram from Shishy.
A. Yes.

Q. I think your evidence is that what was told to you was included in the letter were, "He's been found, he's been abusing and we are taking over the ashram." Is that your recollection of what you were told?
A. Yes.
Q. Okay, you seem a little hesitant there.
A. No, no, no. Of course because not - well, there is my recollection, when Adwaitananda spoke to me, he said that was basically the letter addressed to the ashram kids in her handwriting, so he opened it and he said, we're going to - he's going to be charged and whatever else and that we are going to run the ashram.

Q. What did Adwaitananda do with the letter?
A. Adwaitananda?

Q. Yes.
A. He said he ripped it up.

Q. It was addressed to the ashram kids?
A. Addressed to the ashram kids.

Q. The ashram kids never received it?
A. Correct.

Q. He ripped it up?
A. That's what he said.

Q. Did you understand when this was related to you, that those phrases, "He's been found, he's been abusing" related to the revelation that Akhandananda had been sexually abusing children?
A. Yes.

Q. Is that what you understood?
A. Yes.

Q. The last comment, "We're taking over the ashram". You related that to this talk of the coup, of Shishy's family trying --
A. Shishy, [AQA] and [AQB], her parents. Her brother was living in the ashram as well.

Q. Do you understand now that Shishy left the ashram and never came back to reside although she had some contact with the children; is that what you understand?
A. Correct.

Q. Do you also understand that her family also at some time later left the ashram and never resided there again?
A. Some time after the event of February 1987, that is
Q. So really in fact there was no coup, they didn't take over the ashram, did they?
A. Well, they didn't take over the ashram, and I think - well, I know at that stage Swami Akhandananda called a general meeting and he sort of said, "Every member, every Sannyasin, was all of a sudden a member of the company."
Look, I can't remember the details of that, because companies and stuff are not - I was never remotely interested in that and I knew nothing about it, basically. But everybody was a member of the ashram and there was a general election for the directors of the ashram. Five people were elected and I can't remember the details of who they were. It's possible that I might have been one but I honestly can't remember. And neither [AQB] nor [AQA] were elected, so all of a sudden they did not have the option of power in the ashram. I remember, yes, her father, being on the phone and it sounded like he was talking to his daughter, okay, because - or he was talking to somebody, okay, and he said, "Look, I've resigned, this was the choice of the members, I've resigned, I've got no more power here". That's basically what I heard from him so I assume he was talking to Shishy; I don't know of course because I wasn't privy to the other side of the conversation.

Q. Would you agree in general terms that it was Shishy's family who were raising the issue at the ashram about sexual abuse?
A. [AQA] certainly. I never heard [AQB] speaking, but other people said they went up to his room and they talked about it. Yes, it was her family.

MS McGLINCHHEY: Thank you, I have nothing further.

MR AINSWORTH: I appear for the doctor.

THE PRESIDING MEMBER: You want to go last?

MR AINSWORTH: Yes, I assume I would.

MR WATTS: I have a few questions, if I may.

THE PRESIDING MEMBER: I was checking with the back of the table. Yes, Mr Skinner.
<EXAMINATION BY MR SKINNER:

MR SKINNER:  Q. Doctor, my name is Skinner, I appear for [APT], the woman with whom you were in a relationship for quite a few years, the mother of [APR].
A.  Yes.

Q.  I just want to ask you about one thing, if I may. You were asked yesterday by Counsel Assisting something as to your memory of something [APR] says in paragraph 83 of her statement. I'll quote, and this was how it was quoted to you:

[APR] said at that paragraph in or about 1998 or 1999 when I was back visiting my mother at the ashram Nad happened to be there.

Nad is the shortening of your --
A.  Abbreviation of my Swami name, correct.

Q.  When he saw me he burst into tears and apologised to me but he did not say what for.

You said yesterday you didn't remember that occasion but it reminded you of other occasions of sadness, broadly speaking, as to the evaporation of your hopes and dreams for the ashram; correct?
A.  Yes.

Q.  Can I ask you to assume, my instructions are that my client was there as well and what happened was, you went up to [APA] and you hugged her tight and you said, "I'm so sorry, I'm so sorry." Does that remind you at all of this incident?
A.  No.

Q.  I'll give you a bit more. This was some seven years or so after your relationship with [APT] had broken up; correct? 1998 or 1999 in any event, that would have been about seven years?
A.  Yes.

Q.  And you hadn't seen [APR] for some time on my instructions. It sounds like, doctor, this is a very
personal sort of expression of regret to [APR], not
something about you but something about her. Does that
remind you at all of the incident?
A. No.

Q. There's nothing at all you can assist the Commission
on as to why you would, from the sound of it, be
expressing sorrow to [APR]?

MR AINSWORTH: I object to that. Plainly my friend's
instructions are all very interesting but they're not, as I
understand it, anything the doctor can confirm or any
evidence he's given about.

THE PRESIDING MEMBER: Yes.

MR AINSWORTH: And with respect, as I understand it,
there's going to have to be a question mark in there
somewhere, rather than just a recitation of instructions.
The doctor said "I don't remember it". The further
reciting of other material isn't going to assist us.

MR SKINNER: Well, Your Honour, I was asking a question
which went:

There's nothing at all you can assist ...

It is a question and I wasn't able to finish it and I
do press it. It is the last question. I am pressing the
doctor on his memory, that's what I'm seeking to do and in
my respectful submission that's allowable.

THE PRESIDING MEMBER: Yes. Proceed.

MR SKINNER: There's nothing at all, from the further
information I've suggested to you and ask you to assume,
that prods your memory so that you can assist the
Commission as to why what sounds like an apology to [APR]
took place; is that your evidence?
A. I'm sorry, say it again please?

Q. You cannot assist the Commission at all as to why you
may have been apologising to [APR] personally for something
that seems to have happened to her, not you?
A. No.

MR SKINNER: Those are my questions, thank you.
THE PRESIDING MEMBER: Thanks, Mr Skinner. Mr O'Brien.

MR O'BRIEN: Thank you.

<EXAMINATION BY MR O'BRIEN:

MR O'BRIEN: Q. Doctor, my name's O'Brien, I represent [APA], [APH], [APK], [APL], Jyoti, Tim Clark. I wanted to ask you some questions specifically about [APK], if you can refer to the pseudonym sheet there.

A. I'm sorry, I'm looking for [APK]. Right, yes.

Q. Were you present either at the Commission itself or otherwise where you got an opportunity to hear what she had to say in her statement?

A. I wasn't listening to her statement. I went through a lot of this --

Q. Let me --

A. Can I continue?

Q. Yes, please.

A. Originally when I received my bundle of statements I started reading them in detail but there was so much, I started scrolling down and seeing whether something came up that specifically involved me. So I can't remember anything specific about her, whether something in her statement that involved me; I honestly can't remember because there was so much material.

Q. If the statement of [APK] can be placed on the screen in front of you, and then I'll take you to paragraph 18 and 19. There we have paragraph 18. It's under the heading, "Medical care".

A. Yes.

Q. It refers to you as a doctor at the ashram.

A. Yes.

Q. In paragraph 19 [APK] has said that you administered morphine to her on three occasions for what she saw as minor complaints. Do you recall doing that?

A. Not at all. It is totally out of - well, I can talk about, or my barrister will bring this up, as to how I used morphine, but this doesn't - I read that statement, I read the statement, it just doesn't make any sense to me.
Q. She gives some particulars as to when this is meant to have happened. [APK] says the first time that she was given morphine was when she had an infected toe.
A. All right, you want me to talk about that?
Q. Do you recall doing that?
A. I've never given anybody morphine for any infected toe.
Q. She says the second time that you did so was when she had a fever you administered morphine?
A. I find it really outrageous, I've never - I use morphine when somebody is in excruciating pain and I can give some examples if that's what's needed but this is utterly outrageous to me.
Q. This isn't the sort of conduct that you would have --
A. Not remotely.
Q. Why wouldn't you administer morphine for a fever?
A. Why wouldn't I?
Q. Yes, why wouldn't you do that?
A. Because I administer morphine when somebody's in extreme pain, extreme pain. I can give you an example. I can remember two occasions at the ashram where I had to administer morphine and I'm happy to discuss that.
Q. Morphine is a --
A. Analgesic.
Q. Analgesic, and it's a substance of addiction?
A. I know what morphine is.
Q. Is that right, am I right about that?
A. Absolutely.
Q. And so, you'd be very careful, would you --
A. Absolutely.
Q. Back in the 1980s to administer --
A. Any time.
Q. -- that type of drug?
A. Any time.
Q. A drug of addiction?
A. Whether it was addictive or not, it was a drug that
was only used for severe excruciating pain and that's how I
used it.

Q. She says also that you administered it a third time
when there was an epidemic of some sort that was going
through the ashram. Do you recall that or do you deny that
as well?
A. I would have never administered morphine to anybody
for any issue other than for extreme pain. And I think my
barrister will bring this up if you don't want me to talk
about it.

Q. I will be listening with bated breath to hear it.
A. Good.

Q. In 2002 you were reprimanded by the Medical Board of
New South Wales for prescribing a drug of addiction --

MR AINSWORTH: I object to this. This has no possible
relevance, it's 2002 and relates to practice well after the
time concerning the Commission, and it relates to no - it's
reported it relates to the prescription of benzodiazepines,
section 41s, nothing whatsoever to do with schedule 8s,
morphines, to two patients in the Gosford district; dealt
with, finalised, nothing to do with these proceedings.

THE PRESIDING MEMBER: Are you indicating it's a matter of
public record?

MR AINSWORTH: Public record, it's a published judgment.
The judgment is available which he was dealt with my
reprimand back in the early 2000s.

MR O'BRIEN: It wasn't by reprimand, it was by way of him
being, this doctor, being prohibited from administering
schedule 4D and schedule 8 drugs. Morphine is a schedule 8
drug. This is exactly the type of conduct he's denying
having done in the 1980s when my client says it was done,
and later in 2002 he's been admonished by his own medical
profession and indeed punished for doing exactly what my
client has suggested that he did to her.

MR AINSWORTH: The Medical Tribunal does not punish, the
Medical Tribunal does not enter sentences. The Medical
Tribunal deals with doctors' registration and has a range

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of things it can do, makes orders and then places
conditions upon registration.

Saying in an open forum he's punished by his own body
is plainly wrong.

THE PRESIDING MEMBER: Mr Ainsworth, do you agree - take
out the word "punished".

MR AINSWORTH: He was reprimanded.

THE PRESIDING MEMBER: Do you agree with the conditions
that were placed upon your client?

MR AINSWORTH: Yes, there was conditions placed on him.
But it wasn't in relation to - he wasn't there as I
understand it for anything to do with schedule 8s, which is
morphines, it was only in relation to benzodiazepines.

THE PRESIDING MEMBER: I'm going to allow the question,
obviously you will get the opportunity to put questions to
your client and after that it will be a matter of
submissions with respect to how the Commission deals with
the evidence. Proceed, Mr O'Brien.

MR O'BRIEN: Thank you, Your Honour.

THE WITNESS: Might I clarify something?

MR O'BRIEN: Q. You will get an opportunity for that,
I'm sure.
A. Good.

Q. Do you recall that you were attending at the Medical
Tribunal of New South Wales in 2002?
A. Correct.

Q. You would agree, as it's a matter of public record,
that you were found guilty of unsatisfactory professional
conduct?
A. Correct and --

MR AINSWORTH: I object to that, Your Honour. He can't be
found guilty. The Tribunal does not find people guilty.
If my friend had read the public record he'd know that.
It's not a finding of guilt.
MR O'BRIEN: Q. I'm read from the second page that it says you've been guilty of unsatisfactory professional conduct and/or professional misconduct within the meanings of ss.36 and 37 of the Act, the Medical Practice Act, so I press the question.

THE PRESIDING MEMBER: Yes. You're reading directly, I take it, from the finding?

MR O'BRIEN: Yes.

Q. Do you agree with that, that was the finding, that you were found guilty of unsatisfactory professional conduct?
A. Unsatisfactory professional conduct.

Q. That's correct?
A. With respect to benzodiazepines and codeine.

Q. With respect to codeine phosphate?
A. Yes, codeine phosphate.

Q. For a certain patient who had come to you on a number of occasions and asked for it?
A. Yes.

Q. The Tribunal found, did it not, that your conduct was sufficiently serious to justify your suspension from practising medicine or the removal of your name from the register?
A. Not at all.

Q. I'm reading there from page 46. But that wasn't what happened, was it?

MR AINSWORTH: I object to that, Your Honour. What is the utility, with respect, of that question or this line of questioning when it's not the order of the Tribunal? Again, Your Honour, it's 2002.

THE PRESIDING MEMBER: I already ruled with respect to that aspect of it. I'm at a disadvantage not having the document in front of me, Mr O'Brien. If you tell me that you're reading from the document, I'll accept that from you.

MR O'BRIEN: Thank you.
MR AINSWORTH: What's the document, can I enquire please?

THE PRESIDING MEMBER: I understand it's a document on the public record.


DR BENNETT: Your Honour, we actually have a copy of the document that we can get up. The ID number is WEB.0007.001.0001.

THE PRESIDING MEMBER: In the meantime, do you have a hard copy that we can have up here please?

DR BENNETT: Yes.

THE PRESIDING MEMBER: What page are you on now, Mr O'Brien?

MR O'BRIEN: Page 49 at about point 2.

Q. I'll repeat the question, doctor. The Medical Tribunal found, in relation to the gravity of your misconduct, that:

... the conduct of the practitioner is sufficiently serious to justify his suspension from practising medicine or the removal of his name from the register.

Do you remember that portion of the determination, the reasons for the decision of the tribunal?

A. Well, I'm reading it here.

Q. Do you recall that, at the end of that determination there were conditions imposed on your ability to practise medicine, wasn't there?

A. To prescribe certain drugs.

Q. Yes, you were not to prescribe or administer any schedule 4D or 8 drugs?

A. Correct.

Q. Morphine is a schedule 8 drug, isn't it?
A. That is correct.

Q. And so it was that you were reprimanded, to use that language as your lawyer's asked, by the Medical Tribunal for the use of an addictive substance, an addictive medicine, contrary to standard medical practice. That's what this determination was all about, wasn't it?
A. Can you say that again please?

Q. Yes, it was clumsy. You were reprimanded by the medical authority in New South Wales for the use of drugs of addiction in 2002, were you not?
A. Yes, I was.

Q. And you were prohibited for a period of time from using and administering, prescribing those drugs at all; correct?
A. Correct.

Q. Again I ask you, sir, do you admit or agree that you were administering morphine, contrary to best practice, at the ashram in the 1980s to my client --
A. Absolutely not. Because the drug, as you pointed out before, was codeine phosphate tablets that come up as an issue with the Medical Board. There was never morphine by inject, never any other schedule 8 drugs.

MR O'BRIEN: Nothing further, thank you.

<EXAMINATION BY MS McKENZIE:

MS McKENZIE: Q. My name is Ms McKenzie and I represent [APR].
A. Yes.

Q. I just want to ask you a few questions in relation to [APR] and also, you were asked some questions about your observations of the children in treating the children at the ashram?
A. Yes.

Q. Earlier in your evidence you said that you were not the doctor of the ashram but rather a person who went to the ashram to live as a Yogi, but because you were a doctor you were from time to time called upon for your medical skills; is that correct?
A. Correct.
Q. So it would be fair to say in those circumstances that you're not really - you weren't really that observant of other people at the ashram in terms of their medical conditions unless you were specifically asked; isn't that correct?
A. Generally speaking, yes.

Q. You say that you didn't have a practice at the ashram; that's correct, isn't it?
A. Not in a normal sense of the word of running daily rooms.

Q. No, but you had a room there, there was a sick bay?
A. I had - yeah, there was a sick bay there and I had a room in which I lived and where I kept anything that was relevant to me.

Q. And there was also a chiropractic bed?
A. There was a chiropractic bed, yes.

Q. Do you recall on several occasions treating [APR] for her asthma, bronchitis and pneumonia as a child?
A. I don't recall that. I'm not saying it didn't happen, I'm just saying I don't recall that.

Q. You were in a relationship with her mother, [APT]?
A. Yes, from about 1984, late 1984 onwards I think.

Q. Were you aware that [APR] was born premature?
A. No.

Q. And had a bad immune system?
A. And had a?

Q. And didn't have a very good immune system?
A. I don't recall that.

Q. You were asked yesterday, and I'm going to take you to that, an incident where [APR] presented to the reception area; you're room is near the reception area, is that correct?
A. Yes, that's right.

Q. And she had had a very severe rope burn around her throat. Do you recall that?
A. As I said yesterday, my recollection of it is very
vague.

Q. So it's not that it didn't happen, but you don't have a very good recollection?
A. No, I'm not saying it didn't happen.

Q. In terms of the ashram, you were there as a disciple?
A. I was there as Sannyasin, yes.

Q. And Akhandananda was the head of the ashram?
A. Yes.

Q. And Shishy was second in charge?
A. Yes.

Q. And generally, when Akhandananda gave orders to people, including yourself, you had to follow those orders?
A. I can't remember him giving me orders.

Q. That's not what I asked. I asked if, as a disciple of the ashram if it was the case that Akhandananda gave you a direction to do something, you would be required to do that?
A. Most likely.

Q. Can I just ask you, what is your recollection? What is the vague recollection you have of [APR] coming to the sick bay with the rope burn?
A. I don't think she came to the sick bay with a rope burn.

Q. Well, to the reception area, what is your recollection of that rope burn?
A. Now, look, because I can't remember whether I saw it or whether her mother told me about it subsequently, and I don't know whether it was actually at the ashram at the same time or whether it was out at an outside centre, I'm being honest with you, I just don't know, I just vaguely remember the story of a rope burn around her neck.

Q. As a medical practitioner you take an oath, is it a Hippocratic Oath that doctors take?
A. We don't take Hippocratic Oaths any more, but the principle is there to --

Q. The principle is there to do no harm?
A. The principle is there, yes.
Q. It would be fair to say that, if you did not treat [APR] when she presented with a very serious burn, that that would be against the principles that you adopt and the oath that you take as a doctor; isn't that correct?
A. Yes, absolutely.

Q. I suggest to you that that's in fact what you did, that you failed to treat [APR] when she presented with a very serious rope burn to her neck.
A. I already told you that my memory of that is very vague; I can't comment on that.

Q. You've also heard a lot of discussion about an apology that [APR] recalls that you gave to her; [APR] says that she recalls you, when you saw her, becoming quite teary, approaching her, giving her a hug and apologising to her. Is it the case that you have no memory of that or it's --
A. I don't have specific memory of that.

Q. Is it something that could, quite possibly could have happened?
A. Oh, yes. Yes, it could have happened and, as I said, I think yesterday, there were other times where in identical situations where I hug somebody and we sort of cried, and I felt we cried over the past. But again, I don't have the specific --

Q. Would one of those situations be in relation to [APL], you gave evidence yesterday that at first you didn't believe her and admonished her and then finally came to the realisation that she was telling the truth?
A. That's what she said in the statement, I don't remember that, but it sounds reasonable.

Q. But you have come to accept that the things, the accusations that the children have made were in fact true?

MS McGLINCHEY: Can I object to that because it's very general. Perhaps if you could be taken to specific things.

MS McKENZIE: Q. That the accusations that the children made in relation to sexual assault were in fact true.
A. Yes.

Q. And I believe you accepted yesterday that, for a large portion of time you didn't believe what was being said;
that you were in general terms blinded by the whole relationship you had with Akhandananda?
A. Yes, that and the fact that the suspicion about the takeover, the coup issue; it was a combination of factors.

Q. And then came to a startling realisation that these allegations of sexual assaults were in fact correct?
A. No, what I said to Dr Dwyer yesterday, so it kind of evolved over a period of time, it wasn't a binary issue that one day I thought no, everything was crystal clear, the next day it completely changed; it just, for me personally, the truth of it evolved.

Q. So it's fair to say that, when [APL] recalls a change in your behaviour towards her, it may have been in an apologetic way of, I didn't believe you before and now I understand that this is what's happened to you?
A. I think quite like - I said I don't recall the incident but it is quite likely.

Q. It could have possibly been that. And it's fair to say that, whilst you don't remember the apology to [APR], it could have been for the same reason?
A. Well, it could be, yes; but - anyway, I've said what I've said.

MS McKENZIE: Thank you, no further questions.

MR TAYLOR: I don't have any questions, thank you Your Honour.

THE PRESIDING MEMBER: Thank you. Mr Ainsworth.

<EXAMINATION BY MR AINSWORTH:

MR AINSWORTH: Q. Doctor, in relation to your appearance before the Medical Tribunal in 2002 a series of restraints were placed on you, is that right?
A. Yes.

Q. And those conditions persisted for some period of time?
A. Yes.

Q. And you were reviewed over that period of time?
A. Yes.
Q. And you attended various education courses, pain management courses and so forth at the direction --
A. I think ethics courses as well.

Q. You had to complete various modules of general practice again?
A. Yes.

Q. And provide your results back to the Medical Board?
A. Yes.

Q. You had to be supervised for a period of time?
A. Yes.

Q. And those conditions would operate for two years or such shorter period as the board determined?
A. Correct.

Q. Did that two year period expire without incident?
A. Yes. In fact, it expired a bit - they allowed less than two years because I was communicating with the pharmaceutical services branch and they were quite satisfied with the issues, and I think it might have actually lasted a bit shorter than two years, not much, but a bit shorter than two years.

Q. And those conditions were lifted off your registration?
A. Yes.

Q. Equally, doctor, you gave evidence at that Tribunal, did you not?
A. Yes.

Q. The Tribunal indicated that you appeared to be committed to the practise of medicine?
A. Yes.

Q. And that you had been manipulated by drug-seeking, drug addicted patients?
A. Yes.

Q. And the drug-seeking drug addicted patients faked symptoms or told stories about lost prescriptions to get you to re-prescribe drugs they were already addicted to?
A. Yes.
MR O'BRIEN: Can I ask for the page reference to that particular finding? I don't recall it, but maybe it's in there.

MR AINSWORTH: Page 20:

Dr Sztulman [refers] as a rather unworldly, naive practitioner. It could well be that his insulation from general practice whilst at the Ashram contributed to his limited understanding of the issues of manipulative drug addicted patients.

MR O'BRIEN: Thank you.

MR AINSWORTH: Any more?

THE PRESIDING MEMBER: That's unnecessary, Mr Ainsworth.

MR O'BRIEN: Q. Doctor, in relation to those two patients, they were patients who were already drug dependent; is that correct?
A. Yes.

Q. And they were doctor shopping?
A. Yes.

Q. In relation to your time at the ashram, you maintained a doctor's bag?
A. Yes.

Q. Do you have a recollection of what was in the doctor's bag?
A. Yes. What medications? Basically the sort of emergency injectable drugs which consisted of morphine, stemetil which is an anti-nauseant, some local anaesthetics. If I had to do a minor procedure, mainly suturing, and the other thing was tetanus vaccine.

Q. Just in relation to questions put to you insofar as you were administering morphine for an infection, does morphine have any indications for use in treating symptoms of infection?
A. It doesn't treat infection, and I've seen patients with quite severe infections, and they might have been in pain they did not require morphine. Oral painkillers were perfectly adequate.
Q. In terms of the morphine that you had in the time at
the ashram, what instances can you remember of you ever
administering morphine?
A. I remember two instances clearly. There was one where
one of the Swamis, one of the women, went swimming in
Mangrove Creek which is in front of the ashram and she
stood on a stonefish, and the toxin released by the
stonefish spines is extremely painful. She was brought to
me quite pale in the face and I had to give her, I remember
clearly, I had to give her 45 milligrams of IV morphine
before the pain began to subside.

Now, normally for a man my size 50 milligram would
sort of cut all the pain out, okay. But this pain is so
intense so I had to give her a large quantity.

Another time was one of the other Swamis come to me
one evening in tears, she had an extremely painful ear.
When I looked in the ear, I knew she had a sort of middle
ear infection with a bulging red drum, eardrum, so I had to
give her morphine injection and subsequently treated her
with antibiotics to control the infection. Those are the
only two times I remember administering morphine in the
ashram

Q. In terms of your time at the ashram, did you regularly
travel to other ashrams?
A. Yes, I did.

Q. What would be the duration of your visits or your time
away from the ashram?
A. The two longest trips I remember were to New Zealand
when I went there to conduct a yoga teacher training
course. Others, several times a year I'd be away for one,
two weeks, around about that time, it wasn't a fixed
period. Swami Akhandananda would say, now go and do some
seminars in Tasmania or in Western Australia or whatever or
around Victoria, and so I'd go and conduct lectures and
seminars and discussions.

MR AINSWORTH: Nothing further.

DR BENNETT: Just one question, Your Honour.

RE-EXAMINATION BY DR BENNETT:
DR BENNETT: Q. Doctor, you were asked some questions about giving some herbal tea to Alecia, and you explained that Akhandananda had given you advice on what type of herbal tea to give?

A. Yes.

Q. Did he ever give you advice in relation to more mainstream medical treatments?

A. Never.

DR BENNETT: That was it. Thank you.

THE PRESIDING MEMBER: Q. Dr Sztulman, just so that we understand the relationship that you're describing in terms of a doctor-patient relationship with the other members at the ashram that you have treated from time to time; was it such that you kept medical records with respect to anyone that you treated at the ashram?

A. I kept medical records. Look, so much people would come up to me when I was out mowing the lawns, say "I've got a bit of a sore throat, what can I do". So I go to the kitchen and get some ginger and garlic, so inevitably I'd never hear about it again, but with other issues I kept medical records, yes.

Q. Sorry, with respect to other issues, did you say?

A. Other things. Like, when people would come to me, often at the stone hut and wanted to discuss some health problems, I kept records.

Q. You kept those records personally, did you?

A. Yes, they were my records.

Q. Were they in the form of traditional medical files?

A. I had a lever arch file for, it was sort of A4 sheets and I had the name and a date of birth of the individual, or if they were not people who were ashram members, other people come, often people from local community because I was there and local and knew them, they would come and sort of come seek my advice, so I just have adequate details to identify the person.

Q. What did you do with those records when you left the ashram?

A. I kept them for quite some time, but when they reached the - long past the legal use-by date, I have actually shredded them. They were not relevant to me, and that only
happened maybe 10 years ago.

THE PRESIDING MEMBER: Anything arising out of that for anyone? Thank you, Mr Sztulman, and you are otherwise excused.

<THE WITNESS WITHDREW

DR BENNETT: Commissioners, we now turn to the part of the witnesses who would have been referred to as institutional witnesses. We gave everybody at the Bar table an updated copy of the witnesses that are anticipated to give evidence in the next day or two. At the moment there are three institutional witnesses and possibly a fourth one that will be called.

In relation to those witnesses, there are two witnesses who have given statements to the Royal Commission and one is Mr Burt Franzen and the other is Mr Terry O'Connell who are two people who are associated with the ashram.

What I would propose to do is in fact tender each of their statements because they actually have a lot of annexures, and it might be the case that some of the institutional witnesses might like to refer to some of those annexures.

If the Commissioners are content with that, I will first of all tender the statement of Dr Sztulman, I don't think that was done yesterday

THE PRESIDING MEMBER: That's right, it wasn't done.

DR BENNETT: So tender his statement.


EXHIBIT #21-24 STATEMENT OF DR SZTULMAN

DR BENNETT: I would also tender the statement of Mr Bert Franzen.

THE PRESIDING MEMBER: 21-25.

EXHIBIT #21-25 STATEMENT OF BERT FRANZEN
DR BENNETT: And the statement of Mr Terry O'Connell.


EXHIBIT #21-26 STATEMENT OF TERRY O'CONNELL

DR BENNETT: In relation to the first witness, is Muktimurti who Mr Kernaghan made an application for her evidence to be heard on video-link in another room on this level and that's where that will take place. I don't know if the Commission would like a break now or start on the evidence of Muktimurti.

THE PRESIDING MEMBER: I'm just getting an indication from the technical people assisting that that link is ready and able to commence immediately, so we'll start.

DR BENNETT: We'll start. Okay.

THE PRESIDING MEMBER: Muktimurti, are you able to hear and see us?
A. Yes.

<EXAMINATION BY DR BENNETT:

DR BENNETT: Q. Can you please state your full name.
A. Muktimurti Saraswati.

THE PRESIDING MEMBER: I'm just struggling with the form of address for Muktimurti.

Q. Are you comfortable with being referred to as Muktimurti?
A. You can just say "Mukti" if you like.

<MUPTMURTI SARASWATI, affirmed: [11.10am]

<EXAMINATION BY DR BENNETT:

DR BENNETT: Q. Mukti, you provided the Royal Commission with a statement that was dated 22 November 2014?
A. Yes.

Q. Do you have a copy of that statement with you?
A. I do.
Q. Have you read the statement recently?
A. Yes, and I've been told I need to point something out to you.

Q. Yes, if you would do that, that would be good, thank you.
A. It's just paragraph 109. The way it's worded appears to be a contradiction of what goes above, and it should be saying:

I do not recall Akhandananda telling me any further of the allegations - about the allegations.

Q. Okay. So paragraph 109 should read:

I do not recall Akhandananda telling me about the allegations.

A. "Or any further". Above that it says that he said that there were allegations that had been made, but that's all he ever said to me.

MR KERNAGHAN: Just to assist Counsel Assisting, Your Honour, I think the witness is indicating it should read:

I do not recall Akhandananda telling me anything further of the allegations.

THE WITNESS: Yes. Thank you.

DR BENNETT: Q. Other than that minor correction, are the contents of the statement true and correct to the best of your knowledge?
A. Yes, I think it's okay.

DR BENNETT: Your Honour, I propose to tender that statement now.

THE PRESIDING MEMBER: Yes. 21-27.

EXHIBIT #21-27 STATEMENT OF MUKTIMURTI SARASWATI

DR DWYER: Q. Mukti, in your statement you say that you practised yoga at high school with a teacher associated with the Satyananda tradition.
A. Yes.

Q. What is your understanding of the Satyananda tradition?
A. Well, it's the only yoga tradition I've ever practised.

Q. And what does it mean to you?
A. Well, it's been my life.

Q. In terms of principles or ideas that guide you in your life, can you tell the Commission what they are?
A. Oh, you're asking me to philosophise here?

Q. Yes, I am.
A. Well, my gleanings from the lifestyle I have led and what I have been taught is an integration of what we call head, heart and hands. So you have learning more about yourself on a mental level and emotional level and also the physical level through many different integrated forms of yoga, philosophical and lifestyle.

Q. Do you understand that it also involves devotion and submission to the spiritual leaders and gurus?
A. Devotion's a connotative word for me, but yes, there is a - you can do yoga without a speck of devotion, but if you go and live in an ashram, then I think it would be difficult for you to do that without having a devotion and a degree of submission also, because ashram life is not easy.

Q. You say that when you finished school at the end of 1978 at the age of 17, that you went to live at the ashram full-time?
A. Yes.

Q. And you've you lived at the ashram from 1978 until 1996 and then again from 2006 until the present?
A. Yes.

Q. What position did you occupy at the ashram during those periods?
A. I had various positions. I worked in the garden, I worked in the kitchen. I had some time in teaching centres, learning to teach yoga classes. But for much of that time I was an assistant to Shishy.
Q. Did a lot of that involve administrative work as well as general assistance to Shishy?
A. Well, it all pretty much was administrative work. I had to learn to type, for example, and keep a cash ledger; things like that.

Q. In the years between 1996 and 2006 you lived at the ashram at the Bihar School of Yoga in Munger, India; is that right?
A. Yes.

Q. And you carried out administrative work there also?
A. Yes.

Q. At paragraph 13 of your statement you say that when you arrived at the ashram in 1978 that Akhandananda was in charge of the ashram.
A. Yes.

Q. At paragraph 14 you state that:

Akhandananda's role was as a head-teacher and ... spiritual leader.

And that what he said was the rule?
A. Yes.

Q. You called him boss; that's right?
A. Yeah.

Q. And you did what he told you to do?
A. Usually.

Q. And you didn't question what he told you to do?
A. Sometimes.

Q. Are you suggesting that there were times where you actually, if he asked you to do something, you would challenge it?
A. Well, it did happen; it wasn't often, but it did happen.

Q. What sorts of things might you challenge Akhandananda on?
A. Oh, it was - the example I am thinking of is, he asked me to give a public lecture, and I said, "No, I won't" because I was too shy.
Q. At paragraph 20 you state that:

Between the years of 1978 and about 1986, the ashram followed a traditional ashram model, which is a very monastic environment.

What do you mean by monastic?
A. We had very few possessions, we lived a very simple life. We rose very early in the morning, we worked very hard. Very few frills or treats, things like that.

Q. At paragraph 23 you state that when you were 19 years of age you began to work as Shishy's office assistant and that that role was held until 1986 when you were 25 years old.
A. Yes.

Q. So you were an adult all of that time?
A. Yeah.

Q. You state earlier that you considered Akhandananda to be the boss, you said that earlier, and you stated that you understood that Shishy was the number 2; is that right?
A. Yes.

Q. And it was your understanding of Shishy's role that she was responsible for all of the day-to-day administration as well as for the children?
A. Yes.

Q. Is there anyone else, thinking back, that you can identify as being a person involved in the management of the ashram?
A. Not really until after, after Shishy had left. There was one other person who didn't live at Mangrove, she lived in Gosford who used to give advice about the accounts and legal things.

Q. And you can't remember that person's name?
A. Her name was, her name was Mayananda.

Q. And it was simply involving the accounts; is that right?
A. Well, as far as I know, yes.
Q. At paragraph 22 you state the following:

I saw the lifestyle as different for children as compared to the adults, because I felt the children had a great deal of freedom in their lives. For example, the children had treats such as chocolate, and they had outings and went to school. What I saw indicated they were happy and well cared for. My observations of their lifestyle was consistent with what I experienced.

Are you aware that a number of the children from the ashram have come and given evidence to the Royal Commission describing sexual, physical and emotional abuse occurring at the ashram?

A. I am aware of that now.

Q. And are you aware that Shishy herself has admitted some level of physical abuse of the children as well as to having had a sexual relationship with a 14 or 15-year-old boy? Are you aware of this?

A. Only this very moment that you are telling me, because I have not been following the proceedings.

Q. Does hearing this evidence give you any cause to reflect or re-examine your memory of the well-being of the children at the time?

A. Far be it from me to say I disbelieve in anything that any of these people say, but it's very difficult to relate what I hear with my own experience and my own memory of that time, because my experience and memory is very different.

Q. I'm going to take you to a statement, it's a statement from [APK]. Could I have that up on the screen please. It's STAT.0429.001.0001_R. Could that page be taken to paragraph 33. Mukti, do you have a list of pseudonyms there on the table with you?

A. Yes, I've just looked that one up and I know who you mean.

Q. Thank you. This is what she said in her statement:

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

Do you recall that occurring?

A. No.

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

Q. At paragraph 24 you state that you and Shishy worked together in a little building up the back of the ashram which is not there anymore. You state that Shishy had her office in the back rooms and that she and Akhandananda slept there and that you had an office in the front room.
A. Yes.

Q. How many rooms were there in that hut?
A. Three - oh, four, counting the bathroom. But they extended it later on so that there were two in the front.

Q. What were those four rooms?
A. The room at the front was the office where I worked. The room in the middle was Shishy's office and the bathroom came off that. The room at the back was the bedroom where she and Akhandananda slept.
Q. You state in your statement that it never occurred to you that Akhandananda and Shishy were having a sexual relationship even though they shared a room.
A. No, it didn't.

Q. So, did you understand that Akhandananda was celibate or asexual?
A. I never thought of it. It never even came into my mind.

Q. And what about Shishy? Did you think that she was celibate also?
A. I didn't think about it. Honestly, it never occurred to me.

Q. At paragraph 60 you state that you even heard a comment about Shishy being Akhandananda's girlfriend.
A. Yes.

Q. So in fact, the idea did enter your mind at some point, didn't it?
A. That was some time afterwards and somebody made a comment and I got cross and said, "No", and I think I was probably being self-important, which is stupid in retrospect but hardly a crime.

Q. When you say "some time after it", after what?
A. Oh, I had been working as Shishy's assistant for some years and I got sent to Perth for a year to learn to teach in a teaching centre there, and it was while I was over in Perth that somebody made a derogatory comment about her being his girlfriend.

Q. What year was your year in Perth?
A. That would have been 1983 I think. No, no, 1982.

Q. Was it more that you didn't want to consider it possible that Akhandananda had sexual wants and desires, rather than you didn't suspect anything?
A. No, it was not more; it was that I did not suspect anything.

Q. At paragraph 62 you state that children started to arrive at the ashram to live in around December 1978.
A. Yes.
Q. And you further state that:

Some of them arrived with their parents and
some of them on their own with their
parent's permission.

A. Yes.

Q. At paragraph 63 you state that you recall the ashram has a very strong policy about not allowing unaccompanied children to come and visit the ashram without having an adult with them. Do you recall that?

A. Yes.

Q. But that you don't know if this policy was written or oral.

A. Yeah.

Q. You'd agree that you've just stated in fact that children arrived at the ashram from 1978 unaccompanied.

A. Yeah. The policy about not allowing unaccompanied children, I do not recall if that didn't come in until after Shishy's departure.

Q. You've said before that you don't recall seeing any actual documents containing any policy?

A. No.

Q. And you've provided no policy documents from that period to the Royal Commission during these hearings?

A. Me, no.

Q. At paragraph 73 you state that you were very much a gofer at the ashram?

A. Yes.

Q. And that you didn't have any real authority and that you were a junior sort of assistant?

A. Yep.

Q. You were an adult for most of the time you worked at the ashram, weren't you?

A. Yeah.

Q. Do you consider it's the case that all children are entitled to care and protection at the ashram?

A. Of course.
Q. And you'd also then think that, being a junior person at the ashram does not mean that you ought not to extend care and protection to any child that you interact with?
A. No, I - can you say that again so that I can give the correct answer?

Q. Notwithstanding the fact that you're a junior person, you'd agree that you still ought to extend care and protection to any child?
A. Yes, I do agree, yes, of course.

Q. At paragraph 79 you state that you were aware of the allegations of sexual abuse against Akhandananda?
A. Is that on 79?

Q. Sorry, paragraph 79.
A. No, paragraph 79 says something completely different.

Q. Sorry, yes, you state at paragraph 79 that you don't recall being asked to fetch any children for Shishy or Akhandananda late at night?
A. No, I don't recall. That's not to say it might not have happened; I was sent all day to fetch people, adults, children, visitors, that was my job.

Q. And late at night, you'd remember that?
A. Well, I don't remember it being late at night, and I would imagine that the children who slept in that back hut would be more likely to have been sent off to get any other children, but I don't have any recollection about it.

Q. Are you aware that some of the victims of Akhandananda's sexual abuse have stated that some of the abuse occurred late at night in Akhandananda's bedroom where his access to them was facilitated by you going to fetch them?
A. I'm aware of that now that you are telling me, but of course I was not aware of anything like that at that time.

Q. Could I ask that the witness statement of [APL] be put on the screen and taken to paragraph 37. This is a statement by [APL] where she said:

When we got back from our tour Shishy asked me if anything happened to me. She wanted to know the details and she seemed a bit
surprised when I told her. She said something like 'Really, did he go all the way?' She asked for details and how many times did it happen et cetera. After that I was summoned regularly by Shishy to go and have sex with Akhandananda. She would come at all hours of the night and wake me up if I was asleep or knock on my door and say 'Swamiji wants to see you'. Swamiji was the name we all used to refer to Akhandananda. Other times she would have a note delivered to me by Muktimurti. Sometimes Shishy would slip a note to me herself if we weren't alone.

Do you recall taking notes from Shishy to [APL] during the night?

A. No, I don't recall. [APL] slept in the same building as Shishy. It doesn't make sense.

Q. But it would also be possible for a note to be taken to [APL] by you, even if she was in the same building; that's right?

A. I suppose so, but I was in a different building, so it sounds very strange.

Q. Would you agree or would you think it possible that, if Shishy told you to do it, you would do it?

A. Well, my job was to take messages, so if I was called and asked to fetch somebody or to take a note to somebody, of course I would do it.

Q. Could I have the statement of [APA] please put on the screen and go to paragraph 48. This is a statement by [APA], Muktimurti, and at paragraph 48 it is said:

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

Do you have any recall of these events?

A. None, and I had no way of opening the back door. I had a key to the front door of the building, and sometimes I might get told to leave that door open or let somebody in, which was to the office area. I had - and I would never be told - tell somebody to come into the bedroom.

Q. So you're stating in the whole of your time at the ashram, you never let anybody into Akhandananda and Shishy's bedroom?

A. Yes. I might have let them into the building, because that's why I was given the key, so I could do that, but not into the bedroom, and I had no way of opening the back door to there, which was from their bedroom anyway.

Q. And you did have the capacity to, however, leave a door, whether the back door or the front door, open to the building?

A. Yeah, the front door, the office.

Q. Could I please have Alecia Buchanan's statement on the screen please, paragraph 54. Alecia, in this document, has said:

There were also times during that period when Muktimurti, Shishy's personal assistant, would tell me late at night I was required by Akhandananda in his bedroom. I would leave [APO] alone in my office, asleep on the floor, while I walked to another building and was let in through the various doors to the 'back room' by Muktimurti, or Shishy or both. [APO] would be alone and unsupervised for approximately 40 minutes ...

Do you have any recall on reading this, Muktimurti, that this in fact happened?

A. I can recall absolutely and categorically it never happened.

Q. You state earlier that you would do what Akhandananda and Shishy told you to do, didn't you?

A. There was some equivocation in there you may remember.
Q. Well, in situations like this, you did give an example of being asked to give a lecture that you were too shy to give.
A. Yes.

Q. Here we have a situation where you're directly told to do something in relation to one of the children which is rather odd and suspicious, and you are saying to me that you would never do it; can you give an example of a situation with Akhandananda or with Shishy where you challenged what they asked you to do and said you wouldn't do it that falls into this class of challenge?

MR KERNAGHAN: I object to the question. The premise upon which it's put is not a fair statement of the evidence that's just fallen.

A quotation from paragraph 54 of Alecia Buchanan's statement has been read to the witness. The witness has said it categorically didn't occur. That's not the same proposition that is predicated into the question.

THE PRESIDING MEMBER: Perhaps it's an appropriate time to take the mid-morning break, Dr Bennett, and we'll return to that question.

Muktimurti, we're about to take the mid-morning break. We'll resume at 12.

SHORT ADJOURNMENT

DR BENNETT: Q. Muktimurti, at paragraph 157 of your statement you state that you are unsure as to the outcome of the trial as you never attended nor took an interest in the details of the proceedings.
A. Yes.

Q. Weren't you interested to know if Akhandananda was guilty or not of the sexual allegations made against him?
A. At that time I didn't believe them.

Q. The allegations were made in relation to young female children whose home was the ashram that you were a part of and that was your home also. Did that worry you?
A. I didn't believe them, you see.
Q. At paragraph 176 and 178 you refer to the fact that you still work at the ashram. What sort of work do you currently do there?
A. Sorry, what paragraph are you at?
Q. 176.
A. I think it says there what I do.
Q. Can you tell the Commission what work you currently do?
A. I deal with enquiries about a teacher training course that we run, and I do the work, I suppose you'd call it like a registrar with processing of enrolment applications and keeping tally of the student grades. Also, I teach mantra chanting and I travel to do that sort of teaching.

Q. At paragraph 186 of your statement you've said:

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

A. Yes.

Q. Can you explain what you mean by venal?
A. If they are not true, then so many people are being hurt by this, so many innocent people's lives are being affected adversely by the fact that the Royal Commission is on. The publicity I have seen in the media, it's appalling, it's all over the world and people who are teaching yoga are just trying to do a little bit of good in the world and who have associated with our tradition are having to face horror and suspicion from students and other people because of the association with the name and the things that are being reported in the press; it is incredibly distressing. And it has been my life since I was 17 years old and I've taken pride in leading an innocent life and as pure a life as possible with spiritual aspirations, and that has been publicly tarnished.

Q. Are you aware that the ashram has acknowledged that child abuse, including sexual abuse, was committed and that the ashram has apologised for this?
A. Yes. Yes, I --
Q. And what have you - sorry, go on.
A. It has been a very difficult year. Because we went
through all this back in 1987 and 88 and however long it
took to unfold before and I didn't believe it at that time.
After some time and after Akhandananda had been to gaol, I
have to say it was - I became, I think we all became quite
disillusioned with him. But I stayed in the ashram because
I dedicated my life, not to him, but to the ideal that is
expressed within the ashram.

Q. Do you now - I'm sorry, Muktimurti, go on.
A. Well, then this year has been a repeat of that or
coming back up. I don't know who did what to whom, I
really don't. I can't say I disbelieve anybody that says
they have been badly treated, I can't - I don't know, I
can't comment on that. All I know is that my experience,
my own experience of living in the ashram has had nothing
to do with anything like this. I never experienced it
myself, I've never witnessed it, I've never observed it,
I've never - my life has not touched any form of things
like sexual abuse, and I'm absolutely horrified by it.

Q. So you actually can't bring yourself to believe that
it happened?
A. No, I did not say that.

Q. No, no, that was my question, sorry. Do you believe
it happened?
A. I don't know. It looks rather likely, but I don't
know.

Q. Have you reflected upon the fact that this
acknowledged child sexual abuse took place at a time when
you were close to the perpetrators of the abuse?
A. Yes. That's another reason why I said previously,
it's very difficult to relate what we are hearing over this
last fortnight with my own experiences, because there was
no sense, no knowledge, absolutely none at that time.

Q. Have you reflected on the fact, in not noticing
anything suspicious, you failed to protect the children who
were abused at the ashram?

MR KERNAGHAN: I object to that, Your Honour. That's a
disgraceful question to ask for Counsel Assisting. How is
the Commission assisted by a proposition that is as loaded
as that statement is? It just doesn't assist.
There's been no establishment that there is some responsibility, that there is a connected failure, that has caused abuse. The evidence of this witness is particular and specific, it has addressed the issues learned counsel has raised and it's as far as it need go. This is not a helpful line of enquiry, in my submission.

DR BENNETT: I'll ask a different question, Your Honour.

Q. Do you stand by your conduct at the time, Muktimurti? Would you do anything differently knowing what you know now?

MR KERNAGHAN: Again, for clarity, which conduct are we referring to? It's a broad topic, and if the question is to have relevance, then I infer that it is suggesting some connection to a failing, and again we have the same problem that I had a moment ago.

DR BENNETT: Q. If child sexual abuse occurred at the ashram during the period that you were close to Akhandananda, Muktimurti, can you look back and ask yourself whether there might have been something you might have done to protect the children? A. I was in no position to protect the children. You have to understand, there was a very distinct pecking order, and the children are actually higher in the pecking order than the rest of us adults. I was certainly in no position to do anything, but I tell you, if I'd known about it, I would have tried.

DR BENNETT: Thank you, I have no further questions.

THE PRESIDING MEMBER: Ms Hall?

MS HALL: Thank you, Your Honour.

<EXAMINATION BY MS HALL:

MS HALL Q. My name is Hall, I appear for Alecia Buchanan. Can you hear me okay? A. Yeah. I can't see you, but I can hear you.

Q. So long as you can hear me. You were asked some questions earlier about being directed to go and collect the children. Do you remember that?
A. Yeah, I think so.

Q. You told us that you didn't recall --
A. I can see you now.

Q. You didn't recall being asked to fetch the children for Shishy or Akhandananda, but that is not to say that it might not have happened, you were fetching people all day. Do you remember saying that?
A. Yes.

Q. Do I understand you correctly to say that, whilst it may have happened during the day, you don't remember it happening at night?
A. Yeah. It might have happened up until a certain time at night, but you see, at that time I was working in the office that some of those children slept in, and so they needed to go to bed, and so I would leave and go and sleep wherever I was sleeping while this was going on. But sometimes, you know, it could well have been I was sent to fetch someone at night, whether it was a child or an adult, but it certainly wasn't to tell them to go into somebody's bedroom. It would just be, "Go and get so and so".

Q. Madam, Shishy and Akhandananda would sometimes call people into their bedroom to clean the room; is that correct?
A. Yeah, I suppose so; I cleaned it myself for a while and then other people cleaned it after that.

Q. Some of the children were required to clean the room; correct?
A. I don't know. I didn't have anything to do with it after I was no longer doing it.

Q. People were on occasion asked to go into the room to either speak with Shishy or Akhandananda; correct?
A. I don't know, I can't say about their bedroom.

Q. Is that simply the case, that you don't remember, or you're saying that never happened?
A. I don't know.

Q. What don't --
A. You see, I worked two rooms away from the bedroom.

Q. And there were two doors to the bedroom; correct?
A. There was an inner door and an outer door, and the inner door was reached through Shishy's office, so I wouldn't have known if somebody went from the office into the bedroom.

Q. So, to get to that bedroom, did people have to go past your office?
A. Yeah, I was in the front, and then they had to go through Shishy's office and then it would be the bedroom.

Q. So, did they have to go through your office, through Shishy's office, then into the bedroom?
A. Yeah, if they were going all the way, and I wouldn't know that because I was only in the first room.

Q. Once they're past your office, you don't know what's happening?
A. No.

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

Q. You were read out a part of Alecia Buchanan's statement where Alecia recalled being told late at night that she was required by Akhandananda, in his bedroom, and she would leave and she would be let through the various rooms into the back room. Do you recall that being read out to you?
A. And I said I had nothing to do with that, that it was not true that I did that.

Q. In fact, you said it absolutely categorically never happened?
A. Yeah, I never led anybody through all the doors into the bedroom, never.

Q. The most you would have done is to see them go through your office; correct?
A. Yeah.

Q. And after that, you're not certain what happened?
A. No, I wouldn't have a clue.

Q. So you're not denying that Alecia Buchanan was ever asked to go in and see Akhandananda?
A. I denied that I ever asked her to go into Akhandananda's bedroom and led her through those doors;
that's what was said to me and I denied that I ever did that.

Q. You accept, however, that it's possible that Alecia was called up at night to go into that bedroom, and that you facilitated that by letting her through your office?
A. Well, I think saying I "facilitated that" is a little loaded, don't you?

Q. Well, allowing her to go through your office?
A. If someone had been called, of course they - it wasn't me allowing them, I was in no position to allow or to prohibit somebody walking through that office.

Q. You were respecting the pecking order; is that right?
A. Totally.

Q. And that pecking order was Akhandananda and Shishy; is that right?
A. Yeah.

Q. And who came after that?
A. Well, probably the kids.

Q. So the kids were telling you what to do; is that right?
A. They did sometimes. All of those children as individuals were mostly pretty good people, but as a pack they were a bit scary, you would be quite careful what you said in front of them and there was quite a lot of teasing of the adults that went on and we were absolutely powerless to protest, or to do anything.

Q. Sorry to cut you off. Finish your answer.
A. We were powerless to do anything about that because we were not permitted to interfere with what the children did.

Q. You were certainly not powerless enough to tell Akhandananda you wouldn't go on a lecture tour?
A. No, there's nothing about a lecture tour, you need to be perhaps a little more precise. He asked me to give a public lecture and I said no. That's a little different to going on a lecture tour.

Q. You certainly felt empowered enough to say no to him?
A. No, I was frightened enough.
Q. You were frightened enough to say no?
A. Yes.

Q. You weren't frightened enough to say no to the children; is that what you're saying?
A. I don't understand what you're saying.

Q. You told us earlier that there were occasions where you had to be careful of what you were saying in front of the children; correct?
A. Yeah, because you would be teased.

Q. You told us that you were not permitted to interfere with what the children did; correct?
A. Yeah, that's right.

Q. So you were powerless in that respect; is that right?
A. Yes.

Q. And is that because Shishy was the person who decided what the children did?
A. Yes.

Q. Was there a loud speaker system that --
A. Yes.

Q. -- operated at the ashram?
A. Yeah.

Q. And that loud speaker system was on occasion used to call people up to the office; is that right?
A. Yes. It was used for many reasons. The acreage of the ashram is a fairly large area and people would be all over the place doing various things, and if someone was needed for any reason, even if it was just for a phone call or because they were being called to the back hut, the loud speaker was often used.

Q. If directed by Akhandananda or Shishy to call one of the children to the office area, the loud speaker system could and would be used to do that?
A. Yeah, unless I suppose - you know, if it was at a time of day when there was perhaps a relaxation class on when you need to keep quiet.

Q. In which case you would go personally to see the person - to see the child; correct?
A. Yeah.

MS HALL: Thank you, Commissioner, that's the end of the questions.

THE PRESIDING MEMBER: Ms McGlinchey?

MS McGLINCHEY: Nothing, Your Honour.

THE PRESIDING MEMBER: I'll come back to you, Mr Kernaghan.

MR KERNAGHAN: Thank you, Your Honour.

THE PRESIDING MEMBER: Mr O'Brien?

MR O'BRIEN: Thanks, Your Honour.

<EXAMINATION BY MR O'BRIEN:

MR O'BRIEN: Q. Muktimurti, can you see and hear me all right?
A. I can hear you but I can't see you yet, but it sort of moves around so I might see you in a moment.

Q. My name's O'Brien and I appear for a number of the survivor witnesses, [APA], [APH], [APK], [APL], Jyoti and Tim Clark.
A. I might have to look up who they are.

Q. Certainly.
A. Anyway, please continue.

Q. Thanks. I want to read you a question and answer that was asked when Counsel Assisting was questioning you. It's at page 11420 of the transcript. You were asked by Counsel Assisting:

Are you aware that some of the victims of Akhandananda's sexual abuse have stated that some of the abuse occurred late at night in Akhandananda's bedroom where his access to them was facilitated by you going to fetch them?

Do you remember being asked that by Counsel Assisting earlier today?
A. I don't know, it's all gone a bit muddled now, but probably.

Q. This is your response as it's transcribed:

I'm aware of that now you are telling me, but of course I was not aware of anything like it at the time.

That was your evidence?

A. Yeah. I'm with you now, thank you.

Q. So, is your evidence in these proceedings that until Counsel Assisting mentioned that in the question, that survivors of the abuse had told this Royal Commission that they had been fetched by you, you were unaware of it?

A. I'm sorry?

Q. Were you unaware of the suggestion by survivors of the abuse at Akhandananda's hands that you had somehow facilitated that process?

A. Yes, I wasn't aware of that until I found out over the course of this Royal Commission that my name has come up in people's statements in that regard. It's one of the reasons why I'm doing this by video because I have been so distressed by that. I had no idea anyone thought I had anything to do with it.

Q. So it wasn't the case that you learnt of it as Counsel Assisting asked you the question, was it?

A. I'm sorry?

Q. It was not the case that you learnt of that accusation against you as Counsel Assisting asked you that question, was it?

A. It kind of is, because when they said that they said you facilitated this by going to fetch them, it's the first time I'd actually heard that. All I'd heard prior to that was just mention that my name had come up in people's statements.

Q. Did you have a chance to look at those statements? Did your lawyer, Mr Kernaghan, or anyone else take you to those statements and show you where you'd been named and what it was that you had alleged to have done?

A. No, none of that, it was only that bit which came up
earlier since you've been talking to me, about my name
being mentioned as being in a room when someone was being
humped by a dog. He showed me that bit.

Q. What about that statement by [APL] at paragraph 37
that was read to you by Counsel Assisting?
A. What was it? Can you read it again?

Q. Certainly.

MR KERNAGHAN: If it assists my friend, I can indicate no
statements have been shown to this witness other than what
she just said.

MR O'BRIEN: Thank you.

Q. Were you told about that paragraph, the paragraph that
said:

... we got back from that tour. Shisy
asked me if anything happened to me. She
wanted to know the details ... She would
come up at all hours of the night and wake
me up if I was asleep on my door and say
'Swamiji wants to see you ...'

MS McGLINCHEY: Can I interrupt. If you're going to put
things from other people's statements, perhaps the witness
should know the context - I know it's been put to her
before but a lot of information has. If Mr O'Brien could
quote parts he should put it in the context of whose
statement or whose evidence it's come from.

MR O'BRIEN: Sorry, I thought I'd done that. This is
[APL]'s statement, it should be on the screen. Can you see
a statement by [APL].
A. No, I don't have that. I just have the screen with
the judge on one side and you on the other and me down in
the corner of it.

Q. Perhaps I can be taken off the screen and the
statement by [APL] can - I'm told that this statement can't
be shown to the witness.

Look, this is what it says and if you have any
difficulty and you want to see it --
DR BENNETT: We can provide her a copy if it would assist.

THE PRESIDING MEMBER: There is another hard copy of the statements in the room. A hard copy of that statement is just being delivered now.

MR O'BRIEN: Thank you, Your Honour.

THE WITNESS: Are you wanting me to read the whole thing?

MR O'BRIEN: Q. No, not at all. I want you to have a look at paragraph 37 because it was the one that was read to you by Counsel Assisting. You will see it says in paragraph 37:

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

Do you see that?

A. Yeah.

Q. And you said that that sounded all very strange in your evidence before, because [APL], you said, slept in the same room as Shishy and Akhandananda, or in the same hut, the same building.

A. Yeah, and I didn't, so it seems strange that Shishy would come to my building to ask me to go back into her building to give a message to someone who was in there.

Q. So you think that's incongruous, that it doesn't make a lot of sense?

A. Yeah.

Q. And therefore it's probably, you say, inaccurate; is that right?

A. I just said it sounded very strange.

Q. But you know, Muktimurti, that [APL] didn't always sleep in the same building as Akhandananda and Shishy; you
know that, don't you?
A. Who is [APL], I'm just looking her up.

Q. It's the author of this statement.
A. I thought she always did until after Shishy had left. After Shishy had left, I don't know where she slept.

Q. I suggest to you that you would be aware that she slept in a hut across the creek from Akhandananda and Shishy for a great deal of this period?
A. No, I'm not aware of her sleeping anywhere other than in that building until after Shishy had left.

Q. Indeed, during the period that Shishy was there, she was also sleeping in the library?
A. Was she?

Q. I'm suggesting that to you and perhaps you knew about it?
A. I don't remember.

Q. It might have been to there that you took the note summoning her?
A. Maybe. I really don't remember. It wasn't very significant to me who slept where because I wasn't reading any nasty sexual stuff into the situation.

Q. So it wasn't significant and you didn't pay much attention as to where people were sleeping; is that your evidence?
A. I was aware when the children slept in that back hut when my office was there, because I was having to be conscious of these poor kids needing to go to bed, so I'd be leaving. But after a while I wasn't working in there anymore and after that I didn't pay very much attention to who slept where.

Q. You're awfully keen to set out to this Royal Commission that it seems strange and unlikely that you'd be asked to deliver a note to a girl who's sleeping in the same building as Shishy; that was your evidence earlier, wasn't it?
A. Yeah, it was.

MR KERNAGHAN: I object to that. My friend's making submissions that "she's awfully keen to say that", is an unfair characterisation. That is her answer to a question
that's been asked by Counsel Assisting and by my friend. If my friend has a question rather than a backhanded comment about her being "awfully keen to say X or Y".

THE PRESIDING MEMBER: You can put the question, Mr O'Brien.

THE WITNESS: Can I just say one thing: I'm not awfully keen to say anything, I'm just trying to help you by being as honest as I can and I don't remember everything; it's nearly 30 years ago.

MR O'BRIEN: Q. I'm suggesting to you, the key point that you make when that suggestion is put to you, is that you say that [APL] was not sleeping outside of that building and therefore it's peculiar. That's your evidence. That was your evidence.
A. When it came up before, when I said that sounded rather strange, in the context of what was being said at that time I was thinking of that period when I was working in that building, which is when the children were sleeping there.

Q. Because, Muktimurti, you --
A. Maybe I was misunderstanding what they were talking about.

Q. You remain skeptical of these accusations, you remain skeptical of the abuse at Akhandananda's hands, don't you?
A. How do you know if I'm skeptical or not?

THE PRESIDING MEMBER: Just a moment please, I want to hear the witness's answer.

MR KERNAGHAN: Thank you.

THE WITNESS: Thank you. How do you know that I remain skeptical or not? I haven't said that. I said I don't know what happened and I don't know what I believe and I don't feel that I'm in a position to say that what happened to people who are claiming that these awful things had happened to them. That doesn't mean that I remain skeptical. I don't know. I'm not in a position to be definitive, and please, I feel that you're trying to put
words into my mouth.

MR O'BRIEN: Q. You were unaware as to where people were sleeping, and yet, you give evidence to this Royal Commission that it's strange that you would be asked to deliver a note to someone you say was sleeping in the same building as Shishy and Akhandananda.

A. If it was during the period --

MR KERNAGHAN: I object again. That's not a question, Your Honour, it's an observation about the evidence.

MR O'BRIEN: It is a proposition that's being put.

MR KERNAGHAN: It's not a proposition, Your Honour; it's a statement that observes what this witness's evidence is. If my friend wants to put that she's inconsistent, then my friend can do that.

THE WITNESS: Yes, can you just be straightforward, I will answer any question you ask me; I'm not trying to do anything.

MR O'BRIEN: Q. You said in relation to the statement of [APA] when it was read to you, [APA]'s statement I hope is there with you now, at paragraph 48.

A. [APA]?

Q. [APA].

A. No, the one I've got here is a [APL], and [APA], who's that. Oh, I found that, yeah, I know who she is.

Q. It's on the screen, I'm told?

A. Yes, it's there now.

Q. Counsel Assisting read this to you. Paragraph 48 reads in part:

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

Do you remember being read that statement?
A. Yeah, and I had no access to that back door.

Q. Sorry, that back door could be opened from the inside,
could it not?
A. Yes, but you had to go in through into the bedroom to
open the back door and I wouldn't do that.

Q. You could come in through the bedroom and you could
open the back door from the inside, could you not?
A. Yes, you could.

Q. And that, I suggest, is what you did on those
occasions when you ushered people in?
A. No, because I didn't have access to the bedroom.

Q. You were able to access the bedroom if you needed to?
A. But I never went - I wouldn't go in there.

Q. On these occasions that you were asked to usher people
in, I suggest you were after the satsang. Do you remember
that? The satsang is the evening talk by Akhandananda, are
you familiar with that or do you remember those?
A. Yeah, but that would have been in the hall.

Q. And that would have occurred at about 9pm?
A. What would have occurred at about 9pm?

Q. The satsang would have occurred at about 9pm?
A. No, much earlier than that; would have been more like
finishing by 8.

Q. After that, this is where there would be the beckoning
by either Shishy or yourself on Akhandananda's say so for
the children to be taken to him for a massage; do you
remember that?
A. I don't know about that.

Q. You don't know about it because it didn't happen or
you don't recall it occurring?
A. I don't know about it because I have no knowledge of
it.
Q. Do you ever recall being asked by Akhandananda or by Shishy to ask the young girls to come to give him a massage in the evening?
A. No.

Q. I suggested earlier on that you were skeptical in relation to these allegations of sexual abuse at Akhandananda's hands. Is that your position?
A. I don't know. I don't feel able to give a definitive opinion. It's certainly sounding like he did do some sexual misconduct. I don't know about the veracity of what people have been saying during these hearings. I can't comment, I was never aware of anything. My experience has not included any knowledge or contact with sexual abuse in my life, ever.

Q. Counsel Assisting took you to paragraph 186 of your statement, in which you said:

If the accusations are true, that is a dreadful thing. But if they are not, then the alleged victims have been venal.

A. Yes.

Q. Do you mean by that, that they are being motivated by money or greed?
A. Well, I don't know, I think of venality as being, hurting others and wanting something at the expense of others. I don't know that - look, I can't make any assumptions of the motivations of other people, I can only talk about myself.

Q. But that's what you have done --
A. I don't know.

Q. But Muktimurti --
A. No, I have not.

Q. -- that is exactly what you have done in paragraph 86?
A. I have not. I have not. I've said if it's true, it's dreadful; if it's not true, then it's venal. That's not making any assumptions; please.

Q. The definition of "venal" is motivated by a form of graft, corruption or money?
A. I'm not - please, can somebody help me?
MR KERNAGHAN: Would the witness please wait. I'm objecting because this is argumentative, over a definition of a document that speaks for itself and I submit it's not helpful to the Commission.

THE PRESIDING MEMBER: Mr O'Brien, I'm not sure - are you putting the definition of "venal" on the basis of some other external place where it's defined, or are you endeavouring to put back to Muktimurti her definition of venal?

MR O'BRIEN: That's a definition that I'm putting as I understand that term to be used. It comes --

THE PRESIDING MEMBER: By this witness?

MR O'BRIEN: By this witness.

THE PRESIDING MEMBER: I'll simply allow you to clarify that.

MR O'BRIEN: Q. Muktimurti, the next paragraph you say:

I find it morally questionable for compensation to come up as a demand, and I don't agree with the ashram being held to ransom for something that none of us in the ashram currently have anything to do with.

Do you maintain that statement in your statement in these proceedings?

A. I don't know --

MR KERNAGHAN: Your Honour, I object because the full paragraph should be put to the witness. It's the full paragraph that accounts for this witness's view at that point in time.

THE PRESIDING MEMBER: Do you have that paragraph in front of you?

A. Yes. Yes, I do.

Q. Take your time to read the paragraph.

A. You see, the - excuse me. The ladies from the Royal Commission came to interview me very early in this, in this whole thing, I can't remember when it was, but it was very
soon after we found out that the Royal Commission wanted to have a hearing about what had happened here in the past and it was very upsetting.

I was just horrified because all of the people that had anything to do with what was said to have happened back then in the 1980s have been long gone. (Indistinct) that time it was dreadful, an absolutely dreadful time with the scandal and the things that had been said, and there was only a few of us left who were trying to keep things going. And anybody that had anything at all to do with that time, whether they were alleged victims or alleged, whatever the opposite of that is, abusers, they'd been disassociated from us for decades.

When the Royal Commission ladies asked me what I felt about compensation, that's what I said at that time and I meant it very strongly then, that the ashram is the people who are in it and none of us in the ashram currently have anything to do with these dreadful things, and that if we give compensation then that is - that allies us to having done something wrong. That's what I said then.

Now it's some time later and I don't know because people have said to me that still perhaps the organisation has to take some responsibility for the past and I don't understand about all of that very much. Have I answered the question? I've all of a sudden forgotten the details.

MR O'BRIEN: Q. You seem to have gone through a transformation in terms of your understanding of what took place in the 1980s --
A. Did I say "transformation"? You keep telling me I've said things which I haven't.

Q. With respect, just listen to the question; I'm suggesting this is my understanding of what's happening, is that in the 1980s you had a belief that these things did not happen, you were firmly of the view that Akhandananda was an innocent man who'd been wrongly accused --
A. Yes.

Q. That was the position you took, wasn't it?
A. In the beginning, yes.

Q. And you've had a transformation of that view to a point where you don't know now, you don't know whether he
was a paedophile or whether he was not; that's your
position?
A. I think it's sounding more and more likely that he
was, but I don't know.

Q. You don't know?
A. I don't know the details, I don't know the extent, I
don't know the veracity of what is being said.

Q. Of course you'd accept, and I think it was put to you
in a roundabout way by Counsel Assisting that, if it
happened, if these allegations were true, they happened
under your nose, as it were; it happened while you were
there, didn't it?
A. Yes, and the parents of the children, none of us knew;
one of us.

Q. You were blind to it?
A. We were totally unaware of it. There was nothing to
give any indication.

Q. I want to take you back to that statement that I read
to you in paragraph 187:

... I don't agree with the ashram being
held to ransom for something that none of
us in the ashram currently have anything to
do with.

I mean, you did have something to do with it,
Muktimurti; you were there, it happened whilst you were
present

MR KERNAGHAN: I object. Does my friend want blood out of
a stone? This process should not be a pillory. It
shouldn't be a process where a person who's given an
eloquent account of their experience and of their position,
an account that incorporates a deference to this
Commission's judgment and not substituting her own, it
should stand as sufficient at some point.

In the interests of dignity, we have to draw a line in
the sand. My friend is now putting a positive assertion
that is unfair when confronted with the evidence that's
fallen from the witness. This has been flogged to death,
in my respectful submission and it behoves the Commission
to move to something more helpful.
MR O'BRIEN: This witness's evidence isn't in a vacuum, it's in the context of evidence that's gone before it, and Mr Kernaghan well knows that my clients have a very strong view about this particular witness's involvement in the ashram at the time the abuse occurred, and indeed a knowledge.

THE PRESIDING MEMBER: Yes, but also, the proposition and questions have been put, Mr O'Brien, and I understand this witness's evidence to be, none of us knew, we were totally unaware of it.

If you want to, on behalf of your clients, put parts of their evidence with respect to what happened for this witness to comment on, I'll allow that to happen

MR O'BRIEN: Well, no, I'm putting the issue at the moment in relation to compensation and whether that's a tenable proposition in the statement, and that's why I'm asking this series of questions. But I've almost exhausted my line of enquiry in that regard.

THE PRESIDING MEMBER: Alright.

MR O'BRIEN: I've got no further questions and I thank you for your time.

THE PRESIDING MEMBER: Mr Taylor?

<EXAMINATION BY MR TAYLOR:

MR TAYLOR: Q. Michael Taylor is my name, I appear on behalf of the witness Bhakti Manning. Can you hear me?
A. Yes, I can.

Q. At paragraph 181 of your statement you tell the Commission that you attended the healing day at the 40th birthday celebration at the ashram which was facilitated by Terry O'Connell. How long did that healing day or session last?
A. I can't remember, it seemed to take a long time.

Q. If I suggested to you, excluding a break that was taken, it took about five hours; does that sound about right?
A. I can't say, I don't know.
Q. Were you there the entire time the session was operating?
A. I think so.

Q. It's correct to say that you hadn't met Bhakti Manning prior to that date?
A. No, I hadn't.

Q. You now know, however, that she was one of the people that attended the session?
A. Well, I met her in that session, that's the one and only time I've ever met her.

Q. Can you confirm for me approximately how many people were there at the time that you were there?
A. No. I've never been able to look at a crowd of people and give an estimate of numbers. I'm sorry, it's a failing of mine, but the room was fairly full.

Q. Can you confirm for me whether these people were present throughout either the whole session or at least part of the session: Atmamukta?
A. Yes, she was there, at least for some of it. You see, we split up into smaller groups at one point, so I couldn't say who was present then because I was in my own group.

Q. I appreciate that. Ahimsa, was she there?
A. Ahimsa?

Q. Yes?
A. Yes, I think so.

Q. Vivekana, was he there?
A. Sorry, I'm not understanding what you are saying there.

Q. Was Vivekana there?
A. "Vivekana"?

Q. I apologise for my poor pronunciation?
A. Our names are a challenge, I apologise.

Q. If I used his non-Swami name, would you recognise that?
A. Yes.
Q. Brian Thompson?
A. Oh, Vivekananda.

Q. Vivekananda, sorry.
A. I don't remember if he was there.

Q. Is it possible he was for at least part of the time?
A. Possible, yeah.

Q. Hridayananda?
A. Yes, she's his wife. I don't know, she was probably there; I don't know.

Q. I suggest to you she was throughout the entire session. Would you agree with that or not?
A. Could be.

Q. She's the spiritual leader, for want of a better term at the moment in relation to the ashram?
A. No. No, she's not.

Q. What position does she hold then at the ashram?
A. She's the - she has a title which is Acharya, which kind of means like top teacher. It's an honorary given to someone for showing seniority, but it doesn't mean spiritual leader, it's more in terms of teaching status.

Q. You agree, don't you, that during the course of the session Bhakti Manning spoke of some of her experiences at the ashram?
A. Yeah, I was never very clear on exactly what she was saying and where she was talking about what she was saying; I didn't know who she was.

Q. Do you recall her being asked by another member of the persons present if the abuse that she had sustained had happened in India or Australia and she answered "both"?
A. I don't recall.

Q. Is it possible that that took place but you just don't recall it?
A. Yeah, it's possible; I don't remember much of what she said.

Q. Were you aware whether any of those persons whose names I mispronounced earlier knew Bhakti Manning prior to the 40th celebration in April 2014?
A. I think I assumed that Hridayananda probably knew her. I couldn't say about any of the others.

Q. You just don't know whether they were familiar with Bhakti Manning or not; is that your evidence?
A. Yeah, well, I remember, I was sitting in the beginning, I was sitting beside Mukta and Ahimsa when she started talking, and we were all saying to each other, "Who's that?" Because none of us knew her. And then somebody said, "I think that's Bhakti", so those guys probably didn't know her. I would say Hridayananda probably did know her because she would have been around in the ashram during the time that Bhakti was talking about.

Q. You just said, and you've repeated something that's in your statement, "None of us at the ashram knew who Bhakti Manning was".
A. Mmm.

Q. Who was the "us"?
A. The people who live in the ashram.

Q. Are you talking about the people who live in the ashram currently?
A. Yeah, now.

Q. Were they all present at the healing session?
A. I don't know.

Q. Well, who? You've given the evidence orally and you've also referred to in this statement, who were the "none of us knew who she was"?
A. I just said to you, I said me and Ahimsa and Atma and there were other people in the room also, because when she started talking there was a ripple that went through the room of people saying "who is she?", because we didn't know her.

Q. She identified herself as a person who was formerly involved in the ashram?
A. Did she?

Q. That's a question I'm putting. Do you remember that or not?
A. I don't remember. Honestly, I don't remember much that she said at all.
Q. Well, you said in your statement she hijacked the session at one stage?
A. Yeah.

Q. How did she do that? What did she say, what did she do?
A. Because she kept talking on and on and on and shouting and being very emotional, but I don't remember the content of what she was saying except that she was obviously feeling abused.

Q. I want to suggest to you that at no stage did she shout; would you agree with that or not?
A. No, I remember her getting very - her voice becoming quite heightened at times.

Q. She was upset; you agree with that?
A. Her, yeah, very much so.

Q. She was clearly emotional?
A. Yeah.

Q. What was your purpose in being at the healing session?
A. Because I lived there.

Q. What was your purpose in being there? Just to see what happened, or were you to participate in it? Were you to take notes of what was happening? What was your purpose in being there?
A. Because we were having a healing session for people that had problems from the past who were now addressing these past problems to the current ashram, and I lived in it, so it was - it behoved for me to be present at such a thing of course. It would be unseemly not to.

Q. You received a notice to produce a statement from the Royal Commission?
A. I don't know, I got interviewed by the Royal Commission and then they produced a statement from that; is that what you mean?

Q. Yes, thank you. Did you receive a summons to attend the Royal Commission?
A. Yes.

Q. I think, and correct me if I'm wrong, the tenor of your evidence is that you haven't read any of the other -
and I think Mr Kernaghan has stated this - you haven't read the majority of the material that's before the Royal Commission in the tender bundle?
A. No.

Q. And you chose to do that, didn't you?
A. Chose to do what?

Q. You chose not to acquaint yourself with the material that was being presented by the various witnesses to the Royal Commission?
A. Yes.

MR KERNAGHAN: I object. It's not fair. This witness has not been afforded the opportunity to do so because of circumstances that pertain to the medical certificate that was handed up last week.

If my friend is asking to put it - I understand where he's going - but it doesn't hinge on whether or not she's read the statement. She's given an answer on her acquainting herself of the information relevant to the proceedings. My friend can ask a question about that, but so it's clear, my friend's not asking a question on a false premise, the witness hasn't been afforded the opportunity to do the process that he's just described for reasons pertaining to her health.

MR TAYLOR: That's the first I've heard of that, Your Honour, so I apologise if I've caused any angst as far as that's concerned. But I note that the witness actually did answer the question. I have nothing further.

THE PRESIDING MEMBER: Mr Kernaghan?

MR KERNAGHAN: Your Honour, I have nothing, thank you.

THE PRESIDING MEMBER: Any re-examination for this witness, Dr Bennett?

DR BENNETT: No, Your Honour.

THE PRESIDING MEMBER: Muktimurti, we're about to take the luncheon adjournment and I'm going to excuse you, so thank you for your attendance and you are otherwise excused from attendance at the Commission.
THE WITNESS: Does that mean I don't have to come back?

THE PRESIDING MEMBER: Yes.

THE WITNESS: Thank you.

THE PRESIDING MEMBER: 2 o'clock, thank you.

THE WITNESS WITHDRAW

LUNCHEON ADJOURNMENT

DR BENNETT: I call Swami Atmamuktananda Saraswati.

<SWAMI ATMAMUKTANANDA SARASWATI, affirmed: [2.08pm]

<EXAMINATION BY DR BENNETT:

DR BENNETT: Q. Can you please state your full name?
A. Swami Atmamuktananda Saraswati. You may call me Atma.

Q. Thank you, I was going to ask that question next.
A. You're welcome.

Q. You've provided the Commission a statement and it's dated November 2014?
A. Yes, there are a couple of amendments on there.

Q. Thank you, and where are they?
A. They're in 6 and the date there should be, I left in December 1985, late 1985.

Number 7, needs to be "1986". Number 22, needs to be "1986".

Q. In that first line there?
A. Yes.

Q. It's July 1986?
A. Yes.

Q. Thank you. Other than those corrections, Atma, are the contents of the statement true and correct to the best of your knowledge?
A. Yes.

DR BENNETT: Your Honour, I propose to tender that
statement now.


EXHIBIT #21-28 STATEMENT OF ATMAMUKTANANDA SARASWATI.

DR BENNETT: Q. Atma, can you please tell the Commission how you came to be involved at the ashram at Mangrove Mountain.
A. We had to leave India because of visas. When I went we didn't need a visa and then they introduced visas, so I was asked to come back to Australia, we were all sent back to Australia. I was asked to go to Mangrove Mountain to finish off - to come back, I'd been away for nearly 7 years and to come back and have dental treatment, medical treatment, visit my family, whatever I needed to do, and then go to Mangrove.

Q. When you say "we", who are you referring to?
A. Me.

Q. Just you.
A. Sorry.

Q. When you say you were asked to go to Mangrove Mountain, who asked you to do that?
A. Swami Satyananda, as part of my guru/disciple relationship.

Q. You listened --
A. That's why, I followed it through that.

Q. At paragraph 22 you state that you arrived in Mangrove Mountain, initially it was July 1987, but it's 1986?
A. Yes.

Q. Was this arrival associated with your appointment as chairman of the board or did it occur - it in fact occurred before your appointment; is that correct?
A. If it was, I didn't know.

Q. What I'll do is, I'll show you a letter in relation to your appointment on the board, Atma. It is ID number NSW.0038.001.0050. This is a document, I'll ask you if you could scroll down and put the text of that document in the middle of the screen. Atma, could you please read that out?

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A. Well, it's really - you can't see some of it, so:

Due to Swami Akhandananda's resignation
from [it probably says chair something
directorship of Satyanandashrams,
Australia, I am appointing Swami
Atmamuktananda Saraswati as the chairman
[lady] and [something] of the board, under
the guidance of Swami Akhandananda
Saraswati.

Swami Akhandananda Saraswati has the full
confidence [I think it must be 'in me'] or
my support of Bihar School of Yoga and
myself. I hope [something] resignation and
resume that [something]ship and [can't read
the next one] as before.

In the meantime all of you should put
everything [and] your energy into the
teachings of yoga.

My blessings are with you.

Q. Can I ask you to speak up a little more into the
microphone when you respond, thank you, Atma. Can you tell
the Commission something about the context of this letter?
A. No. I didn't know about it. I've only just seen this
letter; it wasn't addressed to me, it's the general members
of Satyananda ashrams.

Q. You can see that your name there is mentioned?
A. Yes.

Q. Do you understand, do you recollect that at some point
you were appointed as chairperson - sorry, to the
directorship there?
A. No, I was never appointed.

Q. So, following this letter, what occurred?
A. When I arrived, I didn't know of any of this. I
didn't know the history of Mangrove either. And I worked
in the kitchen for a while and then I was put into the back
office, and so I was never excluded from things around that
area, which the back office was in the vicinity of the
private residence of Swami Akhandananda. I was never
excluded from things, but I was never appointed.
Q. So you've never understood yourself at any point to be a director --
A. No.

Q. -- of any of the organisations at the ashram?
A. In that time, no.

Q. When you arrived at the ashram in 1986, was Akhandananda there at that time?
A. Yes. I had a letter to give to him, but that was a sealed letter, so this may have been it; I don't know.

Q. And you at the time - the date of this letter by the way you can see in the top right-hand corner, is 28 February 1987, so that's at a point where you were still residing at the ashram?
A. Yes.

Q. It was your understanding that at that time Akhandananda was the director?
A. Yes.

Q. And do you have any recollection of the point in time when Akhandananda ceased to be the director?
A. Officially, no.

Q. Unofficially, do you have any recollection of when that might have happened?
A. Only that he was sent to gaol and was no longer there, so he couldn't direct things.

Q. Over this period of time did you make any trips to India?
A. No - oh, yes. That I was there at Mangrove?

Q. In the time from 1986 onwards did you make any trips to India in 1986, 1987 or 1988?
A. Yes, I went with other directors to India.

Q. What was that in relation to?
A. There was a proposal by them, I was encouraged to go, I didn't want to go. By then I had my direction. So I was encouraged to go; that must have been 1988. And they went there to get it sorted out. In other words, they were, you could say - what would you say? They were backing Akhandananda, so they were going there with their full
intention of making themselves understood in this, or the whole situation understood. So, when we got to India, Swami Satyananda had already left the House School of Yoga, Munger, and was on what they call "parivrajaka", leaving, walking, leaving administration.

Q. Do you recall what month in 1988 that was?
A. It would have been in the first few months or the first four months I think, because it was still hot weather, and that's at that time.

Q. I'm going to show you two documents. The first document I'd like put up on the screen is IND.0176.003.0003. You will see from the top left-hand corner of that letter, it's a letter addressed to yourself and Swami Poornamurti?
A. Mm-hmm.

Q. The first paragraph there says:
Enclosed is a copy of my letter to Swami Akhandananda which is self-explanatory.

Have you seen this letter before?
A. No. I believe I have - I can't remember that one. I know the next one you have.

Q. This is the letter that was sent to you directly, referring to the fact that a letter - you will see, if you scroll down to the bottom of that page, that is from Satyananda?
A. That's right.

Q. The second document then I'll take you to, which was enclosed with that first document, is ID number IND.0176.003.0001. This is the letter to Akhandananda and at the bottom of the page you can see that it's signed by Satyananda.
A. Mmm.

Q. Can I ask you to go to the second paragraph there which starts with, "The only occasion", and can I ask you to read out the contents of that paragraph?
A. The only occasion when I gave my decision regarding the administration of the ashram was when you resigned from Chairmanship and

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requested me to appoint someone else to replace you and I appointed Swami Atmamuktananda to be the chairperson of Satyanandashram. Later when several of the Swamis and directors, including yourself and Swami Shishyananda visited Munger and discussed the problems which the organisation was facing, I, on the basis of what was told to me by all of you, publicly announced that you were my representative in Australia and requested you to resume Chairmanship of Satyanandashrams, which you accepted. I did this with full faith that you would definitely be able to prove that we belong to the order of sannyasins for whom the propagation of Yoga is the foremost mission in life. This mission was given to me by my Guru and it is to this that I have dedicated my whole life and energy.

But, since I have never been kept fully informed of the true facts and all the past events which have led to the recent developments, I now feel that it is necessary for you to resign from the Chairmanship of Satyanandashrams, Australia and resolve all the charges made against you, not as the head of an organisation, but as a private citizen of the country. I further suggest that Swami Atmamuktananda and Swami Poornamurti can fill the vacancy and assume joint Chairmanship, in your place."

Q. So, at this point, Atma, Satyananda is suggesting that you and Swami Poornamurti jointly fill the vacancy. Is it your position that in fact you did fill the vacancy?
A. I assumed some duties, but they were quite light duties; he still had, you might say, control.

Q. By "he", do you mean Akhandananda?
A. Akhandananda.

Q. In that sense your being a director is more in name only?
A. Yes.
Q. When was it that Akhandananda ceased being in notional charge?
A. I guess, when he went to gaol.

Q. Did you ever speak to or see Akhandananda after that?
A. No. Can I add just a little bit here?

Q. Yes, please do.
A. I was sent to Manly ashram, and two other Swamis were put - Akhandananda put two other Swamis in charge of the ashram.

Q. And at what point in time was that?
A. It would have been - he was still around, it was before he went to gaol though.

Q. Who was it that sent you?
A. Sent me to Manly?

Q. Manly ashram?
A. Akhandananda.

Q. From paragraph 26 of your statement you refer to the management of the Mangrove Mountain ashram before and after the allegations.
A. Yes.

Q. At paragraph 27 you state:

It must be remembered and very clearly understood that Swami Akhandananda and Shishy were not the ashram and their mistakes were to do with them only.

By "their mistakes", are you referring to the sexual, physical and emotional abuse that was suffered by many of the children at the ashram?

MS McGLINCHEY: Excuse me, perhaps we could not ask leading questions when it's something like that. Perhaps we could just ask the witness what she did mean.

THE PRESIDING MEMBER: There's no prohibition on a leading question, but perhaps you could break that down please.

DR BENNETT: Q. By "the mistakes" you referred to, Atma,
what mistakes were you referring to?
A. Well, he had already been tried by then, so all those
mistakes that he was being tried by, all the abuse that has
gone on.

Q. From paragraph 36 you refer to the child protection
policies and procedures. What is your involvement in the
policies and procedures at the Mangrove Mountain ashram
currently?
A. I'm at Rocklyn, so these are current policies. We
contact each other, we have a relationship in forming these
policies between us, but because there are different needs
for both ashrams, we have particular things that are
relevant to us at Rocklyn and particular things which are
relevant to Mangrove.

Q. There at paragraph 36 you've said:

*I see the policies provide adequate
protection to children and are implemented
at both the Mangrove and Rocklyn ashrams.*

So, were you involved in the implementation of those
policies at both Mangrove and Rocklyn?
A. We share certain things, so yes, we share certain
things.

Q. Are you aware of which of the policies have been
provided to the Royal Commission?
A. Well, Mangrove provided theirs and we provided ours,
from Rocklyn.

Q. Are you in a position to describe some of the policies
or set out some of the policies that you're aware that have
currently been provided?

MR KERNAGHAN: Your Honour, why is that necessary? It's
been provided at some length. If my friend's referring to
the content, I mean, the documents are provided.

THE WITNESS: There's three folders of them.

DR BENNETT: Okay, I'll come back to that more
specifically.

Q. In terms of implementation, can you tell me what
precisely you mean by that?
A. It means we abide by these - you want an example of that?

Q. Yes, please.
A. While I was away we had a resident come and he was booked in for one month, and after about 10 days or so we got a phone call from the Child Protection Services to say that he was charged with sexual abuse of children, and so we put our policies into actions and we asked him to leave; that kind of thing, the current policies we used.

We have had children stay at Rocklyn and so there's always been, amongst the management and the groups, a very keen interest in these last - well, if you look through our folders, in 2002 in all our newsletters we put there that children and parents had to stay in a room by themselves. They weren't allowed to share, so keeping the parent and the child together, and stating in all those things that we do not do child minding; it's totally the parents' responsibility to look after the children whilst they are in the ashram.

Q. When you arrived at the ashram in 1986 were you aware of any child protection policies or procedures in place --
A. It wasn't my job.

Q. But as a resident there, were you made aware of any policies that might be in place?
A. I don't know why I should be; I worked in the kitchen. I don't know why anybody who's not in administration should be taken through something like that.

Q. So you're of the view that, if you're in administration or working in the kitchen, you don't have to have regard to child protection policies?
A. No, but if you're not taking children's classes or those kinds of things - I mean, we were - there was no policy shown to me. I don't know whether there was one or not; I had no need to know one at that time.

Q. Is that your --
A. As far as administration goes.

Q. Is that your view currently, that if currently you're working in administration you wouldn't need to see them?
A. No. We have, anybody who stays in the ashram for longer than a month, or anybody who takes on a month or
longer as a residential stay gets taken through what we call Rocklyn handbook. In that, it has child protection policy, and that person has to have a child protection, a card.

Q. Are you able to assist with understanding whether a similar procedure exists at Mangrove Mountain?
A. I can't answer that truthfully, but I assume so because we share information.

Q. At paragraph 48 of your statement you state that:
... when [Akhandananda] abused the children it was a profound betrayal of the ideals and philosophies that the ashram stood for.

Is it the case that the Satyananda yoga philosophy includes the requirement of devotion and submission from the disciples towards their gurus?
A. We must take into some understanding here. A guru/disciple relationship is a very personal relationship and cannot be laid down for all. So, if a person feels that way in their relationship, that is their own doing. I've never ever been asked to submit, to be submissive. I've always been encouraged to look at my own relationship with this, my own purpose, what has brought me to it. And nobody is asked. It is personally something one decides they're going to do.

Q. But is the concept of devotion and submission part of the philosophy?
A. No. Not at all. I have never been instructed to be in that way.

Q. In terms of that philosophy, do you currently have a guru?
A. I have a guru.

Q. And, who is that?
A. Swami Satyananda.

Q. Pardon?
A. Swami Satyananda. A guru cannot be in this body.

Q. Okay, so you can still have a guru, the same guru and the guru's now deceased, but that remains your guru?
A. Yes. Can we help understand what "guru" means?
Q. That would assist, yes, please.
A. Guru is, it means one who brings knowledge, one who brings light, one who brings the inner self-awareness. In this term they call a music teacher a guru, they call a maths teacher a guru; one who has knowledge that can be given or shared. So it's not something that is just special in spiritual life. So this word "guru" doesn't mean that they are the master. They bring knowledge and then it is up to the disciple what they do with the knowledge.

Q. Have you heard others speak about the concept of the disciple/guru relationship, and within that relationship are the concepts of devotion and submission?
A. It's entirely up to the person; I described that. It's entirely up to the individual. There has to be some devotion otherwise what attracts you? So, there is some, but that's entirely up to - we're not quizzed on what our devotion is or examined on what our devotion is. It might just be to the service, the service to humanity.

DR BENNETT: Thank you, there are no further questions.

THE PRESIDING MEMBER: We'll start at the back row again, Ms Hall.

MS HALL: Thank you, Your Honour.

<EXAMINATION BY MS HALL:

MS HALL Q. My name is Hall, I appear on behalf of Alecia Buchanan. At paragraph 25 of your statement you indicate that you had come from a very pure environment with Swami Satyananda. You go on to say:

I could detect that something was not quite right at Mangrove in the way that it was organised and run.

Do you see that in your statement?
A. Yes.

Q. That period of time that you're talking about where you made that observation, was that around 1985-1986?
A. 1986. I arrived it at the end of 1985, so it was during 1986.
Q. What was it about the organisation and the way it was run that gave you the impression that it was not quite right?
A. I should really say here that I could feel that in him; not in how the people were, how the Swamis or the residents or the guests that lived there, but the way that it was run, meaning the individual Swami Akhandananda.

Q. Was there anything in particular about him that gave you that impression?
A. Yeah.

Q. And what was that?
A. He wasn't very alert at that time, because there was already alcoholism in his life, and there were - he was a very intuitive person, I had heard that, but I didn't feel that and I didn't hear that and I didn't see that, so it had lost. He had lost his quality.

Q. So the qualities that you had heard about him previous to coming to Mangrove, which were positive qualities, were not what you observed in his actual functioning in 1986?
A. I never went to Mangrove, I went straight to India, but Mangrove and the whole yoga movement in Australia was dynamic and only a person with a dynamic personality can mobile hundreds of people to make a shift in their life or do what they want to follow with integrity and with honesty. I'm not talking about him as an individual, I'm talking the people, that takes a certain character and personality, and that was not there anymore.

Q. So my question to you is this: What you had heard about him, being positive qualities, were not what you observed when you met the man at Mangrove Mountain in 1986?
A. That's right, yes. There were traces of it, but it wasn't there.

Q. You had a role at a period of time where you were a director, and there was a period where I think you indicated where you were really a director in name only; is that right?
A. In lots of ways, they weren't very important things. Oh, it was the petty cash and the maintenance and things like this.

Q. This period of time was before Akhandananda had gone
Q. Were you aware of any period of time where he was still running the ashram effectively but also where he'd been charged with matters and was going to court for those matters?
A. Sorry? Was I aware, what?

Q. At a period of time where Akhandananda was still running the ashram, but also charges were before the courts and he was defending those charges at the same time?
A. Oh, he was still making decisions and still running the ashram in a sense, yes.

Q. As far as you were aware, was he making decisions about the financial aspects that pertained to the running of the ashram?
A. I'm not sure. I know some changes were made after Shishy left, but I was not there then. I know administration changes were made.

Q. Did your involvement in the running of the ashram extend to the access to the bank accounts and the bank records pertaining to the ashram?
A. I could have. I had to sign cheques, so yes, but it wasn't my job, it wasn't my main job, so he was still overseeing a lot of that.

Q. Were you ever asked to sign cheques or were you ever aware of ashram funds being diverted to fund Akhandananda's defence before the courts?
A. They never were.

Q. How do you know that?
A. Because I didn't sign any cheques to go that way, to him personally or anybody personally.

Q. You weren't the only person signing cheques at the ashram, were you?
A. There would be two signatures, I believe. I'm not even sure who that other one was.

Q. So, is it your evidence today that, to access the ashram's bank accounts you had to sign the cheques?
A. I had to sign at that time.
Q. So, when you told me earlier that Akhandananda was still making decisions about the finances, you were in fact one of the two signatories that had to sign cheques to be able to access --
A. Yeah, that lasted for about maybe one or two months.

Q. That you had to sign cheques?
A. Yeah, that I was in that kind of role; maybe longer, maybe six months.

Q. How was it that that came to an end?
A. I was sent to Manly.

Q. Could you just remind me when it was you were sent to Manly?
A. 1988. Probably towards the end of 1988/1989. I was also sent to Rocklyn for a few months, but I was withdrawn from Rocklyn.

Q. So you were sent to Manly initially in that period when Akhandananda was still running the ashram?
A. Yes.

THE PRESIDING MEMBER: Q. So, was it he that sent you?
A. Yes.

MS HALL: Q. Is it the case that you understood that your directions or you're guidance in terms of coming back to Mangrove from India and assuming a position of being a director or a chairperson at Mangrove was at the behest of your guru?
A. I didn't know I was coming back to do this.

Q. But at a certain point you received some direction from your guru about the role that you should assume at Mangrove?
A. This letter, this letter.

Q. And that's the letter you were shown earlier?
A. Yes.

Q. It was apparent to you, wasn't it, after you got this letter, that despite its contents Akhandananda was still running things at Mangrove?
A. Mmm.

Q. Sorry, you need to verbally comment.
A. Yes. Sorry.

Q. That's alright. As a result of that realisation did you get in touch with your guru or correspond with your guru to indicate, "Look, it's simply not working out, Akhandananda is still running the place"?

A. After some time, at Manly.

Q. So that was only once you'd been moved to Manly?

A. Yes.

MS HALL: Thank you, that's all of the questions I have, Commissioner.

THE PRESIDING MEMBER: Yes, Ms McGlinchey?

MS McGLINCHEY: No questions, Your Honour.

THE PRESIDING MEMBER: I'll come back to you, Mr Kernaghan.

MR KERNAGHAN: Thanks, Your Honour.

THE PRESIDING MEMBER: Mr O'Brien?

MR O'BRIEN: Thanks, Your Honour.

<EXAMINATION BY MR O'BRIEN:

MR O'BRIEN: Q. My name's O'Brien, I represent a number of the survivors of the abuse at the ashram. Have you had an opportunity to hear the evidence or read the statement of Jyoti?

A. I didn't, I watched the streaming.

Q. So you saw her evidence?

A. I heard her evidence.

Q. You heard her evidence as it affected you?

A. No.

Q. Do you recall a period at about 1997 or 1998 when she visited you at Rocklyn ashram?

A. Yes.

Q. Do you recall that she mentioned that she had been abused by Akhandananda?
A. Yes.

Q. Do you recall whether your response was, "Well, the girls were very provocative"?
A. I didn't use the word "provocative", I used the word "flirting".

Q. So you said the words were very flirting towards Akhandananda?
A. (Witness nods). Actually, can I just go back one there. I can't quite remember that she actually stated that she had been abused by Akhandananda, she personally, or whether she said there had been abuse. I can't quite remember it. I know she opened the subject, that was after he had died.

Q. Do you recall whether during that conversation you mentioned to her something to the effect that you had been propositioned by Akhandananda also?
A. I had been asked to go to his room and to massage his feet, which it became apparent it was a bit more than that, so I left.

Q. So at one stage you had been asked by Akhandananda to massage his feet in his bedroom?
A. Yes.

Q. When was that?

Q. So this is after he'd been charged and was awaiting trial, or this is before that time?
A. Before.

Q. But it was after Shishy had left the ashram?

Q. And he asked you to come into his bedroom; did he ask you that himself or did someone else ask you to come in?
A. No, he asked me.

Q. You went into his room?
A. Mm-hmm.

Q. And you began massaging his feet as he requested; is that right?
A. Yes.

Q. What happened from that point forward?
A. Well, it was quite obvious, it was indicated there was more than that, so I left.

Q. You mean that he indicated to you that he wanted to have --
A. He didn't directly ask me, but I left.

Q. It was clear to you from his behaviour during that massage that he wanted something more than just a massage?
A. It was indicated to me that it wasn't just his feet.

Q. Right. So he was after something sexual from you?
A. He indicated to me it wasn't just his feet; whether it turned into that or what, I don't know.

Q. And so you left, is that your evidence?
A. Yes, I left.

Q. Did you recount that to Jyoti when she spoke to you in 1997 and 1998 at Rocklyn ashram?
A. I said, "He tried to proposition me and I left".

Q. At that stage you said that Jyoti hadn't made it clear to you whether she had been a victim of Akhandananda's sexual abuse --
A. I can't remember whether she specifically said herself or whether she said that's what had happened.

Q. But you did know by that stage, 1997/1998, that there had been children abused at the Mangrove Mountain ashram in the early 1980s?
A. He was charged and sent to gaol, so yes, I knew.

Q. You knew that. When someone came to you who would have been a teenager at that time and spoke to you about the abuse, did you think that there was a possibility that she might have been, even though she didn't say it clearly, that she might have been one of those people who'd been abused?
A. She wasn't a teenager, she had children.

Q. She wasn't a teenager between 1980 --
A. You asked me, when she came to me; she wasn't a teenager, she was an adult.
Q. Yes, okay. When she came to you as an adult with children and she said to you that there had been abuse, and you say she didn't make it clear whether she complained of abuse or not --
A. I can't remember whether she said that.

Q. You can't recall that. And you said, "Well, the children did flirt with Akhandananda", and then you gave an example how you managed to avoid his sexual carnal desires?
A. His request.

Q. Yes, did you think there was a possibility that Jyoti might have in fact been a victim of the abuse of Akhandananda?
A. I find that really suggestive.

Q. Well, I'm suggesting it to you.
A. Yeah, I know you are, you are suggesting it to me that she suggested. If somebody wants to ask me a question, they ask me or they tell me. I can't suggest that's what they're trying to tell me.

Q. Maybe if I can be a little bit blunter. If someone came to you and said there was abuse, and that person happened to be a victim of that abuse, and you said, "Well, the girls were flirting", do you think that's an appropriate comment to be made to someone in that position?
A. No, probably not, but it was my experience; I saw it, it was my experience, so I'm saying I saw this.

Q. Did you think it might somehow suggest to a victim of abuse that you as a person with some authority in Rocklyn ashram at least were condoning the behaviour of Akhandananda all those years before?
A. I did not say I saw her flirting.

Q. But you saw girls flirting?
A. Yes. I was not condoning - he had already been tried and he was no more alive.

Q. But do you see that, if you suggest that a man who's succumbed to the temptation of flirting girls, that you are thereby condoning the actions of the man?
A. I don't see what you're trying to get from me.

Q. You don't see that?
A. I don't see what you're trying to get from me. I don't understand what you're trying to get from me.

Q. Yes, I understand, thank you. I want to ask you about this paragraph that you have been asked about already, so I apologise if I'm labouring the point. You say at paragraph 27 of your statement:

It must be remembered and very clearly understood that Swami Akhandananda and Swami Shishy were not the ashram and their mistakes were to do with them only.

I take it, you stand by that particular sentence?

A. Yes.

Q. You've recognised, I think, through the course of your evidence that there were not child protection measures in place at the ashram between --

A. No.

Q. -- 1982 and 1985?

A. No, sorry, I have to go against that. I did not recognise there were not; I said, I did not see them.

Q. You don't know if there were or there were not?

A. I did not see them.

Q. If it happened to be the case that there were not child protection measures at Mangrove Mountain ashram between 1992 and 1985, 1985 when the abuse took place --

A. What? 1992 and 1985?

Q. Madam, I said 1982 and 1985 when the abuse took place, is that not a failing of the ashram itself?

A. I was not there.

Q. So you're not responsible personally?

A. I was not there in those times. I came in 1986.

MR KERNAGHAN: I object, my friend wasn't putting the question that she's responsible for a failing of the ashram when she wasn't present. The witness simply said she can't comment because she wasn't there at the relevant time.

MR O'BRIEN: I'll come back, I'll rephrase it.

A. Can I just ask, if it happened to be the case I've
actually told you I was not there at that time.

Q. But you have made a much more sweeping comment than that, madam, you have said it must be remembered that they were responsible, not the ashram. I'm suggesting if there were not policies in place which protected children, why wasn't the ashram responsible?

A. Excuse me, but I said that they were responsible for their mistakes, not the ashram. Their mistakes, their behaviour was their responsibility, not the Swamis that were living there, may be running administration.

Q. But what of the institution? What of the ashram itself? What of the organisation made up by the group of people, including those on the board, those successively on the board? The organisation surely has some, some responsibility if they have no policies in place which protect children, vulnerable children whose parents are not with them?

A. I cannot say that there were no policies there. I've told you.

MR KERNAGHAN: I object to my friend giving a speech.

THE PRESIDING MEMBER: Yes. It doesn't assist, Mr O'Brien, to roll up so many concepts into one question.

MR O'BRIEN: Thanks, Your Honour.

THE PRESIDING MEMBER: Perhaps just whilst Mr O'Brien's re-grouping, can you assist us to understand, just looking now at paragraph 27 - you draw a distinction and want that distinction to be very clearly understood that Swami Akhandananda and Shishy were not the ashram. So, can you tell us who was the ashram?

A. The people. The people, they were the - they ran the ashram but their behaviour was not indicative of the people that lived there.

Q. So are you then meaning to convey to us that Swami Akhandananda and Shishy were controlling the operation of the people who lived at the ashram?

A. Yes. They controlled the ashram in where they told people to go and what to do, but I'm talking about their behaviour. Their behaviour was not the flavour of those who lived in the ashram.
Q. Yes. But they were the leaders and management --
A. Yes.

Q. -- part of the ashram at that time?
A. Yes.

Q. So you're meaning to convey that there were other
people inside the ashram who weren't, to your knowledge,
behaving in an offensive or offending way?
A. Yes.

Q. But that these two, who held positions of power and
authority number 1 and number 2, you accept were behaving
inappropriately?
A. Yes.

Q. Have we understood that correctly?
A. Yes.

THE PRESIDING MEMBER: Sorry, Mr O'Brien, I didn't mean to
stop you.

MR O'BRIEN: No, you've stolen my thunder. I have no
further questions, thank you.

THE PRESIDING MEMBER: I didn't mean to do that either.

THE WITNESS: Can I add one more thing there, that he was
also asked to fix these things up privately, to leave the
ashram and fix these things up privately so it wasn't so
effective on those living at the ashram, but he did not do
that.

THE PRESIDING MEMBER: Q. You will need to explain that
to us.
A. Well, in the letters --

Q. Who was asking him to do that?
A. Swami Satyananda.

Q. When you say "to fix them up privately", what did you
understand that to mean?
A. Well, to get his lawyer and to go out there and do his
private affairs. That's what I mean by the separation from
ashram and his behaviour.

Q. But the offending took place inside the organisation?
A. Inside, yes.

Q. And he was the head of the organisation?
   A. Yes, he was.

Q. So when you say --
   A. But does that - sorry, does that mean the whole organisation is that? Is that picture? That's what I'm trying to say here, that the whole organisation was not of that.

The amount of people that he actually helped and encouraged to overcome addictions and failings in life was the beauty of it, the absolute beauty which they all stood for and worked for. And if you read the last paragraph, it describes that, and so, it had to be separated, otherwise it was just grouping all these people who had given many years of service to build such beautiful places for people to come to, from all walks of life, it was getting lumped in with one man and one woman's personal downfall in their life.

Q. Can I ask you, and it might just be of value to you to come after these questions, Mr Kernaghan, so I'll continue for the moment.

MR KERNAGHAN: Yes, Your Honour.

THE PRESIDING MEMBER: Q. Can I just take you back to an answer you gave about Swami Akhandananda's alcoholism, the word you used, in his life. I understood you to be giving evidence that, when you arrived there or shortly thereafter at the end of 1985 or the beginning of 1986 when you arrived at Mangrove Mountain, that his alcoholism was manifesting itself to you. Have I understood that correctly?
   A. I came to know that there was alcohol and he did not look well.

Q. So what does that mean, "I came to know there was alcohol"?
   A. Well, I know that alcohol was purchased, he asked - he never asked me personally, but there were some Swamis that used to go and he asked them to buy him alcohol.

Q. So, is this in this period in 1986 that you're talking about?
A. This had started well before then. This was coming to more or less a - what you might say - alcoholism.

Q. Were you aware at that time, in 1986, that Swamis were being asked to purchase alcohol?
A. Yes.

Q. By Swami Akhandananda?
A. Yes.

Q. For his own personal use?
A. Yes.

Q. Are you also meaning to convey to us that he was manifestly consuming that alcohol, in that you were observing the effects of that alcohol on him?
A. Yes.

Q. So you were seeing him affected by alcohol?
A. No, not affected, not as you would say somebody is drunk, but his general health and his general well-being was a product of his behaviour, his alcoholism.

Q. So what could you see that leads you to that conclusion?
A. Dullness, lack of dynamism, clarity.

Q. You put that down to his consumption of alcohol, did you?
A. The whole behaviour as well as consumption of alcohol; whole behaviour.

Q. Did you at any time see him affected by alcohol?
A. No.

Q. Could you smell alcohol on him?
A. I can't remember smelling alcohol on him.

Q. Again, just in response to a question that you were asked, an answer that you gave about your movement to Manly, which I think you've said was at the end of 1988 or 1989, you weren't completely clear about that.
A. Yeah, it would have been in 1988, I'm quite sure.

Q. And you were directed to go to Manly by Akhandananda?
A. Yes.
Q. Have we understood correctly that that was at a time, you took that direction at a time at which you already knew that you were meant to be taking over the running of the ashram?
A. I was sent to Manly because I was in his way.

Q. What does that mean?
A. Well, I didn't comply with him.

Q. What was he asking you to do?
A. Well, with my personal relationship with him, he was not my guru, he was not my teacher, I didn't support him in that way. I was sent by Swami Satyananda, I was not in any way supporting him in his denial, denial of his behaviour. Personally, I was not supporting him.

Q. Were children still residing at the ashram at that time?
A. There were about three, I think, still there when I arrived, maybe four. There were some young children there.

Q. Were children still residing at the ashram after Swami Akhandananda was charged?
A. I don't think so, no. I think they all left before that. There was - between 1996, 1997 --

Q. 90s or 80s?
A. Sorry, 1987, there was what we call an akhand kirtan which goes on for many days chanting, it was between Christmas and New Year, and it was at that time that this letter came, soon after that, but it was at that time when things were being exposed. So I think the children left around about - well, a lot of people left around about that time, when things were becoming exposed; the sexual behaviour and that kind of thing.

MR TAYLOR: Your Honour, I would like to ask some questions.

THE PRESIDING MEMBER: Yes, Mr Taylor.

<EXAMINATION BY MR TAYLOR:

MR TAYLOR: Q. My name is Taylor, I'm the solicitor appearing on behalf of Bhakti Manning. In paragraph 25 of your statement you say you had come from a very pure environment with Swami Satyananda. Were you referring to
the Munger ashram?
A. Munger, yes.

Q. By that stage, how long had you been there?
A. I had been there nearly 7 years, about one month off 7 years.

Q. Do I take it from the statement you have made, you saw nothing of any inappropriate behaviour whilst you were in that ashram?
A. No.

Q. When did you first meet Bhakti Manning?
A. I went in 1979, to Munger, and I probably met her then.

Q. Do I take it from that, you don't have a specific recollection of when you did actually meet her for the first time?
A. Would have been when I arrived there in 1979, but there were times when she had been there and come back to Australia and come back again to India, so I'm not sure whether it was in that time or whether she was there when I met her.

Q. In those times when you were both there in India in the ashram, did you observe the arrangements in relation to where, for instance, she slept?
A. No. Bhakti and some others worked in an accounts area which was quite separate, and I didn't have very much to do with that group of people.

Q. The accounts would have been done during the course of the day; correct?
A. Yeah, but in a totally different area altogether where I was.

Q. Were you aware where Bhakti Manning was sleeping at that stage?
A. No. She would have been in that area.

Q. So, you can't give any evidence to the Royal Commission regarding that particular area because you just never went there?
A. That's right, didn't ever go there. We often slept where we worked.
Q. Where were you working at that stage?
A. Press.

Q. Is it the case that you're currently a director of the academy, the Satyananda Yoga Academy?
A. (Witness nods).

Q. Is there any rule or policy currently in existence in relation to children under the age of 18 years living in an ashram with their family?
A. Their family has to be there, or they have to have consent.

Q. Is it the case that, if parents give consent, an underaged girl can still live in an ashram at this stage?
A. We have had at Rocklyn some work experience for a week, only for that kind of period, not long term. They would never be allowed to live long term.

Q. So, other than that exception, your evidence to the Royal Commission is that no other exceptions are made in relation to unaccompanied children?
A. I can say that for Rocklyn; I cannot say that Mangrove, because that section of the ashram is run separately through the association. The academy is the overall umbrella.

Q. You still play a role in relation to the Mangrove Mountain ashram, though, don't you?
A. Through the academy.

Q. So you have no direct knowledge of what happens at the Mangrove Mountain ashram these days?
A. From day-to-day, no.

Q. Are you on the taskforce that was created to deal with the issues that the Royal Commission is looking at in relation to the Mangrove Mountain ashram?
A. I was.

Q. How long were you on the taskforce for?
A. As long as the taskforce was, which was a month or two.

Q. Given that you're not involved in the day-to-day running of the Mangrove Mountain ashram, what input did you have to the taskforce?
A. We were a group of people - I came to know that there were things on Mangrove's Facebook; I hadn't known that. And I came to know when it was mentioned, we were preparing for a - talking about a world yoga convention, and it mentioned that there the committee, I was on that committee, that we had needed to do a timeline, and I said, "What for?" And I came to know that these issues were on Mangrove's Facebook and they had been there for some weeks and I didn't know about it, because they weren't on Rocklyn's Facebook. I don't do it, but the person who does it was not there, said they weren't there.

At that time the management group of Mangrove were all away. Swami Ahimsadhara was at Rocklyn ashram and so was Rishi Hridayananda, and there was a need to try and understand what to do with all of this, and so we formed a task management in the appreciation that we had to respond in some way and to start responding in the best way we could and to find ways where we could be helpfully responding to these things.

Q. What personally did you do on the taskforce to address those issues?
A. I just, I helped put things together; I didn't have a personal role, I just was one of the group that we put ideas, suggestions, leads, help from one to the other.

Q. Did you put any ideas or suggestions forward yourself?
A. No, it was done as a group.

Q. You attended the healing session which was conducted by Mr O'Connell in the Easter period of 2014 at Mangrove Mountain?
A. Yes.

Q. Were you there for the whole of that session?
A. Yes - oh no, I had to go out with someone who became emotional, so I was out for maybe half an hour.

Q. Did you see Bhakti Manning there?
A. Yes.

Q. Did you hear what she had to say?
A. I heard her say things, yes.

Q. Did you hear her say, in answer to a question by some other person in relation to abuse, that the abuse that she
experienced was both here in Australia and in India?
A. I believe I did.

Q. You have no doubt about that, do you?
A. Mmm?

Q. You don't have any doubt about that, do you? You did
hear her say that?
A. I can't remember everything. I can't, you know;
I believe I did.

Q. Other than Mrs Manning, were any other victims of
child sexual abuse talking at the healing session?
A. In groups, yes.

Q. Correct me if I'm wrong, there was a session, then
there was a break, then there was a break into a number of
groups; correct?
A. (Witness Nods).

Q. Did you not hear Ms Manning tell her story before the
break?
A. I heard her.

Q. Did you not hear her say that she suffered sexual
abuse in both India and Australia?
A. I'm saying, I don't clearly remember it; I did not
take notes.

Q. Did you say anything to her during the course of the
healing session?
A. No, she would not communicate. I said "hari om" to
her, which is a greeting to us, but there was very little
communication.

Q. Did you speak to any of the people who spoke at the
healing session who said that they had suffered child
sexual abuse whilst at the ashram?
A. No.

Q. Any reason why not?
A. Well, they weren't in my group. I greeted [APH], I
greeted her, and she was very warm and friendly. I didn't
know these people. Oh, I spoke to Elly who's Alecia
Buchanan's mother, I had a cup of tea with her and we
didn't speak about those things, we just simply had a cup
of tea and talked a little about when we both came to the
ashram.

Q. To your knowledge, did anyone from the taskforce approach any of the people who spoke out about child sexual abuse experiences that they had experienced at the ashram on the healing day?
A. Could you just start that again?

MR KERNAGHAN: I object to the question on this basis: It hasn't been established in the evidence who those persons are aside from Bhakti Manning, on the issue of sexual abuse. It has been established that there were persons present, but whom spoke out and whom said what has not been established in the evidence.

THE WITNESS: In my belief it was --

MR KERNAGHAN: Just wait until Her Honour rules. That's my recollection of the evidence over the past week in relation to that 40th anniversary ceremony. I think that's right, I stand to be corrected if I'm wrong.

MR TAYLOR: I'm asking the witness to her knowledge whether anyone in the taskforce spoke to any of the survivors.

THE PRESIDING MEMBER: Yes, I'll allow the question based on it being to this witness's knowledge.

MR TAYLOR: Thank you, Your Honour.

Q. Do you want me to repeat the question?
A. Yes, please.

Q. To your knowledge did anyone from the taskforce approach any of the people who spoke out about child sexual abuse experiences that they had experienced at the ashram on the healing day?
A. I believe Bhakti Manning was the only one talking about child experiences in the ashram.

Q. What was your understanding of the purpose of having the healing day?
A. To try and bring some reconciliation and understanding, and really to be more open. We opened ourselves up in the way that we could, we approached the group for what we were doing, and did it in the best way
Q. Was the focus to deal with the allegations of child sexual abuse that had taken place at the ashram?
A. Sorry, word that again?

Q. Was the focus of that healing day to deal with the allegations of child sexual abuse which had occurred at the ashram?
A. No, it wasn't the focus. The focus was, that we were becoming open with it, and that those who had lived in the ashram, that carried the wounds that came to know that all this had taken place could express themselves, others who never came forward who were there. It wasn't the focus to deal with it, it was the focus to become open and acknowledge.

Q. Did the taskforce decide to call it a healing day or healing session?
A. We discussed it and Mangrove - others at Mangrove in their organisation for this program would have also discussed it as well.

Q. Did the taskforce decide to call it a healing day or healing session?
A. The taskforce did not separately. They discussed it, and with the others who weren't in the management program, in the taskforce, but in the management of running that program at Mangrove, would have been a discussion between us all.

Q. Madam, are you able to tell the Royal Commission who decided to call this day a healing day or healing session?
A. The group decided. No one person has decided.

Q. Which group, please?
A. Both groups would have discussed this.

Q. The taskforce --
A. No, I'm saying both groups.

Q. I just want you to identify the groups. Is it the taskforce that had been set up, and it was another group from the Mangrove Mountain ashram?
A. Those managing the program. It would have been a discussion between both of them.
Q. When you say "would have been", were you part of the discussion or not?
A. Yes.

Q. Is that what happened?
A. What do you mean?

Q. There was a discussion about what to call the day or the session?
A. Between the two groups there would have been a discussion about what it was, what it eventually became.

MR TAYLOR: Yes, nothing --

THE PRESIDING MEMBER: Just, who was the other group that you are referring to?
A. They have a management group to - well, people have to run the program, and so, that group --

Q. The whole program at Mangrove Mountain?
A. Yes.

Q. Who's that group?
A. That would have been - who was on our taskforce, let me see. There would have been the program manager.

Q. And that person's name?
A. Samhita. There would have been their management day-to-day group, Gurubhakta. There would have been Rishi Hridayananda. Those responsible, there would have been someone in the kitchen from that side of things. So the general running --

Q. What, for catering purposes?
A. Yes.

Q. So those three people that you've named, are they the people, when you're giving your evidence about the other group, are they the three people that you're referring to?
A. They would have been.

Q. What's the name of that group?
A. They're called the Mangrove management group. Correct me if I'm wrong, because - but I believe that's what it's called. Running day-to-day things.

Q. Who sits above that group, in the governance
structure, or does anybody?
A. CEO, if you're going to look at a structure.

Q. If that management group is the group responsible for
the day-to-day running, does that mean that there is
someone else or some other group or some other entity
that's responsible for setting policy, for example?
A. In that group, one person has HR and then we have
outsiders, like we have Bert, helps to set those policies
in consultation with the management group.

Q. Sorry, I might not have made that clear. Have I
understood this correctly: The Mangrove management group
is the body responsible for the day-to-day operation of the
ashram?
A. Mm-hmm.

Q. Putting to one side what that management group did in
response to the allegations of child sexual abuse, putting
that to one side, is that management group also the body
responsible for the setting of policy and the directions of
the ashram, or is there some other body or organisation
that sit on top of that.
A. No, that body would be, and also our education
department. As we're an educational institution, there
will also be that side of it as well.

Q. Who are the people that are inside that part of the
organisation?
A. Yogasandhan is the coordinator of the Satyananda yoga,
the yoga studies teacher training, diploma of yoga
studies - teacher training, sorry.

Q. Did the management group control that group?
A. No. There's a little bit of crossover, but the
education would be setting those policies, with the help of
the under-story of the ground management as well. And
there's some crossover of people in both of those. But
please, I am not at Mangrove, but this is a structure.

Q. But you're familiar with the structure?
A. I'm familiar.

Q. And you were involved in the taskforce?
A. I was.

Q. And you have given evidence about how the taskforce
worked with the management group?
A. Yes. Can I just explain, if that celebration was
going to be at Rocklyn, me as a director, I would have that
level, and then we would have a group that helped with
organisational things, and there would be discussion
between both of those. We also have a committee, Rocklyn
has a committee, and that committee would also be involved.

Q. Are you saying that didn't happen at Mangrove in that
way?
A. No, I'm not saying that, I'm just explaining from my -
what I know and what they will be running similar things.
So you could call a management group and the education, the
coordinator of the Education Department.

MR TAYLOR: Thank you, Your Honour, I have no questions
arising from Your Honour's questions and I have finished my
questions.

THE PRESIDING MEMBER: Thank you.

MS McGLINCHHEY: Your Honour, I do. I declined at first
but since that time there's been some other discussion.

THE PRESIDING MEMBER: Yes.

<EXAMINATION BY MS McGLINCHHEY:

MS McGLINCHHEY: Q. Atma, my name's Karen McGlinchey, I
appear for Shishy in these proceedings. As I've understood
your evidence, you arrived at the Mangrove Mountain ashram
in 1986?
A. Yes.

Q. By that time Shishy had long left?
A. Mm-hmm.

Q. And didn't return --
A. Mm-hmm, yes.

Q. -- in the time that you were there. Have you ever met
Shishy?
A. No.

Q. So, I take it that you've never had a conversation
with her about her role when she was at Mangrove Mountain
or her reasons for leaving; is that correct?
A. Correct.

Q. So is it correct that any information you have about Shishy in relation to her role at Mangrove Mountain has come from other people?
A. Correct.

Q. Is it the case that when you arrived at Mangrove Mountain in 1986 the ashram was in some state of upheaval?
A. It was not at first; it happened - I arrived mid-1986 and by the end of 1986 it was apparent.

Q. Would you agree that, roughly speaking, the people in the ashram were in conflict about whether they believed allegations about Akhandananda or not?
A. Yes, they were in conflict.

Q. One, and again I'm talking roughly speaking, roughly speaking one group believed that the allegations against Akhandananda were not true and that Shishy's family was creating this problem to effectively take over the ashram?
A. I can't say about creating the problem; they were very much in that level of administration or - not administration, but you might say power.

Q. Did both of Shishy's parents and her brother still reside at the ashram in that period we're talking about, from when you arrived, were they still there?
A. Her brother was in New Zealand, her father was at Rocklyn, her mother was at Manly.

Q. So, none of Shishy's family resided in the ashram when you arrived?
A. No.

Q. And they never returned in the period that you were there?
A. Never. Left the next day, after this letter had been received.

Q. I'm sorry, which letter are you referring to?
A. Where I've been appointed. They left the next day.

Q. Is it also the case, just as information came to you about Shishy, that information might have come to you about their role in bringing about problems at the ashram?
A. Yes.
Q. Did you believe at the time that they were troublemakers?
A. I had no basis to believe anything. I had no interaction with them, conversation with them, nothing.

Q. There are various letters that the Commission has seen dealing with directions from India about management positions, one of those appointing you. Have you seen any letters from India talking about any role that Shishy might have occupied?
A. No.

Q. Is that because she didn't have an official role in the structure?
A. Don't know.

Q. But as far as you know, have you ever heard any suggestion that she had an official role in the hierarchy?
A. Only that she was Akhandananda's partner and looked after the children.

Q. I think you've told the Commission today that they, meaning Akhandananda and Shishy, directed people where to go. Who made the decisions about where people went?
A. Akhandananda.

Q. So, if Shishy was the person who told people where to go, where would that authority come from?
A. Akhandananda.

Q. As far as you know, and you know a lot about the way the ashram works, would Shishy ever have the power to direct somebody such as yourself to go and live in Manly?
A. Well, if she did, I wouldn't obey it. She's not my guru and neither was Akhandananda, but I knew that I didn't need to be at Mangrove too, so I quite gladly went to Manly.

Q. Is this the situation, that your guru was always your guru in India, but to some extent Akhandananda had some authority provided to him from your guru?
A. I don't quite understand. What do you mean by "authority"?

Q. Well, the power to direct people to undertake certain tasks or to go to other ashrams, those sorts of --
A. I was living in the Australian ashram, so yes, he had that authority to - he made that authority himself.

Q. As far as you know, did Shishy have any authority other than carrying out his directions?
A. I can't say all of that, because I wasn't there under her, so I cannot say any of that.

Q. But you don't know of any directive from any source, Akhandananda or from your guru in India, which gave Shishy any power?
A. I know nothing about Shishy.

MS McGlinchey: Thank you.

MR Kernaghan: Your Honour, I'm conscious of the time. I've just received a note, I need to obtain some brief instructions on a matter.

The Presiding Member: You want some time, do you?

MR Kernaghan: Just very shortly, Your Honour, I'm aware of the time.

THE PRESIDING MEMBER: We'll take a short break.

SHORT ADJOURNMENT

MR Kernaghan: Thank you, Your Honour, for the opportunity, and I don't have any questions to ask of this witness.

THE PRESIDING MEMBER: Thank you. Re-examination?

DR BENNETT: Yes, Your Honour, I have a couple of questions.

RE-EXAMINATION BY DR BENNETT:

DR BENNETT: Q. Atma, you were asked some questions in relation to your chairpersonship and in relation to where you lived at various times. Can I just clarify that you arrived at the ashram in July 1986?
A. Yes.

Q. The first letter that I showed you up on the screen there was dated 28 February 1987. I might get that
Can I ask you to clarify that, first of all, you say you went to Mangrove ashram in July 1986 because you were directed to do so?

A. Yes.

Q. By your guru?

A. Yes.

Q. And this letter dated February 1987, when was the first time you saw that letter?

A. I can't remember ever seeing this letter. It's not directed to me, it's to general members of Satyananda ashram. I don't remember seeing it.

Q. Are you familiar with the contents of the letter in as far as it relates to you being chairperson?

A. It says that there, but I never saw this letter.

Q. Did anybody around this time ask you to be the chairperson?

A. I can't recall there being any official ceremony or posting or anything like that, I can't recall that.

Q. Was there any unofficial conversation that you'd been appointed chairperson?

A. No, not until - I didn't know about any of that until I received, I think it's the other one addressed to myself and Poornamurti.

Q. That is the June 1988 letter?

A. Yes, I'm not sure about those two. I might have seen the one to Akhandananda and not this one, because I remember reading where it says, "I appoint Swami Atmamuktananda", I remember reading in my mind, "Swami Akhandananda", and I just gave the letter back and I was asked to read it again. I was called to a room and I didn't know what for, and I didn't read this letter properly and I gave it back, and then I was asked to read it again and then I understood what I was being asked to do. I can't remember any official appointment being made.

Q. But you do confirm that around this time, which is June 1988, you became aware that you'd been appointed as joint chair?

A. I read that in the letter, yes.
A. Yes.

Q. In June 1988?
A. Must have come - well, you could say maybe it took a month to get from India to here, because it came in a sealed envelope which was opened in this room with Shishy's father, one more person who was a director of the ashram, Poornamurti, Nadamurti, myself, and it was a sealed envelope. So you could say one month it used to take letters to come from India.

Q. Your evidence, as I understand it, is you misread the letter?
A. In the first few minutes, yes.

Q. And then, after that?
A. I was given it back and asked to read it again, that it mentioned my name.

Q. So, after a few minutes you understood that you were meant to - you were being asked by your guru to assume the role as the director of the organisation?
A. Yes.

Q. And, did you do that?
A. I wasn't able to do that. Not because of the people there, but because Akhandananda had the power. I had no training for this, but I knew very well in myself that I wasn't there - I was there to support. My role was to be, as it says here, what we call acharya now, to look after the people, to look after the ground branches and the teaching and things like that. It wasn't my role to knock somebody off that position as such. I knew that, I wasn't there to fight, I was there to try and stabilise things when there was a lot of chaos.

Q. But your guru had asked you --
A. Yes.

Q. -- to take up that role.
A. Yes. I couldn't do it.

Q. And your evidence is, you couldn't do that, so what did you do about that?
A. I remained in a soft role there.

Q. What does that mean?
A. Meant that I had contact with the Swamis, with the
visitors. At the time of when the allegations came up
there were a lot of people who came to the ashram to find
out what had happened; I would talk with them. So I had a
role, but I didn't have this role that I was asked to do.

Q. Did you communicate back to your guru that you were
unable to follow his direction?
A. Not straight away; I went to - when I was sent to
Manly, after a little while I realised that this was
impossible for me.

Q. Can you help us understand what the time period is?
A. I think that must have been in late 1988 or the
beginning of 1989. So, I stayed in that assumed role for
quite some time, but when I was sent to Manly I went and I
didn't relate to any chairship of this position.

Q. Sorry, I'll just take you back. The question that I'd
asked you was, did you communicate back to your guru that
you were unable to follow the direction, and you answered,
you got directed to Manly by Akhandananda, but what did you
communicate back to Swami Satyananda?
A. No, to Swami Niranjan. Swami Satyananda had already
left his administration role, and was what they call
parivrajaka, walking, on walk. I rang up and I said I
can't do anything more here. And Swami Niranjan said come
back to India straight away. I went back. Within two
weeks, I had my visa and I went back.

Q. So that was once you got to Manly?
A. That was after some time. I started teaching in
Manly, so it might have been six months afterwards.

Q. So in the six month period between July-July 1988, and
it's about six months until you go to Manly, do you
communicate back to Niranjan at that time?
A. No.

Q. Why?
A. I didn't have a telephone. I don't know why. I mean,
I just took my role as being submissive in that.

Q. Submissive to whom?
A. Well, that I couldn't do anything about what I had
been asked to do, so it would have been back to
Akhandananda, and Akhandananda put two other people in my
place, or in this place, so I was almost - what would you
call - not needed.

Q. But did you not think it was important for the head of
the organisation, who'd given you directions to do
something, to communicate back to them that that was not
possible because of the behaviour of the head of the
organisation in Australia?
A. I probably should have done something like that, but I
didn't. I waited. I thought, you know, it would turn
over, but it didn't. But I should have done something
earlier.

THE PRESIDING MEMBER: Dr Bennett.

DR BENNETT: Q. The letter from Satyananda is dated June
1988 and you say that at some point after that, within say
six months, that Akhandananda directed you to go to Manly;
is that correct.
A. It must have been soon after that or within that
six months. It's very hard to try and remember the exact
dates, but between that and 1990.

Q. You can see that this letter came from Satyananda. If
you'd found what he proposed untenable, why isn't it that
you responded to him?
A. He wasn't in the ashram anymore.

Q. This is June 1988 --
A. He left in 1988.

Q. And at what point of 1988, do you know that?
A. Probably around then, around June.

Q. Is that something that he communicated to you?
A. No, I didn't know he had left the ashram.

Q. And how did you find that out?
A. Because the first trip that we went back with
directors, we arrived there and he had already left about -
he'd left about one to two months before, so it would have
been in about April.

Q. This letter, Atma, is dated 6 June 1988?
A. Yes, so he would have left in around April 1988.

Q. But June comes after April. Satyananda has written
inside this letter --
A. Oh, sorry, I see what you mean. Okay, so he wasn't there, he had already renounced his administration and he had left the ashram.

THE PRESIDING MEMBER: Q. But how do you know that?
A. Because we arrived there and he wasn't there.

Q. Sorry, but I thought your evidence was that you arrived some months later?
A. No, no, the first trip I went back with a group of directors.

Q. And when was that?
A. Well, it would have been before this, in 1987 some time it must have been. I really don't know. It would have been in between 1987 and the beginning of 1988 - well, this is the beginning of 1988, so it was the beginning of 1987. Or this is mid-1988, so it was around - it was in that time.

Q. So when you went on that trip, Swami Satyananda was still the head of the organisation, is that right, the trip that you're talking about in 1987 now with the directors?
A. No, he wasn't, he had renounced his administration and role at Munger ashram.

Q. When you went back to visit, and is it correct then that the letter that's dated 18 February 1987 --

Q. -- is written at a time when he's still holding the position in situ as the head of the organisation?
A. Yes. Now I can link this up. Yes, he was still at Munger at that time.

Q. So it's only a matter of a couple of months later that you visit and he's gone?
A. Oh, sorry, I see where we're up to. We would have gone to India after June, because - sorry, after June 1988, because he was no longer in the ashram. If he had been in the ashram - if he wasn't in the ashram, he wouldn't have been able to sign this. Sorry, it was after June 1988 - it was after this letter came that we went - they encouraged me to go with the group to fully inform Swami Satyananda. Sorry, is that linking up better?
DR BENNETT: That does clarify it a little more.

Q. You were asked some questions earlier about alcohol and Akhandananda. Was it the case that you first noticed when you arrived that Akhandananda was using alcohol and affected by alcohol?
A. Not when I first arrived.

Q. At what point did you notice it?
A. It would have been at the very beginning of 1987; beginning of 1987. I was there for six months and in that - end of 1986 to 1987. Not when I first arrived. I knew something was not quite right, but I didn't know what that was.

MR KERNAGHAN: Your Honour, just a point of clarification, I think my friend used the words "affected by alcohol", "was using alcohol and affected by alcohol". Would you just make it clear that that wasn't the witness's evidence.

THE PRESIDING MEMBER: That wasn't the evidence

DR BENNETT: Q. Can you clarify your evidence in relation to alcohol?

THE PRESIDING MEMBER: I mean, in fact it was the evidence that his consumption of alcohol --

MR KERNAGHAN: Had impacted his health.

THE PRESIDING MEMBER: -- was impacting upon his behaviour, so to that extent he was certainly affected by alcohol. I think the distinction that you're wanting to draw is that this witness's evidence is "I did not see him under the influence of alcohol or smell alcohol on him".

MR KERNAGHAN: Yes, it's just a concern about the use of the word.

THE PRESIDING MEMBER: Sorry.

DR BENNETT: Q. What was your understanding; how did you understand Akhandananda's conduct at the time in relation to alcohol?

MR KERNAGHAN: Well, Your Honour, why do we need to - Your Honour's already examined that at large, in my submission,
on that point with this witness. Is it helpful to repeat
it?

THE PRESIDING MEMBER: Well, it might be going somewhere
else, Mr Kernaghan.

DR BENNETT: Q. Did you consider that inappropriate at
the time?
A. Yes.

Q. Did you report this to your guru?
A. No, I didn't.

Q. Why not?
A. I don't know.

Q. You understood that Akhandananda had been appointed by
your guru to head the ashram in Australia?
A. (Witness nods).

Q. He had a very important senior practical and spiritual
position within Australia?
A. (Witness nods).

Q. He was a man that you had concerns about in terms of
his inappropriate relationship with alcohol, and you didn't
report that to your guru?
A. I had no direct evidence of this. I had no direct
evidence to call Swami Satyananda or to write to Swami
Satyananda and say, "I have seen Swami Akhandananda do this
or do that". I had none of that. And things happened very
quickly at the end of 1986/1987, around there, or during
1987, things happened very quickly there with the surfacing
of all of this, which he knew about.

Q. You were also asked some questions about massaging
Akhandananda's feet and what may be construed as being
advances.
A. Mmm, yes.

Q. Did you ever report these advances to Satyananda?
A. No.

Q. Did you consider the advances inappropriate?
A. I was an adult, I could make up my own mind.

Q. So within the context of the ashram and within the
context of the spiritual life you led there, you thought it was an appropriate thing for one adult to do to another?
A. Massaging feet is not an uncommon practice in an Indian culture.

Q. But I understand it's your evidence you thought it was not just limited to massaging of feet; is that correct?
A. It indicated it was going further than that, and that was what I did not agree with, for myself; myself, as an adult.

Q. And you would agree you would consider that an inappropriate thing in terms of asking a child to do the same thing?
A. Of course.

Q. In what years was it that you were invited to massage Akhandananda's feet?
A. 1987, it would have been.

Q. Was it during that period that you noted that the girls at the ashram were flirty with Akhandananda?
A. It was one incident that I saw during that year.

Q. Was this after the allegations had been made in relation to the child sexual abuse?
A. I can't quite remember, but I don't think so; I think it was before.

Q. Did the combination of the advances he made towards you and the relationship of the girls with Akhandananda make you suspicious that there might be some sexual relationship going on?
A. No, I didn't put the two together.

DR BENNETT: That's it, thank you.

THE PRESIDING MEMBER: Q. Just one final matter touching upon the authority of Akhandananda. Can you just explain to us what you understood was the authority of Akhandananda in Australia? I'll assist you with that by saying, when you arrived at Mangrove Mountain.
A. I was told by Swami Satyananda, "You go to Mangrove Mountain and you live there", because I wanted to go back to India and I had made arrangements to go back to India, and then this, all this happened and I got to know that he said to me I should not go back to India. So whether he
knew something or whether he was --

Q. Sorry, "He" being?
A. Akhandananda. Swami Akhandananda, when I said, okay, I'm going back to India now --

Q. Sorry, let me just stop you for a moment. The question I asked you was, what you understood was the authority, the position held by Akhandananda in Australia when you arrived at Mangrove Mountain?
A. He was head of the Australian ashram.

Q. You've also said that you were directed by Satyananda, you might prefer the word "requested", to go to Mangrove Mountain; is that right?
A. Yes.

Q. Were you given a reason?
A. I was asked - you see, all of a sudden you get your notice to leave India and Swami Satyananda said to me, "What am I going to do?" And I said, "I don't know, I don't want to go back and live in the world, I have chosen this life", and he said, "No need to go back and live in the world, you go to Mangrove Mountain", and he gave me a letter which I did not open and that letter was to be given to Akhandananda, Swami Akhandananda on my arrival, and so, that was where I went.

Q. Do we understand that your answer is, you were not given a reason?
A. No, I was not given a reason.

Q. You were not given a reason and you were not given a task?
A. No.

Q. And you don't know what that letter was that you were carrying?
A. No.

Q. So, as your observations of Swami Akhandananda's behaviour accumulate, so your evidence to the Royal Commission about what you perceived to be his alcoholism, in your language, and his, what I understand your evidence to be, a sexual advance towards you in the context of the request to massage his feet, you don't make any communication back to either Satyananda or Niranjan that
the situation in Australia has deteriorated to such an extent that there's a problem with the head of the organisation?

A. I can't remember doing it, no. I can't remember - I definitely didn't make a phone call, because I don't know whether they even worked at that time there. It wasn't easy to ring India in the 1980s. I may have sent back a message with somebody. I did write to Swami Niranjan saying I was really not happy at Mangrove.

Q. Did you say why?

A. I said I didn't fit in, I didn't say why. I didn't say about the others, I was extremely unhappy, I wanted to go back to India, and he said, just stay there at that time and do my work and do my duty, being there serving. So I did, and then these things came up. But I didn't say - no, that was before. Oh, my God. That was before everything started to happen, I said I didn't want to be there, and he said, no, you must stay there.

Q. Before everything started to happen, meaning?

A. Before the accusations started to surface.

Q. When those accusations started to surface, given what you have told the Royal Commission you had already observed and experienced, did that cause you to take a particular view with respect to the truth or otherwise of those allegations?

A. I was not there at that time, I stayed neutral.

Q. So your answer's, no, it didn't cause you to take a position, or you didn't want to take a position?

A. It did not - I did not want to take a position on something I didn't know about, and it did not cause me to take a position.

Q. So, for example, you didn't make known to any of the prosecuting authorities that you had information about him that may be of interest to them?

A. No.

MR KERNAGHAN: Sorry, Your Honour, just so that the witness has the opportunity to consider what Your Honour's just put.

THE PRESIDING MEMBER: Yes, just with respect to his use of alcohol or his advances to you or your observations
about the girls being around him and flirting, none of that was communicated by you to anybody, I take it?
A. No.

Q. At any time throughout your stay at Mangrove Mountain, from that period when you've given evidence that you arrived somewhere around July 1986 and leave to go to Manly, do you have a discussion with anyone else at the ashram about your concerns about him?
A. People started to - you could say the inner group which would be more --

Q. And who's that?
A. Well, those who may be were more close to that area, it would have been his wife who ended up being his wife, [REDACTED]; Adwaitananda, who was the accountant at that time. I mean, we started to know about this behaviour, but at that time he hadn't been sent or trialled, so there was a lot of things happening before he was trialled and sent to gaol. There was a lot of information coming out from different people and reports.

Q. Can I just take you back to your evidence about your observations that Swamis were buying alcohol for him and that was having an impact on his behaviour. Did you speak to anybody about that? You've told us you didn't make any communication back to India about it, but did you speak to anyone at the ashram about that?
A. No, I don't remember.

Q. So you didn't say to any of the Swamis, "This is a problem, this is a concern for us"?
A. No. I was minding my own business more or less. I didn't, because at that time I had not been actually appointed. This is in 1987. I had not been appointed there, and by the time I was appointed it was all obvious, it was all known.

Q. This obviously was your life and this person was the head of the organisation in Australia appointed by your guru.
A. Yes.

Q. And it wasn't something that you raised, either with anyone at the ashram or indeed with India; is that right?
A. I didn't raise it with India in that way. I may have spoken to other people I was a little bit close with in the
office, which would have been Muktimurti. I can't remember those things, but I didn't generally speak with the other Swamis about this.

Q. Did you tell anybody else about the advance made to you in the context of the incident with the feet massaging?
A. May have been one Swami, male Swami, who I had a close friendship with; I may have discussed that there.

Q. And the timing of that, would that have been around the time of the incident in 1987?
A. Sorry?

Q. I understood you to say that the feet massaging incident, you know what I'm referring to, don't you?
A. Yes, yes.

Q. In answer to Dr Bennett, you said that it was around 1987?
A. Yes.

Q. Now you've just indicated that you think you spoke with another male Swami about what happened, so I'm asking you, did you speak with that male swami in or around the time of the incident in 1987?
A. Yes.

Q. How clear were you when you spoke with that male Swami about what had happened?
A. Probably not with any force at all, because I rejected it and it wasn't harmful to me. I didn't know about the children at that time, that the same thing was happening with the children, I didn't know that. So I had - maybe it was just a one-off with me, you know, or with other adults; I don't know. I didn't have a cause to speak with any force about it. I didn't feel I did.
DR BENNETT: At 10.

THE PRESIDING MEMBER: Thank you.

THE WITNESS WITHDREW

AT 4.26PM THE COMMISSION WAS ADJOURNED TO WEDNESDAY, 10 DECEMBER 2014 AT 10AM
11470:34, 11471:2, 11471:22, 11493:43
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alert [t] - 11460:15
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allies [t] - 11441:21
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alter [t] - 11389:1
altogether [t] - 11473:35
Amanda [t] - 11338:42
amendments [t] - 11449:27
amount [p] - 11386:40, 11470:12
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ample [t] - 11386:40
amusing [t] -

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