ROYAL COMMISSION INTO INSTITUTIONAL
RESPONSES TO CHILD SEXUAL ABUSE

Public Hearing - Case Study 21
(Day 110)

Level 17, Governor Macquarie Tower
Farrer Place, Sydney

On Wednesday, 10 December 2014 at 10am

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

Counsel Assisting: Dr Hayley Bennett
THE PRESIDING MEMBER: Good morning.

DR BENNETT: I call Sarah Tetlow.

<SARAH TETLOW, sworn: [10.07am]

<EXAMINATION BY DR BENNETT:

DR BENNETT: Q. Could you please state your full name?
A. Sarah Julia Tetlow.

Q. You've provided the Commission with a statement that's been dated 14 November 2014?
A. Yes, that's right.

Q. Have you read that statement recently?
A. Yes.

Q. Are the contents of the statement true and correct to the best of your knowledge?
A. There's a couple of corrections that need to be made.

Q. Thank you.
A. In paragraph 20, when I talk about the properties, SYA doesn't own the two properties in Gosford, so that needs to be removed.

Q. That's on the second line?
A. Yes.

Q. Thank you.
A. Then in paragraph 26, I've just found out that, although we have submitted the documentation to get those bits removed from the YAMM Rules of Association, it hasn't actually gone through that; so we're in the process of removing those.

Q. On the second-last line, where it says "on 12 November"?
A. Yes, instead of that, maybe perhaps write:

   We are in the process of removing all reference to BSY from the YAMM constitution.

Q. "On 12 November 2014 we removed", can be deleted there, and then the sentence can commence, "We are in the
...process of removing all reference to ..."
A. Yes.

Q. Are they the corrections you seek to make?
A. Yes.

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

THE PRESIDING MEMBER: Exhibit 21-29.

EXHIBIT #21-29 STATEMENT OF SARAH TETLOW.

DR BENNETT: Q. Ms Tetlow, what is your current position at the Mangrove ashram?
A. My main role is the administration director. I'm also a member of the management team and I'm the CEO of SYA, the academy.

Q. How did you initially come to be involved with the ashram?
A. With Mangrove, back in 2007, I visited there for the first time to do the teacher training course. So I came for the residential for that.

Q. When did you become involved professionally?
A. This year, in January this year.

Q. Is it the case that you're currently a resident at the ashram?
A. Yes, that's right.

Q. When did that commence?
A. I think it was around about 8 January this year, something like that.

Q. At the end of paragraph 8 of your statement you've said that after travelling you became interested in Satyananda yoga tradition. What does Satyananda yoga tradition mean to you?
A. That's not in paragraph 8, but --

Q. Sorry, 5. The last sentence in paragraph 5 there.
A. The tradition for me is an opportunity to live a way of life that allows me to learn more about myself and to serve the community, and, without sounding trite, to try and do some good in the world.
Q. In terms of referring to the Satyananda yoga tradition, you can see that the name of Swami Satyananda is sort of attached to the tradition. Is it attached to a particular style of yoga that is not consistent across different types of yoga?
A. Well, I would say the Satyananda yoga tradition - so in Australia and elsewhere in the world it's called Satyananda yoga, in India it's called Bihar yoga, it means the same thing. It's an integrated form of yoga so I would say, comparing it to other traditions, it encompasses more of the traditional strands of yoga, like karma yoga, bhakta yoga, all the different philosophical and lifestyle strands of yoga.

Q. Do you have a guru?
A. Yes.

Q. Who is that?
A. Swami Niranjan.

Q. You individually have a guru; does the whole of the institution at the ashram have a guru?
A. No.

Q. And so, the guru concept is something individual to each person?
A. Yes, it's a personal relationship.

Q. It might be the case that everybody at the ashram has a different guru?
A. It could be, but not everyone in the ashram has a guru.

Q. In practice, would most people at the Mangrove ashram currently have the same guru as you?
A. Well, some of the older residents have Swami Satyananda as their guru; the younger ones it would be Swami Niranjan. Probably about maybe half the residents have got a guru.

Q. From paragraph 6 in your statement you've set out some of the training you've undergone in relation to yoga. At paragraph 9 you state that you decided to complete the yoga teacher training course offered by the Satyananda Yoga Academy at Mangrove, and you say you chose that because in your view it was the best place at the Satyananda tradition
to complete the yoga training. That's where it took place?
A. Yes, that's right.

Q. Does this Satyananda tradition underpin most of the courses and products that are available at the ashram?
A. It underpins some, but I wouldn't say most. Obviously on the education side, that's based on the Satyananda yoga tradition, so the diploma and the - well, actually not even all the continuing professional development courses, because they bring in other modalities. On the other side with the retreats, it's a mixture; some aspect of it, but some other things as well.

Q. From paragraph 4 in your statement you state that you are currently the CEO of what I'll refer to as SYA but I'll get you to explain that a bit more, and that you were appointed on 3 September 2014.
A. Yes.

Q. You go on to set out some of the management structure of the ashram. Can you please just give an overview of the organisations that comprise the ashram, so in particular the structure of SYA and what I'll refer to as YAMM but you can explain what that means?
A. SYA's the Satyananda academy and that's the - well, I suppose you could call it the overarching organisation, but there's no actual control or ownership between the different entities.

So SYA owns the property at Mangrove for example, it is responsible for the education courses, the diploma and the CPD, the Continuing Professional Development courses that are run, those are normally weekend courses. SYA is also responsible for accreditation, so when the students complete the diploma course they become accredited teachers so it's responsible for that. And if they wish, they can become affiliates as well of SYA and there's different agreements for those two arrangements.

YAMM, which stands for Yoga Association of Mangrove Mountain, is the ashram itself. The trading name is Mangrove Yoga Ashram. YAMM is an affiliate of SYA, I guess you could say it rents the property and it runs courses, but those are more the lifestyle courses, the weekend courses and different aspects of yoga meditation and other things, the venue hire that we do, volunteer work, people come and do volunteer work there. Those different aspects
are run through YAMM rather than SYA. Those are the two main entities, I suppose, that are really relevant to this.

Q. Does the SYA have significance to ashrams around Australia?
A. Well, there are only two ashrams in Australia. The other one, Rocklyn, is owned by SYA, and so YAV, which is the Yoga Association of Victoria, is also an affiliate of SYA and it rents the property.

Q. So, in terms of overarching, that's at a higher level but for both those ashrams?
A. Mm-hmm, but the operations of Rocklyn are entirely independent so we have no influence over what YAV does, for example.

Q. At the end of paragraph 12 you state that your appointment as CEO was to fill a formal position, the title of CEO was required because the SYA is a registered training organisation. Then you state that in practice the management of the ashram is shared by a leadership team. A. Yes.

Q. I'm going to ask you a little bit more about the leadership team in a minute, but just explain what you mean about "in practice" and that group and your role as CEO?
A. In a traditional company the CEO would be the boss and would have a degree of authority and control over the operations. It's a bit different in the ashram because, yeah, I have that title but actually the operations, day-to-day operations we share the responsibility between currently the four of us on the leadership team. So we discuss decisions and we come to a consensus agreement rather than me running round doing what I like.

Q. Within that system do you see any one person as having a little more power or a little more control than anybody else?
A. Probably in terms of different aspects. So, if it comes to finance for example, I would have more control because that's my area of responsibility, or if it comes to education, then Yogasandhan would probably have a bit more control perhaps, but any significant decisions would be discussed by the team.

Q. At paragraph 13 you refer to the memorandum and articles of association of the SYA. Could I please have
that document on the screen. The ID number is
YAM.0001.001.1899_R. Scrolling down to the third page of
that document, can you read out the first clause of the
document there?
A.

   The name of the academy is Satyananda Yoga
   Academy ('the academy').

Q.  Why is it that you chose the name Satyananda in
relation to the academy?
A.  I can't answer that, it was done before my time.

Q.  Go down to clause 2, and at the beginning there, can
you read out that first part of clause 2?
A.

   Swami Niranjan and Saraswati, successor to
   Paramahansa Satyananda, is patron of the
   academy and will be patron of the academy
   for life, whose counsel can be sought at
   any stage for the furtherance of the
   objects of the academy. Dr Brian Thomson
   is also a patron of the academy and will be
   a patron for life.

Q.  Can you explain the role of Niranjan as a patron of
the academy?
A.  I can only give you my interpretation of it because I
haven't had any practical experience of his role as patron.

   In terms of day-to-day running of the academy, he
doesn't have any involvement at all, and certainly not in
my experience this year. But I imagine that what that
means is that he could be someone to go to, perhaps seek
counsel if we needed to.

Q.  I'll take you back to paragraph 14 of your statement,
that's where you do refer to the leadership team. Can you
state who's on that team, or part of that team?
A.  So, currently the leadership team is comprised of
Yogasandhan, who's the head of education; Gurubhakta, who's
the head of HR, we call it skills and lifestyle but it's
HR; and Samhita, who's the head of courses - and me - she's
the more recent addition.

Q.  What types of decisions does that team make?
A.  Well, there's anything that's involved in the running
of the ashram, whether it be deciding which courses to run,
what to spend money on, projects that we might have on the
go - the normal kind of things that you'd expect in
managing a fairly small operation.

Q. Is there a separate team called the management team?
A. No. So this team is variously called the leadership
team, the co-ordination group, some people might refer to
it as the management team, but it's one team.

Q. We'll come back to that later, because you yourself
refer to a co-ordination team?
A. Yes, that's the same thing.

Q. The leadership team and the management team are in
fact the same?
A. Yes.

Q. You also at paragraph 14 state that SYA and YAMM has a
board of directors?
A. That's right.

Q. Can you tell the Commission who are the members of
each of those boards?
A. So, the directors of SYA are Atmamuktananda Saraswati,
who's also at the head of the Rocklyn ashram; Rishi
Hridayananda, also known as Mary Thomson; and Rishi
Vivekananda, also known as Brian Thomson.

On the Yoga Association of Mangrove Mountain the
President is Omdhyanam, who's a resident at Mangrove. The
vice-president is Karmayogini, who's a resident at
Mangrove. I'm the treasurer and the public officer and
Gurubhakta is also another director. I don't think they're
actually called directors in the association, but
effectively. And there are other members but I can't
remember the names of them off the top of my head.

Q. Do you know how often these boards meet?
A. Mostly they meet on a formal basis, so annually to
approve the accounts for the AGM. The only other time they
meet is if there's anything in particular that needs to be
decided.

Q. In terms of the nature of the decision making that
might go on there, do they deal with the higher level sort
of policy-type decisions? Is there a distinction between
that decision making and for instance the leadership
committee?
A. Yes, they would be used to make the final decision on
more important matters, which could include things like
significant spend or significant changes to policy, that
sort of thing. It would be discussed at the management
team level first.

Q. So, in that sense what's decided by, and I'll just use
a single term then, the leadership team, what's decided by
the leadership team, in a sense they're answerable to the
board of directors?
A. Yes. Not for everything, but more significant
matters.

Q. At paragraph 15 you refer to the objects of
association from the constitution of YAMM. Can I ask for
this document to be put on the screen. Its identification
number is YAM.0001.001.1877. Scrolling down to the sixth
page of that document to the, "Aims and objects". Can I
ask you to read out those aims and objects, thanks,
Ms Tetlow?
A.

The aims and objects for which the
association is established are:

To enhance the quality of life in
accordance with the yogic teachings of
Paramahansa Satyananda by:

(a) providing a source of inspiration and
resources,

(b) promoting, supporting and educating a
healthy, spiritual lifestyle of the broader
community,

(c) providing a yogic retreats and
education centre,

(d) supporting scientific research and
academic studies into yoga.

Q. These functions have been listed as providing
resources in education retreats and research and they're
all to be provided in accordance with yogic teaching of
Satyananda?
A. Yeah, or to enhance in accordance with, yeah.
Q. I'll take you back again to your statement, to paragraph 17, this is where you state that SYA and YAMM boards have delegated some of their authority to a leadership team, and that's called the co-ordination group?
A. Mm-hmm.

Q. Just going back to what you said orally earlier, they're synonymous --
A. Yes.

Q. -- the leadership team and the co-ordination group. Was this delegation, did that happen as a formal process in terms of what happened at a board meeting and the delegation occurred?
A. Yeah, some years ago. I'm not exactly sure when, but it's been in place for many years.

Q. At paragraph 19 you state, and you've said this orally, that you look after the finances of SYA and YAMM.
A. Mm-hmm.

Q. You're aware then of the current financial position of those organisations?
A. Mm-hmm.

Q. I'm going to show you a document, the ID number is SYA.0006.004.0070. Is that a document that you provided the Commission?
A. Yes.

Q. Can you take the Commission to the parts of the document that would assist to explain the current financial position of the - well, I might actually ask that first of all we scroll down to page 17 of the document. Can you just explain the current financial position of the organisation if this particular document assists you in doing that?
A. When you say the current financial position, do you mean how much money we have or?

Q. Yes.
A. Okay. Well, this page in the document is outlining how much we've received in the last year in donations; the vast majority of that is from a private donor, $1.2 million of that, which is the only reason why SYA made a profit in the year, because if you take that out it actually made a
loss. The rest is just showing the current funding position of the ashram. That doesn't mean to say that's how much money we've got, that's just the accounting value of the assets.

Q. In terms of the current worth of the organisation, are you able to estimate that?
A. No. It hasn't been revalued in a few years, in terms of physical assets, it would be a guess.

MR KERNAGHAN: If it assists my friend, perhaps page 2.
DR BENNETT: Is that page 4, I think, of the PDF.
MR KERNAGHAN: It may be. The Ringtail number is 0073.
DR BENNETT: That's correct.

Q. Perhaps scrolling down, that would assist Ms Tetlow explaining the meaning of those numbers.
A. Do you want me to go through all of them?

Q. Not all of them, just at a broad level.
A. Maybe the more significant numbers. So current assets is made up - some cash, some is debtors, so that's the amount of monies that's owed to us, it's not actually cash. The property, plant and equipment is made up of, some of that is land value but the majority of it is the amount that's been spent on building, so it's not necessarily a reflection of how much it's worth because we wouldn't necessarily get that much for it. The rest is just normal accounting stuff, so down the bottom you see how much money we owe, including the loans which are against note 8, the borrowings there. I'm not really too sure how I can - what I can tell you to help you.

Q. The final figure at the bottom of the page refers to "total equity", and that's the number that's $5.6 million. What does that reflect?
A. So total equity of a company is the net of the assets less liabilities, so that's stating that as at the end of June 2014 our assets outweighed our liabilities by $5.6 million in terms of book value, accounting value; that doesn't necessarily reflect actual value.

Q. Thank you. At paragraph 20 of your statement you refer to the fact that SYA owns a number of properties?
A. Yes.

Q. And that they include the properties at Rocklyn and one in Manly, and the Mangrove ashram. Are you able to estimate the value of those properties.
A. No, they haven't been valued for some time.

Q. I know that you say now that SYA doesn't own the properties in Gosford. Are you aware of who does own those properties that you refer to?
A. They're owned by Satyananda Yoga Trust, which is a different entity.

Q. Just for completion, in terms of the organisational structure you talked about before, how does this trust fit in with that structure?
A. We have two trusts, Satyananda Yoga Trust and Sannyasin Ashram Trust, we commonly call them SYT and SAT and the trustees of those two are Satyananda ashram. Both of those - Satyananda ashram really in practical terms doesn't have any assets and it doesn't have any real other purpose these days other than being the trustee for those two entities. They are both used for travelling teacher income, so sometimes our teachers will travel around Australia and overseas, and the income from those comes into those two trusts.

Q. One of the trusts owns the two properties in Gosford. In terms of, are there any other properties owned by either of those trusts?
A. SAT owns the farm property at Mangrove, which is separate to where the ashram is.

Q. Are you able to tell the Commission when these trusts were established?
A. No, not off the top of my head.

Q. At paragraph 28 you state that in October 2014 you received a demand from India for an explanation and apology for how certain aspects of the Royal Commission matter had been handled. At the end of your paragraph there at 28 you state that:

In this matter it was felt that a full and unabridged apology would best satisfy India and allow it to focus on the important matters in Australia.
The letter, was that an email dated 7 October 2014?
A. Yes.

Q. Can I ask for a copy of that email to be put on the
screen. The ID number is YAMM.0004.001.0001_R. That's the
email that you're referring to?
A. Yes.

Q. Can you tell the Commission who the email was from? I
mean, you've referred to it as India, and just for
simplicity I will refer to it as having come from India,
but just for the record, if you could explain who it
actually came from?
A. If you scroll down to the bottom, there isn't actually
a name there. So the assumption is that it came from Swami
Niranjan but it's not stated. It could have been - it was
more than likely written by someone else.

Q. Your assumption has been, though, that it came from
Swami Niranjan?
A. Mm-hmm.

Q. You responded to it on that basis?
A. Mm-hmm.

Q. Has anything occurred since that time to indicate to
you that your assumption was incorrect?
A. No. But nothing's occurred to us to say that my
assumption was correct either, so I just don't know.

Q. Scrolling down to about the last second half of that
document, I'm going to read out a part of that document
that starts with - can you explain the content of the
document first?
A. This email was sent to a group of people, some of whom
are not involved in the academy, outlining three matters
which they weren't happy about. The first one was to do
with our submission of information to the Royal Commission,
the first time we received a summons. The second one was
to do with how a matter to do with affiliation had been
handled; an individual, his affiliation was removed for not
complying with the Code of Ethics. The third matter was to
do with the research institution, SRI, which is a
completely separate organisation.

Q. That's the 1, 2, 3 points that are set out there in
the email?
A. Yes. So the first two have something to do with Mangrove and the academy and the third one doesn't.

Q. Just specifically, this is in relation to what you said in your statement about what was demanded by this email, I'll just read out part of the email. It said:

All his life Swami Niranjan has worked for the betterment of Satyananda yoga and his guru's mission. In all its difficulties, problems and strife, he has supported Mangrove Mountain and the Satyananda yoga movement in Australia.

But these recent actions of Australia have shown that the institutions and the people involved have no respect for the support and encouragement given.

What has been shown is that Australia is willing and happy to hide behind guru's dhoti and suffer the 'swamiji says syndrome'. Administrators of the institution are willing to involve him in the investigation of 20 year old sex scandals and tarnish his reputation, where they [did] not even dare to put their own names on behalf of the institution.

Was that the response to the summons that you spoke of earlier?
A. Yes.

Q. From our perspective there is no accountability or concern for yoga in Australia. No-one is prepared to take responsibility for the situation and events which are occurring.

After a lifetime in support of Australia, Swami Niranjan and Bihar School of Yoga in disgust withdraw their association and support completely from SYAA, SRI and YAMM. Unless a full account, apology and rectified system to ensure that such events
will not happen again is received at Munger by 20th of October 2014 from those concerned, you are being informed that the following will become effective immediately from 21st October and this information will be sent out to all parties in Australia and other countries:

1. Bihar School of Yoga will formally renounce all ties and association with the institutions of Australia.

2. All links to the Australian institutions will be removed from the official websites of Bihar School of Yoga.

3. Dispatch of magazines to Australia will be discontinued.

4. Permission to use, promote, distribute or sell any Bihar School of Yoga material, including video footage, audio recordings, and photos of Sri Swamiji or Swami Niranjan is now revoked and all copyright materials of Bihar School of Yoga is to be returned to Munger immediately.

5. No Australian institution will be permitted to use the name of Swami Satyananda, Swami Niranjan or Bihar School of Yoga in any documents, publicity material, websites, email etcetera. All pictures of the Guru Parampara are to be removed.

6. A lawyer is being engaged in Australia to monitor the use of the names of Swami Satyananda, Swami Niranjan or Bihar School of Yoga and take immediate legal action with cease and desist letters in case of any unauthorised usage.

In your statement you said that you'd received a demand from India for an explanation and apology of how certain aspects of the Royal Commission had been handled. However, having regard to what I've just read then, you can see in fact that they demanded three things: A full
account, an apology, but also a rectified system.

A. Mm-hmm.

Q. You saw that. So, do you think that the email was more than in fact just a demand that you carry out those three things; it also contained a threat that, if you did not comply with the demand by a certain date, that it would carry out the actions listed at 1-3?

A. Are you asking me if I thought they would actually do that?

Q. Yes.

A. Mmm, no.

Q. No, that's actually not what I asked. I asked, if that's what they threatened to do if you did not comply by the dates set out in the email?

A. Well, that's what they've said in their email, so, yes.

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

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

Q. You'd agree that the name "Satyananda" is certainly an integral part of both the establishment and the function of the ashram?

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

Q. I took you to the constitution and the articles of association of both those organisations, and within both of those documents the name "Satyananda" exists?

A. Mm-hmm.

Q. So you'd agree that it's certainly fundamental in terms of the constitution at a company level?

A. Within the constitution, yes.

Q. You state at paragraph 27 that, as far as you are...
aware, the Bihar School of Yoga does not have regular involvement in the administration or management of the ashram. But do you think that that email is an example of the fact that there are times when they do have involvement in the management of the ashram?

A. It could be perceived that way, yes. That's the only example I've seen of that in my year of being at Mangrove though.

Q. It's rather forceful, isn't it?

A. Yeah. Yes.

Q. Before I move on from the email, I want to take you back to something that I did read out and it's the statement in the middle there, I'll read it again where it is said:

What is being shown is that Australia is willing and happy to hide behind the guru's dhoti and suffer the 'swami says syndrome'. Administrators of the institution are willing to involve him in investigation of 20 year-old sex scandals and tarnish his reputation and they would not even dare to put their own names on behalf of the institution.

Did you notice there that India appeared to refer to the work of the Royal Commission as a, and I quote, "an investigation of 20 year-old sex scandals"?

A. Mm-hmm.

Q. From the ashram's perspective, do you consider that referring to the work of the Royal Commission in that way represents the gravity and seriousness of what's currently being investigated?

A. No, of course not.

Q. Did the ashram take this issue up with India when it apologised and responded to India?

A. No.

Q. From paragraph 29 you refer to the policies and procedures in place at the ashram, particularly in reference to child protection. What is the current procedure to be followed if somebody suspects child abuse, child sexual abuse at the ashram?
A. If there's a suspicion or a complaint, then it would be taken to someone, a senior member of staff, most likely one of the leadership team. Then, depending on the nature of the complaint, it would be either reported to DoCS or escalated in other ways.

Q. Is there any process of actually training people to detect the signs of sexual abuse? So, for instance, boundary violations and that type of thing?
A. We have had - this is before my time this year, we have had training in the past in how to spot the signs, and we have got plans to do some more training on that basis in the New Year because, as you can appreciate, the population of the ashram changes, so as new residents come in we need to keep them up to speed.

Q. Just to be clear, you're aware that something like that has occurred in the past?
A. Yes, the training, yes.

Q. And currently there is some plan for that to happen in the future?
A. Again, yes. Not just on that topic but other things relating to child protection.

Q. In terms of the current policies that are in place, have you heard the evidence of the survivors up-to-date?
A. Yes.

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

MR KERNAGHAN: Your Honour, to assist the Commission on this topic, perhaps if Counsel Assisting takes us to paragraphs 31, 32 and 33 as a preface to the issue, so as to give some reality to the hypothetical that's being posited by Counsel Assisting.

As I understand the question, it hinges on the current practice of the population at the ashram today, unless my friend is asking a question about whether or not the policies today would have had some effect in the '70s and
'80s, and I'm not sure that's what she's asking.

THE PRESIDING MEMBER: The question is directed, as I understand it, to current policies and practices.

DR BENNETT: Yes, sorry. Yes, the current policies.
A. Well, in the current policies it just couldn't happen because, for one thing, we don't have any children living in the ashram; (2) if there are any children staying or living in the ashram, they stay with their parents or guardians. We do not allow unaccompanied minors to stay in the ashram, so they would always have a parent or guardian with them.

Q. Is there a person at the ashram who has responsibility for the ongoing monitoring, implementation of these policies?
A. Yes, that would be the head of HR.

Q. Who's the head of HR?
A. Gurubhakta.

Q. At the commencement of these proceedings Mr Kernaghan, who acts for the ashram, read out a statement from the ashram which comprised an apology in relation to child sexual abuse and related matters. Are you familiar with the terms of the apology?
A. Yes.

Q. The apology states, and this is at transcript page 1851:

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

In stating this, is the ashram accepting the evidence of the survivors that child abuse, including child sexual abuse, occurred at the ashram?

MR KERNAGHAN: I object to that question in its form. It's self-evident that the apology preceded the evidence. It's not an appropriate connection to make.

THE PRESIDING MEMBER: I'm not following you, Mr Kernaghan.
MR KERNAGHAN: What's being put by Counsel Assisting is that that statement reflects an acceptance of evidence that hadn't been given, nor served - a matter that myself and Ms McGlinchey have repeatedly complained to this Commission about throughout the course of last week. So it's not a fair question to put. My friend is asking this witness to draw a connection between those words that have just been related and the evidence that came after it.

DR BENNETT: I apologise. No, I apologise.

Q. The apology in its terms states that the members of the ashram, the organisational people, had read the statements and were familiar with the evidence up until the point of that --
A. Some of it, yeah, that was available, yes.

Q. That's correct. So, no, from a chronological perspective, any of the questions I'm about to ask you and put before you now are based purely on what was seen before the apology was given.
A. Okay.

Q. So, based upon that, I'll ask you again. So, just having regard to what came before the apology, I'll ask my question again. In stating this, is the ashram accepting that evidence that came beforehand, that child abuse, including child sexual abuse, occurred at the ashram?
A. Yes, we are accepting that that did occur.

Q. The apology also states:

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

So my question is, is it that the ashram does not attempt to limit the blame to Akhandananda and to Shishy, but shares the responsibility more broadly with the ashram itself, its people and leaders?

MS McGLINCHEY: Commissioner, could I stand to my feet. I certainly know that there was no communication between myself and Mr Kernaghan about the ashram apologising on behalf of my client, and I don't think that it should be
THE PRESIDING MEMBER: Your client has made acknowledgments from the witness box, Ms McGlinchey.

MS McGLINCHY: Yes, she certainly has, but that's nothing to do with the apology that Mr Kernaghan made.

THE PRESIDING MEMBER: No, no. I accept that, it hasn't escaped us.

MS McGLINCHY: Whether there is a legal link between the ashram and my client or not is a matter that we all have to think about later.

DR BENNETT: I can reframe the question and leave out the names, Your Honour.

THE PRESIDING MEMBER: Yes.

DR BENNETT: I'm happy to do that.

Q. I'll give you a new question. Is it, the ashram does not attempt to limit blame to individuals, but shares the responsibility more broadly with the ashram itself, its people and leaders?

A. These events occurred within the organisation, so regardless of the fact that none of us there now were personally responsible, or whatever at the time, we do accept that the organisation apologises for that. I think any other response would be insensitive and inappropriate.

Q. The apology also stated:

By failing to respond to all who have been affected by this abuse, in particular the victims and their families, we understand that we have added to the original harm that has occurred.

In this, is it the case that the apology recognises the ongoing effect of the abuse and recognises that failures to deal with this issue adequately has added to the original harm?

A. Definitely the way the organisation has responded has not been helpful to the victims.
Q. The apology also states:

We've attempted reconciliation and have
often made mistakes and errors of judgment
in those efforts.

A. Yes.

Q. Your legal representative, Mr Kernaghan, told the
Commission that his clients had reflected at great length
upon the reports of abuse that had been set down in writing
in the form of statements from the many witnesses who had
come forward to the Commission, and that certainly was
making it clear that the apology was based on what had come
before in terms of time.

He told the Commission that the statements had been
met with distress and deep despair on the part of those
responsible for the ashram today, at the horrifying and
previously unheard claims recorded in the documents, as
well as claims previously known. And that's the case, is
it?

A. Yes.

Q. Mr Kernaghan stated that his clients had reflected, in
particular on the mistreatment of all children at any time
by anyone in the history of the ashram and the movement
that it had been part of; that the abuse to his clients
represented the most appalling and disgraceful chapter in
the organisation's history.

A. Mm-hmm.

Q. Mr Kernaghan further stated that his clients this year
have committed themselves to the first real steps towards
any form of accountability or reconciliation, but they had
recognised that those steps had been limited in nature and
that they were flawed by the necessarily early stages of
the efforts.

A. Yes.

Q. He later stated that his clients recognise that those
first steps may have seemed trivial or even pathetic to
many and that his clients accept that judgment.

A. Mm-hmm.

Q. When the ashram refers to mistakes and errors that
have been made this year, in the first and early steps that
have been made, does it refer to the steps and decisions such as the decision to initially issue an apology via Facebook?
A. It's all the events of this year.

Q. The decision to block certain people from using the posts on Facebook?
A. Mmm.

Q. The issuing of the cease and desist letter?
A. Mm-hmm.

Q. The Easter weekend events where the - and that's the 40th anniversary celebrations where the issues of child sexual abuse were raised in the context of a celebration?
A. Mm-hmm.

Q. And the issuing of the survivor support pack?
A. Yeah, all the ways in which - I mean, our intention with all of that has always been to do as much as we could to help the victims, and obviously none of us are perfect in doing that, but our intention was always to do the right thing, and we recognise that we didn't always achieve that.

Q. So, in this case you don't come here today to support those decisions or justify them or stand by them?
A. No. We did what we did, and some things didn't work out and we accept that.

Q. From paragraph 34 in your statement, and I'm not going to take you through all of this, you do set out the events and decision making processes that led to a number of those decisions that you're no longer standing by. Have you said that you did get to read some of the statements of the survivors before the commencement of these proceedings?
A. I didn't read the statements, but I was made aware of the content of them.

Q. Are you aware that within some of those statements there's responses from some of those survivors about the impact of some of those decisions upon them?
A. Mm-hmm.

Q. Am I right to think that it's some of that feedback that's led you to believe that in fact those decisions weren't the right decisions?
A. Possibly, yeah, because --
Q. I'll just take you to a couple of those statements and a couple of those responses to those situations and just ask you whether you accept and acknowledge that those feelings expressed were probably legitimate in terms of the fact that you no longer stand by those decisions. But I'll take you to the statements first.

First of all, there's the statement of Jyoti, and at paragraph 61 of her statement she comments that she had nothing to do with the ashram's 40th anniversary and healing day as she thought it was a sham as far as she was concerned, and she stated that she considered it grossly insensitive for the ashram to think that survivors would come on the turf on which so much of the abuse occurred and that it would all be fine.

At paragraph 62 she says she was blocked from making comments on the ashram Facebook page and said:

> It infuriates me that the ashram would do this because I think it shows the ashram wants the victims of abuse to be silenced.

A. That was never our intention.

Q. That's right, it's just the response that they've had. Similarly, at paragraph 63 she states that she felt that the survivor pack was patronising and insulting.

A. Mm-hmm.

Q. Alecia Buchanan, as another example, and I won't repetitiously take you through everybody because each of the survivors has talked about the impact upon them of some these decisions --

MR KERNAGHAN: Sorry, Your Honour, before my friend goes to Alecia Buchanan, perhaps there was a question about what was read about Jyoti.

THE PRESIDING MEMBER: This is with respect to Jyoti.

DR BENNETT: The question was, did you accept and acknowledgement as being legitimate the feelings expressed in these responses.

A. Of course, anyone's feelings are legitimate. I can't put myself in their shoes.
Q. Alecia Buchanan at paragraph 91 of her statement, in relation once again to the 40th anniversary celebration, said:

I was fuelled with hurt, anger and incredulity by the ashram's continued blindness to my suffering and their insensitivity.

At paragraph 92 she refers to the disappointment and anger at receiving an apology via Facebook. At paragraph 95 she refers to a deterioration in her mental health on being advised her concerns about her abuse on the ashram social media would be removed from public view. She stated that:

Underneath it all was a feeling that I was being silenced, cut off and belittled all over again.

And you accept the validity of those feelings?
A. Of course. It wasn't our intention, but of course, that's valid.

Q. At paragraph 100 Alecia mentions she was contacted by a couple of people from the ashram, but later states:

I was angry that the important work of sensitively and comprehensively looking at the needs of the victims was delegated away from senior management to well meaning but uninformed and inexperienced volunteers.

MR KERNAGHAN: I'm sorry, is there a question?

DR BENNETT: You acknowledge those feelings again as legitimate?
A. Mm-hmm.

Q. I'll just read out a couple more of the statements and you can wait until the end and if there is anything that you think is unreasonable, perhaps you can let me know.
A. Mm-hmm.

MR KERNAGHAN: Your Honour, I don't mean to be annoying, I probably am being annoying, but is this really a helpful
process, of reading out portions of statements that
evidence has already been given on? We've just had
10 minutes --

THE PRESIDING MEMBER: This is the institution's response,
Mr Kernaghan, so I'd ask you to bear with the process
please.

MR KERNAGHAN: Your Honour, it's not the institution's
response, it's the response of complainants; that's all
that's happening here. It's being read out onto the record
again. With great respect, Your Honour, it's not the
institution's response. All that's being asked is --

THE PRESIDING MEMBER: Listen to me please. What the
Commission's hearing at the moment is evidence from this
witness about mistakes, errors and inappropriateness in
terms of the response that was made earlier this year.

What we're hearing now is an acknowledgment,
consistent with the apology you were instructed to make,
about the various aspects of what was inappropriate about
that response and we're going to continue to hear that.

MR KERNAGHAN: I apprehend that, but we've just spent
10 minutes confirming the veracity of that apology, which
is an answer to the very things that we're now going
through.

I may be at cross-purposes with Your Honour, but the
transcript that I'm reading reveals consecutive answers in
the form of "Mm-hmm". Now, that is not assisting the
Commission, this is just repeating evidence that has
already been lead, Your Honour

DR BENNETT: Your Honour, I've taken Ms Tetlow to - much
of her statement is in relation to decision making,
specifically in relation to issues such as blocking the
Facebook. This witness on behalf of the ashram no longer
stands by those decisions, and I am not going to spend the
next two hours cross-examining her on those parts of her
statement and of that decision making. It's accepted that
they no longer stand by that.

We've received an apology through Mr Kernaghan that
they no longer stand by that and certain things have led to
that new position.
It's broadly stated that some of the evidence of the survivors has been a factor in the new position, although it hasn't been spelt out. It's certainly not spelt out in the statement because the new position came after the making of the statement.

I think it's an important thing that the Commission knows what it is that contributed to the new position and that is the new institutional response to child sexual abuse, and this forms part of that contribution.

THE PRESIDING MEMBER: Yes. Go ahead.

DR BENNETT:  
Q. Ms Tetlow, I will read a statement and, if you could just say "yes" at the end of it, meaning, yes, that is, you accept that as being legitimate and that was a contributor or that type of response from a survivor was a contributor to your new position?
A. Mm-hmm.

Q. I was at [APL]'s statement, and to paragraph 90. She refers to the Facebook apology as being a token apology, and that's how it felt to her.
A. Yes.

Q. At paragraph 91 she refers to the survivor support pack and states she felt she was very insulted by being offered free counselling all these years after the abuse.
A. Yes.

Q. In the statement of [APK] at paragraph 61, she states she was insulted at the ashram's approach to us, including setting out why she'd not taken up any of the services that were listed in the survivor pack.
A. Yes.

Q. In [APA]'s statement at paragraph 66 she said she was offended at being contacted via Facebook and not personally and referred to the blocking of the posts on Facebook also.

In Tim Clark's statement at paragraph 57 he sets out communications with Bert Franzen from the taskforce, and he refers to personal and intimate issues that he discussed at the time. In paragraph 60 Mr Clark states that Mr Franzen would no longer take his calls. Mr Clark stated --
MR KERNAGHAN: Sorry to interrupt, but I object to this process that's being adopted by the Commission in relation to Tim Clark because, as I understand it, his statement hadn't been served at the time that I took instructions in relation to the apology.

DR BENNETT: If that's the case, I'm content to pass over Mr Clark's then.

THE WITNESS: May I make a comment?

THE PRESIDING MEMBER: Yes.

THE WITNESS: In relation to the - and I'm not at all taking away from the feelings of the victims about us contacting them via Facebook, and this is quite possibly another failing - we didn't actually know who they all were and how to contact them, so that was our first opportunity to do it.

DR BENNETT: Q. I'll take you next to the statement of Bhakti Manning. At paragraph 69 she talks about the Facebook apology and, amongst other things, states:

The apology came out of the blue and on an emotional level it was devastating for me.

She also stated:

I was also experiencing an intense episode of reliving body trauma around the abuse which had been triggered by the apology.

A. Yes.

Q. At paragraph 73 she sets out her response to receiving the cease and desist letter. She felt shaky and distressed and then hurt and angered.

A. Yes.

Q. So, in this, these were your first and early steps of the ashram, and you accept and acknowledge the legitimacy of those responses?

A. Yes.

Q. Ms Tetlow, I'm going to take you back to the child protection policies which you refer to from paragraph 29
onwards of your statement. In answer to one of my
questions you said that you might refer a child protection
matter to Gurubhakta.
A. Yes.

Q. Are you confident that either yourself as CEO or one
of the other senior people at the organisation, are you
certain that you also would be able to deal with a
situation should it arise?
A. Yeah, we could certainly follow our policies.

Q. To that extent, it's not solely Gurubhakta that has
that responsibility?
A. No, and the senior members of the ashram have that
responsibility.

Q. In terms of those senior people, who would you regard
as being part of that group?
A. The people who were on the leadership team.

Q. And those people on the leadership team, are they
well-known as being on the leadership team --
A. Yes.

Q. -- to all those at the ashram?
A. Yes, everyone knows. It's quite a small population,
there's only about 20, 25 residents at the moment.

Q. Has it been 25 residents for, say, the last 12 months?
A. Around that figure, yeah.

Q. From paragraph 95 you raise the issue of compensation,
and at paragraph 94 you state that when the issue does come
up, that it will be something to be decided at the board
level.
A. Mm-hmm.

Q. That's the SYA board?
A. Yes.

Q. In addressing the Commission in the context of making
the apology on behalf of the ashram, Mr Kernaghan said a
few things, and I quote Mr Kernaghan. He said:

   However, my clients also recognise that
   those first steps [and those were the steps
   we were just talking about] may seem

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

Is it the case that the ashram will continue to engage in this process as set out by Mr Kernaghan?

A. Yes.

Q. Lastly, at paragraph 96 which is your final paragraph, you state:

The overriding feeling in the organisation and the ashram is that we will do whatever it takes to make things right.

A. Yes.

Q. Does this remain the current position of the ashram?

A. Absolutely.

DR BENNETT: I have no further questions.

THE PRESIDING MEMBER: Thank you. Ms Hall, starting with you?

MS HALL: I don't have any questions of this witness.

THE PRESIDING MEMBER: Ms McGlinchey?

MS McGLINCHEY: I don't have any questions, Your Honour.

MR KERNAGHAN: May I go last, Your Honour?

THE PRESIDING MEMBER: Yes. Mr O'Brien?

MR O'BRIEN: Thanks.

<EXAMINATION BY MR O'BRIEN:

MR O'BRIEN. Q. I wanted to ask you first of all about the structure of SYA and the comment that you made in both your statement and your evidence about the flat structure
of the organisation. Do you know what I mean?
A. Yes.

MR KERNAGHAN: Perhaps Mr O'Brien can identify himself and
who he acts for, for the benefit of those listening.

MR O'BRIEN: Q. Sorry. My name's O'Brien, I act for a
number of the people who were abused by Akhandananda
Saraswati. So I'll just repeat that. I'm interested in
asking you about the concept of a flatline organisational
structure.
A. Okay.

Q. In particular, the concept that the decisions are made
by consensus; is that the effect of your evidence in
relation to how decisions are made been within the
organisation?
A. Definitely. They're not made by one person.

Q. When you were answering Counsel Assisting's questions
there was an acknowledgment, I think, that certain people
have certain responsibilities; for example, you have
accounting responsibilities within the organisation. Is
that so?
A. Yes.

Q. Some have been described as somewhat perhaps spiritual
leaders within the organisation. Is that also the case?
A. It would be more accurate to say senior teachers.

Q. Senior teachers?
A. Yes.

Q. I've read a statement by a person called Mary Thomson,
who's also referred to as Rishi?
A. Yes.

Q. I don't believe she'll be called to give evidence, so
I'm going to ask you questions that I otherwise might have
asked her.
A. Okay.

Q. She also talks of this flatline organisation. She
also says that she's available to be a spiritual consultant
if called upon to do so. Is that something you're familiar
with?
A. I think what she's referring to is like an elder who's
perhaps got more experience and a bit more wisdom, so we
could run things past her.

Q. What's the difference between a person such as
Akhandananda back in the 1980s and someone such as Rishi,
Mary Thomson, in that sense?
A. Well, Rishi, although we do report to her, she doesn't
have responsibility for management affairs or
administration of the ashram. I wouldn't go to her for
managerial consultation. I would maybe ask her questions
about how to deal with an individual, or other types of
matters where her expertise would be more suited.

Q. With someone who professes that type of consultancy
knowledge, an issue such as child sex abuse and how to deal
with victims might be something that she'd be, I'd imagine,
uniquely placed to assist?
A. Yes, she could assist in that, yes.

Q. Did she?
A. In terms of?

Q. In terms of the way in which you were going to deal
with these concerns that were raised in late 2013 about the
ashram's past?
A. We've discussed them with her, yes.

Q. I wasn't familiar with the term "Rishi" so I looked it
up on Wikipedia, the fountain of all knowledge, and I
realised that it means, it's a poet who's regarded as a
sage or a saint. Is that the same sort of concept that
you'd apply to this particular person's role in your
organisation, as a saint or a sage?
A. At the risk of offending her, I wouldn't call her a
saint. She is - you see, in our tradition Rishis are
generally very senior Swamis and they tend to be married
couples that get given this title. So it's a recognition
of their experience and their knowledge of the teachings
and their application of them and the length of time that
they've been in the tradition.

So, if I had a personal problem, for example, I might
go and talk to Rishi about it because she's got a lot of
wisdom and common-sense. Sometimes we do use her in that
way. You know, if people are a bit troubled they might go
and talk to her. It's more that kind of spiritual
leadership than anything else you might be referring to.
Q. Is she, as Akhandananda was in the 1980s, seen as a principal disciple of Satyananda? Is that a similarity?
A. A senior disciple, yes.

Q. So, in many respects someone such as Rishi is in a very similar position to someone such as Akhandananda?
A. No, I don't think so. She doesn't have control over the operation of the ashram. People don't look at her like as a guru. I mean, I understand from some of the evidence that's gone before, that people did look at Akhandananda like that. People don't look at Rishi like that. They look at her as a senior, wise teacher who they can go to to ask advice on things, or even just ask about yoga practices and application of them, things like that.

Q. Acharya is a term given to a teacher, and a teacher is a very high position in the Hindu caste system, particularly the Hindu caste system, are you aware of that?
A. Maybe.

Q. In fact, as I understand it, from the limited research that I've done, an acharya is the top of the Brahmin caste?
A. I'm not sure about that.

Q. Maybe I should ask someone else about that; is that the case?
A. Yes.

Q. What I'm suggesting to you is that, although you're saying it's a very flatline structure, there is certainly a level of hierarchy in terms of seniority; correct?
A. Well, there's respect, you know, so I respect Rishi because of her position, but if it came to, for example, making a decision about how to act in accordance with laws or regulations or something like that, I wouldn't go to her for advice on that because I'd have much better knowledge of it than she would.

Q. But if she said I want to do it in a particular way --
A. Well, if it wasn't legal, I wouldn't let her.

Q. Right, if it wasn't legal, but if it was something that she was suggesting it ought be done in a particular way, because she's a Rishi, you'd defer to her?
A. No, not necessarily. We have some quite robust discussions. She doesn't really get involved in the detail
of formulating policy, that's more done by the management
team or leadership team.

Q. Are you aware of whether there were Rishis or acharyas
as labelled, and given those spiritual names, in the 1980s,
or is that a new advent?
A. I don't know.

Q. I want to ask you about the taskforce, if I may. You
have acknowledged that a great deal, if not all of what
you've done so far in dealing with the victims and
survivors of abuse this year has been flawed, haven't you?
A. I wouldn't say everything was flawed. It was all done
with the best of intentions, but I do acknowledge that it
didn't work out that way.

Q. I suggest that a great deal of it may have been
flawed, and I think you've acknowledged as much; is that
right?
A. Yeah, there were flaws in the process.

Q. I want to ask you about some particular flaws, if I
may.
A. Okay.

Q. When the taskforce was initially established - first
of all, I'll interrupt myself. Is the taskforce still in
existence?
A. Not really, no. Or rather, in its current state it's
really handed back to the leadership team. So it's no
longer made up of people from outside the ashram.

Q. When the taskforce was first put in place, were you
involved in the formulation as to who would be on it?
A. I was involved in that, yes.

Q. And so, you're aware that a fellow by the name of
Haribodh was placed on the taskforce?
A. Yes.

Q. Did you know at the time that he was on the taskforce,
that he was in the ashram in the 1980s, living there?
A. Yes.

Q. Did you know at the time he was placed on the ashram,
that he was very significantly involved in the support, in
supporting Akhandananda during the criminal trial process?
Q. Did you know that he was involved in setting up and administering - whether he administered - sorry, setting up at least a fund called the Save Swamiji Support Fund?
A. No.

Q. Which was to assist him in his legal defence?
A. No.

Q. Did you know that he was one of the people during the trial process and leading up to the trial process who said that the people who were making allegations against Akhandananda were lying?
A. No.

Q. It wouldn't surprise you, though, to know that he might have had those thoughts if he was a supporter of Akhandananda during the trial?
A. I know that he didn't initially believe the allegations, but he later completely transformed his opinion of the matter.

Q. Do you now in hindsight, bearing in mind that he at least initially and for a long period of time supported Akhandananda through the trial process, that he was a very poor choice for a member of the taskforce?
A. We did have some discussion about this at the time, because obviously - yes, I appreciate that that could have been seen as quite a poor choice, but he was one of the two main people I think who was instrumental in making sure that Akhandananda never came back to the ashram again. So, once the scales had fallen from his eyes, so to speak, he was very active in preventing him from returning.

It was felt that, because of his knowledge of those situations, or the times back then, it would be very useful for us, because I think it's important to appreciate that us as a relatively new management team, we didn't have any detailed knowledge of what had gone on then; I mean, it was something that was - I'd heard about, but I didn't know the names of the victims or exactly what had happened and all the details of it.

Q. It wouldn't have been very difficult to find out the names of the victims of those who'd been involved in the prosecution --
A. Sorry, I take that back. I do know the names of the
three people involved in that.

Q. And did you know, either from your own knowledge or
from others who you'd spoken to about what had transpired
back in the 1980s, and particularly around 1987, that there
had been a very serious split in the organisation between
those who supported the children who'd been abused and
those who supported Akhandananda?
A. Yes, I'd heard that that had happened, yes.

Q. And that had seriously fractured the ashram itself?
A. Yes, I'd heard that too.

Q. And you knew that Haribodh must have been involved in
that split in some way?
A. I don't know about involved in the split.

Q. But if the organisation had split as a result of the
allegations as they emerged, then you knew that he would
fall on one side or the other?
A. Yes.

Q. And that must have been a tremendously - you'd know
from your own personal experience - that must have been a
tremendously emotional period for everyone concerned?
A. I imagine it would have been, yes.

Q. Not least those who'd been abused; you accept that?
A. Yes.

Q. So again I ask you in retrospect, putting him on the
taskforce, particularly if you didn't have a good idea of
what went down and how it all happened, was a very poor
judgment call?
A. I accept that it could have - yeah, it was a poor
decision.

Q. You'd understand that when people who were abused by
Akhandananda came to learn that he was part of the
taskforce, you could understand that they would be --
A. Now I do, yes.

Q. -- distressed by that; you accept that?
A. Mmm.

Q. What sort of qualifications did you think that those
who were on the taskforce should have?
A. Some experience in dealing with human resource type
issues, experience of the historical events or knowledge of
them. Ideally it would have been good to have people who
actually had child sexual abuse expertise. We didn't have
anyone available in our community at the time that we knew
of that could do that.

Q. Is that because it was hastily formed, that the
taskforce was hastily formed?
A. It was a reasonably quick process, yeah.

Q. Obviously you'd accept, just from your evidence then,
that not having someone with that type of expertise was a
significant failing?
A. It was a failing, yes.

Q. If I suggested to you that the trigger for the
taskforce and the trigger for the apology on Facebook was
in fact the contact which was made by, in particular, Tim
Clark to the ashram on the Facebook account, you would
accept that?
A. Yeah, I think he was the beginning of it when he
posted back in, I believe it was December 2013.

Q. So there hadn't been any, if you like, institutional
thought given to what had happened in the 1980s or to those
children to that point until that contact was made?
A. Well, we're talking about before my time, but my
understanding is that ever since the formation of this
Royal Commission it had been on the minds of the
co-ordination group at that time as to how we as an
organisation could respond, and we were looking into things
like making sure that our policies, our grievance, our
child protection and all the relevant policies were
available to the public and were in compliance with
whichever regulations they needed to be. So some thought
had already been given to it, and making sure that the
public were aware of that.

Q. In summary then, you recognised that the abuse had
occurred?
A. Mm-hmm.

Q. And you recognised that the policies and practices in
place at that time were insufficient?
A. No, they were sufficient.
Q. At that time --
A. Which time are you talking about?

Q. In the 1980s?
A. I've got no idea about that.

Q. And you recognise --
A. I doubt they were, but I don't know.

Q. But you recognise that things had to be updated and changed in terms of policies and practices?
A. Maybe I haven't made myself very clear. Years ago, and we're talking about at least 10 years ago with the formation - or rather, when the academy became an RTO, at least since that date and probably before that we've had very good policies and procedures in place because we need to for that purpose.

So, the consideration that was going - and I am only speaking from secondhand because obviously I wasn't there at the ashram last year - was around making sure that those things were available so that people knew what our policies were around these things, they knew what the channel was, for example, if there was a problem, a grievance situation etcetera, and the ongoing work that had been commissioned with Bert Franzen in 2012, I think, was around just reviewing all those policies and making sure they were up-to-date.

Q. I'm going to continue to ask these questions to you because you are simply all that I have to ask.

THE PRESIDING MEMBER: Are you about to change topics, Mr O'Brien?

MR O'BRIEN: Yes.

THE PRESIDING MEMBER: We'll take the mid-morning break now, Ms Tetlow, until 12.

SHORT ADJOURNMENT

THE PRESIDING MEMBER: Yes, Mr O'Brien.

MR O'BRIEN: Thanks, Your Honour.
Q. Prior to the mid-morning break I was asking you about the policies and practices that you put in place, and you told me that that was a process that spanned about 10 years until this year?
A. Yes.

Q. I take it that, as the CEO of SYA - that is your role, isn't it?
A. Mm-hmm.

Q. That you familiarise yourself with the corporate documents of the organisation?
A. Some of them, yes.

Q. I imagine that when you received a summons from this Royal Commission enquiring into the existence and production of documentation, you would have overseen the process of facilitating the production of material?
A. I didn't oversee it, I was one of a group of about three people who put it together.

Q. So in that sense you did become familiar with what was going to be produced?
A. Yes.

Q. What it appears was produced was a whole lot of company minutes of meetings; correct?
A. Which summons are you referring to? We've had three.

Q. I don't know how many summonses you received, but you received numerous summonses, did you?
A. Three.

Q. During that, you produced one or all three materials which minutcd meetings of the organisation?
A. Yes. Are you referring to the minutes from back in the '80s?

Q. I'm referring to the minutes of all of the meetings to this point; right?
A. Mm-hmm.

Q. Is it fair to say that there is not one record, not one business record, which records any discussion as to the abuse suffered by children at the hands of Akhandananda Saraswati?
A. I haven't seen personally every record, because I was
overseas when we received the last summons, but it is my understanding that there is nothing in the records.

Q. So at no time, at no time until 2014, when Tim Clark posted a post on Facebook, did the organisation document a meeting where the abuse by Akhandananda was ever raised at an institutional level?
A. Not to my knowledge.

Q. The first time it flows that it started to be minuted and discussed was when one of the victims came forward and raised it as a concern in a public manner?
A. Minuted, yes, I suppose so.

Q. Is that, right there, a failing of the organisation in and of itself; that it never had the fortitude to look into what had happened in the past, what had happened to these children?
A. You could say that, yes.

Q. And do you think that people might be forgiven for thinking that what you were more concerned about, when it did finally come to light, was the organisation’s brand?
A. I can understand people thinking that, yes.

Q. And that people would be forgiven for thinking that, when the organisation dealt with it, they were more concerned about the publicity, the adverse publicity of these types of accusations, than the children themselves who are now adults and suffering still from the abuse of the principal disciple of this organisation?
A. I can understand that people think that, yes. I don't think that's the case, but I can understand that they think that.

Q. And in particular, when you reflect on it today, a victim of the abuse by Akhandananda Saraswati, that they might think that all you were concerned about was protecting your own image - that is, the organisation's image?
A. Yes, I can understand them thinking that.

Q. Can I have tab 280 on the screen please. Ms Tetlow, you were shown this email from India by Counsel Assisting; do you recall?
A. Yes.
Q. You agreed with Counsel Assisting that it was in forceful terms?
A. Yes.

Q. You said earlier in your evidence that you thought this might have come from Niranjan?
A. That was my assumption, yes.

Q. And there was nothing that later led you to believe that it was other than from him?
A. Mm-hmm, yes.

Q. And you said earlier in your evidence this morning that he is in fact your guru?
A. Yes.

Q. Your guru?
A. Yes.

Q. You're the CEO of an organisation?
A. Yes.

Q. Which bears the name Satyananda?
A. Yes.

Q. Your guru is a man in India who is to all intents and purposes in control of that particular brand, so it appears from this email surely?
A. I'm not sure about "in control of the brand". As I mentioned earlier, the Satyananda yoga name is used outside of India. In India it's referred to as Bihar yoga.

Q. Thank you. In any event, you received this what you've agreed is a forceful email?
A. Yes.

Q. This would have ripped at your core, him being your guru, wouldn't it?
A. It was upsetting, yes.

Q. Did you feel some personal conflict between your having this man as your guru writing this letter and your role as the CEO of an organisation?
A. It's a hard one to answer, because in my role as CEO, I would respond from a management point of view, and I don't look to Swami Niranjan for management advice or supervision. Certainly from a personal point of view it
was very confronting.

Q. He's seriously reprimanding you?
A. Yes.

Q. And it was directed - you're one of the recipients named, aren't you?
A. Yes.

Q. So this is a serious reprimand on the one hand by your guru?
A. Yes.

Q. Someone who you're spiritually connected to?
A. Mmm.

Q. And on the other hand it's a direction to you as a CEO of an organisation to whom you have corporate responsibility?
A. Yes.

MR KERNAGHAN: I object to that. I'm not sure Mr O'Brien means the specific words that he says there. If he does, then I object. I just ask Mr O'Brien to clarify who he says that she has corporate responsibility to in the context of the question he's been asking about the correspondence with India? If he's referring locally, then there's no issue; if he's referring to in India --

THE PRESIDING MEMBER: That's the context in which I understood the question, but more importantly what Ms Tetlow understood by the question. Was it intended to link corporate responsibility to the organisation in Australia, Mr O'Brien?

MR O'BRIEN: Yes, I thought that was clear.

THE WITNESS: Maybe I misunderstood. Can you ask me again?

MR O'BRIEN: Q. Of course. Do you understand as a CEO, you have quite a lengthy history in corporate endeavour and accounting; that's correct, is it not?
A. Yes. I've never been a CEO before though.

Q. Right, but you understand corporate responsibility, don't you?
A. Yes.

Q. As a CEO, you have corporate responsibility to the organisation for whom you are the CEO?
A. Yes.

Q. I was suggesting that you had a direction from your spiritual guru --
A. Yes.

Q. -- to you as an organisation for whom you had a corporate responsibility; that's the situation, isn't it, with this email?
A. Yeah, but I wouldn't necessarily have taken it as that.

Q. I'm suggesting that you are conflicted?
A. Oh, sure, but that didn't affect my response to it.

Q. Your response was to apologise, wasn't it?
A. Yes, but the response was in the cultural - okay, let me put it in these terms: The way this is worded and the nature of the letter is, it's a very Indian cultural thing. So you have to understand it from that point of view. To me, I mean, after the initial reaction - you have to bear in mind I was overseas when this occurred, so I only got this secondhand - to me, this letter, yes, it was very confronting and upsetting and all that, but it also led me to think that he was operating on, not the full information. Because what he's referring to in that first point, about the way in which we responded to the Royal Commission summons, had already been identified as a mistake and corrected, and obviously he wasn't aware of that fact.

Q. Did you set him straight?
A. Yes. In our response we did, yes. This is what I mean by, in my statement where I said something along the lines of, "We felt like a full apology and explanation to India was the best way to deal with this so we could get on with matters here." My focus, or our focus rather, was responding to the Royal Commission in dealing with these matters. The way we responded to India was the most effective way of dealing with that matter, whilst also focusing on what was important here, which is this.

Q. Counsel Assisting endeavoured to ask you some
questions about Tim Clark and his feelings about the
ashram's response, to put it broadly. Unfortunately, that
didn't take place and I'd like to do so. Do you have a
difficulty with that?
A. Ask me what you like.

Q. Thank you. Did you get an opportunity to hear Tim
Clark as he gave evidence in these proceedings?
A. Yes, I've been here the whole time.

Q. Good, thank you. You would have come to learn then,
if I can paraphrase rather than read from his statement,
that he got in touch with - he was put in touch by the
ashram with Ahimsa?
A. Yes.

Q. And he, you probably understand, divulged a great deal
of personal information to Ahimsa?
A. As I understand it, yes.

Q. And he was working on, in divulging that information,
a relationship of some trust?
A. Yes.

Q. You know that Ahimsa then suddenly was taken away from
the task of dealing with him and others?
A. Yes, she stood down from that task.

Q. What was the reason for that?
A. I think it was timing and also - I mean, it was an
extremely distressing task for her to have to do as well,
it took quite a toll on her emotionally. And we felt
within the taskforce that perhaps it would be the
appropriate time; because the taskforce was created at a
time when we had real resource constraints in the ashram,
because this arose when I was the only member of the
management team around for a period of time, due to other
circumstances. So the taskforce was a way of supporting us
in being able to respond to the victims. And then after
the Easter weekend it felt like we were entering the next
phase of responding and it felt appropriate at that time to
bring it back more into the ashram and mainly comprised of
people from the ashram.

Q. You said that Ahimsa, in your view at least, found it
very personally confronting?
A. Yes, I think so.
Q. The situation is that Ahimsa was not at all qualified or trained to deal with someone in Tim Clark's position, was she?
A. I don't know her qualifications, but it's possible, yes.

Q. Forgive me, but you're the CEO of the organisation --
A. I wasn't then.

Q. You weren't at that stage, but you were still involved in the running of the organisation?
A. Yes.

Q. And you were involved in Ahimsa's appointment to the task?
A. Yes.

Q. So your knowledge in terms of that discussion, that discussion that said, okay, let's give her this position --
A. Yes.

Q. -- was that you had knowledge of that decision, and you were involved in that decision?
A. I was; I can't remember the details of it, but I was involved.

Q. Did anyone ever ask, well, has she got some qualifications that might make her suitable for that particular difficult task?
A. I can't remember.

Q. Do you remember if there was any discussion about what qualifications she did have, if any?
A. I do remember that we shared amongst us as a group our background, to help give background to each other of what our experience and - I'm not sure if we included qualifications, but certainly experience in that, to give context to it.

Q. Let's include training. Was there a discussion about her training in that regard?
A. I don't remember.

Q. So it probably didn't happen; it probably was the case that there was no discussion as to her training qualifications and experience in dealing with abused
children?
A. I don't remember any reference to having experience in
dealing with abused children.

Q. In any event, she left the taskforce?
A. Yes.

Q. And, of course, Tim was then referred to Bert Franzen?
A. I think that happened before she left the taskforce,
because Tim was asking questions around child protection
policies and procedures now, and so Ahimsa felt that Bert
was better placed to respond to that as he had been helping
the ashram with those things.

Q. And of course we know a little bit about Franzen
because he's given a statement to the Commission, he's a
human resources specialist?
A. Yes.

Q. It appears he has no qualifications in dealing with
victims of trauma or abuse?
A. Not to my knowledge.

Q. And he was seen by your organisation as the
appropriate contact person?
A. In terms of, talking about policies, yes.

Q. His name and details were given by the organisation to
Tim Clark, a victim of the abuse of Akhandananda in the
1980s, isn't that the case?
A. Yes, because Tim was asking about policies and how we
protect children now.

Q. Did Ahimsa, to your knowledge, give a - let's call it
a debriefing or a handover --
A. Yes.

Q. -- to Franzen?
A. Yes.

Q. Which included, I expect, some of the detail that
Mr Clark had told Ahimsa about the abuse as a child?
A. I'm not sure about that, but I know she did have a
handover with him.

Q. In any event, you understand that Tim Clark from his
statement had to then go through and document to another
person what had happened to him?
A. I believe so, yes.

Q. And that he felt that he was going through that same
process again somewhat unnecessarily, because he'd just
done it with someone who's meant to be dealing with it on
behalf of the organisation?
A. Yes.

Q. Can you understand his frustration?
A. Of course.

Q. And then, when that person Franzen sends out the
victims' survivor kit, and you recall that Tim received
that and he wasn't happy with its contents?
A. Oh, from his evidence last week?

Q. Yes. Tim then tries desperately to call Franzen and
is met with no response, not even picking up the phone?
A. My understanding is that, the day or the afternoon
that he was trying to get in touch with Bert, he was in
meetings and couldn't answer his phone and he got several
messages from Tim. My understanding is it got quite
aggressive, and understandably if he's very upset but --

Q. Unfortunately we haven't got Franzen to ask about
these things, so I'm asking you, and you did have the
responsibility for putting Franzen in the position; that is
right, isn't it?
A. Not me alone, but as a management team, yes.

Q. You can understand that someone in Tim Clark's
position might feel that Franzen was hopelessly inept at
dealing with the sort of trauma that he was going through?
A. Yes.

Q. You recall Tim's evidence to the effect that having to
go through that and receiving the survivor kit was akin to
having to go through the whole emotional experience and
trauma all over again?
A. Yes, I remember him saying that.

Q. So it re-traumatised him, the process that was engaged
by the organisation?

MR KERNAGHAN: I object. I appreciate that this is the
only witness that my friend has to cross-examine, but
there's a point at which it's no longer helpful to be putting questions that really are about another witness, in this case his own client and his own client's psychology to this witness. This witness is some steps removed from that process, in my respectful submission.

MR O'BRIEN: I don't think I'm traversing anything extraordinary here, I'm just putting to this witness what has been expressed by my client in evidence and asking whether that would be something that she acknowledges as a response by a person in Mr Clark's position.

THE PRESIDING MEMBER: I suppose the issue for me, Mr O'Brien, is that you can put to this witness her understanding of what the evidence was. My concern about the question was actually something different, which is whether or not you're asking this witness to give some expert opinion about trauma and what would or would not be the cause of trauma, so there's actually quite a separate issue that's raised, really.

MR O'BRIEN: Quite. I withdraw the question.

Q. I'll read from Mr Clark's statement as tendered in relation to this matter:

    I went through a very similar path with Bert as I had with Ahimsa and I found this very distressing. To be honest, I felt re-traumatised all over again. I thought to myself, 'They'd got me again'.

    Do you remember him giving that evidence?

A. Yes.

Q. Can you understand where someone in his position might come from, to feel that he'd been re-traumatised?

A. Yes, I understand that. I don't have any question about the feelings or responses of the victims; I completely understand that they feel the way they feel. I'm not disputing that.

Q. You mean, both in relation to what happened in the 1980s and also what happened in 2014?

A. Sure.

Q. Can I ask you this: What is a havan, H-A-V-A-N?
A. Havan, it's a fire ceremony.

Q. What does it involve, what does a fire ceremony involve?
A. Usually it's combined with the chanting of certain mantras, and you have a number of people sitting around the fire making - offering substances into the fire as the mantras are chanted. It's a very thousands of years old Vedic ceremony.

Q. Would you be surprised then if you learnt that my clients, all of whom were in the ashram in the 1980s for several years, had never engaged in a havan fire ceremony?
A. No, I wouldn't be surprised, because I don't think they were performed back then; it's something that's been introduced into the ashrams more recently.

Q. Did you hear [APL] read an email that had been sent to the organisation about this particular fire ceremony?
A. Could you remind me of the email?

Q. It was pretty blunt, it referred to a fire ceremony in language that suggests it was a complete waste of time for victims. Do you remember that?
A. Okay. Yes, I remember something about that, yes.

Q. The question naturally has to be, how on earth was a fire ceremony or a havan ever going to be of any assistance to these victims of abuse?
A. The fire ceremony was part of many actions or things that we tried to do this year, and everything that we did or decisions we made, we were trying to do something that would be helpful and we realised that we didn't succeed in that, which is one of the reasons why we're so welcoming of this Royal Commission, because obviously we haven't done the right thing, so what is the right thing? We're hoping that this process will help us determine what that is.

But specifically in answer about havans, we use havans as - in one way we use them is actually for healing. So we do that every week anyway in the ashrams. You can consider it a - you know, like, in the Christian religion, people pray for each other or pray for others to help them in life's difficulties or for healing or whatever; maybe you could consider it as equivalent to that. It's quite symbolic as well.
Q. Can you appreciate the position of a victim of child abuse, who’d never before heard of a havan or participated in one, that they might think that having such a ritual is just meaningless?
A. Yes.

Q. That people chanting around a fire was never ever going to go anywhere near a healing process for them?
A. Yes, I can appreciate that.

Q. And that they would be extremely skeptical of an organisation whose response is to have a fire ceremony to somehow deal with the trauma that they’ve experienced?
A. Yes, but I think it’s important to remember that the fire ceremony was one part of what we were doing.

Q. Do you accept, Ms Tetlow, that financial compensation is an important part of the redress that you’re promising to these victims of Akhandananda Saraswati’s emotional, sexual and physical abuse?
A. Yes.

Q. And do we expect then that there will be an offer of financial compensation from your organisation to at least my clients in the foreseeable future?
A. I expect that we will engage with individuals and look at each case on its own terms.

Q. And make offers of recompense in financial terms?
A. Yes.

MR O’BRIEN: Thank you, I have no further questions.

THE PRESIDING MEMBER: Mr Terracini?

MR TERRACINI: Q. Terracini’s my name, I represent the Bihar School of Yoga, those that allegedly sent a forceful email to you. Does the Bihar School of Yoga, or in fact Swami Niranjan, does he have any role in the day-to-day management of any ashram in Australia?
A. No.

Q. Do they have any positions on any boards in any ashram in Australia?
A. No.

Q. Do they receive any annual financial statements or tax
returns or anything like that from any ashram in Australia?
A. No.

Q. What in your eyes then, as CEO, is their role in the
organisation in Australia?
A. I see their role as inspiration, so not from an
organisational point of view, but from a wider viewpoint.
Swami Niranjan is the patron of the organisation, so I
perhaps would see him as may be someone we could consult on
big decisions. That hasn't happened in my experience.

Q. When you say you consult on big decisions, did you
consult Swami Niranjan on the Facebook apology?
A. No.

Q. Did you consult him or the school in India when you
were setting up the taskforce?
A. No.

Q. The survivor supporter's pack?
A. No.

Q. Why not?
A. I'm talking about, when I say "consult them", I'm
talking about maybe big structural decisions, so not
something that's to do with the management of the ashram.

Q. So you'd consult them on philosophies rather than
management, is that fair enough?
A. Yeah. I haven't actually consulted with them on
anything though.

MR TERRACINI: Nothing further.

THE PRESIDING MEMBER: Ms McKenzie, no?

MS McKENZIE: No, Your Honour.

THE PRESIDING MEMBER: Mr Taylor?

<EXAMINATION BY MR TAYLOR:

MR TAYLOR: Q. Michael Taylor's my name, I'm the
solicitor appearing for Bhakti Manning in these
proceedings. Can I just take up the last set of questions
Mr Terracini was asking you about and take you to a
specific piece of evidence that you gave earlier this
morning. If you wish, I can have the document brought up. You will remember the email from India dated 7 October 2014 behind tab 180.

After being asked by learned Counsel Assisting various questions, you were asked this question, this is at 11513, point 10:

You stated at paragraph 27 that as far as you are aware the Bihar School of Yoga does not have regular involvement in the administration or management of the ashram, but do you think that that email [and that's the 7 October one that's on the screen now] is an example of the fact that there are times when they do have involvement in the management of the ashram?

Your answer was:

It could be perceived that way, yes. That's the only example I've seen of that in my year of being at Mangrove though.

A. Yes.

Q. In using the word "perceived", are you saying that the Indian organisation, if I can use that clumsy term, had no involvement in relation to this process?

A. This process, being the Royal Commission?

Q. Yes.

A. No, they haven't had any involvement.

Q. By your answer there, were you meaning to convey to the Royal Commission that that email of 7 October 2014, and perhaps your reply, was the only communication between Australia and India?

A. There was one other occasion where I gave them an update on what was happening.

Q. If this document could be brought up on the screen, it's behind tab 273, SYA.0003.001.0549_R. Have a look at that document. Is that an email you sent at the top?

A. Yes.
Q. If you see in the first line there, "I agree with Yoga" - "Munger" is a reference to India?
A. Yes.

Q. Further down there's talk in the email that Yoga sent to Franzen and was copied to a number of people, including yourself. Once again, there's reference to Munger?
A. Yes.

Q. Is that the only other occasion you're referring to?
A. No. I sent them an email, I can't remember exactly when, it was after we had responded to the first summons. I just sent them an email saying - I can't remember exactly the details, but along the lines of "everything had gone quiet".

Q. Why would you be drafting out something for Munger to review on or about 7 July 2014 if that was the case?
A. This is in relation to a different kind of matter.

Q. Is that not an involvement in India being involved in the operations of your organisation?
A. Well, this matter, and I don't think anything was ever drafted and sent to them, but this matter was in relation to how we could communicate between us; because the second point that was raised in that email of 7 October was to do with the removal of affiliation of a teacher, and certain aspects of that were to do with his behaviour elsewhere in the world. So this raised a question with us as to whether we should have some kind of protocol between us if, if something occurs in one location, we should communicate with each other about that.

Q. I'll repeat the question, is that not some involvement of India in the day-to-day running operations of the Australian organisation?
A. Well, only insofar as communication; not in terms of the actual running of the Australian ashram.

Q. Who's Ratnashakti, and I'll spell that in case my pronunciation, which has been poor all through this hearing --
A. That's all right, I know who you're meaning. Ratnashakti, she is a Swami in India. I'm not sure of her official position but she assists Swami Niranjan.

Q. Has she been involved in any of the communications
between Australia and India in relation to the issues being
looked at by the Royal Commission?
A. She's the one I sent the email to when I said I sent
an update, and I believe she's had conversations with
others, but not me.

Q. She was being kept in the loop, wasn't she?
A. Yes, as far as I know.

Q. If the document behind tab 160 could be brought up,
SYA.0003.001.0037_R. That's an email you received on or
about 22 March 2014?
A. Yes.

Q. And there's reference in that email to Ratnashakti?
A. Yes.

Q. Is that not evidence of that person being involved in
the day-to-day running of the Australian organisation?
A. I wouldn't say necessarily the running of it, but
certainly wanting to be kept informed of what was going on.

Q. Can I move to a different topic. Did you attend the
healing day session?
A. Yes.

Q. Were you there for the whole time?
A. No.

Q. Were you aware that that session had apparently been
recorded by people at the ashram?
A. Yes. When you say "people", we recorded it. I don't
mean just general people.

Q. Yes, I wasn't suggesting people outside the ashram,
but people associated with the ashram recorded it; correct?
A. Yes, we recorded it.

Q. Was any announcement made prior to the healing session
commencing that it would be recorded?
A. I can't remember.

Q. If I suggest to you that that wasn't done, would you
disagree with that?
A. It's possible; I can't remember.

Q. The person who we've been referring to as Rishi, and
once again I apologise in advance for my poor pronunciation, she's also known as Rishi Hridayananda?

A. Yes.

Q. That's the person you described in your statement as the spiritual head, I think was the term you used?
A. Yeah.

Q. Were you aware that she was acquainted with Bhakti Manning over a long period of time?
A. Not until recently, no.

Q. Did Rishi ever tell you that she knew Bhakti Manning?
A. She did mention it recently, yes.

Q. How recent?
A. Within the last month.

Q. Not before?
A. Not that I can remember.

Q. Did you see any of the Facebook entries that appeared on the ashram's Facebook?
A. Yes.

Q. Did you see the Facebook entries from Bhakti Manning?
A. I remember seeing at least one, I don't know how many.

Q. Was that a Facebook entry which questioned whether or not counsellors were available or going to be available to deal with the issues that were being discussed on Facebook?
A. Maybe. My memory of it's a bit hazy.

Q. Do you have some memory that that was one of the issues that Mrs Manning was raising on Facebook?
A. I think so.

Q. Is it correct to say that, until Mr O'Connell came on board at the healing session day, the ashram hadn't engaged any counsellors?
A. No external counsellors, no.

Q. When you say external counsellors, what internal counsellors did you have?
A. We had during the Easter weekend, and even now
actually, we have a couple of residents who are qualified counsellors.

Q. Prior to the Easter weekend, was there any external or internal counsellors made available by the ashram to deal with any of the people who were posting on Facebook?
A. No, I don't think so.

Q. Do you recall on those Facebook postings that a number of people posted numbers for the Royal Commission counsellors and other free sexual abuse phone counselling services?
A. Yes.

Q. And that was part of the information that the ashram or the organisation deleted from the Facebook; correct?
A. It must have been, because the whole post was deleted.

Q. Was any thought given to leaving that sort of information on the Facebook of the ashram?
A. I don't remember.

Q. So there was no discussion at the leadership group level about that?
A. I can't remember us discussing that.

Q. You've told the Royal Commission there were four people on the leadership group; correct?
A. Now there are, yes.

Q. Prior to there only being four, how many were there?
A. Three.

Q. Since there's only been four on the leadership group, how do you come to make a decision? What process do you follow?
A. As a normal committee would, we discuss it and then we vote on it.

Q. What happens if there's a two/two vote?
A. I don't know, it hasn't happened.

Q. Have you ever given any thought to what might happen if that occurs?
A. I guess, we carry on discussing until we came to an agreement.
Q. In your statement at paragraphs 5 and 11 you set out in some detail your background and working history.
A. Yes.

Q. Do I take it that, as part of that, there was a necessary evil where you had to deal with lawyers?
A. No, not really, not in my professional life, no.

Q. You've never had to deal with in-house counsel at either PricewaterhouseCoopers or the Macquarie Group?
A. No, I don't think so.

Q. Certainly at one stage, however, you believe and understood that Mr Franzen was providing the ashram with legal representation and advice; correct?
A. Not he himself, but he had someone in his firm who was a lawyer.

Q. So you didn't understand at any stage that Mr Franzen was a lawyer?
A. No.

Q. You saw the cease and desist letter that was sent to Bhakti Manning prior to it being sent to her by Mr Franzen?
A. Yes.

Q. In fact, you approved it; correct?
A. Yeah.

Q. If that could be brought up on the screen, I think the best example of it is tab 157 which is SYA.0003.001.3378. R. Just scroll down and have a look at that document for me. You agree that's the cease and desist letter that you approved to be sent to Mrs Manning?
A. Yeah.

Q. If we could just go down to the bottom of the first page and over the page, got no doubt about that, seen that document?
A. No, it looks like it, yeah.

Q. Go to the first page please, very first sentence:

This firm represents the interests of the Satyananda organisation.

Then there's a footnote 1.
Q. Down the bottom of the page is the footnote. Can you read that for me please?
A. Satyananda organisation is defined to include the following entities; Yoga Association of Mangrove Mountain Limited, Satyananda Yoga Academy, Satyananda Ashram, the trustees for the Satyananda Yoga Trust, the trustee for the Sannyas Ashram Trust, Sivananda Math Australia, International Yoga Fellowship Movement Australia, Yoga Association of Victoria trading as Rocklyn Yoga Ashram and Satyananda Yoga Rocklyn, Swami Niranjanananda Saraswati, the estate of Swami Satyananda Saraswati.

Q. You provided Mr Franzen with the instructions to send this letter?
A. I agreed with him that we would send this, yes.

Q. You approved it as the CEO of the organisation --
A. No.

Q. Sorry, as part of the leadership group of the organisation?
A. Yes.

Q. Once again I apologise in advance for my poor pronunciation, Sivananda Math Australia.
A. Yes, that's a dormant company that no longer exists.

Q. Why are you sending a letter on behalf of a dormant company?
A. That is a mistake.

Q. International Yoga Fellowship Movement Australia?
A. Yes, that's one of our entities.

Q. One of?
A. One of the entities, yes.

Q. What is it?
A. It's a company that holds the licences and trademarks for the Satyananda name in Australia.
Q. Below that, second from the bottom, Swami Niranjanananda. You're purporting to act on his behalf?
A. No, that's a mistake, and so is the next one.

Q. How did those three mistakes occur? You, that is your organisation --
A. Carelessness, I suppose.

Q. Sorry, let me finish the question if you could.
Projecting to someone, you were acting on behalf of these other people for whom you did not act?

MR KERNAGHAN: I object to that question. That's not true. The use of the word "you".

MR TAYLOR: I mean the organisation.

MR KERNAGHAN: Can I add to the objection this: The Royal Commission, through Counsel Assisting, has made a determination not to call Mr Franzen or to traverse what evidence he might have to say about the matter.

THE PRESIDING MEMBER: And this is about the instructions given to Mr Franzen, not what Mr Franzen did, Mr Kernaghan.

MR TAYLOR: That's so, Your Honour, the approval.

THE PRESIDING MEMBER: And the objection with respect to the use of the term "you", I'm assuming you mean the plural of the term "you" --

MR TAYLOR: Yes.

THE PRESIDING MEMBER: -- to this witness as part of the leadership group.

Q. Do you understand that, Ms Tetlow?
A. Yes.

MR TAYLOR: I haven't mentioned anything personal at all.

THE PRESIDING MEMBER: Did you have something else that you wanted --

MR KERNAGHAN: I appreciate that it's not desirable to hear my objections, but the objection that I then make is that, if it's the case that we're going to go down this
particular approach, then I ask as a matter of fairness that Mr Franzen be called and subject to cross-examination on this point. Thank you.

THE PRESIDING MEMBER: I'll leave that matter with Counsel Assisting to come back to.

MR TAYLOR: Q. You saw the letter before it was sent out?
A. Yes.

Q. You approved the contents of it; correct?
A. Yes, I was one of the people who did, yeah.

Q. Beg your pardon?
A. I said I was one of the people who did, yes.

Q. You say in your statement at paragraph 48, you were involved in making changes to the initial cease and desist letter; correct?
A. Yep.

Q. And it was only after you personally made changes that the letter was sent out; correct?
A. Yes, me and at least one other.

Q. Throughout your statement, and I'll take you to the various sections if you need to refresh your memory, you've talked about not seeking formal legal advice.
A. Yes.

Q. What sort of legal advice were you seeking? I'm not asking what advice you obtained, but what type of legal advice do you think you were receiving as an organisation?
A. Could you be a bit more specific? When you say "type"?

Q. For instance, I'll give you an example. At paragraph 41 of your statement on page 9, you say:

On or around 20 March 2014 the previous leadership team [and you give the names] decided to shut down the comments on the Facebook page for legal reasons. We did not receive formal legal advice about whether the posts were libelous. However, we were informed of a comment reported to
have been made by Ms Kate Eastman SC to her husband ... that it probably wasn't a good idea to leave the comments up on the page. I don't think she used the word 'libelous' but we thought she would know what she was talking about. That comment was passed onto us through a third party - we never sought formal advice from Ms Eastman and she was never retained by us to give it or confirm or explain what was reportedly said by her.

A. Yes.

Q. What type of legal advice do you call that?
A. I don't know if you would call it legal advice.

Q. The very first sentence of that paragraph is, you decided to - that's not you personally, the previous leadership team:

... decided to shut the comments on Facebook down for legal reasons.

A. Yes.

Q. Did you know the legal reasons?
A. Well, as I go on to say, because we'd heard via a third party that Ms Kate Eastman had said it wasn't a good idea to leave them up there. We'd also received a communication via the Satyananda Yoga Teachers Association, from a member there who was threatening to sue us if we didn't take the page down, for the contents on there.

Q. In paragraph 36 of your statement you make reference to Mr Craig Leggat, barrister. Once again you state:

I believe he provided unofficial advice on how to frame the apology that was issued.

A. Yes.

Q. Did you get legal advice or not about the apology?
A. Well, I believe that Yogasandhan did contact Craig Leggat and ask his advice on whether the apology was appropriate or the content of it or something like that.
Q. Why would that be unofficial?
A. Well, I suppose because he was doing it as someone we knew rather than in a formal capacity, being paid for his advice.

Q. Have you ever heard the term "pro bono"?
A. Yes.

Q. You understand what that means, don't you?
A. Yes.

Q. In the legal context, do you understand that lawyers often - despite perhaps the community's general view - often do pro bono work for organisations?
A. Yes.

Q. Did you think that this was pro bono legal work that was being done on behalf of your organisation?
A. I don't know.

Q. You were asked some questions by learned counsel assisting about the organisation's response this year to the various allegations of child sexual abuse and you ultimately admitted quite frankly that we, the organisation, didn't always get it right or do the right thing.
A. No.

Q. When did you come to that conclusion?
A. Well, I think it was something that was becoming apparent as we went along, judging by the responses that we got.

Q. So a thing that evolved over time?
A. Yeah, I would say so.

Q. A correct description?
A. But it really became clear when we got involved in the Royal Commission process, because in going through the interview process, I mean, that was an opportunity to really reflect back on what decisions we'd made and why and maybe think about why it didn't work, or if it did work, so I would say that that's probably when it was consolidated as a realisation that, yeah, we'd made mistakes.

Q. Do you have a copy of your statement?
A. Yes.
Q. If you would go to the very last page, paragraph 92. In there you make the concession:

In hindsight the cease and desist letter [to my client] was an emotional response that we should never have sent as the letter from Bhakti Manning was quite balanced and reasonable.

When did you come to the conclusion that Ms Manning's correspondence was balanced and reasonable?
A. Oh, I think a few weeks after we had received it.

Q. So when in hindsight did you come to the realisation that the cease and desist letter should never have been sent?
A. Probably around about May-June time.

Q. Are you aware of any person associated with your organisation tendering an apology to Ms Manning in relation to the cease and desist letter?
A. No.

Q. The organisation never formally withdrew the cease and desist letter?
A. No.

Q. There was discussion about that?
A. Yes.

Q. And the decision was taken not to do so?
A. No.

MR TAYLOR: I have nothing further, thank you, Your Honour, Commissioner.

THE PRESIDING MEMBER: Mr Kernaghan?

MR KERNAGHAN: I won't be very long. I note the time, I don't anticipate being much longer than 15 minutes.

THE PRESIDING MEMBER: All right, we'll take the luncheon adjournment now, Ms Tetlow. Mr Kernaghan's indicating he does have some questions for you and there may be some re-examination, so we'll resume at 2. Thank you.
LUNCHEON ADJOURNMENT

THE PRESIDING MEMBER: Mr Kernaghan.

MR KERNAGHAN: Thank you, Commissioner.

<EXAMINATION BY MR KERNAGHAN:

MR KERNAGHAN Q. For the benefit of those appearing, my
name is Aaron Kernaghan and I represent the organisation of
which you are a CEO, amongst others. Ms Tetlow, you were
asked some questions in relation to the nature and
existence of a relationship between a student a guru.
A. Yes.

Q. I'd like to ask you, is it the case that there is no
expectation that you have a guru at the ashram?
A. No, you don't have to have one.

Q. Is that an expectation that in your experience is
existing elsewhere in the practice of Satyananda yoga?
A. I think so, yes.

Q. Is it also the case that there is no expectation that
you have to obey a guru if you do have one?
A. No - well, no, I don't think so.

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

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

Q. You were asked some questions about the corporate
structure of the organisation and you were referred to
particular entities; one is the Satyananda Yoga Academy
Limited, or as it's often referred to in these proceedings,
SYA.
A. Yes.

Q. That organisation is an Australian public company, is
that right?
A. Yes.

Q. The other organisation, YAMM, the Yoga Association of Mangrove Mountain Incorporated is, as the title suggests, an incorporated association?
A. Yes.

Q. Although there's been reference to the term "board of directors" for that organisation, it is, as I understand it, a committee like most incorporated associations; is that correct?
A. Yes, that's right.

Q. That committee, in essence, runs the Mangrove ashram?
A. Yes.

Q. And it rents the premises upon which it sits, or practises that operation, from SYA?
A. Yes.

Q. Could the witness be shown on the screen YAM.0004.001.0001_R. We're just showing you the email from India to which you've been taken during the course of your evidence today. That email is dated 7 October this year?
A. Yes.

Q. That email came after you had responded to the first summons issued by the Royal Commission; is that right?
A. Yes.

Q. Am I correct in understanding that that email had also come after interviews had commenced with various persons at the ashram with members of the Royal Commission investigative team?
A. Yes.

Q. Is it the case that that letter came to you in response to, not only the Royal Commission, but another matter involving the discipline of a person who had some affiliation with the organisation quite apart from the Royal Commission?
A. Yes.

Q. You've referred in your evidence to the first point referring to the Royal Commission issue; in fact, the first point in that letter, if you have a look at it, is that referring to the issue of the accredited or related
individual that was being dealt with quite apart from the Royal Commission?
A. Yes, I got them the wrong way round.

Q. If we scroll down to point number 2, you will see there that that's the paragraph commencing, "The name of Swami Niranjan"?
A. Yes.

Q. There's a criticism observed in that opening paragraph or that opening line, and then there's a comment in the second paragraph. It's the third paragraph that extracts the relevant line of which the criticism is raised; is that correct?
A. Yes.

Q. The line in particular is:
   
   ... the matrix management structure has run effectively since this time with Swami Niranjan.

A. Yes.

Q. Which is quoted there. You see there's a reference to that being submitted in writing to the Royal Commission?
A. Yes.

Q. Is it your understanding that that was submitted in a chronology asked for by the Royal Commission as to how things were running at the ashram?
A. Yes, that's right.

Q. Is it the case that, upon the submission of that, or that comment in the context of a larger document, it was corrected subsequently?
A. Yes, and quite quickly, within a couple of days.

Q. And that was several months before this email?
A. Yes.

Q. It's the case, isn't it, that the matrix management structure that you've referred to as being flat, I think, in your evidence before in fact does not involve Swami Niranjan?
A. No, not at all.
Q. The apology then that you issued to India in response
to this issue is, in no small part, an apology for an
incorrect statement that was originally submitted and then
corrected; is that right?
A. Yes, that's right.

THE PRESIDING MEMBER: Mr Kernaghan, could you just assist
us: I'm not clear about how the organisation in India gets
to see those documents.

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

THE PRESIDING MEMBER: Thank you.

MR KERNAGHAN: I'll come to that directly.

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

Q. And they had seen that initial draft that had been
provided to the Royal Commission?
A. It seems so, yes.

Q. Do you know how they came to see that?
A. No.

Q. Is it your understanding that somewhere along the
lines a copy of it was emailed to India?
A. Yeah, I think it must have been.

Q. But it's not the case that that was done under your
austraces?
A. No.

Q. And it wasn't a case that was done by way of a formal
process by the ashram?
A. No.

Q. The Royal Commission has received a number of emails
from the ashram showing the way in which the leadership
group frequently interacts through email, and often it's
the case that they do so with large numbers of addresses on
those emails; is that a fair assessment?
A. Yes, sometimes, yes.
Q. Is it the case that the original draft response to the Royal Commission, the chronology that we spoke of a moment ago, was circulated through a similar process?
A. Yes.

Q. And in that way members of the email group may have come into contact with that information?
A. Yes.

Q. You were asked a question about whether or not what is contained at the bottom of that email that's on the screen in front of you, if we go right down to the very bottom, the six points there - or at least some of those six points, would constitute a significant or fundamental commercial impact. You draw a distinction between a commercial impact and a constitutional impact; is that right?
A. Yes.

Q. Obviously, there is an enunciated connection to India in terms of the statement of principles in the organisational instruments of your institution?
A. Yes.

Q. But is the ashram financially dependent on India?
A. No.

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

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

Q. Has the ashram been involved in the presentation of information to the Royal Commission?
A. The Indian ashram?

Q. Sorry, has India been involved in the ashram's presentation of information to the Royal Commission?
A. No.

Q. Was it the case, finally, that a specific summons to produce this email was served on the ashram, and the ashram complied?
A. Yes, that's right. I think that was the third summons
we received.

Q. And that third summons, you issued instructions that it should be welcomed?
A. Yes.

Q. You were asked some questions about the qualifications of, among others, Ahimsa to be on the taskforce?
A. Yes.

Q. At the time that Ahimsa was on the taskforce, what was the conceived point of the taskforce?
A. To respond to the survivors.

Q. Was it intended that the taskforce would engage in any form of counselling?
A. No.

Q. Were its members to do so?
A. No.

Q. Was Ahimsa expected to do so?
A. No, she wasn't.

Q. You used the term "point of contact" in your evidence. Do we take you to mean from that, that she was an avenue by which people could have communication with the ashram?
A. Yes, as one avenue, so the one point of contact.

Q. And that point of contact may change depending on what the areas of concern were for the people who were making that contact; is that right?
A. Yeah, that's right.

Q. You were asked questions about the perception of the conduct of the ashram at and around the time of the 40th anniversary being potentially understood to be avoiding adverse publicity. Do you remember those questions?
A. Yes.

Q. Just to clarify, the 40th anniversary was not entirely based around the meeting or the session on the issue of former child abuse, was it?
A. No, there were other activities as well.

Q. It was part of a number of events over some days?
A. Yes.
Q. That is something that you had cause to be advertised?
A. Yes, it was widely advertised.

Q. And of course, the information of the session or the fact of the session that was contemplated involving Terry was something that had been publicised and released?
A. Yes.

Q. It's the case that it was publicised on Facebook; is that right?
A. Yes, and I think we also sent it out to our database as well.

Q. I wonder if paragraph 33 of Ms Tetlow's statement might be placed on the screen. You were asked some questions about child protection policies and the procedures that the ashram maintains today.
A. Yes.

Q. You were asked some questions about people's understanding and knowledge of that. You see in paragraph 33 that you refer to what might be referred to as an induction process?
A. That's right.

Q. That induction process, you say there, applies to people as they are approved and arrive at the ashram?
A. Yes.

Q. What sort of people are we talking about?
A. We're talking about new residents. So, I'm not talking about someone who comes for a weekend course or a week-long stay, but people who come to stay for a period of time.

Q. You say there that the policies are on your network?
A. That's right.

Q. That's an internet-based system, is it, a computer system?
A. It's a shared network.

Q. Anyone who's living there has access to that information?
A. Yes, they do.
Q. Is it the case that surrounding this Royal Commission you have communicated with all the residents at the ashram about the existence of the Royal Commission and what it is looking at?
A. Yes, we have, in many different ways. We've held several meetings.

Q. You've released information in written form?
A. Yes.

Q. You've arranged for counselling to be made available to any person who seeks it?
A. Yes.

Q. And you've indicated, both through that process you've just spoken of and through press releases, to all and sundry, that you are participating in the Royal Commission?
A. Yes.

Q. You were asked questions about the things that had been done wrong, and specifically vis-á-vis the apology that you and your team instructed me to read onto the record at the start of this process over this last week and a half.
A. Yes.

Q. You were referred to, in your earlier evidence, about the Facebook course of conduct?
A. Yes.

Q. That, of course, is a reference to a number of emails or postings at least on a Facebook wall for the ashram?
A. Yes.

Q. One of the things that you've been taken to is the complaints of many witnesses and survivors that the apology wasn't acceptable in those terms.
A. Yes.

Q. And in that medium.
A. Mm-hmm.

Q. You've sat here every day of the Royal Commission; is that correct?
A. Yes, I have.

Q. And you've heard all of the evidence?
A. Yes.

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

Q. It was sent in essentially the same terms; is that right?
A. Yes, it was.

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

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

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

Q. And the consent and agreement of those in positions of responsibility?
A. That's right, yes.

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

Q. It does offer an apology?
A. Yes.

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

Q. February or March I think. I think it was March of this year. Is that right?
A. Yes, that's right.
Q. If we scroll down to the second page, so 1408, and at the bottom of that page, you see if we keep going, that it says there:

   On behalf of Mangrove Yoga Ashram.

A. Yes.

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

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

Q. Although you've been asked to accept that people at various times haven't liked that effort, and you've accepted their feelings about that, you I take it didn't think that this would be the end of the process?
A. No, this was just the beginning.

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

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

Q. When Terry suggested to you that there might be a more informed and a more modern way of approaching a dialogue with survivors of abuse, you enquired into that?
A. Yes, especially as he had experience in that area.

Q. And then that process commenced and I understand is ongoing with some people?
A. Yes, he's still working with some.

Q. And that's a process that doesn't involve you; he doesn't inform you of the contents of that process, that's something that's done in an independent setting?
A. Yes, and I don't want to know either; that's entirely between him and the individuals.
Q. And that process --
A. Is private.

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

Q. Is it the case that, when you issued this apology on
Facebook - and by saying "you", I mean the organisation
that you're a CEO of - you were attempting to shut down any
victims?
A. No.

Q. Is it the case that you were trying to stop the
prospects of compensation?
A. No.

Q. Is it the case, and clearly it mustn't be because
there's a reference to the Royal Commission there, but is
it the case you were trying to defer people away from
participation in this process?
A. No.

Q. Is it the case that, when you tried to get Terry
involved to provide some assistance you were - well, what
were you trying to do there?
A. We were trying to open it up further, you know, and
provide an avenue for people to engage with us.

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

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

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

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

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

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

Q. Without the organisation?
A. Yes.

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

Q. And that's the process that you've referred to in the apology that you've instructed me to read in this room?
A. Yes, that's right.

Q. You were asked a question by Mr O'Brien in relation to compensation and you indicated something about that in your preparation or preparedness to deal with that on a situation by situation basis; is that right?
A. Yes, it is.

Q. I want to show you a document. Would Your Honour pardon me for just a moment. There's copies there for Counsel Assisting and two for Your Honour and Commissioner Milroy. I have informed Counsel Assisting I'll be taking the witness to this document.

Ms Tetlow, do you recognise that document?
A. Yes, I do.

Q. Is it a letter dated 10 November 2014?
A. Yes.

Q. It's a letter that you understand was served upon me on your behalf on Friday last by Mr O'Brien --
A. Yes.

Q. -- a solicitor for those persons named in the first
line of that document; is that right?
A. Yes, that's right.

Q. Some of those persons, I note for the benefit of those
that need to know, are subject to a pseudonym order,
Your Honour, and that may have to be attended to. That's
why I've not asked for it to be placed on the overhead.

You see there that, for those persons that Mr O'Brien
acts on behalf of, a request for compensation for each of
them has been made as of last Friday in the order of
$1 million each?
A. Yes.

Q. You see that you're required to respond, or the offer,
as it's put, remains open until 4 o'clock tomorrow?
A. Today, I think.

Q. I'm sorry, today. Is that your understanding?
A. Yes.

Q. Without requiring you to give a response at the
moment, is it the position that, in regards to that
request, you will consider all requests for assistance,
whatever they might be?
A. Yes, of course.

Q. And you'll have regard to the needs of everyone?
A. Yes, on a case-by-case basis.

Q. Is it your hope that what can be achieved is not the
threat of civil action or legal proceedings, but rather, a
meaningful discussion and an attempt to resolve the needs
of those people who have survived abuse?
A. Yeah, we hope to engage in a discussion about this.

Q. Is your evidence that the reason you do that is
because, you don't just want to provide some sort of
monetary recompense, but also to have a better
understanding of what happened?
A. Yes.

Q. And that's part of your attempt to stop it from
happening again?
A. Yes, definitely.

MR KERNAGHAN: I'll tender that document, Your Honour.
MR KERNAGHAN: May it please Your Honour, there's nothing further, Commissioner.

THE PRESIDING MEMBER: Thank you.

DR BENNETT: I'll just, Your Honour, take up one of the issues Mr Kernaghan raised.

RE-EXAMINATION BY DR BENNETT:

DR BENNETT: Q. Once again, you were taken to the email of 7 October and you were asked about a question that I asked you about the commercial - I'd suggested or I'd asked you whether you'd considered if India carried out those six actions, whether there might be a significant commercial impact upon the ashram.
A. Yes.

Q. Mr Kernaghan raised with you the idea that there's a constitutional impact on the one hand --
A. Yes.

Q. -- and a commercial impact on the other.
A. Mm-hmm.

Q. Are you in agreement that, looking squarely at the commercial impact side, that in fact if India carried out now, for example, if the Bihar School of Yoga formally renounced all ties and associations with the institutions of August, and secondly, if all links with Australian institutions would be removed from the official websites of the Bihar School of Yoga --
A. Yes.

Q. -- now, that would create quite a stir in yoga circles, wouldn't it?
A. It would create a stir, yes.

Q. And it certainly would have a significant impact upon the Satyananda brand here in Australia, wouldn't it?
A. On the brand, yes.

Q. And that brand is, certainly at a commercial level, associated with the commercial strengths of the ashram?
A. Some of the activities of the ashram, yeah; more the educational side than the retreat side.

Q. But you'd agree it would have a significant impact?
A. Yeah, it would have a big impact.

Q. If you're running an ashram with a bit of it - well, an ashram that's got the name Satyananda as its overarching organisation, and then you have educational programs, some within it that have the Satyananda name associated with it and some that don't, don't you think it's the case that in a sense all of the programs are to some degree tarred from a negative point of view or in a positive point of view associated with the Satyananda name?
A. Well, if we put the education side to one side for a minute, our branding has been as a member of yoga ashram for more than a couple of years now. So on that side of things the branding I don't think would make so much of an impact.

On the educational side, it would mean that we would have to - we could still offer teacher training, we just couldn't do it with that name. So, yes, it would have an impact but I'm not convinced it would be disastrous

Q. Just then sticking with the word I'd used, it would have a significant impact?
A. Yeah, it would have an impact, yeah.

Q. Similarly, point number 5, where the action was:

No Australian institution will be permitted to use the name of Swami Satyananda, Swami Niranjan or Bihar School of Yoga in any documents, publicity material, websites, emails, etcetera.

That impact operates at at least two levels, I'm asking you this, does it operate at two levels? On the one hand you've got to remove it in the first instance --
A. Yes.

Q. -- and then in the second instance, what is it saying
to everybody about why you removed it, what's happening there, and again what I referred to beforehand, it's just the stir that is created by the removal?
A. Yes.

Q. Do you think that that might contribute to significantly impacting upon sort of commercial viability?
A. Yes, it could have a significant impact, but it would just mean that we'd have to evolve, which is not necessarily a bad thing.

DR BENNETT: No further questions.

MR O'BRIEN: Sorry, Your Honour, may I seek Your Honour's leave, Commissioner, to re-examine this particular witness in light of the tendering of a letter under my hand on behalf of my clients that I didn't anticipate would be tendered in the evidence of the witness, that last tender?

THE PRESIDING MEMBER: Alright, go on.

MR O'BRIEN: Thank you.

RE-EXAMINATION BY MR O'BRIEN:

MR O'BRIEN. Q. You know already that I represent those people identified in that letter.
A. Mmm.

Q. You understand that that letter was more or less invited by your lawyer in these proceedings?
A. Well, we invited a discussion.

Q. You invited, did you not through your lawyer, my clients to get in touch with me and to speak to your lawyer or to write to your lawyer about compensation?
A. Yes.

Q. And so, you understand that that letter is in fulfilment of that invitation?
A. Yes, I didn't quite expect it during the proceedings though.

Q. Do you understand that my clients only have engaged me for the course of these proceedings; I'm not a lawyer outside of these proceedings for these six witnesses?
MR KERNAGHAN: I object to that. How would this witness know that?

THE PRESIDING MEMBER: This witness can answer that, Mr Kernaghan.

MR KERNAGHAN: Your Honour, how could this witness know the purpose and the nature of the engagement of this lawyer?

THE PRESIDING MEMBER: She's been given the opportunity to answer that and I think she's about to. Sorry to refer to you as "she", Ms Tetlow, I do apologise.

A. That's okay. I was just going to say, I do now.

MR O'BRIEN: Q. You understand that that letter sets out some of the difficulties in putting an offer of compensation, that it's hard to particularise the instances for each client as they're going to be different, aren't they?

A. Mmm.

Q. People have been traumatised and treated differently by the ashram; that's correct, isn't it?

A. Yes, but that's not reflected in this letter.

Q. Doesn't it say:

It's impossible to give an accurate assessment of the actual loss and damages maintainable in each instance at this time.

A. Yes.

MR KERNAGHAN: Just for the benefit of those I represent, I wonder if Mr O'Brien can confirm that he's instructed to make that concession right now? If that's what he's putting to my witness and if that's the course we want to go down, then I would ask that he confirm that.

MR O'BRIEN: What concession?

THE PRESIDING MEMBER: I understood you're quoting from the actual document, aren't you, Mr O'Brien, when you put those words, "it's impossible to give an accurate assessment", that's where I understand it's coming from.
MR KERNAGHAN: I understand the quote. It's being put to this witness, and if it's being put to this witness, is Mr O'Brien instructed to make that concession here today?

MR O'BRIEN: That's a ridiculous concession to ask me to make. The document speaks for itself.

THE PRESIDING MEMBER: It's contained in the letter, Mr Kernaghan, I don't understand the objection. I don't want these proceedings to turn into a marketplace bargaining though, Mr O'Brien, if that's where you're going.

MR O'BRIEN: I don't intend to do it, that's why I didn't produce this letter, but unfortunately Mr Kernaghan did.

THE PRESIDING MEMBER: Yes.

MR KERNAGHAN: Your Honour, did I hear you say "yes" just then. Mr O'Brien asked this witness about compensation, not I. He opened up the issue. It was he on behalf of witnesses who have given evidence to this Royal Commission and who added to that evidence during the course of proceedings last week and after an apology was issued. It is he that drafted a letter to my clients on the eve of them giving their evidence.

Now, if there's any criticism to be made of anything unfortunate happening, it is of Mr O'Brien and this letter, and it is directly relevant to this Commission understanding what response this institution is having to deal with, because it's happening right now and as a result of these proceedings.

MR O'BRIEN: Can I respond to that? There was a request by Mr Kernaghan for me to address him. If he didn't think I was going to do it by writing and if he didn't think I'd put a figure on it, then he must have been seriously deluded.

Further, the compensation issue is a broad issue the Commission is obviously going to be interested in. It is addressed in each of his witnesses' statements

THE PRESIDING MEMBER: Yes.

MR O'BRIEN: If he didn't think it was going to come up,
then he must have had blinkers on and be blinded. I only have a few questions of this witness.

THE PRESIDING MEMBER: Yes, go on.

MR O'BRIEN: Thanks.

Q. You understand that this letter sets out how a court might go about awarding damages to a claimant in these type of circumstances?
A. I'm not sure how a court would do it but I understand what this says.

Q. This says:

In an effort to quantify the damages as best as possible with moderation to reflect the different standing for each of the claimants with reference to each of the heads of damages that are available to be awarded, the claim is set out.

And then different types of damages are set out and monetary figures are applied. Do you see that?
A. Yes, I do.

Q. So, you understand there would be general damages, damages for the sexual abuse, damages for the physical abuse for each of the complainants?
A. Yes.

Q. And there's a figure put at about $250,000, do you understand that?
A. Mmm-hmm.

Q. Do you have a problem with that figure?

MR KERNAGHAN: I object. This is just scandalous. It misses the point, he's talking about damages, not compensation. It misses the point entirely and it's relevant that the Commission take note of this, because this is the response of a lawyer when an institution comes here and tries to do the right thing. It's just unacceptable, Your Honour.

THE PRESIDING MEMBER: All right, take a seat. That's not helpful, Mr O'Brien.
MR O'BRIEN: There seems to be something in the magnitude of the claim that's put and the documents tendered, and yet the claim itself is broken down into various components which are awardable should this matter ever proceed to court. Surely, that's of matter - and it's raised not by me, it's given on a without prejudice basis and then it's tendered in these proceedings and it's as though this witness can comment on the big claim but not on the proportions of it.

THE PRESIDING MEMBER: I understand all of that and you've been given the opportunity to ask questions on it, on the basis that you gave that admission to the Commission that you didn't know it was going to be tendered. But in this context, to ask those sort of detailed questions of this witness is not helpful to us.

MR O'BRIEN: Thank you. I won't ask that type of question, I'll persevere if I may.

Q. You understand that, if this matter were to proceed, there would be different types of compensation awarded to the claimants for different types of injuries, psychological injuries, loss of income, that type of matter?

MR KERNAGHAN: I object. There could be, not would be. And again, I don't know how that assists, but in any event.

MR O'BRIEN: Q. And those matters are set out in the document here?

A. Yes.

Q. And figures are put on them as to the claim?

A. Yes.

Q. The document has an expiry date. Do you anticipate that your organisation will respond by way of --

A. By 4 o'clock this afternoon?

Q. Yes.

A. No, because, if we respond to this, then we're not considering all the other victims, and we can't make a full assessment of what's appropriate in each individual case.

Q. Do you intend to do that?
A. Yes, of course, but not by 4 o'clock this afternoon.

Q. How do you intend to work out what each claim is worth by way of offer of compensation?

MR KERNAGHAN: I object.

THE PRESIDING MEMBER: Yes, and, Mr O'Brien, one assumes that there will be legal advice taken with respect to the answer to that question. Again, that's not helpful to come from this witness.

MR O'BRIEN: Thank you.

Q. What sort of timeframe should these witnesses, [APA], [APH], [APK], [APL], Jyoti and Tim Clark, what sort of timeframe should they expect to receive information from you, correspondence from you or your lawyers, as to compensation?

MR KERNAGHAN: I object. How does it assist? Given what Your Honour's just observed, it's not taking it anywhere, Your Honour.

MR O'BRIEN: I press the question.

THE PRESIDING MEMBER: Mr O'Brien, one assumes that what's going to come is that this witness is going to take legal advice. You're familiar with the way in which these things unfold.

MR O'BRIEN: More than familiar. But if it's not in accordance with the letter, what sort of timeframe are we expecting; if they're going to say it's two years, three years, if it's going to be as long as it takes, then the claimants ought know.

THE PRESIDING MEMBER: As I said to you, these proceedings are not to be turned into the marketplace for the bargaining --

MR O'BRIEN: I didn't do that, I didn't do that, Your Honour. It's here for all to see, it's a tendered public document.

THE PRESIDING MEMBER: Yes.
MR O'BRIEN: And there's now said to be a genuine attempt to make compensation, they've accepted that's going to be financial. What sort of timeframe are we looking at? If, for example, they would say, look, we'll get back to you within a week or two weeks, then that would be, I'm sure, for those people who have been the victims of Akhandananda Saraswati's abuse, they would be heartened to hear it and it would be the institution's response.

THE PRESIDING MEMBER: I don't know if Ms Tetlow's taken advice about how long it's likely to take to put an answer together. Have you?

A. Not yet, no. I've been concentrating on this.

MR O'BRIEN: Thank you.

THE PRESIDING MEMBER: That's the answer. Do you want anything arising out of that to be put back to Ms Tetlow, Mr Kernaghan?

MR KERNAGHAN: No, thank you.

THE PRESIDING MEMBER: Q. Ms Tetlow, just a few matters before we excuse you. Just touching firstly upon the legal representation of the organisation that you're the CEO of.

A. Yes.

Q. Are we correct in understanding that it's the leadership group or the management group or the co-ordination group that's been referred to in these proceedings --

A. Yes.

Q. -- firstly that is giving the instructions to Mr Kernaghan before the Royal Commission?

A. The instructions in this case are coming from two members of the management team plus one other.

Q. Who are those three?

A. Myself, Yogasandhan and another lady called Jayatma.

Q. What's the third person's role?

A. She used to be the administration director at the ashram, still has some connection, and given her experience and knowledge of the history of the ashram it was useful to involve her in - we formed a group called the Institutional Response Taskforce, so we're now taking it the next step to
look at, not just to this situation but the whole
organisation response to child abuse, to grievance, to all
relevant matters and how we need to progress with that. So
as part of that taskforce, the people, three people on
there are liaising with Mr Kernaghan.

Q. And so, to go back to the issues raised by Mr O'Brien,
will that be the same group that will go on to consider the
matters that have been raised with respect to compensation?
A. Yes, we will instruct or get some advice from the
right kind of lawyers for this sort of thing, but we'll
also have to discuss it with the directors of the entities
and have to figure out how much we can afford to pay.

Q. And so, what are the relevant entities as you would
understand it?
A. The main one being SYA.

Q. Is it the same group, those three people, that are
instructing the lawyers representing the ashram, as it's
been referred to before the Commission; are they the same
three people that instructed Mr Kernaghan to make that
apology at the opening of this public hearing?
A. Yes.

Q. Was there any discussion broader inside the ashram
community, was there any discussion broader than the three
of you with respect to the terms of the apology?
A. Yeah, we discussed it with the management team,
leadership team, you know, the four, and also with the
directors of SYA, the three directors.

Q. And again, those three people are?
A. Atmamuktananda, who was here yesterday, Rishi
Hridayananda, Mary Thomson and Rishi Vivekananda, Brian
Thomson.

Q. And was there any member of either of those groups who
opposed the making of that apology?
A. No.

Q. There was no dissent --
A. No.

Q. -- to the fulsome nature of that apology?
A. No, there wasn't.
Q. Can I now ask you about the cease and desist letter, that's the letter that was sent to Mr Taylor's client, Bhakti Manning.
A. Yes.

Q. And you've been asked some questions by Mr Taylor about that and given some answers already to the Royal Commission about that. I really want to ask you the same question in the sense of, who formed the group that gave instructions for the cease and desist letter to be sent?
A. So, that happened pretty much on the same day. Ahimsa called me in the morning - because around that time I was - the other members of the management team were away, so I was dealing with ashram business, general, normal business, and then this matter as well.

There was a recognition that it was quite a lot for one person to have to deal with so Ahimsa called me up, and she had had some involvement - I'd been down to Rocklyn ashram a couple of weeks previously and that's when the Facebook stuff was really going on and she and Atmamuktananda had some involvement in how we were responding there.

So she rang me and said I think we need to support you in this, how about we form a taskforce of various people that can manage the response so that it wasn't falling on the management of the ashram alone, so we agreed to that, and then I sent out the invitation to the people that we thought it would be appropriate to include.

Then later on that day, I think it was the same day, I may be incorrect here, we'd had some communication from Bert recommending that we send this cease and desist letter, so we had a bit of back and forth about the content.

Q. Was there any dissent amongst the group as to whether or not it was appropriate to send that letter?
A. I think the overriding feeling was, we didn't really feel like we had the expertise in that area, we were relying on what we were being advised by Bert and his legal person, that this was the right approach to take. I think it's probably, I don't know if this is right - there was a lot of pressure around that time because the people who the letter - had got Bhakti Manning's letter had gone to, the teachers of the Satyananda Yoga Teachers Association, were
understandably very disturbed by this and especially the one that came afterwards, and so it was quite an emotional time, people were just really upset.

Q. You've given evidence before the Commission in various ways throughout the course of answering questions that have come to you from the bar table about, firstly through Mr Kernaghan, the apology, that fulsome apology of acknowledging mistakes and errors of the past. I understand that your evidence is that that cease and desist letter is now categorised as one of the mistakes of the past.
A. Yes, definitely.

Q. I'm assuming, in the way in which you've given your evidence, that you have in fact a catalogue of mistakes and errors from these past few months in the lead-up to the Royal Commission about the way in which the institution has responded.
A. Yes, in the way - I suppose, in the way of things that we did that didn't work. We don't have alternatives, though, of maybe what we could have done better, we're just not sure about that part.

Q. That was what I was going to ask you, as to whether or not you wanted to leave your observations with the Royal Commission, firstly about whether or not you have as a group started to identify and work through those errors and mistakes of the past as you've come into this public hearing?
A. Yes, we've recognised where the mistakes are and we've started talking about maybe what we could do about it, but our overriding feeling at the moment is, we want to go through this process and see what the recommendations are, because maybe something else that we come up with might not be appropriate or, you know, fit for purpose.

Q. Have you as an organisation started to analyse and reflect now?
A. During this process?

Q. Well, in the lead-up to this process and during this process --
A. Yes.

Q. -- have you started to reflect now?
A. Yes, we have; we just haven't formalised it. We've
had discussions about it.

Q. Are we right in assuming that those discussions will continue?
A. Yes, and that's one of the main - sorry to interrupt, but that's one of the main focuses of this Institutional Response Taskforce which has been given delegated authority by all of our entities to handle this matter and to look at what's gone on, what's happened in the past, what we could do to do it better and where we go next.

Q. But again, as I understand your answer, that's quite embryonic at the moment?
A. Yes, it is. I think one of the things we're very conscious of is not - because maybe some of the things that we did before were, not gut reactions, but you know, quite quick responses because we felt we needed to respond quickly. We're very conscious now of not acting spontaneously and letting things sit a bit and consider it properly so that we don't make those impulse decisions that might not be the right thing to do.

Q. So that's in fact part of the reflection that's underway at the moment --
A. Yeah.

Q. -- that an impulsive, at times hostile and at times defensive response --
A. Possibly, yeah.

Q. -- has not served the institution well? Is that a fair observation? I'm reflecting that back to you.
A. I think maybe in some of the ways that we've communicated, if we'd sat back and thought about it a bit more, we would have phrased it better or done it in a slightly different way which may have landed better and had a better response. So, yeah, definitely it's a time of reflection and wanting to just not make snap decisions. Especially at the moment, because we're all in slightly - we're very conscious of this process and wanting to do the right thing in this process and not wanting - and slightly under, not exactly under pressure but you know what I mean, this is a serious matter and we have to treat it with the due seriousness, and part of that is making sure that we do consider everything that we do.

One of the realisations is that, you know, perhaps
before we haven't really appreciated what it's like to be
on the other side, to be one of the victims, and that was
one of the things that hit me in the face last week, was, I
had no idea of the depth of - the impact that this had had
on these people and, if we'd appreciated that, really
appreciated that before, we would have responded
differently.

THE PRESIDING MEMBER: Thank you.

COMMISSIONER MILROY: Ms Tetlow, I have one question for
you and partly in follow up to this answer. You mentioned
earlier in your evidence that you'd been looking at
policies around child protection for around about 10 years
as a registered training organisation and moving through
various stages of policies. Is that right?
A. My understanding is that at least since we've been a
registered training organisation we've had all these things
in place.

Q. Do you think that you're at a level now where you've
got sufficient confidence in the training and in the
policies and in the way that the training is done that
staff or other people that are residents of the ashram
would have sufficient confidence in knowing what to do and
how to go about reporting, particularly if it was regarding
perhaps a more senior member of the organisation?
A. I think the policies are there, but I think where we
fall down at the moment is the training and the
implementation of them, and that's one of the things that
we've already been in touch with someone, an external
expert in this area, to provide training on; because I
can't hand on heart say that we would do that brilliantly
at the moment.

THE PRESIDING MEMBER: Q. And that relates to the
evidence that you gave before about the next stage of
development of training, is that --
A. Yeah.

Q. We've correctly understood that --
A. Yeah.

Q. -- that that's an external expert?
A. We will get an external, yes. And that's two levels
of training, it's training for those of us in senior
positions who would be the ones taking responsibility for
certain decisions or actions if we have a matter ever reported to us, but also to make sure that those on the ground level or everyone in our community knows exactly what - even if they don't know the ins and outs of the policy, they would know who to go to and that sort of thing.

THE PRESIDING MEMBER: Anything arising out of any of those questions for anyone?

DR BENNETT: No.

THE PRESIDING MEMBER: No. Thank you, Ms Tetlow, thank you for your attendance and you're otherwise excused. If you could just take a seat back in the body of the hearing room, thank you.

<THE WITNESS WITHDREW>

DR BENNETT: Your Honour, there are no further witnesses to call. Ms Tetlow was the last witness.

THE PRESIDING MEMBER: Mr Kernaghan raised an issue about another witness that I understood he was asking to be called.

MR KERNAGHAN: Your Honour, I've had a helpful conversation with Counsel Assisting and that issue has been resolved.

THE PRESIDING MEMBER: Thank you.

DR BENNETT: There are a number of procedural issues that are required to be dealt with. Perhaps I might start with Mr Terracini at the Bar table who would like to say a few words.

MR TERRACINI: I'll just read this brief statement.

THE PRESIDING MEMBER: Perhaps before you do that, Mr Terracini, again could you identify yourself and who you represent in this public hearing.

MR TERRACINI: My name's Alex Terracini, I represent the Bihar School of Yoga and also Swami Niranjan:

Firstly, we wish to thank the Royal
Commission for agreeing to our request for
leave to appear. We have only recently
become aware of the allegations regarding
individuals in India and consequently our
entry into the Commission process occurred
only a few days prior to its commencement.

At the outset we wish to state that we
support the work of the Commission in its
investigations. We acknowledge the sexual
abuse committed by Akhandananda in the
1970s and 1980s at the Mangrove Mountain
yoga ashram in Australia. We have listened
to the stories of the victims, and we now
endeavour to understand the trauma they
have suffered and still suffer today.

We have not wished to interrupt, broach,
object or question any statements made by
the victims as they recount their
understanding of events. We have remained
silent out of respect and concern that the
Commission process be honoured.

It is only due to the courage and
determination of the survivors in voicing
their truths, and coming forward to be
heard and to report experiences, that we
have learnt the truth about the sexual
abuse perpetrated at Mangrove Mountain in
the 1980s and 1970s.

Until the evidence presented during this
Commission, the Bihar School of Yoga did
not know the appalling extent of the abuse
nor how widespread it was. We had not
heard the stories which revealed the
horrific nature and severity of the abuse.
We did not understand the isolation and
shame that has been the burden carried by
the survivors for so many years, because
their stories had not been heard and the
harm done to them had not been
acknowledged.

We are deeply shocked and saddened by the
stories of the victims and the appalling
destruction of their trust and faith of the
actions of Akhandananda and Shishy, all
this under the guise of the mission of yoga
and spiritual life.

Until now we've been under the
misapprehension that the matter had simply
been resolved by the criminal justice
system, and after the incarceration of the
perpetrator, the interests of justice had
been served. We recognise now that nobody
addressed the hurt, the shame and the harm
that had been the ongoing effect of the
abuse and the impact that the abuse had had
on its victims, their families and indeed
the whole organisation.

It is a matter of great distress and
sadness that the yogic principles which we
believe in and work for have been so
grossly misused and maligned. The
foundation of the yogic approach of life is
based on ahimsa, an attitude of
non-violence to all living beings. Those
who perpetrated acts of sexual, physical,
emotional violence have not only completely
failed to express anything of yoga in their
lives; they have failed to express any
fundamental human dignity or quality
whatsoever.

We sincerely hope that through the wisdom
received by this Royal Commission, the
hearing of the evidence, reconciliation for
the victims of abuse can begin. We are
deply concerned and hope that the findings
of this Commission posit improvements and
processes within institutions which will
ensure the health, safety, sanctity and
dignity of all children.

Thank you.

DR BENNETT: Your Honour, in terms of procedural issues,
first of all I seek a direction in relation to a timetable
for submissions. I'll hand up firstly a copy of the
direction.
Firstly, in relation to the orders sought. Firstly, Counsel Assisting the Royal Commission shall provide written submissions to the Royal Commission on or by 30 January 2015.

2. Any written submissions in reply may be provided to the Royal Commission within four weeks of the day that the submissions of Counsel Assisting are served.

3. Any further written submissions in reply may be provided to the Royal Commission within two weeks of that day that the submissions referred to in paragraph 2 are served.

4. The opportunity to make oral submissions to address written submissions will be provided and, if required, submissions will be heard in Sydney on 31 March 2015 at 10am.

THE PRESIDING MEMBER: Does anyone want to say anything about those dates?

MR KERNAGHAN: No, Your Honour.

THE PRESIDING MEMBER: Alright, I’ll make that direction in those terms.

DR BENNETT: Thank you. I also seek a direction not to publish the written submissions until further directions, Your Honour, and I’ve got a document.

THE PRESIDING MEMBER: Yes, I’ll make that direction.

DR BENNETT: Thank you, Your Honour.

Now is the task of tendering the outstanding statements from witnesses who have not been required to give oral evidence. The first one is that of Elly Buchanan’s. The second is [APM].

I have a list of names here, Your Honour. Would you like me to read each one out and then you give it an exhibit number or how would you like to go about this?

THE PRESIDING MEMBER: Unless someone has a concern that they want to raise with me, I’m content for them to be
placed into a bundle and given an exhibit number in that way.

DR BENNETT: Okay, thank you. I'll just list the names that will go into that bundle perhaps.

THE PRESIDING MEMBER: Thank you.

DR BENNETT: Elly Buchanan, [APM], Peter Wakeman, Phil Connor, a supplementary statement from Phil Connor, Mary Thomson, Brian Thomson, Dayasagar Saraswati, Alison Ely, Atonis Makris, Helen Cushing, Clive Salzer, [APY], [APD], Shirley Hetherington, Maree Walk, Michele Bruniges and Yogasandhan. That's 17 documents.

THE PRESIDING MEMBER: Those statements will be marked as Exhibit 21-31.

EXHIBIT #21-31 STATEMENTS FROM PHIL CONNOR, MARY THOMSON, BRIAN THOMSON, DAYASAGAR SARASWATI, ALISON ELY, ATONIS MAKRIS, HELEN CUSHING, CLIVE SALZER, [APY], [APD], SHIRLEY HETHERINGTON, MAREE WALK, MICHELE BRUNIGES AND YOGASANDHAN.

DR BENNETT: There will be an additional bundle of documents that will be tendered, Your Honour. These contain documents that are referred to in the statements by Ms Tetlow, Peter Wakeman, Helen Cushing, Jyoti and Yogasandhan. It just seems that, for some reason, they didn't - they were referred to in the statements but for some reason --

THE PRESIDING MEMBER: Didn't make it into the original tender bundle, is that what happened?

DR BENNETT: That's right. I can hand up an index of those documents and they'll form their own bundle.

THE PRESIDING MEMBER: Thank you. I'll mark those documents as 21-32.

EXHIBIT #21-32 SUPPLEMENTARY TENDER BUNDLE CONTAINING DOCUMENTS REFERRED TO IN THE STATEMENTS OF MS TETLOW, PETER WAKEMAN, HELEN CUSHING, JYOTI AND YOGASANDHAN.

THE PRESIDING MEMBER: I note that bundle as being referred to as a supplementary tender bundle.
DR BENNETT: I ask that the Royal Commission discharge the
obligations under the summons to appear for a number of
people that are currently outstanding, perhaps I'll just
list the names for Your Honour.

That's Elly Buchanan, [APM], Peter Wakeman, Phil
Connor, Brian Thomson, Dayasagar Saraswati, Helen Cushing,
Alison Ely, Atonis Makris, Terry O'Connell, Bert Franzen,
Clive Salzer, [APY], [APT]. And there are 14.

THE PRESIDING MEMBER: Yes, I'll excuse those persons.

DR BENNETT: Just lastly, Your Honour, a reminder to the
parties of the directions not to publish certain names and
the pseudonym orders that remain in effect.

THE PRESIDING MEMBER: Obviously, if anyone has any
concerns about who or what those orders are, that can be
clarified with the legal team assisting you, Dr Bennett.

DR BENNETT: Yes.

THE PRESIDING MEMBER: Nothing further?

DR BENNETT: Nothing further, Your Honour.

THE PRESIDING MEMBER: So we'll adjourn the further
hearing, at least nominally, to 31 March for potential oral
submissions on that day, subject to the other directions
with respect to the exchange of written submissions.

DR BENNETT: Thank you, Your Honour.

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