

Submission to the Australian Health Ministers' Advisory Council

Submission into "A National Code of Conduct for health care workers"

Preface

We would like to preface our submission with our willingness to expand on the points we make here at a public hearing. We believe that this issue is too important to rely upon written submissions alone.

Summary of our submission

- Present codes of conduct for unregistered health practitioners are deficient because they fail to curb the harmful practices of cult groups and quack therapists.
- That this area is of particular relevance given the AHMAC's stated commitment to addressing the impact of mental health issues in society.
- Avenues of complaint should be strengthened, and anyone should be able to make a complaint without a need for a specific complainant or incident in mind (as some recent NSW legislation allows).
- Commission-initiated inquiries should pass more information back to concerned parties so that predictable denials or exculpatory lies can be refuted.
- It must be recognised that those harmed are frequently intimidated into silence.
- Even in jurisdictions with an unregistered practitioner code, and even when extensive evidence is tendered of bad health practice, health care complaints bodies (and especially the HCCC in NSW) are far too timid. When harmful health practices are self-labeled by practitioners as "religious" or "spiritual" in character, there is an entrenched reluctance for health complaints bodies to even claim jurisdiction. Then there is an entrenched reluctance to investigate, and an entrenched reluctance to censure or enforce bans on conduct.
- "Negative Registration" (naming and shaming) should be accompanied by stronger

penalties when prohibitions on practice are violated.

- Interagency communication should be improved so that a practitioner ruled as violating health practice codes will be referred for investigation into revocation of their charitable status, or breaches of the criminal or trade practices law, or for similar infractions in other states.

Reason for our submission

There are, sadly, both individuals and groups operating in Australia who abuse the vulnerable and the gullible for their own gain. These groups can take many forms; Some represent themselves as established religions, some as healers, therapy or counselling groups, new-age spiritual groups, personal development groups, meditation groups, etc. Their motivations range from a misguided intention to do good, through to conscious and cynical fraud.

Many such groups use pseudo-medical and pseudo-psychological techniques and vocabularies such that they should be regarded as offering a 'health service'. Most lack any formal qualification in a relevant area and thus cannot be censured through a peak body associated with say, medicine or psychology. They should fall within a regulatory framework that restrains them from engaging in harm. However, even in jurisdictions that ostensibly have an enforcement regime for unregistered health practitioners, we can cite many examples where harmful health practices continue to occur, even after complaint.

Who is CIFS?

The Cult Information and Family Support (CIFS) network is Australia's largest organisation opposing these individuals and groups. Formed by the parents and family members of loved ones caught up in abusive groups, the network has grown to include friends, ex-members, academics and other ordinary citizens working together towards a common goal, to provide support and develop awareness on behalf of the adults and children harmed by abusive high-demand groups.

The original members of CIFS came together in 1996 after being affected by cults and quack practitioners taking loved ones into their control and causing the severing of ties with established family and friends. This complete change in the personality of a loved one is

bewildering to the family and poorly understood by authorities. There are few avenues to turn to for complaint or support.

CIFS has grown into a network of concerned people Australia wide. Each one has seen these psychological abuses perpetrated from a personal perspective. In its advocacy role CIFS seeks to have stronger laws enacted against the predations of cults and to strengthen both society and government to resist their negative effects.

To fulfil our role we maintain a website¹ which has an archive of relevant news reports, articles and other information. We offer both a dedicated phone information line and e-mail for public contact, and we hold monthly meetings to offer support and education.

We have held a number of national conferences, reported in national and local media, to publicise the problem of abusive groups. The most successful of these was held in 2011, at Parliament House, Canberra, and was co-sponsored by a bipartisan group of MPs, including the Liberal's Senator Sue Boyce and independent Senator Nick Xenophon. Delegates included Australian and international scholars (including Australian of the Year and mental health advocate Professor Patrick McGorry), psychologists, clergy, teachers, ex-cult members, MPs and ordinary citizens.

The conference presenters confirmed that mind control by abusive groups is poorly understood by the general public and authorities, and that the Government response to this phenomenon is grossly inadequate. This is especially the case in the area of regulation where unregistered health practitioners operate, and where there is dispute between therapy that constitutes a 'health service', and what is claimed to be merely 'spiritual' or 'pastoral' counselling.

We therefore thank the AHMAC for seeking information on this topic.

The importance of government regulation

CIFS acknowledges that in our democracy, people are free to believe as they choose. CIFS has never sought to infringe on anyone's freedom of belief. However, governments have a legitimate role to censure acts which cause harm, are fraudulent, violent, outrage community standards of decency, create a social burden on government health and welfare

¹ <http://www.cifs.org.au>

services, or illegitimately claim government subsidy such as charitable tax concessions.

There can be no question that the harm caused to a person as a result of quack therapy constitutes a form of violence upon their person. In 1998 the Australian Standing Committee of Attorneys General (SCAG) formulated the *Model Criminal Code*. Of particular interest was the definition given to "harm" in this Code. Chapter 5 ("Non-fatal offences against the person"²) defines harm as including "*Recklessly or intentionally causing harm to a person's mental health, including 'significant psychological harm'*". The attached commentary specifically acknowledged that psychological abuse is frequently perpetrated by cults and dodgy therapists and that this definition was purposely formulated with such groups in mind.

Despite this promising start, this code was not adopted in any Australian jurisdiction save the Northern Territory.

Our focus then turned to the role other agencies might have in mitigating harm. The Australian Charities and Not for Profits Commission (ACNC) shows some promise, with a willingness to investigate whether an organisation passes a 'public benefit test' for charitable status and tax concession. However, we note with considerable distress the current Federal Government's intention to abolish the ACNC³. CIFS is also aware of many complaints made to departments of fair trading and consumer affairs, human rights commissions, and guardianship tribunals. Far too often they fall short of the expectations of complainants because the product 'sold' is not physical, because they claim a lack of jurisdiction, and because of an entrenched timidity towards any perception they are infringing on religious liberties.

Thus, we come to complaints brought before State and Territory Health Care Complaints bodies. We identify a number of deficiencies in their approach that must be remedied in any proposed Federal system.

First, it must be recognised that the victims of cults are uniquely vulnerable. It is common to hear that "without specific patient details or incidents, there is an insufficient

² http://www.lawlink.nsw.gov.au/lawlink/SCAG/ll_scag.nsf/pages/scag_chapter5

The report contains the proposal to which I refer in sections 5.1.17 and 5.1.18, with an extended discussion of what constitutes "harm" found in section 5.1.1

³

http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r5202

basis upon which to take further action” (a quote from the NSW HCCC’s response to an actual case). This reveals a significant failure of understanding. Individuals harmed by cults and quack therapists are reluctant to make complaints out of fear of retaliation from their zealous followers. Those in the thrall of cult groups are enmeshed in unequal power relationships and their predicament arises precisely because of the suppression of their critical thinking faculties. Dissent or questioning is heavily discouraged in these groups and they are frequently in no position to make a complaint. Victims and whistleblowers are painted as liars or disgruntled apostates.

Thus, complaints are often made by people who are not themselves receiving the “treatment”, but are concerned family and friends. When such complaints are made and a health-complaints body decides to initiate a Commission Initiated Inquiry, the original complainants are left out of the loop for “privacy reasons”. They are prevented from examining responses to the complaint or other material produced in an investigation. Keeping complainants in the loop would allow flimsy excuses to be refuted and better inform the investigators.

Quack practitioners with malign intent do not hold to social or ethical norms. They will lie or distort the truth to protect their money, reputation, tax-exempt status, or influence over their members. A common ploy is using the lure of a scientific vocabulary to draw in patients with the imprimatur of clinical validity, only then to claim that the practice is entirely spiritual or religious in character when complaints are made.

The present failure to regulate unaccredited health care practitioners

The following case studies are offered to illustrate that under the present or recent regimes of regulation, harmful practices have not been restrained, even when extensive evidence is tendered to complaint bodies.

Case Study 1: John Darnell and the Shepherd's Heart Church.

In 2011, a Canberra based therapy cult, the *Shepherd's Heart Church*, run by 'Pastor' John Darnell and his wife Glenys Darnell was the subject of a complaint to the NSW Health Care Complaints Commission and the ACT Health Services Commissioner. The Darnells had advertised a therapy program for the treatment of 'Dissociative Identity Disorder', a technical and contentious psychological diagnosis. The disorder is characterised by multiple personalities and suppressed memories of abuse. The Darnells have no qualification in psychology. The Shepherd's Heart program uses an explicitly medical and psychological vocabulary (see Appendix 1) which would cause a person to believe it had a medically validated or accredited character. They refer to the structure of the brain and the physiological processes related to the formation of memory. Their website contained series of presentations, videos and therapy manuals which spelled out in great detail their belief that many people who present to them are suppressing the memories of sexual and other abuse perpetrated variously by members of their own families. In 2011 he admitted several dozen people under his treatment with hundreds more "touched" by his work.

Unfortunately, the Darnells also believe in beings called "Nephilim"—demonic figures who walk the earth and engage in unwilling trysts with women to impregnate them with half-demon babies. In radio interviews John Darnell detailed his beliefs that the British royal family are shape-shifting reptilian demons in disguise. He says these demons rove the earth in UFO's built by captured Nazi scientists at the end of World War 2, and that women are captured by these UFOs and taken to a secret underground facility in Israel for the purposes of forced impregnation. Darnell claims there is a worldwide occult program of ritual sacrifice and cannibalism and that demonic 'sleeper agents' are placed in many positions of secular and military power. These agents remain unaware of their status – you might be one – and will be 'activated' at the onset of Armageddon. A world-level conspiracy implicating every major government (including the Australian government) exists to cover up this truth. Darnell emphasises that patients he treats may have no recollection of this horrific abuse until his techniques cause the memories to re-emerge into conscious awareness and then the unwanted personalities (some of which may be demonic 'passengers') can be exorcised. The Darnells featured on the *A Current Affair* TV show and in a feature article in the Good Weekend Magazine in the Sydney Morning Herald/ Melbourne Age⁴.

This information was tendered to both the ACT Health Services Commissioner (HSC)

⁴ <http://www.smh.com.au/lifestyle/spirited-away-20120312-1utb6.html>

and the NSW HCCC⁵. Evidence was tendered showing the Shepherd's Heart practiced their program in both the ACT and in NSW. The HCCC claimed they had no jurisdiction because the Shepherd's Heart program could not be classified as a "Health Service". Conversely, the ACT HSC *did* declare that the program constituted a Health Service and initiated a commission-initiated inquiry. It is of concern that two agencies would come to differing opinions over the same evidence. The HSC inquiry found that the material was misleading and should not be presented as having a scientific basis, and required the Shepherd's Heart to amend their materials. The response of the Shepherd's Heart was to include a one-line proviso in their material that it only represented a "layman's understanding" and to insert one word in their manuals where they claimed to treat "Dissociation". Now they minister to "*Spiritual* Dissociation". These changes were regarded as sufficient to the regulator. No follow-up enforcement has been made. CIFS contends that if this represents "regulation" then it is of little value.

John Darnell continues to publish⁶ and to counsel women that they were raped by demons. Other complainants have emerged and are known to CIFS since the Darnell's initial exposure. We have been warned by former ministry colleagues of the Darnells both in Australia and in the U.K of their rejection of accountability and the *fremdscham* (vicarious embarrassment) they engender. One confided a belief that these therapy practices will eventually lead to a death.

⁵ <http://baliset.blogspot.com.au/2011/11/who-are-shepherds-heart-and-what-do.html>

⁶ John Darnell's "Satanic Strategies", <http://sat21c.com/>

Case Study 2: Serge Benhayon and the Universal Medicine Cult.

Universal Medicine is a cult based in Goonellabah, NSW, and was founded in 1999 by an untrained and unqualified 'healer', Serge Benhayon, a former bankrupt and tennis coach. Benhayon has no tertiary education or qualifications, and claims he is the reincarnation of Leonardo Da Vinci⁷, Pythagoras and other historical figures. Benhayon has been the subject of numerous fruitless complaints to the NSW HCCC⁸ for his practice of 'Esoteric Healing' modalities such as *Esoteric Breast Massage*, *Esoteric Chakra-puncture* (a bastardized form of acupuncture), *Esoteric Massage*, *Esoteric Connective Tissue Therapy*, *Esoteric Uterus Massage*, *Esoteric Psychology* and *Ovarian Reading*. It is claimed that these confer a range of benefits, including treating reproductive disorders, aiding 'rape recovery', drug and alcohol detoxification, vertigo, anxiety, digestive imbalances, Crohn's Disease, polycystic ovarian syndrome, endometriosis, and menopausal syndrome. These claims have no clinical basis and make therapeutic claims that cannot be substantiated. Nevertheless, they are being subsidised through Medicare⁹.

'UniMed' operates 'Esoteric Healing' clinics in Australia, the UK and Europe and runs regular courses and workshops. Most of the courses are run in Lennox Head, but Benhayon is currently renovating a Cold Storage facility in Wollongbar to convert into the College of Universal Medicine building at a cost of several million dollars. The College of UM has charity status in spite of Benhayon's teachings that charity, altruism and education are evil. Benhayon's adult children work as Esoteric healers and assist in training Esoteric healers. None have any formal therapy qualifications or tertiary education.

Universal Medicine is thought to have around 2,000 followers in Australia, the UK, Europe, North America and New Zealand. UM events are known to attract up to 600 participants at a time. Universal Medicine clinics and/or meditation groups are found in all of these countries. Affiliated members who *do* possess medical qualifications and who practice or endorse Benhayon's quack techniques have also been the subject of unsuccessful complaints to the HCCC.

Universal Medicine's programs are clearly promoted as healing and health-related.

⁷ <http://www.smh.com.au/national/da-vinci-reincarnated-i-agree-it-sounds-absurd-20120721-22gxv.html>

⁸ <http://www.medicalobserver.com.au/news/investigation-urged-into-cult-medical-group>

⁹ <http://www.smh.com.au/nsw/cult-cures-on-medicare-20120721-22gsn.html>

Benhayon and his associates target vulnerable patients with serious health conditions, including cancer, and encourages them to cease conventional treatment. Universal Medicine's marketing and indoctrination are aimed to establishing a therapy dependency among students and patients in order to benefit to Universal Medicine commercially. Patients have complained of overservicing.

Benhayon claims patients may be possessed by "invasive spirits"¹⁰ or that their breasts or uterus merely contain the "wrong energy"¹¹. In response to complaints, the HCCC Commissioner acknowledged "...there may well be room for debate as to the clinical basis for the treatment described... [but] it is my view there would be sufficient scope for a practitioner to argue that treatment was provided in a therapeutic setting and that in the course of obtaining consent it had been explained to the patient that the clinical evidence for the procedure was limited."

This is manifestly not good enough. Benhayon is neither trained, qualified, nor competent. There is no debate. A Code of Conduct is supposed to protect patients from such dishonest and transparent fakery.

Other organisations

There are other organisations that have been the subject of complaint that CIFS are aware of. We would be able to expand on these if the inquiry desires to hold public hearings.

For example, Liz Mullinar is the founder of the 'Heal for Life' and *Mayumarri* centres, and who believes that women suffering from mental illness have suppressed the memories of ritual satanic abuse and advocates a range of therapies for which she holds no qualification and which have no clinical basis¹². She has been the subject of numerous complaints to the HCCC and elsewhere¹³. A former Director of the centre has resigned and has referred the centre to the Royal Commission into institutional responses to child sexual

¹⁰ <http://web.archive.org/web/20070829075232/http://universalmedicine.com.au/node/124>

¹¹ <http://web.archive.org/web/20110217150517/http://www.esoteric-breast-massage.com/q>

¹² <https://sites.google.com/site/untouchablesmayumarri/>

¹³ 'Retreat for child abuse survivors faces investigation calls'
<http://www.abc.net.au/7.30/content/2013/s3898791.htm>

abuse because “because of the consistency of complaints about it over the years, and the *inability or failure of regulators to address them.*”¹⁴ Concerns include inadequate training of volunteer carers and routine self-harm at the centre. As a story in the *Australian* stated “Mullinar and her volunteer staff have no medical qualifications, so they work outside the jurisdiction of medical boards and healthcare regulators. It's an issue causing increasing concern as alternative healers proliferate and religious organisations snare an increasing share of government welfare money.” CIFS asks what action has been taken since this story to prevent further harm from occurring?

CIFS also feels the work of front organisations for Scientology such as Narconon should be shut down by any properly functioning regime of regulation. Narconon is ostensibly a drug rehabilitation program but in truth is a recruitment gateway for the Church of Scientology. Scientology claims a success rate of between 75% and 100% for its treatment programs but independent studies suggest its success rate at being below 7%. The non-clinical nature of the program has also been implicated in seven deaths. A Canadian Health agency decided not to recertify Narconon to operate because of their concerns that its methods “may represent a risk to health” of patients. Narconon were refused a permit in March 2014 to relocate a facility in Warburton Victoria and an inquiry found “Narconon are not running an education program – they are running an unaccredited drug and alcohol rehab centre” and that “They do not fall under the jurisdiction of the health department or work, health & safety – they are not certified or regulated in any way.”¹⁵

Conclusion

CIFS has long experience in dealing with various groups who meet the criteria of cults. The database we maintain of concerns raised with us currently encompasses over 100 individuals and groups. Many practice a program of therapy, counselling, healing, cleansing, awakening – call it what you will – which have or ought to be designated as a health service and regulated accordingly. Present regimes of regulation are failing.

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¹⁴ <http://www.theherald.com.au/story/1937372/call-for-heal-for-life-founder-to-move-on/>

¹⁵ <http://www.saynonarcononwarburton.org/>

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