

Submission

Australian Charities and Not-for-profits Commission Post – repeal arrangements

Department of Social Services

Who is CIFS

CIFS is an Australian support and information network. Formed by parents and family members of loved ones caught up in abusive groups, the network has grown to include friends, ex-members 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.

Abusive groups can take many forms. Some represent themselves as established religions, some as new-age spiritual groups, personal development groups, meditation groups, therapy groups, product sales groups, study groups, etc. A significant number of these claim charitable status and effectively a government subsidy through various forms of tax exemption.

The original members of CIFS came together in 1996 after being affected by high demand groups 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 is growing 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.

The importance of government regulation of the charitable sector

It is important to state that, although this submission makes recommendations concerning a possible post-ACNC arrangement for regulation of the NFP sector, CIFS is strenuously opposed to the repeal of the ACNC. CIFS is especially concerned at the Minister's persistence in seeking to abolish this important agency given that 145 of the 155 submissions to the Senate Economics Committee were in favor of its retention, and that this included any number of charities and charitable peak bodies. We are therefore rightly concerned that *this* consultation process, like the consultation process the Minister claimed to undertake prior to the introduction of the repeal bill, is being conducted in bad faith.

Central to our submission is the desire to correct a fundamentally mistaken premise of the Minister, who said:

*'The (Labor) government never made it clear what mischief was being addressed (by the ACNC). It's not as though there are reports in the media or elsewhere of large charitable organisations, or even smaller charitable organisations doing things wrong.'*¹

CIFS is in a position to state Mr Andrews must be naïve or misinformed, because we have extensive first-hand experience in counselling many hundreds of people over the years who have had their lives ruined by various cults who, while claiming charitable status, commit fraud, break up families, perform quack therapies, damage people's psychological health, and bleed them dry of their savings. Does the Minister never turn on the TV?

Examples of cults who abuse their charitable status appear in the media with monotonous regularity. And not all abuse occurs at the hands of high profile groups, like the Exclusive Brethren², Christian Assemblies International³, or the 'Church' of Scientology. We have many more smaller 'charitable' groups in our own database that escape the media's attention. The problem is persistent and it concerns us that the Minister would dismiss it out of hand.

Any regulatory regime, whether it be through the ACNC or via other government departments, must be counted as an abject failure unless it acknowledges that these abuses do occur and that there are individuals and organisations who need to be re-assessed for their worthiness for keeping charitable status.

CIFS' experience has been that, prior to the ACNC, organisations like the ATO, the ACCC, or Health Care Complaints bodies, or other departments have had no interest, no resources and little experience in censuring cults for abuses of their charitable status which outrage the Australian public. The ATO is well known as being particularly lax in this regard, and only investigates in cases of gross financial fraud. We cannot condone a return to a regime where these abuses continue.

If the ACNC is repealed, what assurance is there that a 'public benefit test', or any investigation of the moral worthiness of groups claiming charitable status will take place?

We hasten to clarify that we are referring to harmful groups, and not to the liberal, diverse and open nature of healthy social and religious groups who do good work in the community. We would remind the Minister that nothing smears the reputation of legitimate and useful charities like the abuses perpetrated by these 'bad apples'.

We strongly urge you to be mindful of this issue when you consider any post ACNC regime for regulation.

¹ <https://www.youtube.com/watch?v=6lxnd9je3tw>

² A Current Affair, 11th August 2014, July 9 2010, July 29 2010, Four Corners 12/10/2007, etc <http://aca.ninensn.com.au/search.aspx?collection=aca2&query=Brethren>

³ Four Corners, July 29 2014 <http://www.abc.net.au/4corners/stories/2014/07/28/4052971.htm>

The present failure to regulate organisations in receipt of charitable status

We present the following case studies as illustrations of the falsity of the Minister's premise. Under the present or recent regimes of regulation, harmful practices have not been restrained by groups claiming charitable status, even when extensive evidence is tendered to complaint bodies. **If any proposed new regulatory regime fails to censure groups like this, then you must be considered as failing to protect the public's interest.**

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

In 2011, a Canberra based therapy cult claiming the tax-exempt status of a Church, the *Shepherd's Heart*, 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 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 the ACT Health Services Commissioner (HSC), who made an adverse finding.

John Darnell continues to publish⁵ 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.

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

⁵ John Darnell's "Satanic Strategies", <http://sat21c.com/>

Why should the Shepherd's Heart enjoy a subsidy from Australian taxpayers by way of the concessions that flow from charitable status? *What regulatory regime would ever investigate or censure this group if the ACNC were repealed?*

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. It enjoys charitable status with the ATO. Benhayon has no tertiary education or qualifications, and claims he is the reincarnation of Leonardo Da Vinci⁶, Pythagoras and other historical figures. Benhayon has been the subject of numerous fruitless complaints to the NSW HCCC⁷ 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 Medicare⁸.

'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. 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"⁹ or that their breasts or uterus merely contain the "wrong energy"¹⁰. 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

⁶ <http://www.smh.com.au/national/da-vinci-reincarnated-i-agree-it-sounds-absurd-20120721-22gxv.html>

⁷ <http://www.medicalobserver.com.au/news/investigation-urged-into-cult-medical-group>

⁸ <http://www.smh.com.au/nsw/cult-cures-on-medicare-20120721-22gsn.html>

⁹ <http://web.archive.org/web/20070829075232/http://universalmedicine.com.au/node/124>

¹⁰ <http://web.archive.org/web/20110217150517/http://www.esoteric-breast-massage.com/q>

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. Why should Universal Medicine enjoy a subsidy from Australian taxpayers by way of the concessions that flow from charitable status? What regulatory regime would ever investigate or censure this group if the ACNC were repealed?

Other organisations

There are other organisations that have been the subject of complaint that CIFS are aware of.

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 basis¹¹. This organisation enjoys the concessional status of a charity. She has been the subject of numerous complaints to the HCCC and elsewhere¹². A former Director of the centre has resigned and has referred the centre to the Royal Commission into institutional responses to child sexual abuse because “because of the consistency of complaints about it over the years, and the *inability or failure of regulators to address them*.”¹³ 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.”¹⁴

Why should any of these groups enjoy a subsidy from Australian taxpayers by way of the concessions that flow from charitable status?

What regulatory regime would ever investigate or censure these groups if the ACNC were repealed?

¹¹ <https://sites.google.com/site/untouchablesmayumarri/>

¹² ‘Retreat for child abuse survivors faces investigation calls’
<http://www.abc.net.au/7.30/content/2013/s3898791.htm>

¹³ <http://www.theherald.com.au/story/1937372/call-for-heal-for-life-founder-to-move-on/>

¹⁴ <http://www.saynonarcononwarburton.org/>

These are the questions we must impress upon you. If the ACNC goes, you have a moral duty to ensure that any replacement regime actively seeks to mitigate the harm cults do.

We have no confidence that this is Minister's intention.

Acknowledges or responses to this submission may be sought from

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(and incidentally, a member and office-bearer in the Liberal party).