

1305641 [2014] RRTA 262 (9 April 2014)

DECISION RECORD

RRT CASE NUMBER: 1305641
COUNTRY OF REFERENCE: China
TRIBUNAL MEMBER: Pauline Pope
DATE: 9 April 2014
PLACE OF DECISION: Sydney
DECISION: The Tribunal affirms the decision not to grant the applicant a Protection (Class XA) visa.

Any references appearing in square brackets indicate that information has been omitted from this decision pursuant to section 431(2) of the *Migration Act 1958* and replaced with generic information which does not allow the identification of an applicant, or their relative or other dependant.

STATEMENT OF DECISION AND REASONS

APPLICATION FOR REVIEW

1. This is an application for review of a decision made by a delegate of the Minister for Immigration to refuse to grant the applicant a Protection (Class XA) visa under s.65 of the *Migration Act 1958* (the Act).
2. The applicant, who claims to be a citizen of China, applied to the Department of Immigration for the visa [in] November 2012 and the delegate refused to grant the visa [in] March 2013.
3. The applicant appeared before the Tribunal [in] December 2013 to give evidence and present arguments. The Tribunal hearing was conducted with the assistance of an interpreter in the Mandarin and English languages.

CONSIDERATION OF CLAIMS AND EVIDENCE

4. The criteria for a protection visa are set out in s.36 of the Act and Schedule 2 to the Migration Regulations 1994 (the Regulations). An applicant for the visa must meet one of the alternative criteria in s.36(2)(a), (aa), (b), or (c). That is, the applicant is either a person in respect of whom Australia has protection obligations under the 'refugee' criterion, or on other 'complementary protection' grounds, or is a member of the same family unit as such a person and that person holds a protection visa.
5. Section 36(2)(a) provides that a criterion for a protection visa is that the applicant for the visa is a non-citizen in Australia in respect of whom the Minister is satisfied Australia has protection obligations under the 1951 Convention Relating to the Status of Refugees as amended by the 1967 Protocol relating to the Status of Refugees (together, the Refugees Convention, or the Convention).
6. If a person is found not to meet the refugee criterion in s.36(2)(a), he or she may nevertheless meet the criteria for the grant of a protection visa if he or she is a non-citizen in Australia in respect of whom the Minister is satisfied Australia has protection obligations because the Minister has substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to a receiving country, there is a real risk that he or she will suffer significant harm: s.36(2)(aa) ('the complementary protection criterion').
7. In accordance with Ministerial Direction No.56, made under s.499 of the Act, the Tribunal is required to take account of policy guidelines prepared by the Department of Immigration –PAM3 Refugee and humanitarian - Complementary Protection Guidelines and PAM3 Refugee and humanitarian - Refugee Law Guidelines – and any country information assessment prepared by the Department of Foreign Affairs and Trade expressly for protection status determination purposes, to the extent that they are relevant to the decision under consideration.
8. The issue in this case is whether the Tribunal finds the applicant to be a credible witness and if so whether it finds that there is a real chance that he will be persecuted in China for the reason that he is or is believed to be a Falun Gong practitioner. If it is not satisfied that the applicant is a refugee according to the Convention definition for a

refugee it must consider whether there are substantial grounds for believing that, as a necessary and foreseeable consequence of his removal from Australia to China there is a real risk that he will suffer significant harm. For the following reasons, the tribunal has concluded that the decision under review should be affirmed.

Application for Protection visa

9. According to the information provided by the applicant in the application for a Protection Visa he was born in Tianjin, China. He is [unmarried]. He states that he first arrived in Australia [in] February 2007 as the holder of a student visa.
10. In support of the application the applicant has provided a written statement written in Chinese and with an English translation.
11. In this statement the applicant says that his family are Falun Gong practitioners. The applicant provides details of how he came to be introduced to Falun Gong by his grandfather in 1999 when he was recovering from surgery due to appendicitis and gastroenteritis.
12. The applicant states that in 2004 he and his grandfather were practising Falun Gong together at home when the police and village security officials attacked the home. The applicant says that practice tapes were found. In order to protect the applicant the grandfather assumed full responsibility saying that he was practising Falun Gong alone. The applicant says that as there were no witnesses present the police took only his grandfather. However he says that his school was informed and he was given a warning that he should have a clear boundary with family members who are involved in Falun Gong. He says that his relationship with teachers at his school suffered and he lost self-esteem as a result. For the sake of his safety and his future his parents agreed to send him overseas for study.
13. The applicant says that after the incident with his grandfather his family stopped him from practising Falun Gong. His wounds have resurfaced and developed into chronic colitis.
14. The applicant states that he came to Australia in 2007. He returned home every year for visits and he often discussed Falun Gong with his grandfather. He states that [in] December 2008 he made his last visit to see his family. He writes that he heard from his parents when he arrived home that his grandfather *was summoned for an emergency meeting with the police* one day before the applicant departed Australia. One week later the police informed the family that the grandfather had been admitted to hospital with an acute illness. [In] December they were informed that the grandfather had passed away the day before. When they went to see the grandfather they accidentally found wounds from beating and surgery marks made on the body. The family requested an autopsy but the request was declined. According to the applicant his parents sued the hospital, suspecting that the grandfather's organs had been secretly transplanted. His parents sought to involve journalists but the police intervened. His parents thought that for the applicant's safety he should return to Australia.
15. The applicant says that before he went back he sent the Shenyun (Divine Performance) Show and the truth about Falun Gong practitioners' self-immolation in Beijing Tiananmen Square to them via the internet as they requested. He also sent them the

contact information about an overseas Falun Gong practitioner. Such information got his parents into trouble unexpectedly. His father was arrested by police [in] July 2011. This was said to be related to the information which the applicant had sent. The applicant states that he learned of this event from the parent of a friend who was working in the police station. After his father's incident the applicant says that he lost contact with his family until the end of May 2012. He received a text on the mobile saying that they *got home*. He heard from his parents that the family's internet and phone are monitored and the police do random checks on them. His parents warned him to stay overseas because he is also under police suspicion and investigation.

16. The applicant says that he has no sense of security going back and so he fears doing so. He also has some problems here with his student visa. He has sought help from agents but he was not informed at the time that he missed his chance to appeal in the Tribunal.
17. The applicant says that he has been practising Falun Gong in Australia. He knows that this is risky. He is afraid to become involved in *public protest* against the persecution of Chinese Communist Regime as there are spies working for the Chinese government and (they) monitor Falun Gong in Australia.

Delegate's decision

18. The delegate wrote to the applicant [in] February 2013 and invited him to attend an interview [in] March 2013. The letter was sent to him by registered post to [an address] which is the postal address provided by the applicant. The applicant did not respond to the letter of invitation and he did not attend the interview on the appointed day.
19. According to the delegate's decision and the statement of reasons, advice from Australia Post to the Department confirms that the letter of invitation to the applicant was delivered [in] March 2014.
20. In the absence of the opportunity to test the applicant's claims and his credibility, on the basis of the information before him the delegate was unable to be satisfied that the applicant is a genuine or committed Falun Gong practitioner.
21. In forming this view the delegate had regard to the following:
 - The applicant was issued a passport by the authorities [in] 2006.
 - The information available indicates that the applicant departed China legally and without difficulty.
 - The applicant returned from Australia to China five times between [date] February 2008 and [date] January 2009.
 - The absence of supporting letters from the Falun Gong organisation and other Falun Gong practitioners.
 - The delay in making the application for a Protection Visa.
 - Information contained in the application for a Protection visa is inconsistent with information provided in the application for a student visa made by the applicant in 2006 particularly in relation to the applicant's family and its circumstances. The information about the circumstances of his parents as provided in the Protection visa application is at odds with information given in 2006. At that time the applicant stated that his parents

are divorced; that he lived with and was cared for by his grandmother and lived in her household and was registered as such in the household register; the whereabouts of his father are unknown.

22. The delegate found that the applicant is not a genuine Falun Gong practitioner and he will not come to the adverse attention of the Chinese authorities if he returns to China.

Application for review

23. The applicant provided a copy of the delegate's decision with the review application. He did not provide any other additional material.

Tribunal hearing

24. At the hearing the Tribunal discussed with the applicant his life in China before coming to Australia, his introduction to and practice of Falun Gong in China, the practice of Falun Gong by family members in China and his practice of Falun Gong in Australia from the time of his arrival as a student in 2007 until the present time. The Tribunal also heard from the applicant about the situation in China for his parents whom he claims are Falun Gong practitioners and persons of interest to the authorities there.
25. The Tribunal asked the applicant why he did not attend the interview with the delegate. He said that he did not know about the interview. He said that he did not receive the letter of invitation. The Tribunal said that the information in the Departmental file and in the delegate's decision indicates that the letter of invitation was sent to the postal address given by him and advice from Australia Post is that the item was delivered. The Tribunal asked the applicant if he received the delegate's decision. He said that he did not. The Tribunal then asked the applicant if he knows the reason the delegate refused his application. He said that that he does not.
26. The Tribunal spent some time trying to ascertain who receives correspondence on the applicant's behalf, noting that in the review he continues to use the same a postal [address] as he did in the primary visa application. The Tribunal put to the applicant that it seems that it can be confident that the delegate's decision was received, if not by him then by someone else who acted on his behalf to make the present review application.
27. The Tribunal asked the applicant why he made an application for a Protection visa in Australia. He said that his family wanted him to stay in Australia. His application for a student visa was refused so he had to find another way. He added that if he goes back he will be in danger. The Tribunal asked why he believes that he will be in danger. He replied that he has not seen his parents for five years. He thinks that the authorities might know that he is a member of Falun Gong.
28. The Tribunal asked the applicant why he has sought a review of the delegate's decision if he does not know the reasons for that decision. He replied that he does not know. He added that another person did this for him. The Tribunal asked about this person; whether the person is a migration agent or a friend. He said the person is [a] member of Falun Gong from [Suburb 1]. He met her about three years ago.

29. The Tribunal asked the applicant about his current practice of Falun Gong including undertaking the sets of movements and reading publications such as *Zhuan Falun*. It asked when he believes and says that he became a genuine Falun Gong practitioner. He said that it was in 2010. The Tribunal asked the applicant why he did not seek to learn or to practise in 2007 when he first came to Australia. He said that he was busy studying. The Tribunal asked why he then commenced as he says that he did in 2010. He said that he felt that Australia is a place where you can be free to practise. He added that from 2007 until 2010 he did some reading
30. The Tribunal asked why he therefore did not make an application for a Protection visa until [date] November 2012. He replied that he did not know of the possibility to do so. He only learned of this about one year ago when he told friends about his issue. The Tribunal noted that no fellow Falun Gong practitioners have written statements of support for him and none has attended the Tribunal hearing to support him or give evidence on his behalf. The applicant replied that they did not want to become involved. He said that he asked them and they refused. The Tribunal asked the applicant how many persons he approached to support him. He said that he asked two who are close to him; he described them as being persons also from Jilin and persons who practise in [Suburb 1]. The applicant explained that that the persons he approached are afraid that if they become involved it might have a bad result for them.
31. The Tribunal spent some time hearing from the applicant about what he knows and what he is able to describe of Falun Gong; the movements; the principles and the teachings of Master Li Hongzhi. Its questions covered a broad range of relevant information including the movements, the guiding principles, the teachings and writing of Master Li Hongzhi as well as the applicant's own practice and cultivation.
32. The Tribunal explained s.91R(3) in some detail. It explained that if it forms the view that he has engaged in behaviour in Australia for the purpose of strengthening his claim to refugee status the Tribunal must disregard that behaviour.

FINDINGS AND REASONS

33. On the basis of the passport issued to him [in] 2006 and sighted by the Tribunal the Tribunal accepts that the applicant is a PRC national as he has claimed.
34. On the basis of the applicant's oral evidence at the hearing the Tribunal finds that the applicant is not now a genuine Falun Gong practitioner as he claims. It finds that he did not commence Falun Gong and become a serious practitioner in Australia in 2010 as he claimed at the hearing. The Tribunal further finds that the applicant was not a Falun Gong practitioner in China. Furthermore, the Tribunal does not accept that the applicant's parents are Falun Gong practitioners in China and it does not accept that they have been monitored and are or were persons of interest to the authorities in China for this reason. As the Tribunal put to the applicant a number of times throughout the hearing the Tribunal has formed the view that the claim related to a fear of harm in China because of Falun Gong is one fabricated by the applicant in 2012 and only after he was unsuccessful in obtaining a further student visa in Australia. Indeed when the Tribunal asked the applicant at the hearing why he had made an application for a Protection Visa in Australia he said that his family wanted him to remain in Australia and after his student visa expired he had to find another way to stay here. The Tribunal comes to these findings for the following reasons.

35. At the Tribunal hearing the applicant said that he practised Falun Gong initially at a practice site in [Suburb 1] in 2010. According to his evidence he began attending the practice site at [Suburb 2] about one year ago and after he stopped studying. He told the Tribunal that he attends that site weekly on Saturdays. When questioned by the Tribunal about Falun Gong, its guiding principles, the movements and the writings and teachings of Master Li Hongzhi the applicant's knowledge was limited. When asked to describe his current level of cultivation the applicant said he is a young practitioner; maybe he would describe his level as *junior*. The applicant was able to name and describe something of the five sets of movements. Although he said that he recited the verses with the movements he was not able to recite the verses when invited to do so. When asked by the Tribunal about *Zhuan Falun* he correctly said that the contents of the book are divided into nine chapters. He was familiar with some of the content. However, when asked by the Tribunal to describe *xinxing* and recall what Master Li teaches about its importance the applicant said that he is unable remember. Given the importance which Master Li attaches to the cultivation of *xinxing* for a practitioner the Tribunal considers the applicant's failure to explain the meaning of *xinxing* even in rudimentary terms to be significant.
36. The Tribunal put to the applicant a number of times at the hearing that it is of concern that, although he claims to have been a practitioner in Australia since 2010 and at two practice sites no fellow practitioner has provided a written statement to the Tribunal attesting to his attendance and practice. At the hearing the applicant told the Tribunal in response to its question that he knows many of the practitioners at the practice site at [Suburb 2] personally; yet no fellow practitioner has chosen to support him by providing oral evidence or support at the hearing. The Tribunal said that it finds this lack of support uncharacteristic of the behaviour of genuine committed Falun Gong practitioners who have been known to strongly support fellow practitioners in a number of ways, including before the Tribunal. The Tribunal said that it finds the responses of fellow practitioners described by the applicant when he sought such support also to be uncharacteristic of genuine practitioners. The Tribunal questions why the fellow practitioner from [Suburb 1] whom the applicant said assisted him to prepare the application for review did not show her support at the review, either in person or in writing. Apart from the applicant's own assertions there is no credible evidence before the Tribunal that the applicant attends any Falun Gong practice site at this time or has done so since 2010.
37. The applicant arrived in Australia [in] February 2007 as the holder of a student visa. He says that he returned to China frequently to visit his family. However, when he returned to China in December 2008 he learned that his grandfather had been called for an emergency meeting with the police. According to his written statement his grandfather was admitted to hospital where he passed away [in] December 2008. The applicant says that his parents were fearful for his safety and wanted him to return to Australia. Nevertheless the Tribunal notes that the applicant did not leave China until [date] January 2009 some one month later. The Tribunal does not accept that the applicant's plans to return to Australia were brought forward or altered because his parents had fear for his safety for any reason. Given the problems which the Tribunal has with the applicant's credibility overall it does not accept on the basis of his unsupported claims that his grandfather passed away in the circumstances and for the reasons the applicant claims in his written statement.

38. At the hearing the applicant told the Tribunal that his parents practised Falun Gong in China and they provided their home for others to practise. Their activities became known in about 2004 and the situation changed from that time. The applicant said that his parents were monitored. His father lost his position in government service. He was taken to be re-educated. According to the applicant it was from this time that his father became fearful not only for himself but also for the applicant. He began to make plans for the applicant to travel overseas to study. The Tribunal questions the ability of the applicant's father to make and finance these plans for study abroad if indeed he had so recently lost his job and been sent for re-education as the applicant now claims. In his evidence the applicant said that his father also wanted to leave China for his safety but was unable to obtain a visa for Australia or for [another country]. The Tribunal notes that notwithstanding these fears the applicant remained in China until 2007 without suffering any actual harm. He obtained a student visa and came to Australia in 2007. The Tribunal finds it implausible that, having obtained the visa and having left China the applicant would then have returned there for holidays so frequently if his parents were experiencing harm due to Falun Gong and if he himself feared harm for that reason or indeed for any other reason.
39. According to information contained in the delegate's decision record the applicant was the holder of a student visa until March 2009. He held a Bridging Visa granted in association with an application for a student visa between March 2009 and April 2011. He then remained unlawfully in Australia until he made the application for a Protection Visa in November 2012. At the hearing the Tribunal asked the applicant why he did not make an application for a Protection Visa at an earlier time. He replied that his fellow practitioners did not know at that time that he had a visa problem. He said that they thought that he was a student. He said that he did not talk about his visa to them. The Tribunal noted that he had sought a review of the decision to refuse his application for a student visa to the MRT. This was unsuccessful. The applicant told the Tribunal that he was assisted by a migration agent in that matter. This person he said was located at [a certain location close to where his mail was sent]. At the hearing the applicant said that he fears returning to China and he has not returned there due to this fear. He said that he has not seen his parents for five years. The Tribunal finds that the applicant did not return to China to visit his parents after 2009 for the sole reason that his student visa had ceased in March 2009 and he had been unsuccessful in securing another student visa.
40. On the basis of the evidence before it and outlined above the Tribunal does not accept that the applicant was ever a Falun Gong practitioner in China. It does not accept that his parents were Falun Gong practitioners in China nor does it accept that they were monitored and that his father was taken to be re-educated. The Tribunal rejects the claim made by the applicant in his written statement that he sent information and material about Falun Gong to his parents via the internet which led to further difficulties for his father in July 2011.
41. The Tribunal does not accept that the applicant has practised Falun Gong since 2010 in Australia at sites at [Suburb 1 and Suburb 2]. The Tribunal accepts that the applicant has familiarised himself with the names of the sets of movements and with some of the writings of Master Li Hongzhi and, in particular *Zhuan Falun*. At the hearing the applicant failed to satisfy the Tribunal that he had engaged in this conduct otherwise than for the purpose of strengthening his claim to be a refugee. The Tribunal therefore

disregards this conduct. As stated, the Tribunal has given significant weight to the applicant's knowledge of Falun Gong overall. It is also concerned that notwithstanding his claim that he has been attending the practice sites since 2010 and knows a number of other practitioners personally no other person claiming to be a Falun Gong practitioner has provided evidence to support the applicant's claim that he is a Falun Gong practitioner.

42. The Tribunal finds that the applicant will not practise Falun Gong if he returns to China because he is not a genuine practitioner. He lacks the interest and the desire to do so.
43. The Tribunal finds that there is not a real chance that the applicant will be persecuted if he returns to China for the reason that he is or was a Falun Gong practitioner or indeed for any Convention related reason. As stated, the Tribunal does not accept that the applicant's parents are or believed to be Falun Gong practitioners in China. It does not accept that they have ever suffered serious harm for this reason in the past. The Tribunal therefore rejects any claim that the applicant will be harmed in China because of his parents' actions and beliefs in relation to Falun Gong. The applicant's fear of Convention based persecution in China is not well-founded.
44. For the reasons given above, the tribunal is not satisfied that the applicant is a person in respect of whom Australia has protection obligations under the Refugees Convention. Therefore the applicant does not satisfy the criterion set out in s.36(2)(a).

Complementary Protection

45. If a person is found not to meet the refugee criterion in s.36(2)(a), he or she may nevertheless meet the criteria for the grant of a protection visa if he or she is a non-citizen in Australia in respect of whom the Minister is satisfied Australia has protection obligations because the Minister has substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to a receiving country, there is a real risk that he or she will suffer significant harm: s.36(2)(aa) ('the complementary protection criterion').
46. 'Significant harm' for these purposes is exhaustively defined in s.36(2A): s.5(1). A person will suffer significant harm if he or she will be arbitrarily deprived of their life; or the death penalty will be carried out on the person; or the person will be subjected to torture; or to cruel or inhuman treatment or punishment; or to degrading treatment or punishment. 'Cruel or inhuman treatment or punishment', 'degrading treatment or punishment', and 'torture', are further defined in s.5(1) of the Act.
47. There are certain circumstances in which there is taken not to be a real risk that an applicant will suffer significant harm in a country. These arise where it would be reasonable for the applicant to relocate to an area of the country where there would not be a real risk that the applicant will suffer significant harm; where the applicant could obtain, from an authority of the country, protection such that there would not be a real risk that the applicant will suffer significant harm; or where the real risk is one faced by the population of the country generally and is not faced by the applicant personally: s.36(2B) of the Act.
48. Given that the Tribunal does not accept that the applicant is or was a genuine Falun Gong practitioner in Australia or in China and given its findings that he will not seek to

practise Falun Gong if he returns there the Tribunal finds that there are no substantial grounds for believing that as a necessary and foreseeable consequence of the applicant being removed from Australia to China there is a real risk that he will suffer significant harm.

49. The Tribunal is not satisfied that the applicant is a person in respect of whom Australia has protection obligations under s.36(2)(aa).
50. For the reasons given above, the Tribunal is not satisfied that the applicant is a person in respect of whom Australia has protection obligations under the Refugees Convention. Therefore the applicant does not satisfy the criterion set out in s.36(2)(a).
51. Having concluded that the applicant does not meet the refugee criterion in s.36(2)(a), the Tribunal has considered the alternative criterion in s.36(2)(aa). The Tribunal is not satisfied that the applicant is a person in respect of whom Australia has protection obligations under s.36(2)(aa).
52. There is no suggestion that the applicant satisfies s.36(2) on the basis of being a member of the same family unit as a person who satisfies s.36(2)(a) or (aa) and who holds a protection visa. Accordingly, the applicant does not satisfy the criterion in s.36(2).

DECISION

53. The Tribunal affirms the decision not to grant the applicant a Protection (Class XA) visa.

Independent Country Information

Falun Gong Beliefs and Practices

The Five Sets of Exercises (The Falun Gong)

The Falun Gong, which translates as ‘Wheel of Law Practice’, refers to the five sets of exercises held to be the defining practice of Falun Dafa.¹ Some sources refer to the Falun Gong as four exercises and a meditation. Master Li, however, refers to all five elements of Falun Gong as ‘exercises’ in his book *Falun Gong*, noting that the fifth set of exercises has a meditation component.² The five sets of exercises are in turn broken down into specific physical movements, which are detailed in Master Li’s book, *Falun Gong*.³ According to Master Li, these sets of exercises form the physical component of Falun Dafa’s ‘mind-body cultivation system’.⁴ The importance of the exercises is underscored by Master Li, who notes that they are required to increase a persons’ *gong* (cultivation energy).⁵ Each set of exercises has its own verse that must be recited once, in Chinese, before they are performed.⁶ In 2001, Dr. Penny (a Research Fellow at the Australian National University)⁷ advised that many practitioners do not recite the verses as they ‘generally’ listen to a recorded version.⁸

In *Falun Gong*, Master Li describes the five sets of exercises as:

1. Buddha Showing a Thousand Hands (*Fozhan Qianshou Fa*)
2. The Falun Standing Stance (*Falun Zhuangfa*)
3. Penetrating the Two Cosmic Extremes (*Guantong Liangji Fa*)
4. Falun Heavenly Circulation (*Falun Zhoutian Fa*)

¹ UK Home Office 2002, *Revolution of the Wheel – The Falun Gong in China and in Exile* <<http://www.ind.homeoffice.gov.uk/ppage.asp?section=2806&title=China%20-%20Revolution%20of%20the%20Wheel%2C%20Bulletins%20and%20extended%20bulletins>> Accessed 10 December 2002 <\\NTSSYD\REFER\Research\INTERNET\UKhome\Bulletins\2002\China-FalunGong-2ndEd-2002Nov.htm>; Falun Dafa Information Centre 2008, *Falun Gong: The Practice*, 17 May <<http://faluninfo.net/topic/146/>> Accessed 14 November 2011 <\\NTSSYD\REFER\Research\2011\Web\CHN Falun Gong the Practice.doc>

² Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), pp. 74-86 <http://www.falundafa.org/book/eng/doc/flg_en.doc> Accessed 15 June 2005

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³ Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), pp. 52-86 <http://www.falundafa.org/book/eng/doc/flg_en.doc> Accessed 15 June 2005

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⁴ Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), p. 47 <http://www.falundafa.org/book/eng/doc/flg_en.doc> Accessed 15 June 2005

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⁵ Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), p. 47 <http://www.falundafa.org/book/eng/doc/flg_en.doc> Accessed 15 June 2005

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⁶ Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), p. 52-73 <http://www.falundafa.org/book/eng/doc/flg_en.doc> Accessed 15 June 2005

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⁷ Dr. Benjamin Penny is a Research Fellow at the School of Culture, History and Language within the College of Asia and the Pacific at the Australian National University. Dr. Penny’s research interests include Falun Dafa and he has provided several presentations to the tribunals on the topic.

⁸ Penny, B. 2001, ‘The Past, Present and Future of Falun Gong – A Lecture at the National Library of Australia, Canberra’, <<http://www.nla.gov.au/grants/haroldwhite/papers/bpenny.html>> Accessed 27 October 2008 <\\NTSSYD\REFER\Research\INTERNET\EASTASIA\chn33940.w13.doc>

5. Way of Strengthening Divine Powers (*Shentong Jiachi*)⁹

It is noted, however, that some Falun Dafa organisations describe the five sets of exercises using different names.¹⁰ In a submission to the tribunals in 2006, the Falun Dafa Association of NSW indicated that one reason for such discrepancies is that not all practitioners read Master Li's *Falun Gong* book which explains the sets of exercises.¹¹ Master Li's *Falun Gong* provides images of the physical movements required to perform each set of exercises.¹² This paper will use one image to represent each set of exercises.

The Law Wheel (The Falun)

The Law Wheel (Falun) is a particular teaching of Master Li which distinguishes Falun Dafa from other schools of cultivation.¹³ It is represented by the Falun Emblem: a combination of symbols from the Buddha School (the Wan or Swastika) and the Tao School (the Taiji or Ying-Yang).¹⁴ Central to Falun Dafa teachings is that during cultivation a Falun is formed in the lower abdomen. According to the Falun Dafa Organisation, a Falun is 'installed' in the abdomen of every Falun Dafa practitioner. During a presentation in 1999, Master Li stated that he could 'install' a Falun in a practitioner even when he is not physically present with the person.¹⁵ Therefore, the term 'installation' in this context, is taken to mean the spiritual installation of a Falun in the abdomen which is then said to develop a physical form. Once installed, the Falun rotates 24 hours a day, constantly developing cultivation energy, even when practitioners are working or sleeping.¹⁶ Master Li's *Falun Gong* notes that the Falun automatically absorbs energy from the universe via rotation and transforms *gong*. Further, Master Li explains that:

The Falun rotates continuously in the lower abdominal area, turning clockwise nine times and then counter clockwise nine times. When rotating clockwise, it vigorously absorbs energy from the universe and that energy is very strong.¹⁷

⁹ Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), pp. 52-73 <http://www.falundafa.org/book/eng/doc/flg_en.doc > Accessed 15 June 2005

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¹⁰ For examples of variations on how the exercises are interpreted, please see: Falun Dafa Organisation (undated), *Exercises*, <<http://www.falundafa.org/eng/exercises.html>> Accessed 14 November 2011 <\\NTSSYD\REFER\Research\2011\Web\CHN Falun Dafa Organisation Exercises.doc> Clear Wisdom 2011, *Audio Materials: Falun Dafa Exercise Music*, 13 November <<http://clearwisdom.net/html/m/122017.html>> Accessed 14 November 2011 <\\NTSSYD\REFER\Research\2011\Web\CHN Audio Materials Falun Dafa Exercise Music.doc>

¹¹ Falun Dafa Association of NSW 2006, *Submission from Falun Dafa Association of NSW Inc – Response to Questions from Refugee Review Tribunal Members*, 22 June, p. 5 <\\NTSSYD\REFER\Research\INTERNET\EASTASIA\FDANSW-Submission22jun2006.doc>

¹² Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), pp. 52-73 <http://www.falundafa.org/book/eng/doc/flg_en.doc> Accessed 15 June 2005 <\\NTSSYD\REFER\Research\INTERNET\EASTASIA\Falungong\Book5.doc>

¹³ Falun Dafa Organisation (undated), *The Falun*, <<http://www.falundafa.org/eng/falun.html>> Accessed 14 November 2011 <\\NTSSYD\REFER\Research\2011\Web\CHN The Falun.doc>

¹⁴ Falun Dafa Organisation (undated), *The Falun Emblem*, <<http://www.falundafa.org/intro/0-falun.htm>> Accessed 14 November 2011 <\\NTSSYD\REFER\Research\2011\Web\CHN The Falun Dafa Organisation The Falun Emblem.doc>

¹⁵ Hongzhi, L. 1999, *Falun Dafa Lecture in Sydney*, <<http://www.falundafa.org/book/eng/xnjf1.htm> > Accessed 30 January 2001 <\\ntssyd\REFER\Research\INTERNET\EASTASIA\Falungong\Zhuang Falun\sydney.doc>

¹⁶ Falun Dafa Organisation (undated), *The Falun*, <<http://www.falundafa.org/eng/falun.html>> Accessed 14 November 2011 <\\NTSSYD\REFER\Research\2011\Web\CHN The Falun.doc>

¹⁷ Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), p. 19 <\\NTSSYD\REFER\Research\INTERNET\EASTASIA\Falungong\Book5.doc>

The Falun is described as both a source of self-salvation and a mechanism to save others. According to Master Li, '[i]nward (clockwise) rotation offers self-salvation while outward (counter-clockwise) rotation offers salvation to others.'¹⁸ The forms of salvation the Falun is said to offer others, includes 'healing sicknesses' and eliminating 'evils' for others.¹⁹ In *Falun Gong*, Master Li states that once a practitioner has cultivated to a high stage, their Falun can automatically transform and replenish their *gong*, and they will reach a point where 'supernormal abilities [may] be used.'²⁰ In *Falun Gong*, Master Li describes such 'supernormal abilities' as including the development of a Third Eye, healing illnesses and performing telekinesis.²¹ Although Master Li states that 'some people have developed supernormal abilities', he notes that practitioners should not seek supernormal abilities or use them in 'normal human society': cultivation with the intention of seeking 'supernormal abilities' will render the cultivation useless.²²

The Moral Code: Truthfulness, Benevolence/Compassion and Forbearance (*Zhen* 真, *Shan* 善, *Ren* 忍)

In addition to the exercises (the Falun Gong) and The Law Wheel (the Falun) is the moral code of Falun Dafa. At the core of this moral code are the principles of *Zhen*, *Shan* and *Ren*: truthfulness, benevolence (or compassion) and forbearance.²³ This moral code guides the everyday life of Falun Dafa practitioners and is described as the philosophical basis underpinning Falun Dafa.²⁴ Adhering to these principles is said to guard practitioners' *xinxing*²⁵ (mind nature or moral character – see below).²⁶ Adherence to the moral code translates into a somewhat conservative lifestyle for Falun Dafa practitioners. In *Zhuan Falun*

¹⁸ Hongzhi, L. 1998, *Zhuan Falun*, English Version, Internet Version, Third Translation Edition (Updated March 2000), The Universe Publishing Company, New York, p. 108
<<http://www.falundafa.org/book/eng/zflus.htm>> Accessed 29 January 2011

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¹⁹ Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), p. 19

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²⁰ Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), p. 6

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²¹ Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), p. 26

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²² Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), p.6

<\\NTSSYD\REFER\Research\INTERNET\EASTASIA\Falungong\Book5.doc>; Penny, B. (undated), 'The body of Master Li', p. 9, <<http://users.esc.net.au/~nhabel/lectures/penny.pdf>> Accessed 14 November 2011

<\\NTSSYD\REFER\Research\2011\Web\CHN The Body of Master Li.pdf>

²³ Penny, B. 2001, 'The Past, Present and Future of Falun Gong – A Lecture at the National Library of Australia, Canberra', <<http://www.nla.gov.au/grants/haroldwhite/papers/bpenny.html>> Accessed 27 October 2008

<\\NTSSYD\REFER\Research\INTERNET\EASTASIA\chn33940.w13.doc>. This source notes that *shan* used to be officially translated as 'compassion'. This explains why some Falun Dafa sources and organisations refer to 'compassion' as part of the moral code of Falun Dafa.

²⁴ UK Home Office 2002, *Revolution of the Wheel – The Falun Gong in China and in Exile*

<<http://www.ind.homeoffice.gov.uk/ppage.asp?section=2806&title=China%20-%20Revolution%20of%20the%20Wheel%2C%20Bulletins%20and%20extended%20bulletins>> Accessed 10 December 2002 <\\ntssyd\REFER\Research\INTERNET\UKhome\Bulletins\2002\China-FalunGong-2ndEd-2002Nov.htm>; Fisher, G. 2003, 'Resistance and Salvation in Falun Gong: The Promise and Peril of Forbearance', *Nova Religio: The Journal of Alternative and Emergent Religions*, Vol. 6, No. 2, p. 295

<<http://caliber.ucpress.net/doi/abs/10.1525/nr.2003.6.2.294?journalCode=nr>> Accessed 15 November 2005

<\\ntssyd\REFER\Research\INTERNET\EASTASIA\chnFGpack2005.we7.pdf>

²⁵ Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), p.93

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²⁶ Penny, B. 2001, 'The Past, Present and Future of Falun Gong – A Lecture at the National Library of Australia, Canberra', <<http://www.nla.gov.au/grants/haroldwhite/papers/bpenny.html>> Accessed 27 October 2008

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Master Li advocates abstaining from alcohol, drugs, smoking and sexual freedom.²⁷ Moreover, in *Zhuan Falun*, Master Li draws comparisons between murder, drug abuse and homosexuality, describing them as ‘evils’.²⁸ Similarly, during a speech in 1999 Master Li stated that ‘homosexuality, and promiscuous sex’ are not ‘the standards of being human’, further noting that ‘the principles of heaven do not permit them.’²⁹

Spiritual Health (*Xinxing*)

According to Master Li, *xinxing* refers to mind nature, heart nature and moral character.³⁰ Improved physical and mental health is an outward sign of attaining *xinxing*.³¹ Master Li defines *xinxing* as the essence of the practice of Falun Dafa.³² In *Falun Gong*, Master Li states that *xinxing* is the transformation of virtue and karma, the abandonment of human desires and attachments and the ability to endure hardships.³³ He also notes that ‘all cultivators of Falun Gong must make cultivation of *xinxing* their top priority’.³⁴ Master Li further highlights the importance of *xinxing* noting that those who focus only on the exercises and neglect *xinxing* cultivation ‘will not be acknowledged as Falun Dafa disciples.’³⁵ According to Master Li, once a practitioners’ *xinxing* reaches a certain level, they will obtain Enlightenment (the state of unlocking *gong*) and an indestructible (‘never-degenerating’) body.³⁶

²⁷ Hongzhi, L. 1998, *Zhuan Falun*, English Version, Internet Version, Third Translation Edition (Updated March 2000), The Universe Publishing Company, New York p. 23 & pp. 158-203

<<http://www.falundafa.org/book/eng/zflus.html> > Accessed 29 January 2011

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²⁸ Hongzhi, L. 1998, *Zhuan Falun*, English Version, Internet Version, Third Translation Edition (Updated March 2000), The Universe Publishing Company, New York, p. 23 <

<http://www.falundafa.org/book/eng/zflus.html>> Accessed 29 January 2011

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²⁹ Hongzhi, L. 1999, *Falun Dafa Lecture in Sydney*, < <http://www.falundafa.org/book/eng/xnjfl.htm> > Accessed 30 January 2001 <\\ntssyd\REFER\Research\INTERNET\EASTASIA\Falungong\Zhuan Falun\sydney.doc>

³⁰ Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), p. 93

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³¹ UK Home Office 2002, *Revolution of the Wheel – The Falun Gong in China and in Exile*

<[http://www.ind.homeoffice.gov.uk/ppage.asp?section=2806&title=China%20-](http://www.ind.homeoffice.gov.uk/ppage.asp?section=2806&title=China%20-%20Revolution%20of%20the%20Wheel%2C%20Bulletins%20and%20extended%20bulletins)

[%20Revolution%20of%20the%20Wheel%2C%20Bulletins%20and%20extended%20bulletins](http://www.ind.homeoffice.gov.uk/ppage.asp?section=2806&title=China%20-%20Revolution%20of%20the%20Wheel%2C%20Bulletins%20and%20extended%20bulletins)> Accessed 10 December 2002 <\\ntssyd\REFER\Research\INTERNET\UKhome\Bulletins\2002\China-FalunGong-2ndEd-2002Nov.htm>

³² Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), p.87

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³³ Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), p. 47

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³⁴ Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), p. 30

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³⁵ Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), pp. 87-88

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³⁶ Hongzhi, L. 2001, *Falun Gong*, Translation of Chapter 1,2 and 3 (Updated in April 2001), p. 20 & p. 51

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