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Court lets sect kids see dad, but not TV

By Michael McKenna
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AN excommunicated member of the Exclusive Brethren sect has been ordered by the Family Court not to expose his children to television, radio or non-members of the church in a landmark decision granting him access rights.

Despite finding Exclusive Brethren members and the mother had been "abusive" in denying the father access visits after the Tasmanian couple's 2003 separation, his bid for full custody was denied because it would be too traumatic for the children to be removed from the secretive Christian sect.

The ruling, which took effect yesterday with the children's first visit to the father, followed revelations about the sect's attempts to lobby the Family Court and federal Government to bend legislation so that former members were kept away from their children who remained in the Exclusive Brethren.

In the decision, both parents were banned from discussing or denigrating each other's faith in front of the children, with similar orders put on extended family within the sect who were accused, along with Exclusive Brethren elders, of trying to turn the children away from their father and his "worldly" influences.

Family Court judge Robert Benjamin said the case reflected a "conflict between the principles of church and the laws of government".

Justice Benjamin said it was time for the Exclusive Brethren to give up their fight, through a series of well-funded custody battles over the past 30 years, to stop defecting members getting access to their children.

"It must surely not be beyond your intellect and wit to find a dimension in your beliefs so that they may reconcile with the law of this country and the need for children to know both of their parents," he said.

The father, 49, who cannot be named, told the court he wanted custody so he could show the three children, aged between six and 16, "another side of life" to that in which they were raised by their mother, 48, a fourth-generation church member.

The Exclusive Brethren, estimated to have an Australian congregation of 20,000, forbids mixing with non-members.

Television, radio, cinema, mobile phones, life insurance and university education are banned. The father, a member from the age of five, described the Brethren as an intolerant cult. He told the court that the three children, the youngest of eight he had with his former wife, needed to be released "from the clutches and powers of the Brethren".

He joined the "Open Brethren", a fundamentalist Christian religion with fewer restrictions.

After separating from his wife and leaving the sect, he was excommunicated, and the children's visits were reduced then terminated last year, the court heard. The mother said the children should not have a relationship with their father, with whom she conceded they were close before the separation, as "their

obligations to God are greater than their obligations to family".

Asked what she would do if the children were ordered to live with their father, the mother said she would want a relationship with them, but only if they were faithful to the Exclusive Brethren.

Justice Benjamin refused to rule on the father's claims that the Exclusive Brethren was harmful to society.

But he ruled it would not be "conducive" to remove the children from the religion.

In dismissing the mother's claim for exclusive custody, he said the Family Law Act enshrined the presumption that a relationship with both parents was best for children. "It is in the best interests of these children to spend time with the father on a regular basis, and that such time should be free of influence with regard to the underlying beliefs of the children or either of their parents," he said.

Justice Benjamin said the father had an "epiphany" in 2003 about the Exclusive Brethren. "This court will make orders enabling the children to continue to have the benefit of a meaningful relationship with you, but will not allow that time to be used to meet your broader emotional or political objectives," he said.

"The orders I will make are intended to restrain you from taking the children to your church and from exposing them to television, radio, computers and other things and events which are in breach of the very tenets that you imposed upon them up to 2003."

The mother was told to comply with bi-monthly visits and that her "abusive behaviour in terms of these children cease immediately". "These children are not a thing or a possession of the mother or the church," he said.

Justice Benjamin said he took the unusual step of calling the children to court after they expressed a wish not to see their father. "You may have received mixed messages from others close to you about whether it is OK to see your father and spend good times with him. Let me make it clear: it is OK," he said.

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