

PARLIAMENTARY SPEECH

NEW ZEALAND PARLIAMENT

WEDNESDAY 11 NOVEMBER 1992

By NICK SMITH, MP TASMAN

In my work as a constituent MP, I have often been emotionally shocked at the dilemmas that some constituents get trapped in. However, none have matched the trauma and plight of a young married couple in my electorate who have been fighting for over two years without success for the return of their children.

We have heard much in the news in recent weeks of children who have been physically and sexually abused and the failure of the State to remove them from dangerous home environments. It is ironical that I bring to the attention of the House today the case of two very caring and competent parents who cannot get the custody of their own children.

It is a sad tale of a family destroyed by the tyranny of a church and the inability of our legal system to properly protect them. Family law does not allow me to mention names, nor the circumstances in such detail so as to identify them. But their story is one which any loving parent would rather not hear and perhaps, without names, I can present it a little less emotionally.

At the heart of this case is the Exclusive Brethren Church. The public face of the church is a group of hard working, honest people who keep very much to themselves and do no harm. But there is a more sinister side of the church which is involved in extreme forms of psychological blackmail that is used to rip families apart in the name of Christianity.

The couple I speak of were both born and bred in the Exclusive Brethren Church, were married at a young age and had three beautiful children. The trouble began for the family when the wife strayed from the strict doctrine of the church and dared dress her children in bright colours and, shock horror, denim. The husband was put under tremendous emotional pressure to control his wife and mend her "Godless ways." The church ostracised the couple and the resulting stress caused marital problems. To give themselves space to help resolve these problems, they innocently allowed their children to stay with their grandparents.

Despite having worked through their differences together, church leaders insisted he leave his wife and, when he refused, they were both excommunicated. This meant that no fellowship members, including their grandparents, were to talk, eat, meet or have anything to do with the couple. The power of this extreme form of emotional punishment can only be appreciated when you realise that all their friends and family are part of the church.

In the days, weeks and months that passed, the couple dealt with their trauma and overcame their feelings of guilt and the label the church had given them of being evil. They then began the long hard haul to get their children back and now, almost three years later, they still have not succeeded.

I am not a lawyer and am certainly no expert on family law, but I would have thought that the natural parents of children would have automatic right to custody unless it be shown that they

pose some risk to the welfare of the children. That is common sense but it has turned out not to be the law.

The first attempts to regain their children were completely ignored, then refused by the Exclusive Brethren Church. In their frustration, the parents consulted a lawyer and this resulted in formal correspondence requesting custody. The lawyer failed to properly advise his clients of their rights and his involvement only served to delay the couple four months. In desperation they travelled to the town where the children were staying with their grandparents to pick them up. The church organised a mass turnout of cars and church people to intimidate the couple and prevent them from taking back their children.

By that stage almost two years had passed, and the couple did not know where to turn. They had been refused access to their children and the opportunity to talk to them by telephone, even on their birthdays. Presents they sent were not opened and the couple were even denied photographs of their young but rapidly growing children. Even more upsetting was the knowledge that the children had been brainwashed that their parents were evil, that their parents hated them and that if they ever went to live with their parents they would die.

Unbeknown to the parents, the father's brother, who had also been excommunicated from the church, decided to take matters into his own hands and threatened a senior church person with a firearm. Thankfully, no one was hurt. However, on the basis of evidence presented solely by the church and the grandparents on this incident, and without giving the parents the chance to put their case, the Family Court granted ex parte interim custody to the grandparents.

The parents have employed a family lawyer who is doing her very best to help them. She has sought an interim access arrangement but that has been denied by the court. The court requested an independent psychologist's report, that delayed proceedings a further four months, but which strongly recommended the children be returned to their parents. But now, almost two months later, the courts have still failed to set aside time for a hearing. Written pleas from myself to the court registrar have been fobbed off and I'm told the court is unlikely to hear the case until next year.

I am well aware of the niceties of our legal system and the principles of separation between Parliament and our court system, but I cannot remain silent when the justice system has so obviously failed this family. Justice is not served when it is so delayed that the aggrieved party suffers endless months and years of separation. As William Gladstone said "Justice delayed is justice denied."

I raise this issue this afternoon for three reasons. Firstly, the House must be made aware of the failings of our Family court system and particularly the excessive delays. The delays in this case are not exceptional and the system is becoming legendary for its snail-like pace. Delays in family court proceedings causes excessive and unnecessary stress and uncertainty for both parents and children.

Secondly, I wish to expose the Exclusive Brethren Church for destroying families. This case is one of the worst, but in the course of my work with this family, I have come to know of other similar cases. Many relationships between parents, children, brothers and sisters have also been jettisoned by the Exclusive Brethren Church. The church's obsession in keeping these children from their parents is on the surface driven by the desire to raise them in the

Exclusive Brethren faith. But there is also a more sinister underlying agenda. This case is very well known in the sect, both here and abroad, and the threat of losing one's family is a very powerful force that can be used to maintain discipline in the church.

A British MP was so moved by the public outcry caused there by the psychological warfare of this church, that he introduced a Family Preservation Bill and if the church does not tone down its tactics, such legislation may be required here in New Zealand.

Finally, my hope is that someone will find the humanity to give this family a long overdue break. This family has already endured three Christmases apart. It would be a truly Merry Christmas if they could spend this year's reunited.

ENDS.

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WEDNESDAY 18 NOVEMBER 1992

By NICK SMITH, MP TASMAN.

In last Wednesday's General Debate, I drew to the attention of the House the plight of a couple in my electorate who have been struggling for over two years to have their children returned. I had no idea of the can of worms I had opened. During the last week I have been contacted by families from Kaitaia to Bluff and from as far afield as Western Australia, with similar horror stories of the actions of the Exclusive Brethren Church.

It is ironic that while we celebrate the newfound freedoms in Eastern Europe, we ignore the free rights of citizens on our own doorstep. What has been revealed to me in the last week is a sect whose tactics may well have been taken straight from George Orwell's novel 1984.

The Church's wrath is rarely invoked on non-sect members. But for those who dare leave the faith, hell on earth is created. Ex-members refer to it as the three F's – family, fear and finance, and these three weapons are used with brutal force. The many people who have contacted me have lost all contact with family members but there were many examples of people losing their jobs, being kicked out of rental accommodation and even tales of commercial blackmail and people being driven to suicide.

Some will ask why these people have not come forward and exposed these illegal activities previously. The first reason is that these people still have families within the church and do not wish to see them victimised. The second is the huge financial resources that the church will put in to ruin anybody who dares speak out.

Before I speak of just a few of these cases, I wish to set the record straight regarding my speech last week and the response from Mr Edward Malcolm that my speech was a lie. I have asked Mr Malcolm to point out to me the inaccuracies in the speech but he has declined and instead resorted to personal attacks. He has stated that "we do not break up families" and furthermore that "The case in question is a family matter and is primarily between the parents and the grandparents". I only wish it were true.

The involvement in this case by the Nelson Church leader has been extensive. It was Mr Malcolm who insisted that the husband divorce his wife. It was Mr Malcolm who pressured the couple into allowing the children to temporarily stay with the grandparents and it was Mr Malcolm who picked up the children on that sad Sunday morning and removed them from their home. Furthermore, when the couple asked the grandparents about the well being of the children, they were told that all their enquires should be directed through Mr Edward Malcolm.

I will move my comments on to some of the other circumstances that have been brought to my attention in the last week. One such story was that of Mr Bruce Wood's family of Motueka and it is typical of the sad tales I have heard. The problems for the family of seven began when the eldest son, Ashton, was excommunicated for disagreeing with the church on the issue of sports shooting. He immediately lost his job with his Brethren employer and his

younger brother Brendon, then 13 years, dared speak with his elder brother and was shut up in terms of the church. All other members of the family, except the parents, were removed from the home for over a year because of the young boy's so-called wickedness.

He told me that his mother cried every day. At the age of just 14 years, having been excommunicated, he was not allowed to return to his own home and the police were called on to escort him from his home for trespassing. A third son, Leon, was also excommunicated and he too instantly lost his job.

Last year, the father, Mr Bruce Wood, installed radiotelephones in his logging trucks, as required by regulations for safety reasons. The church insisted that they be removed – telephones are okay but radiotelephones are not – and when he refused he was excommunicated. After 42 years of marriage, he was forced to leave his wife and was allowed absolutely no contact with her or his children and grandchildren – that is those within the church. The stress was too much and last year he died of a heart attack – only six months after his excommunication.

The story of Mr Clem Lewis of Christchurch who had his family of five children split up for nearly three months when he was excommunicated is very similar. He was then almost financially crippled when the mortgage on his family home was automatically recalled and the supply of new and second-hand machinery for his business was cut.

Mr Murray Turley of Motueka was excommunicated from the church for wanting to seek employment in another part of the country. In 1978 church leaders escorted him from his home, leaving behind his wife and six children. But destroying this man's family was not sufficient because eleven years later, in 1989, when Mr Turley had just been employed as a pilot for Air Nelson and after only days in employment, an Exclusive Brethren passenger recognised him. Immediate representations were made to the management of the company by local church members who said that no Exclusive Brethren would fly with Air Nelson if he were employed as a pilot. The Exclusive Brethren are major air travellers and the situation was explained to Mr Turley. His employment ceased.

These facts were confirmed to me yesterday by the management of Air Nelson. The chief pilot of the alternative major airline in my area, Tranzair, has confirmed that employment with that company would also be impossible for the same reasons. Mr Turley chose not to take legal action against Air Nelson or Tranzair as he has no gripe with them, but it illustrates the sort of life long persecution that ex-members face. Today, Mr Murray Turley is unemployed and has not seen any of his children since that sad day in 1978.

On occasions, non-members of the church get caught in its brutal games. In Blenheim a non-church member dared associate with an excommunicated member, was advised not to, and then was asked to leave his job for continuing the friendship. In Rangiora a man was sacked earlier this year for forming a relationship with an excommunicated member of the church.

Family breakups by this Church continue. At the weekend in Auckland, Church elders removed a wife and children from her husband because he refused to kowtow to their instructions.

These examples are just the tip of the iceberg but they illustrate the measures to which the Exclusive Brethren Church will go to ensure its members remain loyal to the faith.

I do not wish to serve any vendetta on this Church or any other. People have a right to freely practice the religious beliefs of their choosing. However, I suggest we should not become so tolerant that we condone, by our silence, extreme intolerance. How much real choice do the thousands who are brought up in the Exclusive Brethren faith really have about their beliefs when they know their families, their homes and their jobs will be at stake if they dare question it.

I believe it is time that Parliament revisited key aspects of our family law to provide greater protection against the actions of sects of this type. The family is the most important institution of all and we allow its destruction at our peril. While the freedom of religious expression is important, it is not as important as maintaining the strength of the family unit.

We should strengthen the rights of the natural parents and on issues of custody, children should be protected from being poisoned by the custodial guardians against a parent or couple. We should also ask ourselves the question as to whether it should be lawful for a sect or organisation to promote the breaking of marital or family relationships under the guise of religion.

In the coming weeks I will be working on a private members bill to try shifting that balance towards strengthening the family unit. Getting the balance right will be a difficult challenge, but it might save a future generation of New Zealand families from the scars of religious extremism.

ENDS