

Open letter to Hon Paula Bennett, Minister of Police; Hon Amy Adams, Minister of Justice and Courts, Hon Anne Tolley, Minister of Social Development; Dr Kim McGregor, Chief Victims Advisor to Government – from The Backbone Collective.

15 January 2017

Dear Ministers and Dr McGregor,

We are writing to you out of concern over the New Zealand Government's lack of appropriate response when Que Langdon was taken to Australia by her father (Mr Alan Langdon) against a New Zealand Court order stipulating that she remain in New Zealand until custody matters currently before that court are decided (refer to the addendum for a summary of the facts of this case).

We have been surprised that contrary to expected process and protocol for protecting vulnerable children the New Zealand Government appears to have sat on the fence and not acted to protect this six year old child.

A media report in the Milton Ulladulla Times¹ states:

'New Zealand Police said in a statement that Australian authorities had alerted them on Wednesday that the pair had been found in Ulladulla. "Police understand that Mr Landon and his daughter are both well, and he [Mr Langdon] is currently talking to Australian officials," the statement said. "New Zealand Police are currently liaising with its counterparts in Australia and awaiting further information about Mr Langdon's journey. "Police will take time to assess all the information about today's development, and the background to this matter before any further steps required from a police perspective are considered and agreed. "An Australian Federal Police spokeswoman said it was now "a matter for New Zealand authorities", and the AFP would assist them if required.'

Given that the Australian Federal Police say this is a matter for the New Zealand authorities we would ask that as the Ministers responsible, you urgently respond to our points outlined below and explain to the New Zealand public what New Zealand authorities are doing to ensure the legal and human rights of Que and her mother are protected, the orders of the New Zealand

¹ <http://www.msn.com/en-au/news/australia/mystery-surrounds-dramatic-voyage-of-alan-langdon-and-daughter-que-from-nz/ar-AAIMpQh>

Family Court are upheld and the case currently before the New Zealand Family Court proceeds as scheduled:

- On 13/1/17 Detective Sergeant Bill Crowe told 1 News; *'Police have determined that Mr Langdon's actions, of taking his daughter out of New Zealand, contravened a family court order.'*
- **Please explain why the Family Court is not asking New Zealand Police to bring Que back to New Zealand in order for proceedings to be completed?**
- Que's father undertook a highly dangerous journey by sea in a small vessel without communications with family members or authorities. The Waikato Harbormaster is quoted in media as saying he had 'grave concerns for the welfare of the pair'. New Zealand now has a Ministry for Vulnerable Children. We believe Que is a highly vulnerable child. **Please explain why The Ministry for Vulnerable Children has not contacted Australian authorities and requested that Que be placed in their custody and returned safely to New Zealand before her father disappears with her once again.**
- We believe that Que's father has been displaying behaviour that strongly resembles psychological abuse towards Ms Wyler as defined in New Zealand's Domestic Violence Act 1995. Mr Langdon has a history deliberately preventing Que from having contact with her mother. Mr Langdon has refused to let Ms Wyler see or talk to Que for the past six months (against her wishes) and threatened to call Police if she attempts to contact her daughter.
- New Zealand claims to have a strong stance against family violence. **We would like to know why a high-risk case such as this appears to have received no decisive response from the New Zealand Government – why it is being treated as sailing adventure story, rather than a family violence case. There are applications before the New Zealand Family Court, clear examples of psychological abuse displayed and a young girl has been deliberately prevented from seeing or talking with her mother and being put in serious risk to achieve this end.**
- News has broken today that Que is now in her mother's care and it wasn't until after Ms Wyler took her own action to keep the child safe that New Zealand Police laid charges against Mr Langdon.
- **We would like to know why it is necessary for women to act independently to protect their children when the 'system' currently in place in New Zealand is charged with this responsibility?**
- **We ask how the New Zealand Government expects New Zealand women to have confidence in a system that fails to accurately identify potential family violence cases and respond quickly, appropriately and in a joined-up way to keep women and children safe.**

We would like a formal and open response to the questions raised in this letter.

In expectation,

Ruth Herbert, Deborah Mackenzie and Tania Domett

The Backbone Collective

www.backbone.org.nz

The Backbone Collective is a new entity focused on the continuous improvement of the system response to all forms of violence against women and their children in New Zealand in order to ensure the system is operating as effectively and equitably as possible.

Copied to:

Maori Party MPs – Mr Te Ururoa Flavel, Ms Marama Fox

Labour Party MPs - Ms Jacinda Ardern, Mr Stuart Nash and Ms Poto Williams

Green Party MPs – Ms Metiria Turei, Ms Jan Logie, Mr David Clendon

NZ First Party Leader – Rt Hon Winston Peters

New Zealand media

Australian media

The Coalition for the Safety of Women and Children

Shine

National Collective of Independent Women’s Refuges Inc.

National Network of Stopping Violence Services

Domestic Violence NSW

Addendum

The facts of this case as we understand them are:

- Neither parent has a court order giving them sole custody of this child, meaning both parents have equal rights.
- Since the couple separated in April 2015 Mr Langdon has repeatedly threatened his ex-wife (Ms Wyler) that he will take their daughter and disappear forever.
- The child (Que) has been in the sole care of her father against the wishes of the mother (Ms Wyler)
- Despite repeated attempts by the mother to have contact with her daughter the father has refused her access to the child.
- Mr Langdon has previously abducted Que and gone into hiding in Australia. In 2015 Ms Wyler incurred significant expense engaging a child recovery expert to find her daughter.
- The child recovery expert found Mr Langdon and Que living in a remote part of northern NSW, and Australian Family Court documents were served on Mr Langdon.
- After they were found, Mr Langdon again refused to let Ms Wyler have any contact with her daughter.
- Mr Langdon then unlawfully left Australia with Que before the case could be heard in the Australian Family Court, travelled to New Zealand, and once again went into hiding with the child.
- Ms Wyler then moved to New Zealand and made application to the New Zealand Family Court for custody of her of her daughter.
- In July 2016, the New Zealand Family Court made a ruling that Mr Langdon was not to remove Que from New Zealand and took possession of Que's passport to prevent the child from travelling internationally before her parents' scheduled court appearance.
- An independent children's lawyer was appointed by the New Zealand Family Court to represent Que's interests and set in place arrangements for immediate access to Ms Wyler.
- In July 2016, Mr Langdon allowed Ms Wyler to see Que on one occasion. The following day Mr Langdon contacted Ms Wyler and told her that she was no longer welcome and if she didn't leave the police would be called.
- There is a Family Court case scheduled to take place in New Zealand in March 2017 to consider matters of custody and access for Que.
- In November 2016 Ms Wyler travelled to Switzerland to care for her mother, who had been hospitalised after breaking her arm and developing a serious infection.
- On 17 December 2016 Mr Langdon set sail with Que in a 6.4 metre catamaran with several months of provisions on board ostensibly to sail from Kawhia to the Bay of Islands.
- 27 days later (on 11 January 2017) Mr Langdon and Que were identified by a member of the public in Ulladulla (a small town on Australia's NSW coast with a population of 15,000) after she recognized them from 'missing persons' posters.
- Mr Langdon said he sailed into Ulladulla Harbour on Wednesday, however a child recovery expert hired by his former wife says the pair may have been in the country for several days, until a member of the public recognised them from missing person's posters.

- Indications are that Mr Langdon and Que arrived in Ulladulla several days earlier but at no stage had Mr Langdon reported their arrival to Australian authorities. This is surprising given that Mr Langdon is well versed with international maritime rules that require all seagoing craft entering a country to report to authorities prior to making land and follow instructions to clear customs in that country. All people on board a yacht entering Australia must also produce a valid passport and incoming passenger card before they can go ashore.
- Mr Langdon has told the media that one of the catamaran's two rudders had broken and they were blown off course to such an extent that his only option was to sail to Australia and announced that he and Que are going to live in Australia.
- Mr Langdon's father (from whom he is estranged) believes his son intended to sail to Australia, not the Bay of Islands as Mr Langdon claims.
- It is now three days since Mr Langdon and Que were found, but to date neither the New Zealand or Australian authorities appear to have made any attempt to put in place measures to ensure Mr Langdon doesn't disappear yet again with the child against the wishes of her mother and against a current New Zealand court order.
- No arrangements have been made to extradite the child and her father back to New Zealand so the custody and access case currently before the New Zealand courts can be settled.
- All attempts by the mother to talk with the child since she was found in Ulladulla (both via pleas directly to the father and the NSW authorities) have been declined.
- According to a RNZ news report at midday on 15/1/17 Que and her mother have been reunited and were on their way out of NSW. Private investigator Col Chapman spoke to RNZ from a vehicle all three were travelling in en route from New South Wales. Mr Chapman is quoted as saying: *'Ms Wylers was concerned her estranged husband Alan Langdon was about to leave Australia again with Que, bound for either the Pacific or Indonesia.'*
- Less than three hours after the news broke that Que had been reunited with her mother media announced that New Zealand Police have laid charges against Mr Langdon: *'A 49-year-old man is due in Te Awamutu District Court on 25 January 2017, charged with taking a child from New Zealand.'*
- It is assumed Que will now remain in the sole custody of her mother until the matter is heard before the family court in Australia or New Zealand.