

*How I Initiated Four
Parliamentary Inquiries
Into Family Law and
Reformed our Family Court*

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FAMILY COURT OF AUSTRALIA

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Office of the Chief Executive
Lionel Bowen Building
97-99 Goulburn Street
Sydney NSW 2000

25 July 1995

Mr Ian Monk
8 Stanley Road
EPPING NSW 2121

Dear Mr Monk

The material you sent to Ms Sue Lynch, Librarian at Parramatta Registry, has been referred to me.

The material is a useful historical collection which I would be happy to keep with the Court's central record for historical and research purposes if you have no objection.

Thank you for sending it in.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Len Glare'.

LEN GLARE
Chief Executive Officer

TO DAD

I'm sorry I couldn't see you on father's day, but I
was in the hospital and I was in father's day. I know
it's not my fault and I'm sorry. See you on father's day but
I'll see you on father's day. This envelope is a
reminder to see you on father's day.

Andrew G. L. Monk

ANDREW G. L. MONK
111 IS FORTY-XXXVII

Man protests family law system

A SYDNEY man travelled to the Western Area this week to gather support for a rally to protest against what he sees as the injustices of the Family Law Courts.

Ian Monk, of Epping, spent yesterday morning in front of the Dubbo Post Office handing out pamphlets on how the family law system "strips Australian parents of their legal rights".

Mr Monk was divorced last year and through the settlement his wife was given custody of their seven and eight-year-old sons. Mr Monk said the system treated him unfairly.

"From my experience the decisions in the Family Law Court in Parramatta were very much 'winner takes all' decisions that leave the loser extremely distressed and upset," he said.

"In my case the judge granted my wife everything she applied for. I say this is no way to solve a dispute."

"Successful dispute resolution involves hearing the merit in the cases on both sides."

Mr Monk said he was "stripped of his legal rights as a parent".

"My wife and I were divorced and agreed that she would have custody of our two sons and I was to have reasonable access," he said.

"Reasonable access is defined by the custodial parent which means that I don't see my sons at Christmas, on their birthdays, on Father's Day on weekends or overnight - all I get is alternate Sunday's between 9am and 6pm."

Mr Monk said he wants legislative reform and a reduction in the power wielded by judges.

"I call for the immediate abolition of any laws which enable judges of the Family Court to strip innocent parents of their legal rights as parents," he said.

"I hope to achieve widespread and far-reaching legislative reform to the Family Law Act."

"I say the judges of the court have far too much power and they abuse this power and their power needs to be severely restricted."

Mr Monk has organised a protest march outside the Family Law Court in Parramatta on Sunday, May 21 at 9pm.

For more information on the march, contact Mr Monk on (02) 86 2919.



Ian Monk, from Sydney, in Dubbo yesterday protesting a family law system which he says, "strips Australian parents of their legal rights."

Rally flays Family Court



FRUSTRATED divorcee ... father of two Ian Monk addresses the protest meeting on the court's injustice.

FAMILY COURT PROTEST DEMONSTRATION

WHERE: Parramatta Family Court
Cnr. Phillip & Charles Streets, Parramatta

WHEN: 3.00pm Sunday 21st May '89

ORGANISER: Ian Monk (02) 86 2019

P.30

29-4-89

THE Family Court was described as sinister and unscrupulous and deserving of abolition by a former court councillor at a protest rally outside the Parramatta Family Law Court on Sunday.

Only 30 men gathered to hear former councillor, Richard Ziolkowski, speak in support of Monk who claimed he had been unfairly treated by the court.

Mr Ziolkowski said his experience had opened his eyes to what he regarded as the injustices of the system.

He described the Family Court as "a show institution where injustice rife".

"Legal violence and judicial terrorism must be brought to an end," he said.

"This court is sinister, mercenary, unscrupulous and must be demolished," he said to applause.

The crowd laughed when he added quickly that he was not advocating demolition of the court building.

Mr Monk, a father of two children, told the audience: "The most horrific part was when I was stripped of all my legal rights as a parent."

"I was absolutely stunned and shocked that this goes on in Australia."

"When I grew up in Poland and said that over to you criticised the State they'd strip you of your legal rights as a citizen."

"In effect you would become a non-person with rights whatsoever."

"Well that's what happened to me."

He said the court's access decision had caused a great deal of pain and suffering as he had been denied access to his children.



Our ref: CS/js 89.285

29 June, 1989

Mr Ian Monk
8 Stanley Road
EPPING 2121

Dear Mr Monk

I refer to the numerous telephone conversations which we have had and to our meetings on 1 June 1989 and 21 June 1989.

As I advised you by telephone yesterday, the Human Rights Commissioner, Mr Brian Burdekin, has agreed to your request that the Commission undertake a review of the Family Law Act insofar as it relates to guardianship orders with a view to determining whether the Act breaches the human rights instruments scheduled to the Commission's legislation. Mr Burdekin has requested that I advise you of his decision.

The Commission's research staff are presently fully committed to existing projects and so it will be a few weeks before someone can be assigned to undertake this research. I have noted your request for an opportunity to discuss the question with the researcher assigned the task and I will ensure that the researcher or I contact you when work commences for that purpose.

I apologise for the time taken to arrive at this position. As I have indicated to you previously, the Commission's resources are more than fully stretched in meeting the demands placed upon us by our legislation and the community and so it is very difficult to respond immediately to issues other than those of great urgency. I hope that our commitment to work on this project will be of assistance to you.

Yours sincerely

Chris Sidoti
Secretary

Mrs C Mackie
48 Alicante St
Minchinbury 2770

Silverburn
Judd's ck.
N.S.W 2795.
Phone 063 379620
1st August, 1989.

Dear Mrs Mackie,

← tel: (02) 862019

I recently received your address from Ian Monk, the organiser of the protest rally held outside the Family Law Courts at Farramatta.

Like you I am deeply concerned at the way the Family Law Act is being implemented by the courts and I believe, manipulated by many of the legal profession.

In an endeavour to see changes and a return to a more balanced system I initiated the following motion to the State Conference of the National Party in June. The motion was passed without dissent and reads as follows;

That the National Party support an urgent review of the Federal Family Law Act, through either a Senate Inquiry or a Private Members Bill, to ensure;

1. that any spouse taking children from the family home must justify the need to do so to the courts.
2. that the Act be amended to require the courts to use the powers they already have, to have regard to the conduct of either or both parties where failure to do so will produce a miscarriage of justice.
3. that all orders of the court be applied equally and be enforced with penal provisions to both sexes.
4. that written arrangements such as business partnerships, companies etc, between the parties to a marriage be strictly enforced.

At a Senate Inquiry it would be possible for you to present your complaints directly to members of Parliament without the threat of legal action being taken against you by the Family Law Court.

Senator David Brownhill has offered support in initiating the proposed inquiry. However your help is desperately needed in providing information of your own dealings with the court to help Senator Brownhill.

I would really appreciate it if you could outline what happened to you, your complaints and also any good points you could make regarding the Family Court.

Please feel free to ring me at home on 063 379620 or Senator Brownhill's office in Tamworth on 067 666998. Please send your information to Senator Brownhill's Electorate Office at 467 Peel St, Tamworth. 2430.

Only with your support can changes be made.

Yours faithfully,

Stan Wilson.



Inquiry sought into Family Law Court, Act

A Sydney man brought his campaign for a Senate inquiry into the Family Law Court to the Hunter this week in a bid to find local support.

Mr. Ian Monk spent about an hour on Monday, Tuesday and yesterday mornings outside Newcastle Family Law Court handing out information on how people can help bring about an inquiry.

Mr. Monk believes the Family Law Court's implementation of the Family Law Act needs to be investigated.

'The Family Law Court can strip Australian parents of their legal rights through arrangements for custody of children,' he said.

'Only in extreme circumstances should access be denied or restricted to either parent.'

'It's an obscene system where parents have to pay money for a lottery chance to see their children.'

Mr. Monk began his campaign after access to his two sons, aged seven and nine, was restricted to eight hours a forty night.

'My wife and I were divorced and agreed that she would have custody of our sons and I was to have reasonable access,' he explained.

'I had alternate weekends with the boys and part of the school holidays.'

'What I didn't know was that the terms of reasonable access is defined by the custodial parent.'

'My wife decided to re-define those

terms, leaving me with just alternate Sundays with my sons and it was quite legitimate for her to do so.'

'I get to see them for eight hours a fortnight — it is medieval cruelty to my sons and myself.'

Mr. Monk told The Mercury he never fails to win support where ever he campaigns.

'There is nothing unusual about my situation,' he said. 'This morning in Newcastle at least eight people have told me they have the same problem as me.'

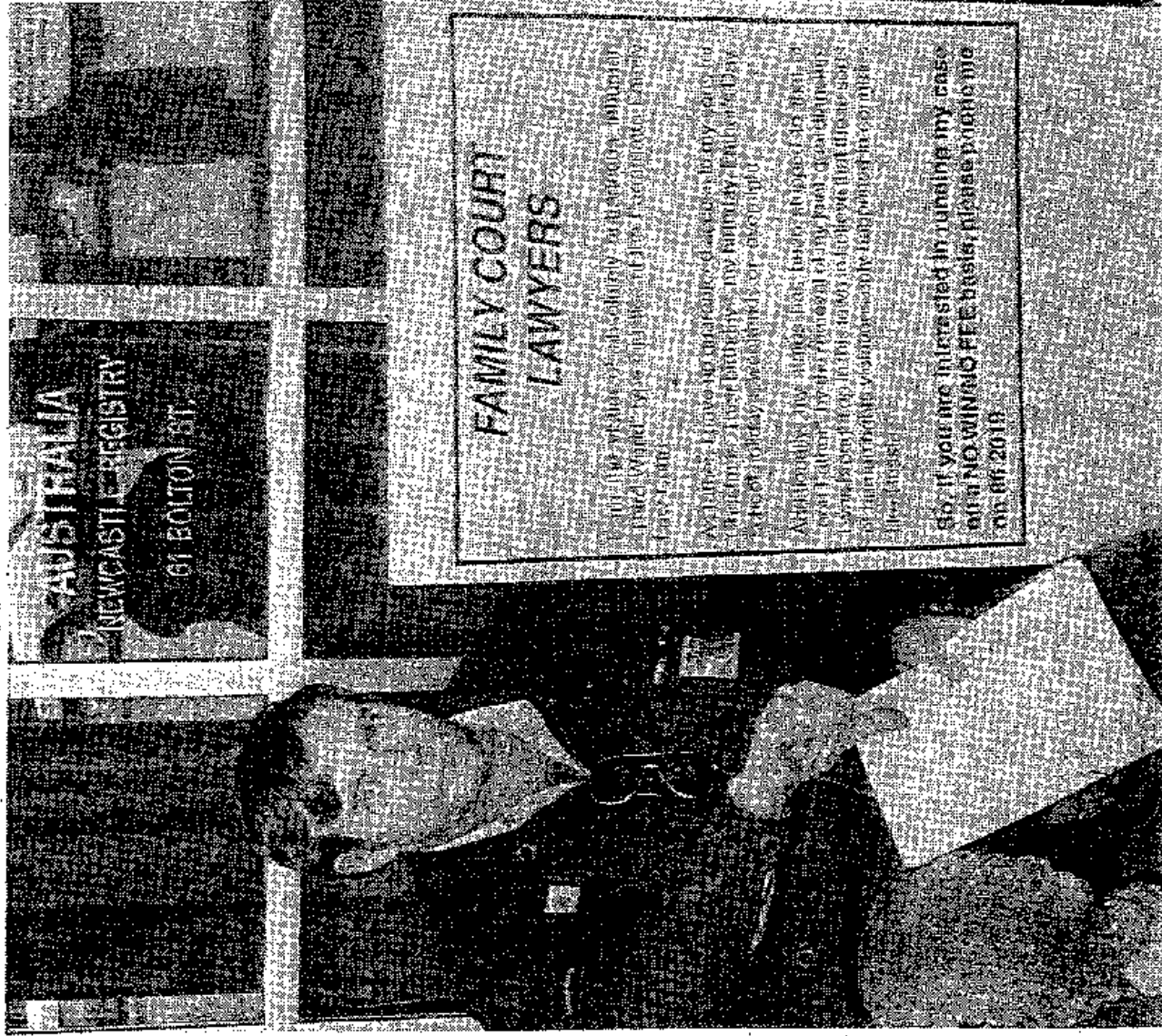
According to Mr. Monk, there is a 'real chance' of bringing about a Senate inquiry through the help of National Party Senator David Brownhill of Tamworth.

'Senator Brownhill has offered support in initiating the proposed inquiry,' Mr. Monk said.

'Anyone who wants an inquiry should write to the Senator's office at 467 Peel Street, Tamworth, 2430.'

'I can also be contacted by phoning (02) 862019.'

Mr. Monk will take his campaign to Wollongong next week. He has already led a protest march outside Parramatta Family Law Court and campaigned at Bathurst, Orange and Dubbo.



FAMILY COURT LAWYERS

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Mr. Ian Monk, with his protest sign at the front of Newcastle Family Law Court of Australia.

Family law protester mounts statewide campaign

Ian Monk, who believes the family law system "stripped him of his rights", visited Bathurst last week as part of a statewide protest over family law.

Mr Monk has been travelling from town to town over the past few months, telling people about what he alleges is injustice in the Family Law Courts.

He has fought against the family law system since a court decision saw him lose guaranteed access to his children.

Since he began his protest Mr Monk has received political support from several groups who have promised to look into the matter.

Human Rights Commissioner Brian Burdett has started an inquiry into the Family Law Act to see if it breaches human rights, and the National Party has moved to make changes.

Mr Monk is also looking to have a Senate inquiry established, with the help of Senator David Brownhill.

In his divorce settlement last year, Mr Monk's ex-wife was given custody of their two sons, now aged seven and nine years.

At first Mr Monk was allowed "reason-

able" access to his children, but that access is now determined by his ex-wife.

"She decides when I see my children, which means I don't see them at Christmas, Fathers Day, or birthdays," he said.

"All I get is alternate Sundays between 9am and 6pm."

He said he appealed to the court, but the case was dismissed without a hearing.

According to Mr Monk this the amount of access he gets is unreasonable, and is due to the "vindictiveness" of the ex-partner.

"There is a bias towards women in the family law court, and they (ex-wives) often use access as a vindictive weapon," he said.

He said children also suffer because often the only reason access is denied is bitterness between the parents.

"My sons and myself both lost our rights to see each other - which is horrific," he said.

Mr Monk toured NSW earlier this year, drumming up support for his cause, and

attracted 50 people at a protest outside the Parramatta Family Law Court.

At the protest, apart from disgruntled fathers, many women turned up in support.

"Those women were saying if they were children they would not like to be separated from their fathers for no reason other than their mothers wanted them to be apart," Mr Monk said.

"They didn't want to be separated from their grandchildren, nephews or nieces either."

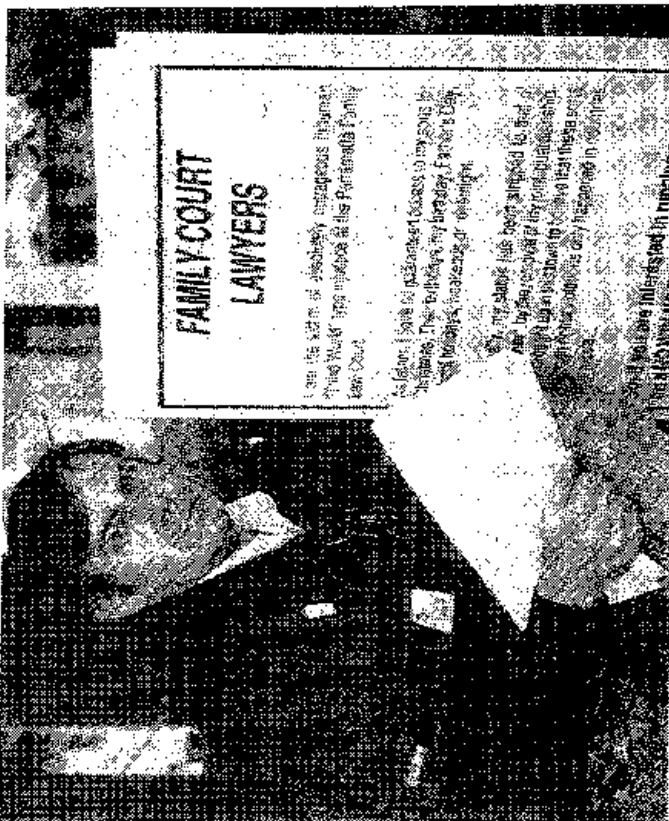
After the protest Mr Monk approached the Human Rights Commission, which is now looking into his plight, and the National Party have also agreed investigate the family law system.

At their State Conference in June, the National Party agreed to support an "urgent" review of the Family Law Act through either a Senate Inquiry or a Private Members Bill, following a motion by local Stan Wilson.

Mr Wilson said it is not just a matter of family law courts being biased, as there are many complaints from women as well, but there are several basic flaws in the system which have to be fixed.



DAD NOT PREPARED TO STAY 'MUM' ON CUSTODIAL RIGHTS



Family Law reform campaigner Ian Monk brings his fight to Wollongong.

BY ANDREW STEVENSON
Family Law Courts abused human rights by stripping parents of their joint custodial rights, a protester outside the Wollongong Family Court claimed yesterday.

Sydney divorcee Ian Monk claimed the situation was similar to the 1968 policy of removing Aboriginal children from their parents. He said Human Rights Commissioner Brian Burdekin had undertaken to review the Family Law Act.

Mr Monk, through the Family Law Reform Group, is calling for the no-fault concept of divorce to be extended to access.

Last month Mr Monk made his second application for increased access since his divorce proceedings. He said it was dismissed without hearing.

Man seeks no-fault access to children

leaving access to his two young sons restricted to eight hours a fortnight. "I say this is inhuman treatment. It is cruel and unusual treatment and a violation of human rights," he argued.

Mr Monk claims access should only be restricted in very severe cases of assault. "If parents are good enough to have access to

more the fault of the older man who run the court. "Generally, it's the older men who make up the judiciary of the Family Court who don't understand what being a new man is all about," he said.

"They don't understand that the new man wants to be more involved with his children, wants to spend more time with his children, participate in all the basic washing, clothing and feeding of children.

Mr Monk does not believe children need the stability of one custodial parent. "What's important to the children's development and growth is to have the love and affection of both parents.

"I think there are very many men who wish to participate more in the bringing up of their children but who can't currently do so within the limited access they have," he said.

ARE MEN CRUCIFIED?

Some say the dice is loaded



FROM THE EDITOR'S DESK

WITH PETER GULLEN

Ian Monk goes a bit further with his claim. He says a strong bias exists against men and the non-custodial parent and that feminists have a strong say in the practices of the court.

I hardly agree with that. Most of the judges and magistrates who preside are men.

But Ian is still typical of the average man who comes off second best in the court. The second case which came to the attention of the Mercury this week is the one I wish to canvass today.

Again, no names are permitted. But a sadder case

you would seldom see. He wrote a letter to me pleading for some help. I will quote parts of the letter.

It begins: "Seeing a man in the newspaper with a placard demonstration outside Wollongong Family Court (a reference to Ian Monk) prompted me to write this letter.

"This man, guilty or not, had lost his case before he even got in the courtroom. Simply because he is a MAN.

"And it is not the magistrate's fault.

"The Act, which is made to protect wives from vio-

lent husbands, is being abused at an increased rate.

"If a bank robber goes to jail, he must first be caught committing a crime. Not so in the Family Court. I am now in the same boat and the whole scenario is like a nightmare.

"I have no access to the home which I built up over 40 years of my marriage and, at almost 52 years of age, I have no chance to build another.

"I don't even have access to the dogs which I walked each day and my workshop.

"The charge against me was harassment. They threw this at me because I committed the great crime of going home twice a week to ask my wife for a reconciliation.

"And they said I was violent. My crime there was to break the lock which my wife put on the door to keep me out.

"I swore on oaths I had never been drunk in my life. They said I had no credibility. I was reminded that in fact I did get drunk — in 1987 as a teenager on one occasion.

"Then the devastating lies which reduced me to tears, in summarizing up, the magistrate actually suggested I needed psychiatric help.

"I was asked to answer questions in the yes and no manner, without any chance to explain my position or elaborate on any point I wished to make to help my case.

"It was like an inquisition, so rude and cold and one-sided.

"I could not tell the magistrate I was a life saver, still doing active patrol, a blood donor and member of a prominent swimming group.

"I could not tell him I was a BHP supervisor for 30 years or produce anything else which supported my case that I was a stable community-minded person.

"I would like to offer a message to that man who stood outside the court (Ian Monk).

"It's a message given to me by a dear friend. It might help him and many other men survive."

The man then quoted that famous piece: "God grant me the serenity to accept the things I cannot change, courage to change the things I can and the wisdom to know the difference."

I phoned the letter writer and told him I wanted to meet him. We sat and talked for several hours in my office. He was a broken man. His life fell apart about three months ago when his wife announced the marriage was over.

His attempts at reconciliation failed. He grew to accept that the marriage was finished but the order keeping him away from the family home shattered him.

"They wouldn't even let me go back to walk the dogs," he said.

I think the worst part of the particular case, and certainly something I find very confusing, is that the court would not even allow this man to produce a character reference prepared by a top ranking BHP executive.

I have a copy of that reference. The referee knew

was a close friend. Let me quote from the final paragraph of this reference.

"I can only say that... I know is of the highest character and it is inconceivable to me that he could behave in any manner disrespectful or harmful to any of his family or friends. Any actions he would take would arise from his most sincere concern for their well-being and for his relationship with them. If there actions appeared extreme or violent, this would be out of character for... and must be a result of unusual distress or provocation."

This man left the court in tears with that character reference still in his pocket. Little wonder he thinks the whole system is stacked against the male of the species in these Family Law Court matters.

I think it outlandish to could not present that character reference to defend himself.

This man described his experience in court as the most shattering of his entire life.

Referring to the magistrates, he said: "With one stroke of his pen he wiped out my life."

He lives in a flat in Wollongong, distressed and lonely and not knowing where to pick up the threads of his broken life. His faith in our system of justice is in tatters.

As I spoke with him this week, I found it easy to realise why men like him built over the top.

He's probably healthier than the average man. In this case the kids have grown up. There's no ugly custody battle and access rights are not an issue. This man just wants the right to go home and walk the dogs and work in his workshop.

At least, that's what he told me. I had no reason to doubt him.

I don't profess to be an expert on Family Law but I did procure a copy of a book put together by Justice Elizabeth Evatt, one of the nation's truly remarkable law reformers.

As Justice Evatt says in her preface, A Guide To Family Law (name of her book) is the first project of the Pearl Watson Foundation Ltd.

As I mentioned earlier Pearl Watson died in a bomb blast at her home on July 4, 1964.

It is an excellent guide and covers every aspect of marriage breakdowns to property settlement.

Chapter 4 covers domestic violence and child abuse and I suppose it would not be difficult for some of the sections of this chapter to be exploited.

I know there are thousands of genuine cases of violence where the law properly and rightfully protects the battered and abused housewife and children.

As I looked across the desk at the man in my office this week, I wondered how many men are being hung, drawn and quartered by a system that just may swing heavily in favour of the female of the species.

Could it be that Ian Monk knows what he's talking about?

And damn it all. Why shouldn't this man who came to see me this week

FAMILY LAW

There are no sadder cases in the community than those who feel they have been crucified by a Family Law Court.

I have seen many of them in the *Mercury* office, all pleading for help.

They make impassioned appeals for the newspaper to take up their case because they have been denied access to their home — and more crucially — their children.

That's the one which really upsets them, the children. Newspapers are not permitted to report Family Law Court matters or identify any of the parties.

We all know what terror has resulted from Family Law Court cases. In June, 1986 Family Law Court judge Justice David Opas was gunned down in the front yard of his Woolahura room.

In 1984 the home of Justice Raymond Watson was bombed. Justice Watson's wife Pearl died in the blast.

We also know that parents have killed themselves and their children over Family Law Court matters.

A man who shot dead his three children before turning the gun on himself at Penrith recently was involved in a Family Law Court problem. It goes on and on.

There is, of course, a curious twist to this Family Law Court problem. Just about in every case the partner claiming to be crucified is a man.

I can never remember a wife coming to see me to complain bitterly about being left in ruins and emotionally scarred after a Family Law Court ruling.

Could it be that men do start 100m behind the blocks when they front up to the Family Law Courts, or any other court for that matter, to do battle over custody rights, maintenance, access to children and property division?

There is certainly a clear perception among a lot of men that they are dead



● The man in the wheelchair is Justice Ray Watson, crippled when a bomb tore through his Greenwich home killing his wife Pearl. Earlier another Family Court judge, Justice David Opas was gunned down at his gate.

“

As I looked across the desk at the man in my office this week, I wondered how many men are being hung, drawn and quartered by a system that just may swing heavily in favour of the female of the species.

”

birds before they put a hand on a Bible.

Two cases came to light this week in Wollongong which influenced me to write this column.

The first involved a Family Law reform cam-

paigner named Ian Monk who protested outside Wollongong Family Law Court. He is bitter because he cannot see enough of his children.

Mr Monk sees his children for eight hours in

every fortnight — a Law Court ruling.

He claims that is inhuman, cruel and a violation of human rights.

There are a lot of men like Ian Monk in the community and they feel just as cheated and depressed.

DAD FIGHTS FOR RIGHTS

A Sydney man whose full-time occupation is campaigning for Family Law reform and a Senate inquiry into the operations of the Family Court travelled through the district this week to gather support.

Mr. Ian Monk, a 40 year old divorcee from Epping, is protesting against what he sees as judges' cruelty toward non-custodial parents and is calling for a 'no-fault' concept of divorce to be extended to access arrangements.

Mr. Monk first organised a protest rally in May this year outside the Parramatta Family Law Court after being granted only limited access to his two sons by the court in December, he said.

Last month, Mr. Monk said he made his second application for increased access since his divorce proceedings but it was dismissed without a hearing, leaving access to his two young sons restricted to eight hours a fortnight.

He describes his treatment as inhuman, saying it is a violation of human rights.

The response to the rally in May has encouraged Mr. Monk to take his grievances to the wider community by setting up protests

outside Family Law Courts throughout the State and has led to the formation of the Family Law Reform Group which now has a membership of over 60 people.

The group has found a political ally in National Party Senator David Brownhill, who has offered his support in initiating an inquiry into the alleged inequities of the Family Law Act.

Human Rights Commissioner, Brian Burdekin has also agreed to a request for the commission to undertake a review of the Act when resources are available.

In Newcastle last week, Mr. Monk said seven men approached him during just one hour spent outside the Family Court and said their cases had not been weighed on individual merit but with a "rubber stamp."

"Men don't have a real chance of obtaining custody of their children," he said, but points out the reform group does not want to

make the issue a conflict between men and women.

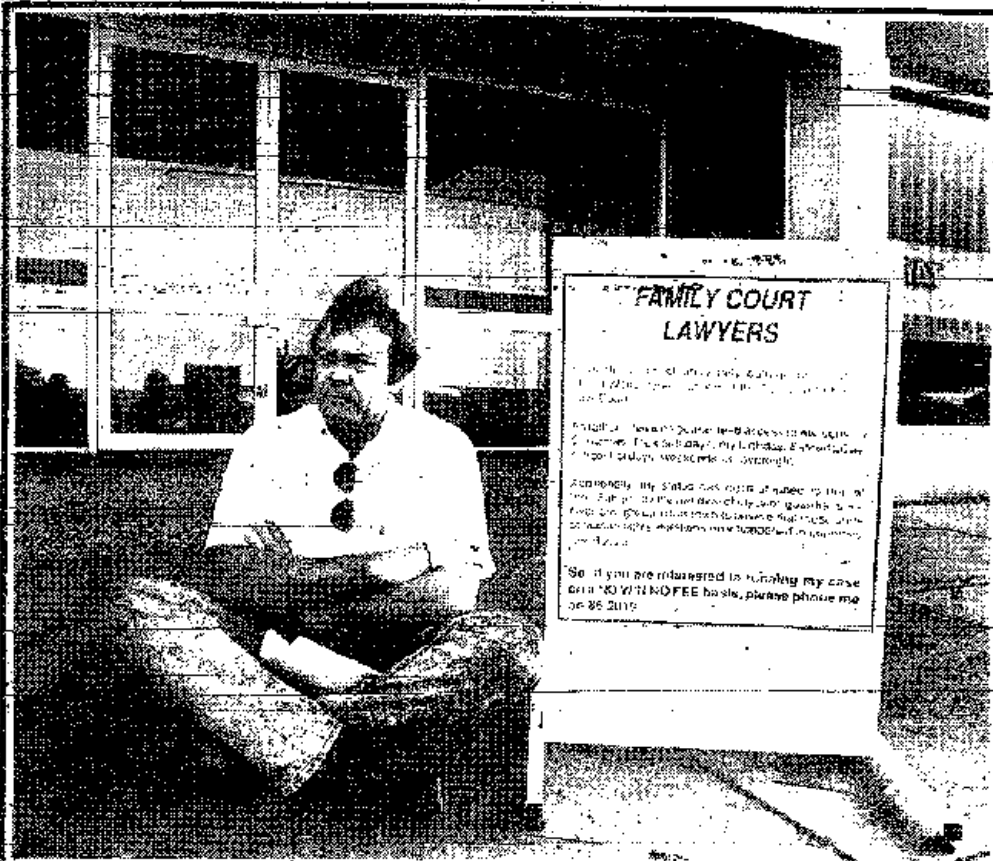
Mr. Monk claims access should only be restricted in very severe cases of assault, saying "if parents are good enough to have access to the children when they are married they're good enough to have access to their children when they've separated."

He said many judges don't understand that men want to be involved with their children, participating in all basic caring including washing, clothing and feeding.

Rather than the stability of one custodial parent, Mr. Monk believes children need love and affection from both parents in order to grow and develop.

Also of concern to him is the matter of property settlement which he says often results in men receiving only 30 per cent or less of the joint assets.

"These type of decisions can push people over the edge into senseless acts of violence," he said.



● Mr Ian Monk protests outside the Family Court in Albury.

Family Law Act 'a violation of rights'

THE Family Law Act stripped the rights of parents in a flagrant breach of basic human rights, a lone protester claimed in Albury yesterday.

Mr Ian Monk, of Sydney, launched his campaign for a Senate inquiry into the Act after he was granted nine hours a fortnight to spend with his two sons, who are aged 7 and 9.

Yesterday, he manned a protest sign and handed out pamphlets outside the Family Court in Kiewa St.

Mr Monk, 40, said he did not have guaranteed access to his children on Christmas Day, birthdays, Fathers Day, weekends or overnight.

"If parents are good enough to have unlimited access to their children when they marry, then they are good enough to have un-

By
PETER JUDD

limited access when they are divorced," he said.

"What's going on now is nothing less than medieval cruelty and a violation of human rights."

Mr Monk said the Human Rights Commission had decided to review the Family Law Act following his representations.

He also expected an early reply from the commission on whether limitations on access broke international human rights conventions.

"That was the breakthrough — when the Human Rights Commission became involved," he said.

"Up until my request, the court told everybody the Human Rights Commis-

sion did not cover the Family Law Act."

Mr Monk said that when he and his wife divorced, they had agreed on reasonable access for the children.

"My wife decided to redefine that access — and the court backs her up," he said.

"It was within her power to define reasonable access, so she did."

Mr Monk wants a major reform — the introduction of "no-fault access".

He said this was a natural extension of "no-fault divorce" and was compatible with human rights principles.

"It would save the country money," he said.

Mr Monk said Senator David Bownhill had offered support to initiate the Senate inquiry.

22 - Nov - 1989

Family Law Reform
Geelong Advertiser
Locality

A DETERMINED Sydney man campaigning for a Senate inquiry into the Family Law Act visited Geelong yesterday in a bid to drum up district support.

Mr Ian Monk lost joint guardianship of his two sons after a Family Law Court decision at Parramatta last December.

He said he only has eight hours access a fortnight to his children, which he described as "mediaeval cruelty" to his sons and himself.

"I'm sure there are some Geelong fathers who have suffered the same fate as I have before a Family Law Court," he said.

"I'm sure there are many Geelong fathers who have little or no access to their children.

"I believe there is a general mood in the community that the existing Act has failed and it's time to write a new one."

Equipped with a sign reading: "I am the victim of absolutely outrageous

'Third World' type injustice at the Parramatta Family Law Court," Mr Monk has campaigned through Queensland, New South Wales, Victoria and South Australia.

He has formed the Family Law Reform Group and changes the group is seeking to the Family Law Act are:

- the concept that parents' access to their children is a human right,
- joint custody arrangements,
- maintenance for children to be shared equally by both parents,
- property taken into a marriage is the property taken out of a marriage, and
- property accumulated during a marriage is shared according to contributions.

National Party Senator, David Brownhill, of Tamworth, has offered his support for an inquiry after the next Federal election.

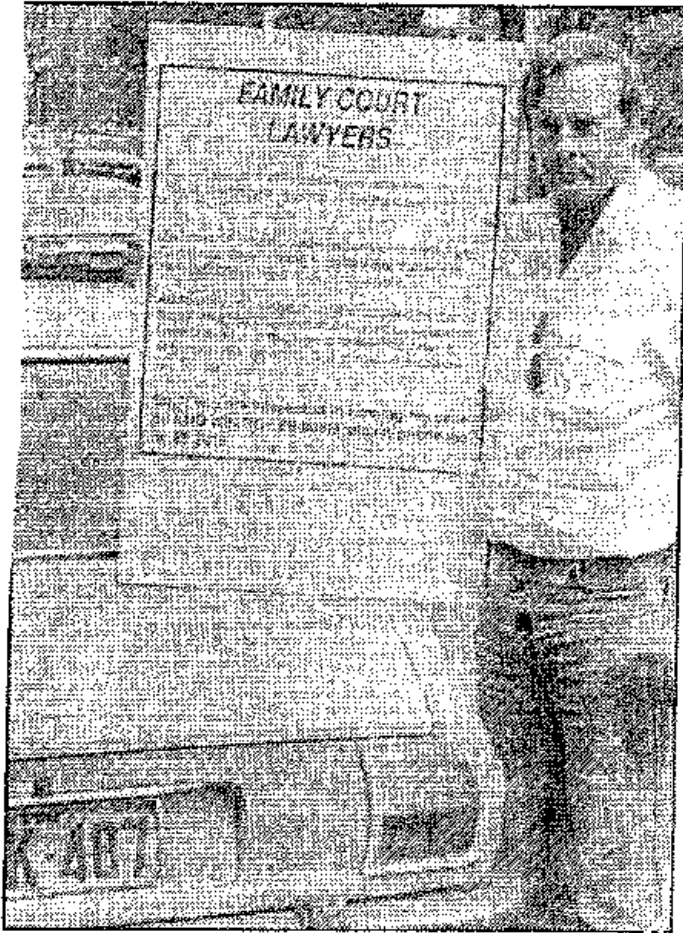
In a Canberra newsletter, Senator, Brownhill said the inquiry should address family law areas such as access, custody, maintenance and property settlement.

"I urge all Geelong fathers who have been cruelly treated by the Family Law Court to get behind Senator Brownhill's call for a Senate inquiry," Mr Monk said.

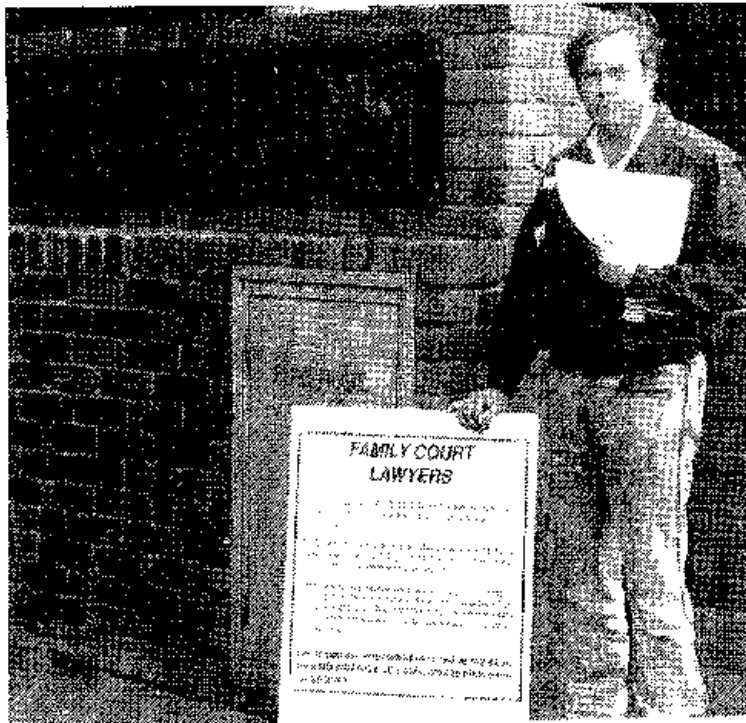
He also invited single fathers to the four-day Third Annual Family Research conference to be held at Ballarat from Sunday.

A national conference for all people seeking reform to the Family Law Act will be held in Canberra next year.

It is being organised by the Lone Fathers' Association and further inquiries should be directed to Mr Barry Weedon on (07) 3792871.



Fighting back: Mr Ian Monk, considers himself a victim of an outdated Family Law Act.



Court took my sons, says dad

A PROTEST that started at the Family Law Courts in Parramatta, in New South Wales, earlier this year came to Dandenong last week.

Ian Monk, a Sydney resident, is pictured handing out protest material outside the Family Law Courts in Robinson St, Dandenong.

Mr Monk says that he was dealt an unfair determination by the family Law Court during his own divorce, the result being that effectively his sons had been taken away from him.

Himself

Mr Monk says that he is deeply concerned at the way the Family Law Act is being implemented by the courts and believes that the legal profession is manipulating the system.

He has been campaigning for a senate inquiry into the Family Law Act and his campaign trail has led him from Parramatta to Newcastle, Maitland, Gosford, Wollongong, Bathurst, Orange, Dubbo, Albury and now to Dandenong.

Campaign

Ian Monk, a member of the 'Family Law Reform Group', has himself suffered what he describes as the 'wrath' of the Family Law Court and as a result decided that he would begin a concerted campaign to push for reform of the Family Law Act.

"Men don't have a real chance in gaining custody of their children. A recent survey conducted by Professor Graham Russell, the head of the Sociology Department, Macquarie University, looked at 'contested custodial cases' and found that not one man was successful in gaining custody of his children if he did not already have them living with him", Mr Monk said.

Ian Monk believes that custody is only one of several aspects of the Family Law Act that need reform.

Lose out

"Property and the question of joint assets is another area that men predominantly lose out in. Access to children is yet another problem that

faces the non-custodial parent. The Family Law Court can strip parents of their legal rights through arrangements for custody of children. Only in extreme circumstances should access be denied or restricted to either parent", Mr Monk said.

Mr Monk says that he has the support of the National Party Senator for NSW, David Brownhill who is said to have given his full support towards the instigation of an enquiry into the Family Law Act.

Mr Monk has urged all those that want an inquiry to write to the senator's office at 467 Peel Street, Tamworth, 2420. Or they can contact him by phoning (02) 86-2019

Sydney father fights for his rights

... after courts reduce him to 'non-father' status

By
Debbie Drummond

Ian Monk has lost more than his access to his two boys, he has lost his rights as a human being.

The Sydney man has begun a drive to summon up interest in his case and find out just how many other people have had their rights stripped from them through the Family Law Courts.

In passing through the Riverland on Tuesday, he visited members of the local media voicing his objection.

"It is not for the courts to say 'will we cut him off at the heart or not'!

"The Family Law Act violates human rights and it needs to be brought into line with the principles of human rights."

"As a father, I have no guaranteed access to my sons (aged nine and seven) for Christmas, their birthdays, my birthday, father's day, school holidays, weekends or overnight. The only right he has is to see them for eight hours every fortnight.

Being fought

The case has been fought since last December, since the court ruled that he became a "non-father" by the removal of joint guardianship.

The reason, was because he suffered from a manic-depressive illness, which was not newly acquired, he said.

"My counsellor doesn't see me as unfit to see kids and it didn't stop my wife from marrying me," but the condition has since been brought up for obvious reasons, he suggests.

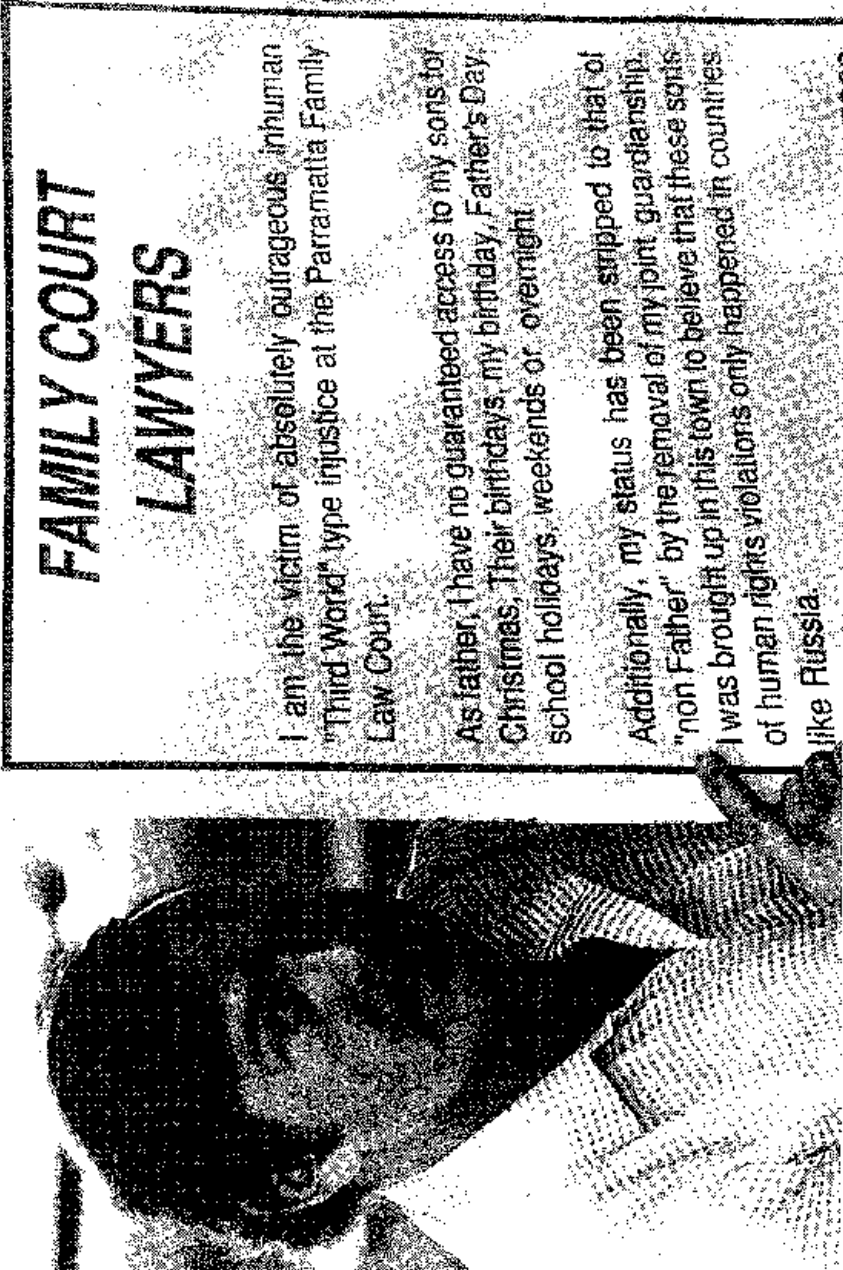
However, Mr. Monk's fight for justice is quickly making headway.

Through his steadfast determination he has already attracted interest from the Human Rights Commissioner, Mr Brian Burdett, and a NSW National Party senator, David Brownhill.

The commissioner has agreed to his request that the commission undertake a review of the Family Law Act as it relates to guardianship orders. It will determine whether the Act breaches the human rights instruments scheduled to the commission's legislation.

It is certainly clear, according to Mr Monk, that he is not the only person going through such hardship.

Since beginning his campaign he has protested



FAMILY COURT LAWYERS

I am the victim of absolutely outrageous inhuman "Third World" type injustice at the Parramatta Family Law Court.

As father, I have no guaranteed access to my sons for Christmas, Their birthdays, my birthday, Father's Day, school holidays, weekends or overnight.

Additionally, my status has been stripped to that of "non Father" by the removal of my joint guardianship. I was brought up in this town to believe that these sorts of human rights violations only happened in countries like Russia.

Parent Without Right group, which he had just visited.

By the end of February a national conference of people seeking reform of the Family Courts will be organised by the Lone Fathers Association, of Canberra.

He asks people that are dissatisfied with the system to write to Senator Brownhill (467 Peel Street, Tamworth, 2430) so he can use the information to initiate a Senate inquiry.

and handed out leaflets at Family Law Courts as far as Newcastle, Albany, Melbourne and Adelaide. Already there are 70 members in the newly established Family Law Reform Group.

Other protests

There are organisations sprouting up all over the country, in protest of the Family Law Courts, "showing there is something wrong with the system".

One such group was in Adelaide by the name of

Ian Monk — indignant towards a Family Law Act that denies him access to his two sons. He is taking his case across the country to assure others who have fallen victim to similar injustices that there are avenues of help.

Access to children 'stripped' from man

Sydney man, Ian Monk, no longer loves his country.

The reason he says, is because his country has "stripped" him of his two sons, aged 9 and 7.

Mr Monk, a divorcee, is now campaigning for an inquiry into the laws that allowed the Family Court to restrict his access to his two boys to eight hours a fortnight — an order he describes as an "obscene violation of human rights".

Mr Monk was in Wagga yesterday on his way home from Adelaide where he recently protested outside the Family Court.

When he was divorced about two years ago Mr Monk did not contest custody of the children which was awarded to his ex-wife. He was granted "reasonable access."

At first this included alternate weekends, half the school holidays and special days, he said.

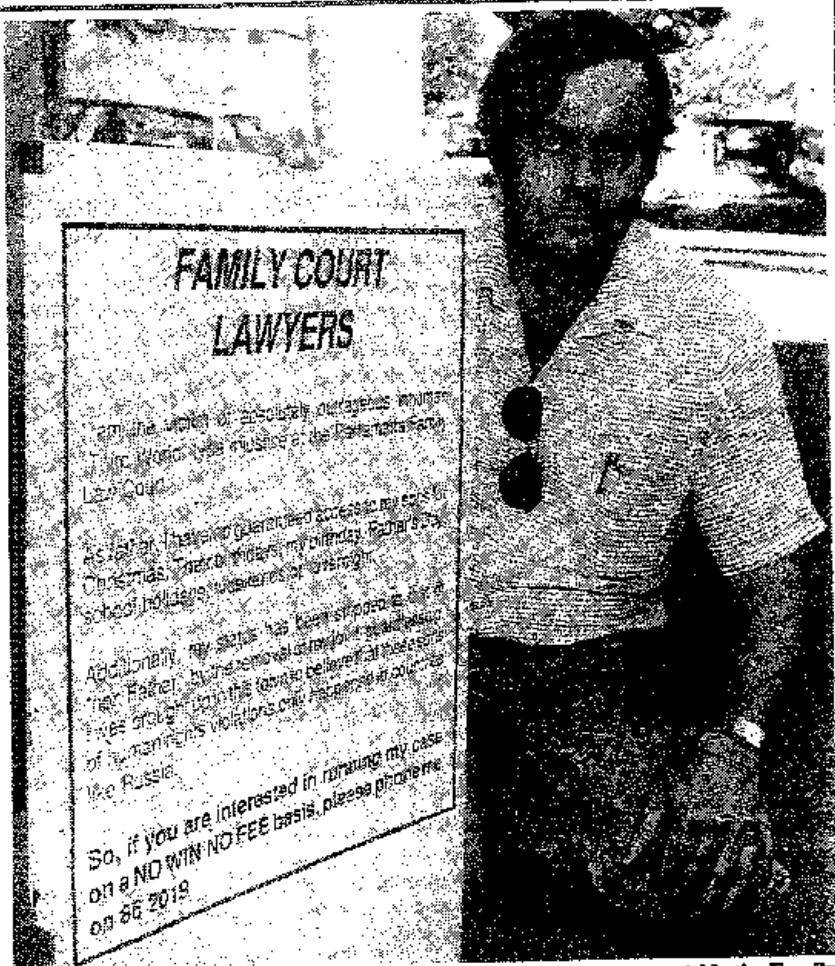
However his wife then decided reasonable access meant eight hours a fortnight and a subsequent ruling from the Family Court upheld her right to impose this restriction, he added.

"I say this practice of removing guardianship from parents is analogous to the practice during the 1930s and 1940s when authorities in Australia removed Aboriginal children from their parents," Mr Monk said.

"Both of these policies are an obscene violation of human rights of both the children and the adults.

"I don't even get to see my kids at Christmas."

Mr Monk does not argue



Ian Monk (above) with the sign he takes with him when he protests outside the Family Court.

that in cases of serious assault access should be restricted but he says access to children of a marriage is a right, not a privilege.

"If it's okay for parents to have unlimited access to children when married, then it should be okay for these parents to have unlimited access to children when they're divorced — simple."

Mr Monk lives an hour's drive from the home of his ex-wife and travelling time is included in the eight hours he gets to spend with his sons.

He is angry at what he calls cruel and inhuman treatment.

However he is not a voice in the wilderness.

Mr Monk said that during his protests outside Family Courts in Wollongong, Albury, Newcastle, Dubbo, Dandenong, Melbourne and most recently Adelaide, he has been approached by dozens of people offering their sympathy and support.

It is not only the general public that has backed his campaign.

New South Wales National Party Senator David Brownhill has promised to give his "total support towards the instigation of an inquiry into the Family Law Act".

The Human Rights Commission has also agreed, on Mr Monk's request, to undertake a review of the Family Law Act insofar as it relates to guardianship orders.

The review is due to begin shortly and a Commissioner has been assigned to the case.

"I am very confident an inquiry will result out of this," he said.

Mr Monk has urged anyone with complaints about the Family Court to telephone him in Sydney (02 362019) or write to Senator Brownhill's office in Tamworth (467 Peel St, Tamworth, 2430).

A one man campaign for Family Court reform

"An obscene violation of my human rights" is how Ian Monk describes the stripping of his parental guardianship by the Family Law Court last December.

His experience in the Family Court, where he was "stripped of guardianship" and his access to his two sons limited to eight hours a fortnight has set Ian on the campaign trail for a Senate inquiry into the Family Law Act.

His one man campaign started at the beginning of August and has taken him through NSW, Victoria and South Australia.

Equipped with a sign proclaiming: "I am the victim of absolutely outrageous inhuman 'Third World' type justice at the Parramatta Family Law

Court . . ." Ian stands in front of family courts, hands out letters inviting people with complaints against the court to write to Senator Brownhill at 467 Peel Street, Tamworth 2430.

Human Rights Commissioner Brian Burdekin has agreed with Ian's request to undertake a review of the Family Law Act insofar as it relates to guardianship orders, with a view to determining whether the Act breaches the human rights instruments scheduled to the Commission's legislation.

Ian gave up his job as a pharmaceutical traveller to start his one man crusade, and is backed up by a 70 strong group in Sydney called the Family Law Reform Group.

Numbers from the group joined his initial protest outside Parramatta Family Law Court in May.

Ian is calling for the "no fault" concept of divorce to be extended to access and says access should be restricted only in cases of assault.

"If parents are good enough to have access to children when they are married, they're good enough to have access to their children when they are separated," he claims.

The Sydney divorcee sees the decisions of limited access as detrimental to the wellbe-

ing of children's development and growth and says it is generally "the older men" who make up the judiciary of the Family Court, who have no understanding of the desire of today's man to participate in all facets of his children's upbringing.

"In past times it has been readily visible through the bombing of Judge Watson's house, the shooting of Judge Opas and the very recent tragedy in Sydney when a man shot his three children and himself.

"Little action has been taken to address the matter."

Ian supports a "happening in the near future," a national conference of all people seeking reform of the Family Law Court, organised by the president of the Lone Fathers Association, Barry Williams, who may be contacted on (062) 584216.

The conference is set for February next year in Canberra.

Ian intends to keep up his campaigning, through newspapers, television, peaceful protests outside Family Law Courts and the dissemination of information on what he terms "a very serious social problem which has been swept under the rug."

He may be contacted at 8 Stanley Road, Epping 2121.

FAMILY COURT LAWYERS

For the best of service, contact Family Law Reform Group, 467 Peel Street, Tamworth, NSW 2430.

For more information, contact Ian Monk, 467 Peel Street, Tamworth, NSW 2430. Tel: (062) 584216.

Additionally, my name has been added to the "No Fault" list of names of the 70 strong group in Sydney who are seeking reform of the Family Law Act. If you are interested in joining my group, contact me on (062) 584216.

So, if you are interested in joining my group, contact me on (062) 584216. Please phone me on 062 584216.



magazine

Quest to reform 'unjust' Family Law

By MEGAN DIXON

SYDNEY divorcee, Ian Monk will take his one-man campaign against the Family Law Court to rural NSW in the next month when he visits Bathurst, Dubbo, Gunnedah, Armidale and Albury.

Mr Monk (pictured at right) started campaigning for a Senate inquiry into the Family Law Act in August following an unsuccessful application for increased access to his sons.

He said the application, the second since his divorce proceedings, was dismissed without hearing, leaving access to his two young sons restricted to eight hours a fortnight.

Mr Monk gave up his job as a pharmaceutical traveller to start his one-man crusade, and is backed up by a 90 strong group in Sydney called the Family Law Reform Group.

The group was established following his initial protest outside Parliament Family Law Court in May.

Since its formation Human Rights Commissioner, Brian Burdekin has agreed to review the Family Law Act with regard to guardianship orders.

Mr Monk believes the no-fault concept of divorce should be extended to cover access.

He said the Family Law Court abused basic human rights by stripping parents of their joint custodial rights and drew an analogy to the 1930's policy of removing Aboriginal children from their parents.

"I say this is inhuman, cruel and unusual treatment," he said.

"Access should only be restricted in very extreme cases of assault."

Mr Monk claims there is a strong bias in the Family Court against men and the non-custodial parent and suggests feminists have a strong say in its practices.

But he said this bias was more the fault of the older men who run the court.

"Generally it is the older men who make up the judiciary of the Family Court, who don't understand what being a new man is all about," he said.

"They don't understand that the new man wants to be more involved with his children

Four weeks ago "The Land" Magazine published a series of articles on divorce, including a case history concerning a Central West farmer, battling for the custody of his four school-aged children and his fight for the family 603ha mixed farm.

This week we publish some of your reactions, along with a comment from Sydney divorcee, Richard Monk, who is seeking a Senate inquiry into the Family Law Act.

and participate in all the basic washing, clothing and feeding of the children."

He said children need the love and affection of both parents and neither parent should be shut out of a child's life following divorce.

"I think there are a lot of men who wish to participate more in the bringing up of their children but can't do so within the limited access they have," Mr Monk said.

Thank God for the Act

SIR: How enlightened the "Central Western Property Owner" who is going through a divorce is.

Come on Sir, we are almost in the last decade of the 20th century, not in the Dark Ages. Most of us have grown up without complex society, and realise that there is more to life and relationships than the "male of the species" and the "little woman".

When the "Property Owner" condescendingly says: "I was content to allow my wife to partake in outside interest" it became very evident that this gentleman is still living BC.

What does he mean when he says he "allowed" his wife?

1) That she was one of his possessions that he very occasionally let off the leash for exercise? Of course, only after she had done the washing, ironing and cooking;

2) That by "allowing" her some other interest than himself, he was somehow proving how generous he was?

The wife in question had obviously had enough of his so-called generosity, and chose to make her own decisions. This form his tone a mistake, in fact, how dare she!

When "The Property Owner" rightly says that "It is difficult for one person to spend 24 hours with the children" I am compelled to ask:

How many hours a day, week or so, Sir, did you spend playing, touching, and talking to your children?

How many school sporting and family functions did you attend?

How often did you sit all night with a sick child, and then look after active young children next day?

And horror of horrors, how

He said a national conference to be held in Canberra next year would bring people seeking reform of the Family Law Court Act together.

The conference is being organised by Barry Williams of the Lone Fathers Association who may be contacted on (082) 584216.

Meanwhile, he intends to maintain his campaign through newspapers, television, peaceful protests outside Family Law Courts,

many dirty nappies did you change?

Come on Sir, be honest — did you perform as a full- or part-time parent, homemaker and husband? Or did you thank that your responsibilities began and ended with the provision of money?

Your wife, "Central Western Property Owner", is obviously trying to provide a secure future for her children, without dependence on the government or an ex-husband, who may remarry or leave the State, leaving her children in poverty or limbo as so often happens.

Thank God for the Family Law Act, which recognises the value of a woman's contribution to the home, business or family farm, as equal to that of the male of the species.

MARGARET WOOD,
Bathurst.

Shambles of a system

SIR: I read, with great interest, your article in The Land Magazine on divorce, Family Court-styis.

I was most interested in the official line espoused by Robyn Gurr on how the Family Law Court works.

There would appear to be some slight differences from her summary of what happens and what actually happens "on the street".

As someone who has spent close to three years tied up in this shambles of a system, I feel well qualified to comment on this subject.

The Family Court has been seen for years as biased in the extreme against men, and this shows up in custodial cases for children of a broken marriage.

The official line is that both parties have an equal chance of gaining custody of their children, while the reality is that very few men do. The court constantly states that of the 10

per cent of men who do contest custody, 50pc gain the custody of their children.

They then go on to say they have statistical evidence to back this up.

No one has ever believed these figures or for that matter, sighted them.

The reality is that the only cases where men gain custody of their children is where they are abandoned by the mother.

This situation is brought about by a system which makes it patently obvious at the start that they do not believe men make as good parents as women.

Add to that every radical feminist in the guise of counsellors and court officials and you start to get the true picture.

Sadly this "court" has degenerated into a system where men start behind the "eight ball" and are never allowed to catch up.

I am a member of an organisation working towards starting an inquiry into the operations of the Family Court. This organisation has begun collecting information and lobbying members of parliament to instigate a senate enquiry (see article) into every aspect of court operations and decisions.

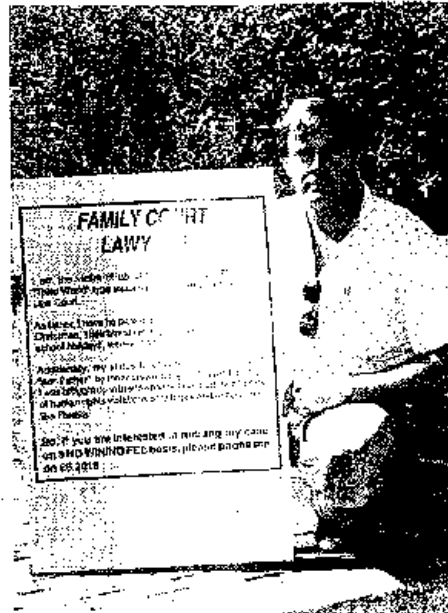
We are shocked at the type of information we are starting to uncover as we delve into some cases that have been brought to our attention.

These details are, of course, suppressed by the secrecy provisions of the Act.

I would urge every person who feels they have a legitimate complaint against the Family Law Court to lobby their local politicians to support this enquiry.

Also of interest is the conference to be held in Canberra in the new year of 1990 to discuss this subject.

CHARLES JENSEN,
'Blenheim',
Cataran.



Divorcee wants Family Law Act changed

A SYDNEY man so angered by his experience in the Family Law Court has taken to the streets to campaign against parts of the Family Law Act.

Mr Ian Monk, a divorcee, wants the practice of stripping parents of their guardianship rights to their children abolished.

He also wants a parent's access to their children to become a basic human right.

Mr Monk was in Coffs Harbour this week after a full schedule of campaigning for the changes in western New South Wales.

'Guardianship is a legal right of parents,' Mr Monk said.

'The stripping of it is an obscene violation of human rights and (similar to) the practice in the 1930s and 1940s when authorities forcibly removed Aboriginal children from their parents.'

He said he felt men were strongly discriminated against in the Family Law Court, both in the granting of access and in property settlement.

'Fathers' access to their children is being stopped for the most trivial of reasons,' Mr Monk said.

'Any man or woman who is going to

stop a mother or father from seeing their child on their birthday or at Christmas is (practising) medieval cruelty — it has no place in the '80s.

'Often I get phone calls to say it is about time someone did something.'

Mr Monk, who has held many protests outside the Parramatta Family Law Court, has found political support in National Party Senator David Brownhill.

Senator Brownhill has offered his support in initiating a Senate inquiry into the alleged discrepancies in the Family Law Act.

Human Rights commissioner, Mr Brian Burdekin, also has agreed to Mr Monk's request for a review of the guardianship orders in the Family Law Act to determine whether it breaches human rights.

Mr Monk has asked that all people who have complaints about the Family Law Court write to Senator Brownhill at 467 Peel Street, Tamworth.

As a result of Mr Monk's protests, a rally group, the Family Law Reform Group, has been formed and now has about 80 members throughout the State.

Mr Monk can be contacted on (02) 86 2019.

Coffs Harbour Advertiser, Saturday, October 7, 1984

Crusading divorcee

A MAN who wants a Senate enquiry into the Family Law Court was in Campbelltown last week to gather support.

Ion Monk, 40, of Epping, is crusading against what he sees as judges' cruelty towards non-custodial parents.

"What I want is for people in the Macarthur area who have suffered the same sort of problems as myself to contact me and join our group to reverse a law which is totally barbaric," Mr Monk said.

When he divorced it was agreed by the Family Court that she was to get custody and he was to be given reasonable access to his two sons: "I was stripped of my legal rights as a parent," he said.

Enquiries: (02) 86 2019.

Keith Milled

NORTH WEST Magazine

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One man's crusade for law reform

A Sydney man, disituteded by a Family Law Court decision, is staging a one-man, Australia-wide campaign to initiate a Senate inquiry into the Family Law Act.

Ian Monk, recently divorced father of two, has given up his job as a pharmaceutical representative to travel throughout N.S.W., Victoria and South Australia, drumming up support for his cause.

Ian claims the stripping of his parental guardianship by the Family Law Court last December, is an obscene violation of his human rights.

In the ruling, the court limited his access to his two sons to a mere eight hours a fortnight, with no direction given as to access on birthdays or special occasions.

His one-man crusade began in August and has taken him from his home in Sydney to Dubbo, Gungahlin, Coonabarabran, Gunnedah, Tamworth and Armidale, on this leg of the campaign.

member-strong group in Sydney called the Family Law Reform Group.

Members of the group have supported Ian in his campaign outside Family Law Courts and endorse his call for the "no fault" concept of divorce to be extended to access.

Ian claims access should be restricted only in cases of assault.

"I feel my ex-wife persuaded the court to limit my access to my sons because at the time I was seeing a psychiatrist who found that I had an immature personality.

"Now, whether my wife felt that such a personality would cause me to be a danger to my sons, or what, I don't know — I know plenty of people with immature personalities and I don't think they are any different from most people. "I certainly don't

believe it should be used as grounds for limiting access.

"If parents are good enough to have access to children when they are married, they're good enough to have access to their children when they are separated," he added. Ian's problems is magnified as his former wife and their sons live at Springwood, in the Blue Mountains and Ian lives in the Sydney suburb of Epping.

"I am always prepared to call for the children, and would do so anytime, but my access is limited to only eight hours a fortnight.

Ian sees the decisions of limited access as detrimental to the well-being of children's development and growth and claims it is generally "older men" who make up the judiciary of the Family Law Court and who have no understanding of the needs of today's man

FAMILY COURT LAW

I am the victim of absolutely outrageous inhuman "Third World" type injustice at the Parramatta Family Law Court.

As father, I have no guaranteed access to my sons for Christmas, Their birthdays, my birthday, Father's Day, school holidays, weekends or overnight.

Additionally, my status has been stripped to that of "non Father" by the removal of my joint guardianship. I was brought up in this town to believe that these sorts of human rights violations only happened in countries like Russia.

So, if you are interested in running my case on a NO WIN/NO FEE basis, please phone me on 86 2019



Ian Monk and the placard he carries outside Family Law Court buildings

to participate in all facets of his children's upbringing.

"Family law Court decisions obviously can't please all parties 100 per cent, everytime, but it is also obvious that the law, as it now stands, is only making many situations worse, causing unnecessary tension, frustration and anger," said Ian.

"This can be highlighted by the bombing of Judge Watson's home and the shooting of Judge Onas and the recent tragedy when one father couldn't cope with the decision and shot himself after shooting his three children."

Next February, a national conference of all people seeking reform of the Family Law Court will be held in Canberra.

The principal organiser is Barry Williams, President of the Lone Fathers' Association.

Ian, meanwhile, intends to maintain his campaign through newspapers, radio and television and, of course, outside Family Law Courts.

Barry Williams can be contacted on (062) 36 4311 and Ian Monk at R Stanley Road, Epping 2121.

"An obscene violation"

He backs his story of injustice and frustration with a large sign which boldly proclaims "I am the victim of absolute outrageous inhuman 'Third World' type justice at the Parramatta Family Law Court..."

Ian now stands in front of family courts, handing out leaflets and letters, inviting people with complaints against the court, to write to Senator Brownhill in Tamworth.

Human Rights Commissioner, Brian Burdick, has even agreed with Ian's request to undertake a review of the Family Law Act, insofar as it relates to guardianship orders, with a view to determining whether the Act breaches human rights instruments scheduled to the Commissioner's legislation.

While Ian is travelling alone on his crusade, he is supported by a 20

Father fights for family law reforms



A Sydney man who is fighting for reforms to the Family Law Court brought his campaign to Lismore on Monday.

Mr Ian Monk was in the district drumming up local support for his campaign to have a Senate Inquiry into the Family Law Court.

A father of two, Mr Monk is angry about an order of the court which has effectively stripped him of his rights as a parent.

He said he was totally and unjustifiably humiliated by the Family Law Court.

"I have been stripped of legal guardianship of my boys, Andrew (nine) and Jamie (seven)," he said.

"My access rights to my sons is eight hours a fortnight which is considered to be 'reasonable access'."

Mr Monk describes the situation as an extreme violation of his human rights

and those of his children.

He says he is a victim of absolutely outrageous inhuman Third World-type injustice being dished out by the Family Law Court in Australia.

"I believed that these sorts of human rights violations only happened in countries like Russia," he said.

"A lot of people do not realise just what the court can do to ordinary parents. I'm not talking about criminals here.

"In my case there was no violence towards my wife or children — just a petty criticism by the court that I had been assessed as having an immature attitude.

"I do not condone violence, but I can understand why the homes of Family Law Court judges have been bombed."

Mr Monk said his application for a review of access

orders was described by the judge as frivolous and vexatious.

He said he could not just let the matter rest, particularly as he was not alone in his experiences.

He said the Family Law Act should have a basic set of principles, to which exceptions could be made.

So Mr Monk made up a placard and waged a one-man war for a Senate inquiry into the Family Law Act.

The Human Rights (Australia) Commissioner, Mr Brian Burdekin, has agreed to review the Family Law Act as it relates to guardianship orders.

Mr Monk wants others with complaints about Family Law Court decisions to write to him (8 Stanley Road, Epping, 2121), or to Sen Brownhill (467 Peel Street, Tamworth, 2430).

FAMILY COURT LAWYERS

I am the victim of absolutely outrageous inhuman "Third World" type injustice at the Parramatta Family Law Court.

As a father, I have no guaranteed access to my sons on Christmas, their birthdays, my birthday, Father's Day, school holidays, weekends or overnight.

Additionally, my status has been stripped as that of "True Father" by the removal of my joint guardianship. I was brought up in this town to believe that these sorts of human rights violations only happened in countries like Russia.

So, if you are interested in running my case on a NO WIN/NO FEE basis, please phone me on 55 2019

Mr Monk with his placard.

Man's lonely campaign

Page 2 - The Gladstone Observer, Thursday, October 26, 1989

for family law reform

A Sydney man who claims he has been stripped of his rights by the Family Law Court visited Gladstone recently during his one man campaign tour for family law reform.

Ian Monk has been campaigning heavily for family law reform since losing his legal battle in the family court last December.

He claims the removal of his two sons from his guardianship and restriction of access to them to eight hours a fortnight was an obscene disregard for his and his sons' human rights.

Mr Monk is campaigning for a Senate Inquiry to be held into the Family Law Act.

He has received support in his quest from Senator David Brownhill who is Federal Parliamentary secretary to the leader of the National Party.

Senator Brownhill has written to Mr Monk indicating he has received many representations from those believing there were areas of concern in the Act and offering support for the setting up of an inquiry.

Mr Monk said he had approached the Human Rights Commission about his claim. He said Commissioner Brian Burdekin had agreed to his request that the commission undertake a review of the Family Law Act where it relates to the guardianship orders, with a view to determining whether the Act breaches the human rights instruments scheduled to the Commission's legislation.

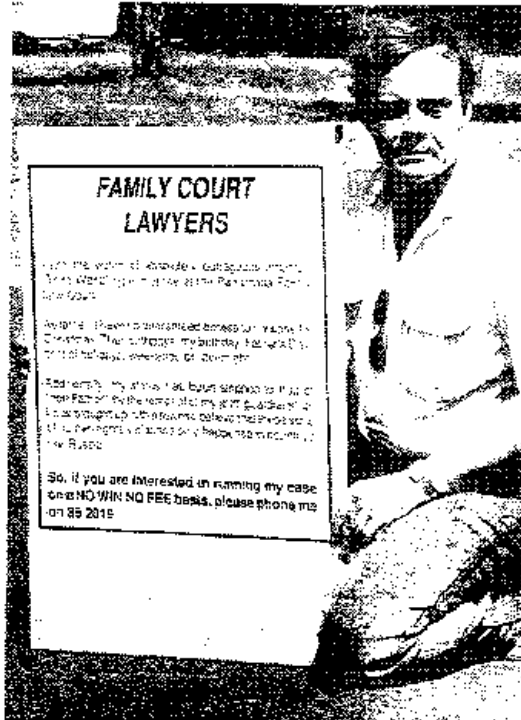
Mr Monk is seeking support for the first step in his campaign for reform - a national conference to be held in Canberra in February next year.

Mr Monk said the conference had attracted speakers of the calibre of Macquarie University's Professor of Psychiatry Graham Russel, Sydney University Law School Associate Professor and member of the Family Law Council, Richard Chisholm and Director of the South Australian Family Foundation and prolific writer on the Family Law Act Dr Daniel Overduin.

Mr Monk's campaign trail has taken him to the streets carrying a placard proclaiming him to be a victim of an absolutely outrageous inhuman 'Third World' type justice.

He also extends a challenge to the legal fraternity asking them to tackle family law cases on a 'no win, no fee' basis.

"I find it disturbing to be forced to pay thousands of dollars in legal fees to have



Lone Family Law campaigner Ian Monk displays the placard that challenges Family Court lawyers to fight on a 'no win, no fee' basis.

my rights, my sons' rights and my access to them removed," he said.

"The way I see it, members of the legal fraternity are making a lot of money from failure."

Mr Monk also attacked the system of judge selection for the family court.

"We have a scenario in which old men who've lost touch with the real world presiding on matters in which, in some cases, they're not qualified."

"We have documented cases of Equity Court judges taking positions on the family court and handing down judgements in matters where they are poorly experienced."

Mr Monk points to the violence surrounding Family court judgements and the growing numbers of dissatisfied victims the court has produced as an indication for the need of reform and sees the national conference in February as the first step in that direction.

Mr Monk is no stranger to the loneliness of one man campaign.

He said in his university days his voice was one of the very few advocating the compulsory use of seat belts in motor vehicles.

In this campaign he has the backing of the 70 strong Sydney based Family Law Reform Group.

Those interested in attending the national conference or seeking assistance or advice are advised to telephone Sylvia Smith in Gladstone on 725899 or Barry Weedon (07) 379 2871.

Family Law Court 'cruel, vicious'

By TONY RAGGATT

AUSTRALIA'S Family Law Court was a cruel and vicious system that denied parents the right to see their children, a father leading a campaign to reform the organisation said in Townsville yesterday.

The father of two sons, Mr Ian Monk of Sydney, said he began his campaign after access to his children was limited by the court to four hours a week.

He was told grounds for the decision were that he had an immature personality.

"I have been stripped of my guardianship and my sons have been stripped of a legal father," he said. "It is analogous to the practice during the 1930s and 1940s when White authorities forcibly removed Aboriginal children from their parents."

"I am not just outraged as a father, I'm appalled this practice goes on in my country."

"I hope to change things so my sons' human rights are not violated in a similar manner in the future."

Mr Monk led a demonstration in Sydney last year and with people who have similar grievances formed the Family Law Reform Group.

The group lobbied the Human Rights Commission which has now agreed to review the Family Law Act for possible breaches of human rights.

Mr Monk said he had met many men suffering similar court penalties to his own.

"There are many fathers who have received the same cruel punishment and yet none were guilty of any offence or crime."

Mr Monk believed many people involved in the court were biased against men.

"Many men have received most unfair property settlements, as little as 30 per cent of assets, and are then forced to pay maintenance for children while their working ex-wives put nothing towards a financial contribution to their children."

He said it was telling that, to his knowledge, no woman had been jailed for contempt of the Federal Court where about 20 to 30 men were jailed for such a breach each year.

Mr Monk said the major reform he sought was the introduction of the concept that access to your child was a human right.

Townsville Bulletin Oct 21 1989

Divorcee seeks reform of 'cruel' family laws

A FAMILY law reformist, Mr Ian Monk, was in Cairns at the weekend pursuing a personal crusade against something he said has caused suffering to himself and others and breached basic human rights.

According to his psychologist, Mr Monk has an immature personality.

The family law court decided last December he should lose legal guardianship over his two sons, aged seven and nine, and have only four hours' visiting time each week as a result of his condition.

Mr Monk, a divorcee, said his former wife knew about his psychological background when she married him but the court still made a decision

based on those grounds.

"Parents have joint rights and responsibilities. Legally they are not my children any more, yet I am still paying maintenance for them," said Mr Monk.

"My ultimate goal is to gain a senate inquiry into the Family Law Act. There have been obscene abuses of the law act with access orders and people's right to have a family," he said.

"It is a basic human right that we should be able to socialise with who we want, and I am being denied that right. I have been stripped of my two sons."

Mr Monk is president of the Family Law Reform Group of New South Wales and has

campaigns at towns in South Australia, Victoria, New South Wales, and now Queensland during his four-state battle for reform.

He said the Human Rights Commissioner, Mr Brian Burdekin, had promised to review guardianship orders within the Family Law Act and whether they breached human rights legislation.

"I want to make the public aware of the cruel things the family court can do to you."

Mr Monk said the family court was applying a "guilty until proven" attitude by saying the decision was in the best interest of the children, instead of deciding whether any harm would be done.

The Cairns Post, Monday, October 23, 1989

FAMILY COURT LAWYERS

I am the victim of absolutely outrageous inhuman "Third World" type injustice at the Parramatta Family Law Court.

As father, I have no guaranteed access to my sons for Christmas, their birthdays, my birthday, Father's Day, school holidays, weekends or overnight.

Additionally, my status has been stripped to that of "non Father" by the removal of my joint guardianship. I was brought up in this town to believe that these sons of human rights violations only happened in countries like Russia.

So, if you are interested in running my case on a NO-WIN/NO FEE basis, please phone me on 86 2019.



Australia-wide campaign for Family Law Act inquiry

A SYDNEY man campaigning for a Senate inquiry into the Family Law Act and its implementation by the Family Law Court visited Stanhorne last week in a bid to find local support.

Mr. Ian Monk began his one-man campaign in December 1988, after a Family Law Court decision removed his joint guardianship of his two sons and limited his access to them to eight hours a fortnight.

He is now calling for the introduction into the Family Law Act of the concept that parents' access to their children is a human right and seeking the abolition of the practice of "stripping" parents of their guardianship and their legal rights as parents.

Equipped with a sign reading: "I am the victim of absolutely outrageous inhuman 'Third World' type injustice at the Parramatta Family Law Court," Mr. Monk has campaigned through New South Wales, Victoria, South Australia and Queensland.

Mr. Monk said that his campaign has met with a strong response in all States he has visited.

"I find that there are very many fathers who have little or no access to their children," he said.

"I believe that there is a general mood in the country which recognises that the existing approach of the Family Law Court has failed.

"It is clear that the Family Law Court is failing when you look at the violence and bombing that surround it and the groups that have sprung up in opposition to the Family Law Court.

"There is much that needs rectification - not just the Family Law Act, but the counselling section of the Family Law Court, many of whom hold the view that children do not need fathers, and the selection of Family Law Court judges."

Mr. Monk said that many of the Family Law Court judges have outdated views of the roles of mothers and fathers which are reflected in their decision-making.

"Old judges perceive child rearing to be solely the role of the mother, but contemporary men do participate much more in child rearing at every level.

"Child development experts say that children require the love and affection of both parents and this is only common sense.

"Every point of view - human rights, child development - leads to the conclusion that joint custody of children is the way to go".

Human Rights Commissioner Brian Burdickin has agreed to a request from Mr. Monk that the Commission review the guardianship provisions of the Family Law Act to determine whether the Act breaches Human Rights Commission legislation.

"In the past, the whole thrust of the Family Law Court has been to give the child to one parent," Mr. Monk said.

"If the Human Rights Commission review upholds my objections, it will pose a direct challenge to the existing practices of the Family Court."

"This could have a very substantial impact on changing the direction of the Court's decision making. It would no longer be able to cut one parent out of the lives of their children".

Mr. Monk's campaign has received support from National Party Senator David Brownhill, of Tamworth, who has offered his support in instigating the proposed Senate inquiry.

Mr. Monk asked that people with complaints about the Family Law Court write to Senator Brownhill at 467 Peel Street, Tamworth, 2430, to assist him in initiating the inquiry.

A national conference for all people seeking reform of the Family Law Act, organised by the Lone Fathers' Association, will be held in Canberra in February, 1990. For more information on this conference, contact Barry Weedon on (07) 379 2871.

Mr. Monk will next take his campaign to Ballarat, where he will attend the Third Annual Family Research conference as the "resident demonstrator". Mr. Monk has already led a protest march outside the Parramatta Family Law Court in May.

Photo: Mr. Monk with the sign claiming "third world" injustice by the Family Law Court.

The Labour Government is only good for to your money to married women who don't need husbands for better health.
Arguing John Salas

Toowoomba Oct 25 1987

Divorced father wants family law inquiry

A divorced father has been campaigning across four States for a Senate inquiry into the Family Law Act.

Mr Ian Monk lost guardianship of his two sons, aged seven and nine, in December, and has had his access cut back to eight hours a fortnight.

He calls this "a cruel punishment".

"The terrible crime I have committed is a psychiatrist's report that I have an immature personality," Mr Monk said.

About 40 men turned up at a demonstration he organised outside Paramatta Family Court in May, "and I found out this sort of sentence is common".

After the protest, he set up the Family Law Reform Group, which has about 100 members, mostly men.

Access and property were two major areas of contention.

Mr Monk said men had difficulty getting access to their children or had it cut back, or found their former wives got about 70% of their property.

He had tales of fathers driven to contemplating violence because of their treatment by the court.

He said some people felt there was nothing wrong with the Family Law Act, only the way it was exe-

cuted by the Family Court, but he said an urgent inquiry was needed into both.

Mr Monk wanted to see a basic principle that both parents have joint rights and responsibilities for their children.

He also wanted joint custody orders wherever possible.

When he and his wife divorced 2½ years ago, he had his boys on alternate weekends, part of the school holidays, and some special occasions like birthdays and Father's Day.

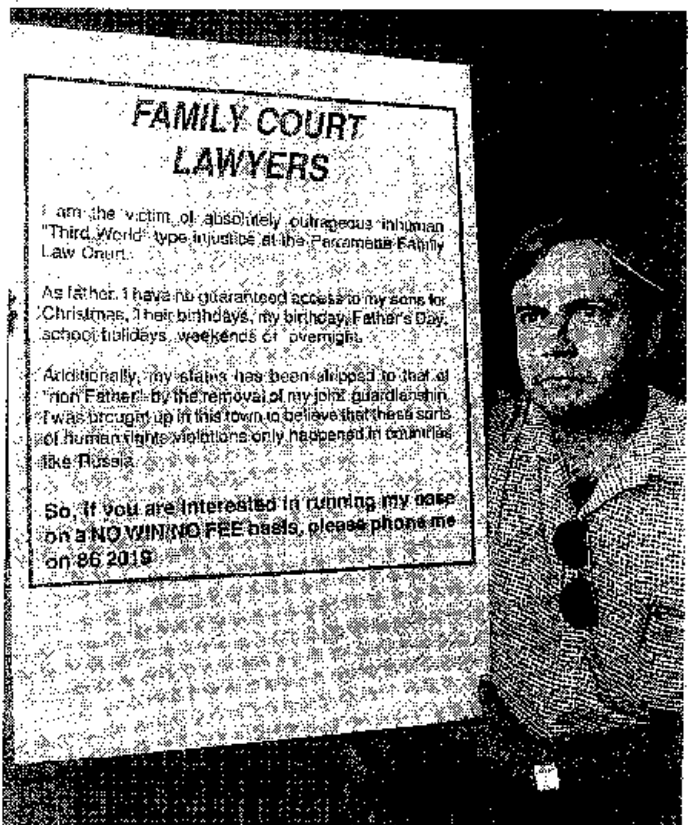
"If there's disagreement between parents, access is cut, and they get punished," Mr Monk said.

"My sons have lost the concept that it is possible to stay with dad overnight or for the weekend."

Mr Monk asked people with complaints to write to Senator David Brownhill, who had supported the instigation of an inquiry. His address is 467 Peel Street, Tamworth, 2340.

People can also phone Mr Monk in Sydney on (02) 86 2019.

A national conference seeking changes to the Family Law Act will be held in Canberra in February. Inquiries can be directed to the president of the Family Law Reform Association of Queensland, Mr Barry Weedon, on (07) 379 2871.



Mr Ian Monk with his challenge to Family Court lawyers.

Senator calls for inquiry into family law

Divorced Sydney father Ian Monk has welcomed a call by Senator David Brownhill for a full parliamentary inquiry into the administration of family law in Australia.

Mr Monk was in Wagga in September as part of his campaign for a review of laws that allowed the Family Court to restrict access to his two sons to eight hours a fortnight — an order he described as an "obscene violation of human rights".

Mr Monk campaigned outside the Family Court when it was sitting and made representations to a number of politicians, in-

cluding Senator Brownhill.

Senator Brownhill has called for the Parliamentary inquiry immediately following the next election.

He said the Federal Labor Government had been negligent to allow so much community disquiet to arise out of the Family Law Act.

"Such an inquiry is essential. There is enormous dissatisfaction in the community about how the Family Law Act is administered.

"In the past few months my office has been overwhelmed by the range of complaints.

"The biggest areas of dispute appear to be custody, access, maintenance and to a lesser extent, property," he said.

Senator Brownhill said it would be pointless to start an inquiry now when a Federal election was due within the next six months.

"Any inquiry would take at least that long to collect evidence and make recommendations," he said.

"The issue is far too important to have an inquiry rushed through."

Mr Monk said he was "delighted" with the senator's announcement.

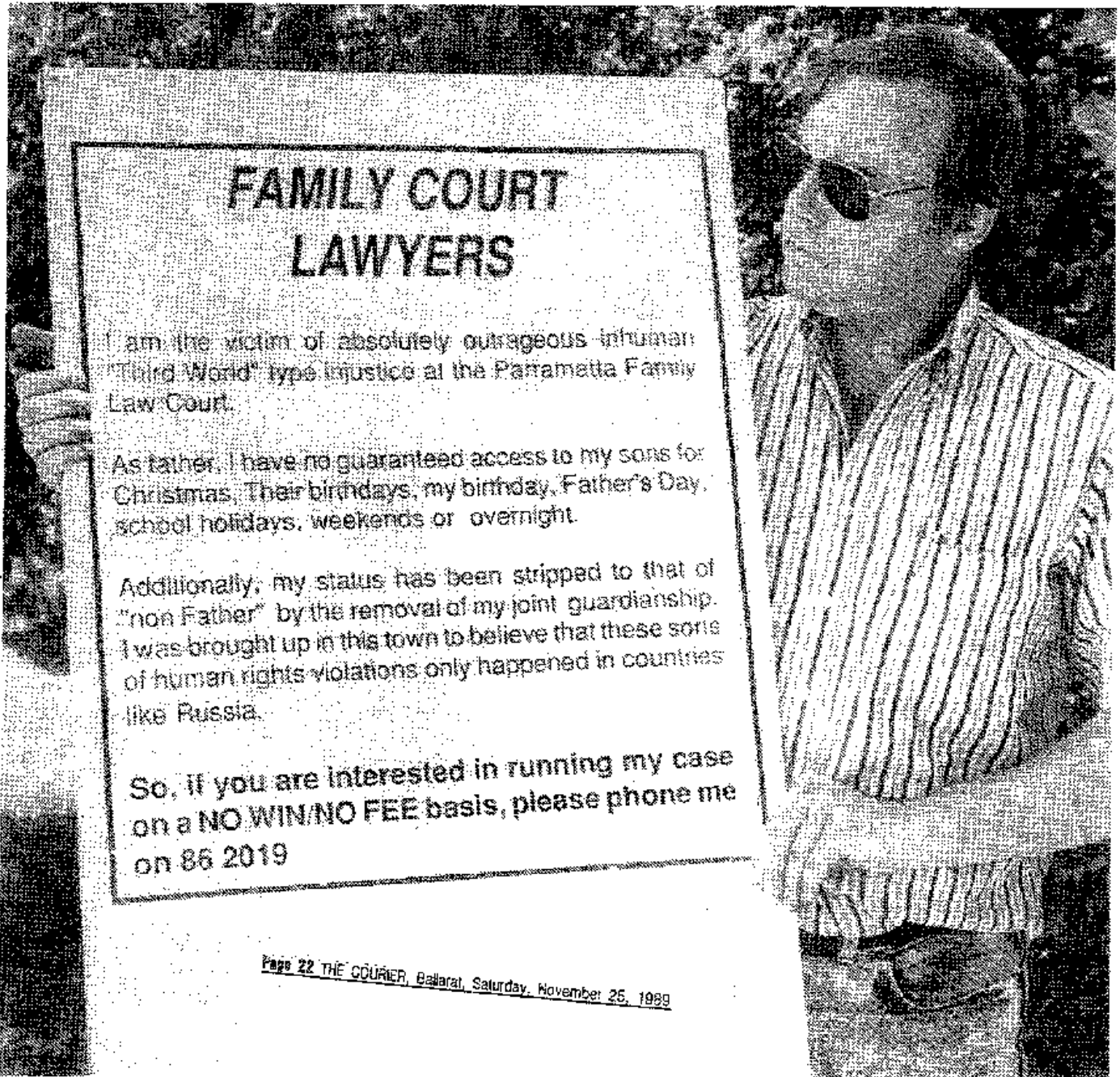
"I think it will prove the

key to dramatic reform to both the act itself and the Family Court.

"Previously people with complaints about the Family Court have had nowhere to go ... if people wrote to the Family Court it was a joke, it fell on deaf ears."

Mr Monk believes the Family Court should be replaced with a "Divorce Court" and that among other changes parents should have the right to access, custody orders should be joint custody orders, parents should contribute equally to child maintenance.

Campaigner fights Family Law Act



FAMILY COURT LAWYERS

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So, if you are interested in running my case on a NO WIN/NO FEE basis, please phone me on 86 2019

Page 22 THE COURIER, Ballarat, Saturday, November 25, 1989

Ian Monk displays the poster being used in his Australia-wide campaign for reform of the Family Law Act.

A Sydney man whose access to his two sons was restricted by a NSW Family Court decision last December, has begun a one-man crusade for a Senate inquiry into the Family Law Act.

Mr Ian Monk brought his campaign to Ballarat yesterday and will be back here next week

to demonstrate at the Ballarat CAE during the family research conference of the Australian Institute of Family Studies.

He contends that limiting access of parents to their children is contrary to human rights and has also raised the matter with the Human Rights Commission.

He said the commission had agreed to review the Act and guardianship orders to determine whether they breached human rights provisions.

"The courts should recognise that parenting is a joint responsibility and order joint parenting," he said.

Challenge to Family Law Act

A Sydney man campaigning for a Senate inquiry into the Family Law Act and its implementation by the Family Law Court visited Mount Gambier in a bid to find local support.

Mr Ian Monk began his one-man campaign in December 1988, after a Family Law Court decision removed his joint guardianship of his two sons and limited his access to them to eight hours a fortnight.

He is now calling for the introduction into the Family Law Act of the concept that parents' access to their children is a human right and seeking the abolition of the practice of "stripping" parents of their guardianship and their legal rights as parents.

Equipped with a sign reading: "I am the victim of absolutely outrageous inhuman 'Third World' type injustice at the Parramatta Family Law Court," Mr. Monk has campaigned through New South Wales, Victoria, South Australia and Queensland.

Mr Monk said that his campaign had met with a strong response in all States he had visited.

"I believe that there is a general mood in the country which recognises that the existing approach of the Family Law Court has failed.

"It is clear that the Family Law Court is failing when you look at the violence and bombing that surround it and the groups that have sprung up in opposition to the Family Law Court."

"Child development experts say that children require the love and affection of both parents and this is only commonsense," he said.

"Every point of view - human rights, child development - leads to the conclusion that joint custody of children is the way to go," Mr. Monk said.

Human Rights Commissioner Brian Burdick has agreed to a request from Mr. Monk that the Commission review the guardianship provisions of the Family Law Act to determine whether the Act breaches Human Rights Commission legislation.

The Border Watch

P.O. Box 309, Mount Gambier, S.A. 5290
Phone 25 7333 Telex 80175
FAX (087) 25 8431

27-11-89

ONE MAN CAMPAIGN

Mr Ian Monk, a Sydney man, who has actively extolled the requirements for reform of the Family Law Courts and called for a Senate inquiry, visited Ulladulla last week in his request.

Mr Monk whose access to his own children has been restricted to just 8 hours a fortnight, following his divorce, indicated that in his view the current court practice of effectively placing fathers on trial is 100% wrong. He contends and justifiably so that both parents have basic rights in regard to their children.

Mr Ian Monk began his one-man campaign in December 1988, after a Family Law Court decision removed his joint guardianship of his two sons and limited his access to them to eight hours a fortnight.

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have little or no access to their children," he said.

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"There is much that needs rectification — not just the Family Law Act, but the counselling section of the Family Law Court, many of whom hold the view that children do not need fathers, and the selection of Family Law Court judges."

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"This could have a very substantial impact on changing the direction of the Court's decision making. It would no longer be able to cut one parent out of the lives of their children."

Mr Monk's campaign has received support from National Party Senator David Brownhill, of Tamworth, who has offered his support in instigating the proposed Senate inquiry.

Mr Brownhill has undertaken to seek support for a Senate enquiry into such areas of family law as access, custody, maintenance and property settlement.

Mr Brownhill has indicated that he has been overwhelmed by the depth and extent of criticism of the present administration of family law. While he has been able to gain support for such an enquiry from all parties, the uncertainty about the timing of the Federal election has meant deferring the formation of any such enquiry until after the next Senate election. The National and Liberal Parties have made a firm undertaking in their Law and Justice policy to indicating that they will undertake such a review and that it will be started immediately on their return to government at the next election.

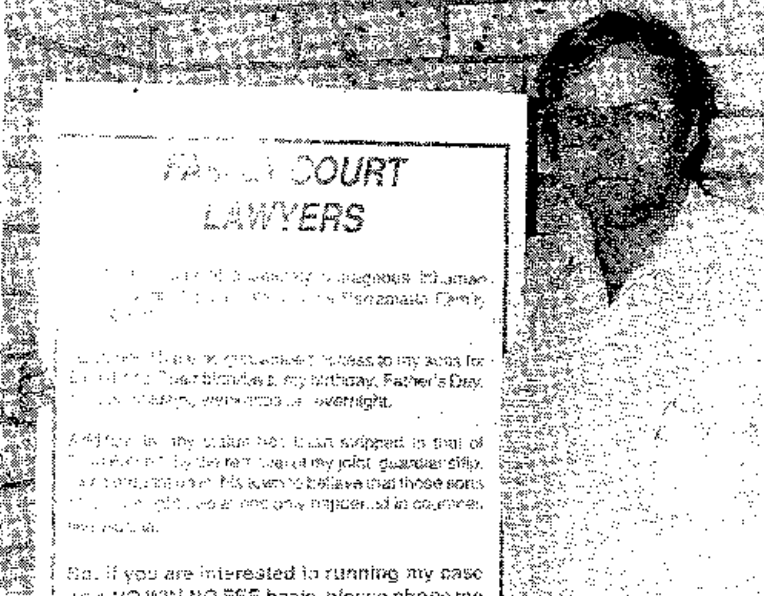
Mr Monk is to attend a national conference for all people seeking reform of the Family Law Act, organised by the Lone Fathers' Association which will be held in Canberra in February, 1990.

While Mr Monk's efforts appear to be meeting with some success he indicated in conversation with the express that his proposals for revision of the Family Law Act has met with some resistance particularly among the legal profession.

In his view the reforms proposed would mean considerable reductions in the time spent in legal wrangling between parties.

Mr Monk's view put simply towards property aspects related to divorce proceedings is; that a person takes in to a marriage he/she should be able to take out, while that collected or obtained during the marriage should be shared equally.

Mr Monk can be contacted for information relating to his campaign on Telephone (02) 862019, while information on the forthcoming National Conference is available from Barry Weedon on (07) 3792871.



Mr Monk with his sign claiming "Third World" type injustice by the Family Law Court.

Family Law Court campaigner to stand as Senate candidate

MARION MCELROY

A SYDNEY man campaigning for a Senate inquiry into the Family Law Act and its implementation by the Family Law Court will stand as an Independent candidate for the Senate.

Mr Ian Monk began his campaign in December 1988 after a Family Law decision removed his joint guardianship of his two sons and limited his access to them to eight hours a fortnight.

Since then Mr Monk has embarked on a campaign in four states for the reform of the Family Law Act to include the concept that parents' access to children is a human right.

In other words, he wants unlimited access protected by the Family Law Act.

He also wants family break down addressed through 'mitigation rather than litigation' with maintenance shared equally by both parents and property given to who ever paid for it.

Mr Monk described the Family Law Act as outdated and 'a massive discrimination against men.'

Mr Monk said a reform of the Family Law Act and its implementation by the Family Court would form the platform of his political campaign. His campaign will kick off with three extensive tours in N.S.W.

'Realistically I don't expect to get elected,' he said. 'But I see it as an appropriate opportunity to raise the issue with the public and give the public an opportunity to raise a protest vote against the Family Law Act.'

Mr Monk said the major political parties were not giving the issue as much attention as they should.

He believes he has wide support for his cause, particularly from groups such as the Lone Fathers Association which discussed the need for a reform of the Family Law Act in Canberra earlier this month.



■ Independent senate candidate and Family Law Court campaigner is

Campaigning for Family Law Reform

President of the Family Law Reform Group Ian Monk is stepping up his campaign by standing for the senate in the forthcoming Federal election.

His single issue campaign is reform of the Family Law Court; actually he would like to see it abolished and see mediation centres in its place.

Mr Monk said. "I feel family break-ups are not a court matter — its a social issue not a legal issue. This nonsense that goes on the court of finding fathers unfit parents is medieval cruelty. If they weren't getting divorced they would still be with their children.

"Child experts say that children need the love and affection of both their parents. Its only common sense, you don't need to be an expert to know that," he said.

Mr Monk, 41, is himself a victim of the Family Law Court. In December 1988 he was stripped of his right to joint guardianship of his two sons and his access was limited to eight hours a fortnight. This situation remains unchanged.

He said, "There's a widespread feeling that the Family Court has failed and that it needs a parliamentary inquiry and a radical re-writing of the Act.

"If elected I'd be there to do my best to see Family Law reform would be raised as an issue of importance because I feel it is currently being ignored by the Labor Party. The Labor Party do not realise the need for an inquiry into Family Law. I feel many people in the community may wish to

register a protest vote by voting for myself."

Mr Monk based his policy on resolutions made at the first national convention on Lone Parent Family issues in Canberra earlier this month.

MEDIATION CENTRES

Once of the resolutions passed at the convention called for mediation centres to be set up as soon as possible in an capital cities and major country towns to deal with all Family Law related matters such as custody, access, maintenance, property and de facto situations.

Staffed by qualified experts such as solicitors, marriage guidance counsellors and financial counsellors the mediation centres would approach problems committed to mediation rather than adversary punishment.

CUSTODY

Mr Monk said, "I think joint parenting should be the norm. Both parents have rights and responsibilities towards their children. I say access should be unlimited.



"In America they place limitations on how far one parent can move away from the other and I think it is an issue that should be considered in the interest of the children."

MAINTENANCE

"Because both parents have equal rights and responsibilities maintenance should be shared equally," Mr Monk said.

PROPERTY

As far as property is concerned, Mr Monk believes what a person takes into a marriage is what they should take out. He says property accumulated together in the marriage should be divided according to the contribution.

BILL OF RIGHTS

Mr Monk sees the introduction of a Bill of Rights into the Australian legislation as imperative and said, "Common Law is proving to be less than satisfactory as far as protecting people's rights and concerns.

"Existence of the Bill of Rights has virtually been ignored here in Australia by state and federal governments, the judiciary and the legal profession generally," he said.

Anyone wishing to help Mr Monk in his campaign for Family Law reform or seeking further information can contact him on (02) 862019.

— Ian Monk: independent candidate for Family Law reform.

'Abolish family law courts'

Distressed father says radical new reforms overdue

Independent candidate for the Senate, Ian Monk, visited Wagga on Monday near the end of a campaign tour of NSW promoting family law court reform.

Mr Monk, 41, president of the Family Law Reform Group is from the Sydney suburb of Epping. He has two sons from his second marriage who live at Springwood.

His campaign began in December 1988 after a family law court decision removed Mr Monk's joint guardianship of his two sons and limited his access to them to eight hours a fortnight.

Claiming that this type of decision is "outrageous, medieval cruelty", Mr Monk is seeking radical change in family law particularly where it affects lone fathers.

Mr Monk believes that family law is outdated, and does not account for changes that the women's movement has wrought on society.

"There is a new perception of the male role in the family which family law does not account for," he said.

"Many women have taken advantage of the equality offered to them but are not prepared to relinquish or share their role in parenthood."

The major change advocated by Mr Monk would be the abolition of family law courts.

In their place would be mediation centres where parties could resolve disputes surrounding marriage breakdowns by conciliation and mediation rather than litigation.

"This would be far less stressful for families, both financially and emotionally," said Mr Monk.

Unlimited access to their children for the non-custodial parent is an essential element of Mr Monk's policy.

"There should be joint custody, equal maintenance provision and shared parenting after a divorce," he said.

"This would be a proper reflection of both parents' rights and responsibilities with regard to their children."

Mr Monk is also in favour of restricting the movement of parents after a marriage breakdown, particularly the custodial parent who may limit access to the children by moving.

Property division after a marriage breakdown follows one rule in Mr Monk's policy.

"What you take into a marriage should be yours to take out, everything else should be divided," he said.

"This is particularly relevant to the rural areas



Ian Monk

where family properties are often involved."

Mr Monk is happy with the response of rural NSW to his campaign but has not found the same enthusiasm in the metropolitan area.

Election 1990



IAN MONK

Reformist to run for the senate

FAMILY Court reform activist Ian Monk is standing for the Senate at this month's Federal Election.

The Sydney man is campaigning on behalf of all parents who have had their time with their children curtailed by a decision of the Family Court.

Mr Monk has had his time with his two boys, aged nine and seven, limited to eight hours a fortnight after interferences from his ex-wife in Family Court saying that he suffered mood swings and could be a danger to the children.

Mr Monk said the funny and hypocritical side of this inference is that he has always suffered fluctuating moods and in fact he said his ex-wife mentioned these mood changes, now contained with prescription lithium, on their first date, yet she married him and they had two children before separating after seven years of marriage.

The 41 year old political aspirant said he is protesting at the outrageous cruelty of Family Court decisions.

"My candidacy will give the people of New South Wales a unique opportunity of making a protest against the Family Court and being confident that their vote will go to a second preference," Mr Monk said.

He said he has little chance of catching 14.2 per cent of the vote required to get into Senate and he believes people voting for him should state for their second preference Senator David Brownhill in recognition of the Senator's efforts to secure a Senate enquiry into the Family Court.

Mr Monk said to vote for Senator Brownhill as a first preference would not register as a protest as the Senator is standing for re-selection on many issues.

"The only way therefore, to make a protest against the Family Court is to

vote for me because it is the only issue I am standing on," Mr Monk said.

He said he is hoping that there may be some word on the reform enquiry before the Federal Election he said this would be a very important decision which would affect all Australian parents and their children.

"I hope they do determine that parents have an unalienable right to their children," Mr Monk said.

"If this is the enquiry finding it will be an awful indictment of the Family Court."

Mr Monk said he believed the Family Court in Victoria is responsible for at least one death a month either by suicide or homicide and he is aware of a Family Court decision in Sydney where a couple separated after 30 years of marriage.

"The wife went to her lawyer who advised her to have no contact with her husband, I understand," Mr Monk said.

"This decision was reinforced by the Family Court and the man, bewildered, upset and shattered hung himself."

Mr Monk said no-one, who hasn't been through the trauma, can understand the total devastation and loneliness a parent feels when someone rules that they can't see their children.

He said although he is sure he could have petitioned for increased custody of his two boys he understands the Family Court can be very vindictive towards people who protest against a court decision, let alone actively campaign as he has been doing.

People wishing to gain further information about Ian Monk and his lone crusade against the Family Court should contact him on Sydney (02) 86 2019.

THE AREA NEWS

Incorporating The Griffith Times
Cnr Ulong and Olympic Streets, Griffith, N.S.W. or
P.O. Box 1004, Griffith, N.S.W. 2680.
Phone (069) 62-1733

Anger the sire of single-issue candidate

By ERROL SIMPER

HAVE you ever wondered how ungrouped Senate Independent candidates, that endless list of names inevitably cluttering already cluttered ballot papers, actually come to stand?

Often they are single-issue candidates. Nobody, except close relatives and friends, has ever heard of them. Nobody you ever meet intends voting for them. And after the election you rarely hear of them again.

Well, maybe they get there because something happens in their lives.

Take Ian Monk, a 41-year-old salesman. He will appear among the ungrouped independents on the March 24 Senate ballot in NSW largely because he is divorced.

He is unashamedly single-issue: the abolition, or at very least, radical reform of the Family Court.

The court decided in February 1988 that Mr Monk could have access to his two sons, Andrew, 9, and Jamie, 8, for eight hours a fortnight.

He thinks this is not enough and the only way he can think of to draw attention to what he sees as an inhuman system is to stand for the Senate.



Mr Monk ... 'still very angry'

He says the court's counselling service is dominated by feminist thinking. He believes the court is slowly eroding and downgrading the status of fatherhood.

He says he is receiving overwhelming response and encouragement from men throughout Australia who also are victims of a "totally inappropriate" system.

"I would describe what I was put through by the Family Court at Parramatta (Sydney) as totally unjust humiliation," says Mr Monk.

"Now anybody who's subjected to that is likely to remain angry for a very long period of time.

"Despite the fact that this matter is now 18 months old I'm still

very angry and that's what motivates me.

It's not just me. Many other men have little or no access to their children and I think one can only reasonably conclude the court is failing Australian children and their fathers. And for that reason alone the court should be abolished."

Mr Monk wants the Family Court replaced by a far more informal network of mediation centres.

The court and its legal paraphernalia, he says, are "totally inappropriate for innocent parties, which is what people are when their marriages break down".

It is his issue and he is inclined to warm to it: "Personally I have difficulty understanding how people can get so committed to trees or animal liberation and things like that yet, comparatively, people haven't become political with regard to their children.

"I think the issue is new and it will take a period of time before it grows to where a lot of other issues are."

And that's how they seem to get on those crowded ballot papers. They get angry enough to allow their names to be printed in the newspapers.

No more Family Law Courts

Independent candidate for the Senate, Ian Monk, is in the Riverina campaigning on a radical plan to abolish the Family Law Courts.

Ian's campaign began in December 1988 when a Family Law Court decision removed his rights to guardianship of his two sons and restricted his access to eight hours a fortnight.

With mood fluctuations which he says his wife knew about since the day they first met, Mr Monk was declared unfit to be a father.

"The Family Court takes innocent fathers and on the will of a vindictive spouse, turns them into unfit fathers," he says.

"I'm motivated by my own experience."

"When I went to school I wasn't told my

country would take my kids away from me and strip me of my rights.

"So I felt the only responsible thing I could do was to go out and try to change the law.

"It truly is a basic violation of human rights to strip a parent of their legal rights," he says.

Mr Monk makes the analogy of white Australia's infamous practice during the 1930s and 1940s of taking Aboriginal children away from their parents in the belief that it was better for the children.

"Three decades later the Aboriginal placement policy now is that the best place for children is with their parents.

"And with that view I support the Aboriginal placement policy as being

more enlightened than the policy of the family courts."

Mr Monk sees the solution as having mediation centres for parties to resolve problems by conciliation rather than litigation.

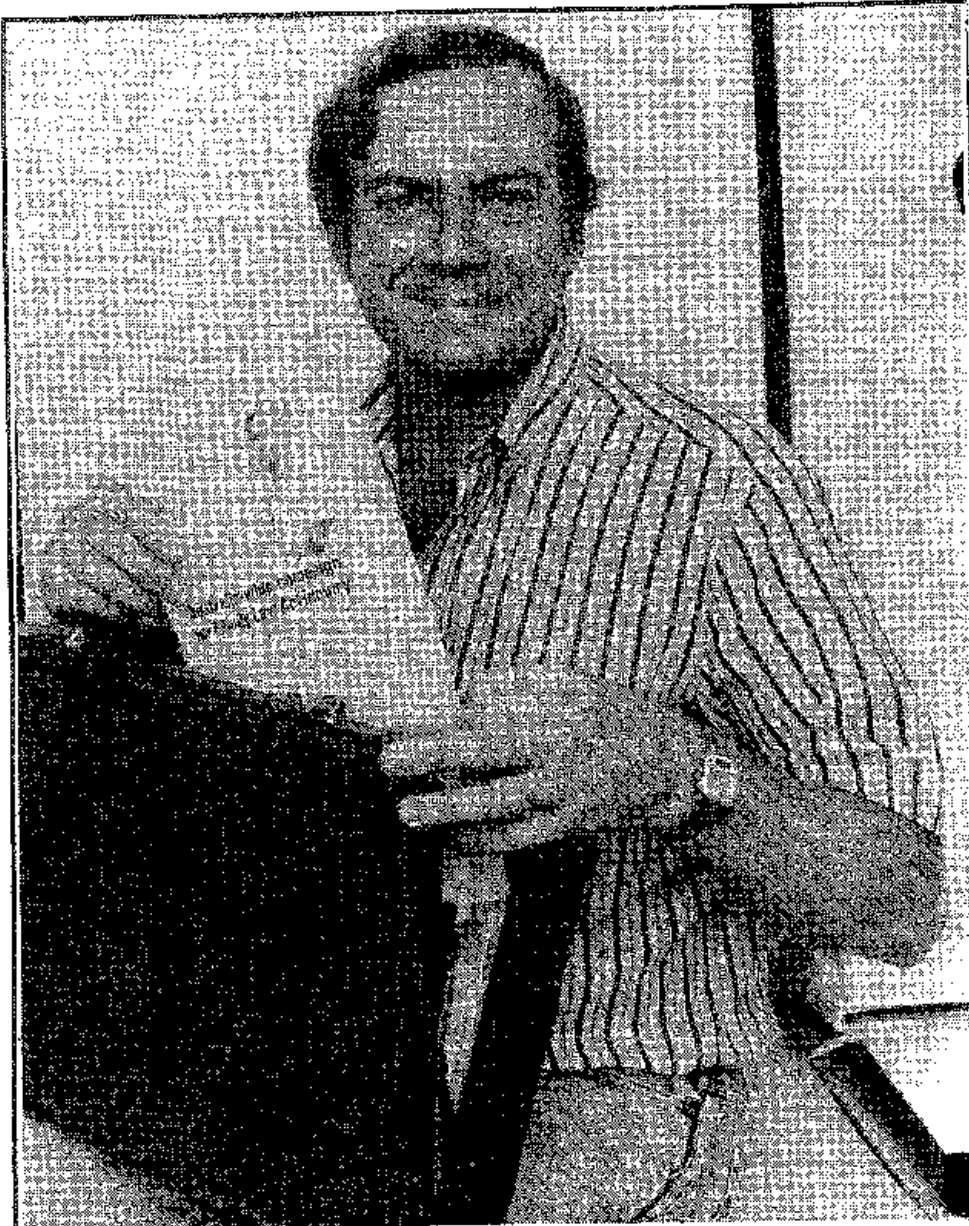
Unlimited access to their children for the non-custodial parent is another essential element of Mr Monk's policy.

Currently, Mr Monk says, the Human Rights Association is about to make a decision on whether Family Law Court decisions are an infringement of human rights.

"Either that will plunge us into the Dark ages and say that parents have no inalienable rights to their children, or it will take a more enlightened view."



Ian Monk, independent senate candidate.



Ian Monk visited Dubbo this week during his campaign for a seat in the Senate in the upcoming Federal Election.

Ian centres Senate campaign on issues affecting the family

IN December 1988 the Family Law Court ruled that an unassuming salesman from Epping could see his two sons for only eight hours a fortnight. For most men that would have been the beginning of the end - for Ian Monk it was the catalyst that launched him into politics.

Since his divorce Ian Monk has been campaigning heavily for an overhaul of the Family Law Court and has been a strong advocate for the rights of divorced fathers to equal custody of their children.

This week Mr Monk was in Dubbo campaigning for a seat in the Senate in the upcoming Federal Election. Fresh from a convention of the Lone Fathers Association of Australia in Canberra where he was a principal speaker, Mr Monk mapped out a list of reforms needed to bring "justice and equity" back into the Family Court system.

A quietly intense man, Mr Monk began his crusade after a Family Law Court decision removed his joint guardianship of his two sons. He later protested outside the court in Parramatta waving a sign which read: "I am the victim of absolutely outrageous inhuman 'Third World' type injustice."

There is little doubt Mr Monk paints a depressing picture of the lone father in the 1990's - but he says

there is an answer.

"I think the ideal situation would be where both parents are living comparatively close to each other and the children stay three and a half days with one parent and then three and a half days with the other. There should be restrictions on a parent moving so far away that it hampers access rights for the other parent.

"We would like to see an immediate full Senate inquiry into the Family Law Act and the operations of the Family Court and that delegates from organisations such as the Lone Fathers Association be able to attend.

"The Government should also give priority to the setting up as soon as possible of Family Mediation/Conciliation Centres. Divorce is not a matter of litigation. A marriage has failed - a crime has not been committed."

Mr Monk has no illusions about getting into the Senate. By his own admission his chances are "slim" although he said a vote for him would be a vote against the Family Law Court.

But his message is not just for men.
"What does it offer Mum? Joint rights and responsibilities. More freedom to have her own life."

Senate bid pitch is law reform

INDEPENDENT candidate for the Senate, Ian Monk, of Sydney, paid a fleeting visit to Leeton this week as part of his single-issue election campaign.

Mr Monk is fighting for a review of the Family Law Court, which he said had made him a "non-father" by robbing him of joint guardianship to his two sons, aged nine and eight.

"I am restricted to eight hours access a fortnight," he said.

"I maintain that parenting is a joint responsibility and custody is a right, not a privilege."

Mr Monk said the court had violated his basic human rights and that of other fathers in similar situations.

The present litigation approach to divorce and custodial matters was inappropriate.

"The Family Law Court, as it exists, should be replaced by mediation centres. This would be a far less stressful way of resolving issues at the end of a marriage and far less costly than litigation," Mr Monk said.

He said by supporting his candidacy, electors would have the opportunity to register a protest against the Family Law Court, at the same time knowing that their votes would be going to their second preference.

"I am saying the second preference vote should go to the Coalition in recognition of Senator David Brownhill's effort to secure a Senate inquiry into the Family Law Court," he said.

Mr Monk said the court's image was poor. It was presided over by "noid guys" whose attitudes had not caught up with the changing patterns of parenting.



MR MONK

They did not realise that younger fathers were participating more in child-raising and sharing the responsibility with their wives, who in many cases also worked outside the home.

Mr Monk said the judges needed a background in the humanities. In his case a former accountant had decided on his access, or rather lack of it, to his children.

He said besides unlimited access to children for both parents, maintenance should also be a joint responsibility, irrespective of whether the mother worked.

Another area which needed to be addressed was the distribution of the divorced couple's property, which too often saw fathers forced to sell up everything they had worked for and, in the case of farmers, often lose their livelihood.

Mr Monk stressed that he did not want to erode mothers' rights, but sought only equal rights for fathers.

Electors wishing to support Mr Monk's campaign for an overhaul of the Family Law Court are asked to contact him at his Sydney campaign office on telephone (02) 862 019.



DPP

Sydney Office

Your reference:

Our reference:

89/2324

15th Floor
American Express Tower
388 George Street
Sydney, NSW 2000
Telephone: (02) 226 9666
Telex: 74531 DX: 1398
Facsimile: (02) 235 3103
GPO Box 4413
Sydney NSW 2001

8 March 1990

Mr Ian Monk
8 Stanley Road
EPPING NSW 2121

Dear Sir

SECTION 121 OF THE FAMILY LAW ACT 1975

I refer to the attached newspaper articles, your interview on radio station 2GB with Clive Robertson on 10 March 1989 and your television interview on the Today Show TCN Channel 9 on 29 March 1989.

You should be aware that it is an offence against Section 121(1) of the Family Law Act 1975 to publish or disseminate an account of any proceedings, or part of any proceedings before the Family Court, which identifies a party to those proceedings.

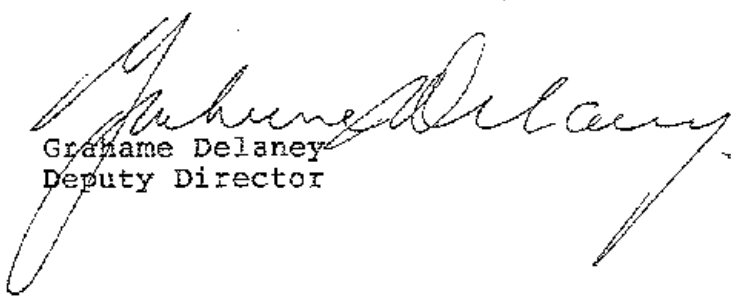
The interviews you have given refer to proceedings before the Family Court and identify yourself as a party to those proceedings. You have publicly disseminated part of those proceedings, namely aspects of the court's judgment relating to your mental condition and treatment, and the incident concerning your son's bicycle accident. Further you have disseminated the terms of the access order which was made in your proceedings.

On the material available to me, it appears that you have committed offences against Section 121(1) of the Family Law Act 1975. However, after careful consideration it has been decided that it would not be appropriate to lay charges against you in the present case.

Section 121(1) of the Family Law Act is designed to protect the confidentiality of parties in proceedings before the Family Court. There is nothing to prevent any person from commenting in a temperate and balanced manner upon the institutions or procedures of the Family Court. However, it is a serious criminal offence to publish material referring to a specific case, including your own, in such a way that it is possible to identify a party to that case.

You must understand that DPP cannot stand by if the law is flouted. You must ensure that you do not commit any further breaches of Section 121(1). Any further breaches may well leave DPP with no alternative to prosecution action.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'Grahame Delaney', written in dark ink. The signature is fluid and somewhat stylized, with a long, sweeping tail on the final letter.

Grahame Delaney
Deputy Director

Bordeo Mail Thursday March 7 1991 p.12

Campaigner works for fairer laws

By MARIA GALINOVIC

MR Ian Monk considers himself an "unsurpassably successful campaigner" for family law reform.

He believes his role as campaigner of the past two years has won him a national Family Law Act, the first since 1990 and the second in his 15-year history.

"I call it the biggest achievement of my career," he said yesterday.

Mr Monk, 42, from Sydney, was in Albury as part of his continuing effort to keep the issue alive before the inquiry.

"To aware that inquiries can be used to bury issues as well as throw light on them," he said.

Mr Monk, divorced and "usually involved in property management", put his life on hold and took to politics after his own experience with the Family Court.

In December 1988, the

court stripped him of the guardianship of his two sons and reduced access to eight hours a fortnight, on what he claims was a whim of his wife.

"I have no right to see my sons on Christmas, birthdays or Easter Day, he said.

"The order is Dickensian in its nature or straight out of the Dark Ages."

He protested, organised demonstrations, ran an independent Senate candidate and went on the road. In August 1989, he discovered that the National Party's Senator David Brownhill was considering an inquiry into family law but was unsure of support.

Mr Monk increased his efforts, which he claims resulted in a flood of letters in

Court order 'out of the Dark Ages'

Senator Brownhill's office prompting him to put the motion before the Senate.

To win Democrat support Mr Monk orchestrated a massive phone and write-in all over Australia and personally lobbied Democrat senators.

By the end of last year the Democrats were convinced.

Since then the Attorney-General, Mr Michael Duffy, has agreed on a joint parliamentary inquiry.

Mr Monk believes there is a lot of anger against the Family Court.

He says there are several areas in which substantial improvements can be made.

His main gripe is against the adversarial system that pits lawyer against lawyer. He wants couples to take

part in compulsory mediation with a counsellor before any litigation is allowed.

"The public should recognise that lawyers are a bitter, destructive and expensive process and should be left at the end of the queue," he said.

Australians need to appreciate that we should not turn to bureaucracy or the legal profession to look after our interests but should be actively involved in the parliamentary inquiry into the Family Court.

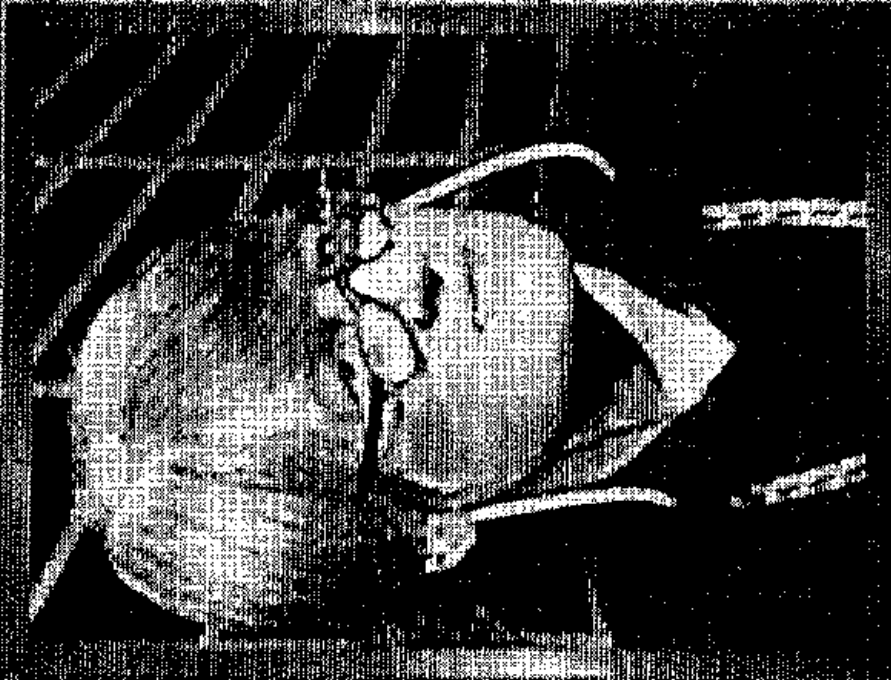
Senator Brownhill said yesterday he would introduce the terms of reference for the inquiry to the Senate on Monday.

If both houses agree to the terms of reference the committee would be set up and a call would be made for submissions.

"Out of this we hope to get some changes to the Act and make it better — there is a lot of heartbreak and hurt in the system," Senator Brownhill said.



© Mr Ian Monk . . . wants more equitable rights.



JUSTICE ^{THE} 7:30 ^{WEEKLY} IAN MONK
EVATT

5th June 1991



Mr Max King
PO Box 109
LAWSON NSW 2783

003971-413830-0001 14/07 LUD SATURDAY
Ian Monk
8 Stanley Street
EPPING NSW 2121

13 July 1990

Dear Ian,

Extremely well done with Evatt tonight. She was very defensive.
Congratulations.

Max

King

Divorcee's two-year crusade wins key Senate votes

Inquiry to probe Family Law Act

By ALISON ERREY

Ian Monk's one-man battle against the Family Law Court over the past two years has ended — in victory.

The Epping divorcee has campaigned for a full inquiry into the Family Law Act since a court decision saw him "cut off" from his two sons.

His campaign has taken him across Australia and consumed much of his time. He's been on television, radio and in newspapers, arguing with politicians and lawyers.

On Thursday his hard work paid off when the Australian Democrats indicated their support for an Opposition motion calling for an inquiry.

The inquiry would investigate matters including

“The main message coming from people is that they want a new system of divorce that doesn't use lawyers.”

mediation, counselling, custody and access, property settlements, enforcement provisions and the discretion exercised by the Family Court.

“This is the biggest achievement of my career,” Mr Monk said.

“Realistically it could be a number of years — and that's in optimistic terms — before we see any real change but at least something is going to be done.”

Mr Monk began his campaign after a bitter custody battle saw him lose his joint

guardianship of his sons and limit his access to them to eight hours a fortnight.

Since he began campaigning for change, he's received strong support from across Australia.

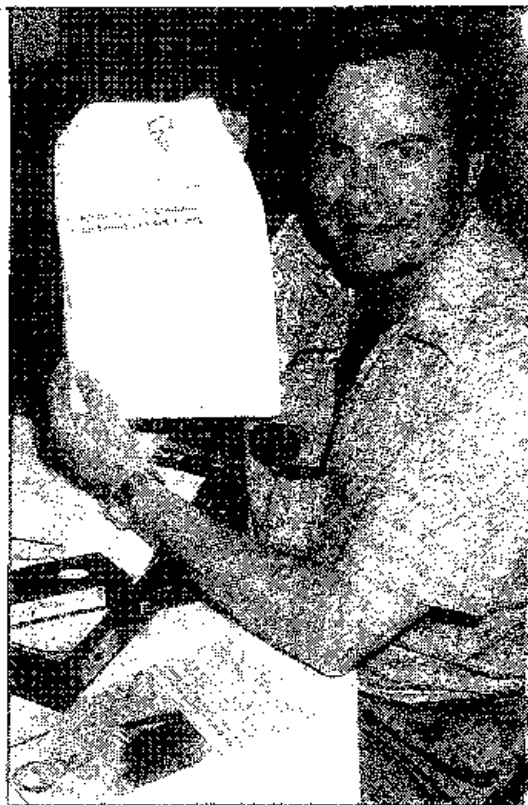
“There is widespread dissatisfaction with the law,” he said.

“And it is widely perceived by both men and women that men get a raw deal from the Family Law Court.”

“The main message coming from people is that they want a new system of divorce that doesn't use lawyers.”

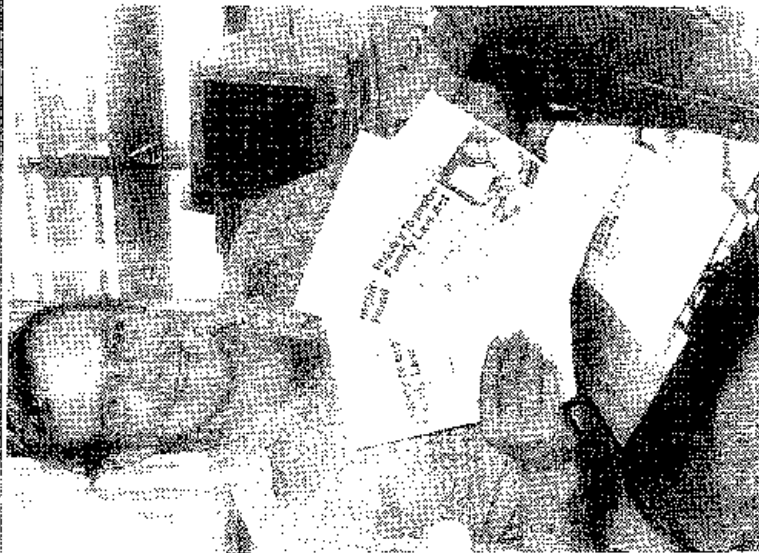
Mr Monk has been supported by Federal Opposition Senator David Browne.

Sen Brownhill said a parliamentary inquiry would provide an unbiased, independent forum for people to express their concerns.



© Ian Monk, of Epping, who has succeeded in his bid for a Government inquiry into Family Law in Australia, after a two-year battle.

Family Law campaigner finally gets an inquiry



MR IAN MONK displays press reports which have gained him a lot of attention in his fight for the Family Law Court procedures to be changed.

A TWO year campaign against the Family Law Court has produced results for Epping divorcee Ian Monk.

Mr Monk gained enough support from his campaign in the Senate which has now forced a parliamentary inquiry.

When the court handed down a decision in December 1988 restricting access to his sons to eight hours a fortnight, he started his campaign to show justice had not been done.

As a result of the campaign Mr Monk has travelled throughout Australia, attracting public and media attention to his cause.

During the 1990 Federal election Mr Monk stood as a single issue candidate for the Senate to push his campaign further.

"Now the work is paying off," Mr Monk said.

The Australian Democrats announced

By TERRY COULTHARD

On December 13 they would support the Opposition in calling for a parliamentary inquiry into the operations of the Family Law Court.

Mr Monk said he was grateful for support given during the past two years by Senator David Brownhill who realised how much discontent, especially male discontent, existed with the present Family Law Court system.

"I am not expecting miracles overnight but have already been denied for two years proper contact with my eight and 10-year-old sons," Mr Monk said.

The proposed inquiry will look in to mediation counselling, custody and access, property settlements, enforcement provisions and discretion exercised by the Family Law Court.

Mr Monk said the Victorian experience indicated an average of eight one-hour consultations at a mediation centre produced amicable resolution of most divorce problems at a much reduced cost.

"The present counselling service offered by the court is dominated by feminist thinking," Mr Monk said.

He said he favored the mediation system which in effect produced divorce without lawyers and the Government should save a large chunk of the present cost of more than \$1 billion.

Mr Monk said the Victorian system produced a success rate of more than 90 per cent at a cost of \$80 an hour compared with \$2,000 plus a day for court held hearings.

Senator Brownhill said a parliamentary inquiry would provide an unbiased forum for expression of public concern.

Monk convinces Democrats to support a motion on inquiry into the courts

A JEWEL in the Whitlam Government's years of office was the late Senator Lionel Murphy's introduction of divorce reform and establishment of the Family Law Court.

In the years since the Labor Party has viewed the Family Court as almost Holy writ, or as Shakespeare said of another realm, 'this earth of majesty, this seat of Mars'.

One man for certain vigorously disagrees.

Ian Monk, of Epping, Sydney, himself a divorcee, has spent the last two years stirring the waters of discontent not so much as to the objects of the Family Court but what he claims is the diabolical confrontationalist approach the judiciary and legal fraternity have turned the court into.

This week Ian Monk returned again to Dubbo to continue his crusade for Family Court reform with the satisfaction of knowing he is at last denting the bulwark of political content.

Thanks to his lobbying of Canberra Senators, Ian Monk has finally convinced the Australian Democrats to support a Federal Opposition motion calling for an inquiry into the court.

"I'm half way there but given an inquiry is held, the Government still holds the whip hand to ignore the inquiry's finding and recommendations," Mr Monk said.

"My argument is with the confrontationalist situation the legal profession poses.

"While the present system claims a 'no guilt' concept, in actual practice solicitors and judges have adopted their traditional attitudes to court proceedings.

"What I want to see is lawyers out of the Family Court and an emphasis on mediation not confrontation between the parties."

Ian Monk's own personal experience has been chastening. A bitter custody battle saw him lose joint guardianship of his two sons, Andrew and Jamie and the limiting of his access to them to eight hours a fortnight.

"The perception by many is men get a raw deal from the Family Law Court.

"The Family Court is now costing \$1b to operate and ties up an elite workforce who could better serve the country in export orientated industries.

"The cost in human anguish is incalculable. The need is for people with marital differences to realise they are the best people to make the decisions affecting themselves and their children.

"Property settlements, access to children and maintenance should be mediated not litigated."

Dubbo

Sunday, January 5, 1991

party was also
whether to boycott
elections for the 250-seat
people's Assembly. RCH

Newcastle Herald 8-1-91

Divorcee wins support for inquiry into Family Law Court

AFTER a hard-fought two-year campaign, a Sydney man has taken a big step toward winning a parliamentary inquiry into the activities of the Family Law Court.

Mr Ian Monk, of Epping, has travelled throughout Australia over the past two years, including the Hunter, seeking support for his inquiry call.

His hard work has paid off with a decision by the Australian Democrats to support the Federal Opposition and thus have the numbers to get passed a motion calling for a parliamentary inquiry into the court.

Mr Monk, a divorcee who only has access to his two children for eight hours a fortnight, said yesterday that he had won strong support from Newcastle parents who, like him, were extremely concerned about the court's activities.

'The court can strip Australian parents of their legal rights through arrangements for custody of children,' he said.

'Across Australia there is support for changes to the court's role. Parents want more emphasis on mediation, rather than legal battles in an adversarial environment.'



Mr Ian Monk, of Epping, ... fathers victims of system.

Mr Monk began his campaign against the court's activities in 1989 after a bitter custody battle which saw him lose joint guardianship of his two children.

He visited Newcastle in August, 1989, where he spent three days outside the Family Law Court building

in Bolton St handing out information about his campaign to members of the public.

Similar protests were held outside court buildings in South Australia, Victoria, Queensland and other parts of NSW.

'I've received an overwhelming response, particularly from concerned fathers who have become victims of a totally inappropriate system,' Mr Monk said.

His fight had been taken up in Federal Parliament by the National Party's Senator Brownhill, of Tamworth, who agreed to push for the proposed inquiry.

'I am very relieved that the Democrats have backed the Opposition and something is to be done,' Mr Monk said.

'This is a major first step, but the campaign must continue to ensure that changes are made to the Family Law Act.'

Terms of reference were yet to be determined for the proposed inquiry, but areas that could be investigated included mediation, counselling, custody and access, property settlements and the discretion exercised by the court.

Family law likely to be scrutinised

By ROD CAMPBELL

Probably the most emotion-inducing piece of federal legislation, the Family Law Act, is likely to come under the scrutiny of a parliamentary inquiry soon.

If the expressed intentions of the Opposition and the Australian Democrats come to fruition — and this seems likely next month — it will be the first time in its 15-year history that the Family Law Act has been subjected to rigorous parliamentary review.

The Opposition parties want a government-backed joint parliamentary inquiry but will make do with a Senate inquiry if the Government will not come to the party. The inquiry could be completed before the end of 1991.

A motion calling for the establishment of the inquiry was debated briefly in the Senate in December. There were only four speakers — a Liberal, a National, a Democrat and Tasmanian Independent Senator Brian Harradine — all of whom supported the inquiry. There was no dissent and no speakers from the Government.

While it was Senator David Brownhill (NP, NSW) who sponsored the motion (although he was in New York when it was debated), a Sydney man is claiming much of the credit. Ian Monk, a 42-year-old salesman and "victim" of the family law system, has been travelling around eastern Australia for a couple of years campaigning for the reform of the family law system.

He regards the establishment of the inquiry as his greatest triumph and was in Canberra this week to spread the word.

Mr Monk is a divorcee who feels he has been treated very badly by the Family Court. He has lost joint guardianship of his two sons and has only eight hours' access a fortnight. He admits to feeling bitter still, but is adamant that his campaign is not designed to "thump women".

He wants to see two major things hap-



Ian Monk

pen: the lawyers taken out of the Family Court and the creation of a network of mediation centres. The existing adversarial process was "psychologically and emotionally brutal" and unwarranted. The presence of lawyers meant people were unable to cooperate, contrary to what their children needed.

"I'd like to see the Family Court changed to a system of mediation, where couples are patiently counselled so that they are in the best position to make the decisions about issues surrounding the ending of their marriage," Mr Monk said.

His model is a divorce-related mediation centre in Melbourne, where couples attend six to eight counselling sessions before going near a court. The centre had a success rate of around 90 per cent. He believes centres like this should become a formal part of the Family Court.

Such a system would be far less stressful and a lot less expensive for individuals and the taxpayer.

Mr Monk really wants the Family Court to be disbanded. He says many people did not believe they received justice from it. Instead, the new system should be under the umbrella of the Federal Court.

Senator Brownhill's inquiry is likely to look at many aspects of the court and the law it administers. While precise terms of reference are yet to be ironed out, the Opposition wants the inquiry to find out whether the court and the law provide: effective counselling and mediation services; "fair and equitable" resolution of custody and access cases and property settlements; an effective safeguard for the interests of children; effective enforcement of court orders; and excessive discretion to judges.

Speaking on Senator Brownhill's behalf, the Leader of the Opposition in the Senate, Senator Robert Hill (Lib, SA), said the inquiry should be concerned with three aspects of the system: the fact that many access and custody applications were needlessly protracted and expensive; that the enforcement of deliberately flouted court orders was frequently ineffective and became an unsustainable financial burden for the person seeking enforcement; and the fact that property settlements could be delayed for up to three years.

Senator Hill did not give particular examples. If he had, he might have referred to a case last year where an all-but-destitute Perth woman was obliged to fly to Singapore and then to Italy in pursuit of her husband and her two abducted children. She eventually obtained a court order in Italy and the return of her children when the ship they were on berthed in Genoa.

When he heard that the Democrats would support the inquiry, Senator Brownhill said (from New Orleans) that thousands of people — men, women and children — had complaints about family law administration in Australia. Until now, they had had nowhere to put those complaints except to judges and lawyers.

"A parliamentary inquiry will provide an unbiased, independent forum to express their concerns," he said.

Unless the Government intervenes to set up a joint parliamentary inquiry, the Senate is expected to formally establish its own, when it sits early next month.

General

Fighting For Family Law Court Enquiry

After almost two years on the road campaigning, divorced father of two Ian Monk has reached his goal — initiating a parliamentary enquiry in the Family Law Court.

Mr Monk began campaigning for an enquiry into the Family Law Court in August 1987 following a decision by the Paramatta Court to limit his access to his two sons to eight hours a fortnight. He felt the decision was unjust — towards him and his children — and decided it was time for reform in the Family Law Court. So he travelled between Adelaide and Cairns protesting outside court houses and telling his story to hundreds of newspapers.

Country newspapers mostly took up his story while the city newspapers rejected him, despite the unusual level of human interest in his tale: he was a divorcee stripped of equal guardianship of his children; he was protesting outside courts around the countryside; he had left his job to carry out this campaign knowing that it could possibly jeopardise his chances of ever gaining more access to his children through the court; he was one man alone lobbying for a parliamentary enquiry.

Now he has succeeded. Now the Australian has printed a story about him but according to Mr Monk the major Sydney papers still don't want to know.

During his campaign one television programme expressed interest in his story. In August last year the ABC's 7.30 Report aired a debate between Mr Monk and Justice Elizabeth Evitt — a debate which Mr Monk sent copies of to all the senators in New South Wales.

After the senate announced earlier this month that the federal government will support an enquiry into Family Law in both Houses Mr Monk said, "Although the feeling is like winning a dozen Melbourne Cups and much as I like to think this is fantastic, I realise enquiries can be used to bury issues as much as throw light on them. I'm continuing to campaign for the issues because I think public opinion is just as effective as any public enquiry and I'll continue to campaign for what I believe Australians want — the abolition of legal battles between parents in the Family Law Court. What I want to remove from the system are lawyers because I think they produce an environment that is so emotionally and psychologically brutal that it causes murders and suicides. In lesser instances it causes great animosity between parents so that they are unable to cooperate with each other, which is exactly what their children very much require.



— Mr Ian Monks in Tenterfield — campaigning for justice for his family.

"Additionally, the existing system is extremely expensive for couples and also of the financial resources of our nation (legal aid). It should be abolished and replaced by a system of mediation where couples are patiently encouraged to resolve the issues between themselves," he said.

Following Mr Monk's last visit to Tenterfield in 1989, the Tenterfield Star told of his one-man campaign asking people to write to Senator David Brownhill requesting a review of the Family Law Court. At that time Mr Monk was standing as an independent senate candidate in the forthcoming federal election.

He said, "The purpose of my running was not to get elected but to get coverage for the issue.

"After the election Senator Brownhill picked up the issue and put it to the Senate. The Democrats vacillated so I organised a massive phone-in and write-in to lobby the Democrats. I convinced the Democrats to support a motion for an enquiry in the Senate and last year the senate agreed to establish an enquiry. After that Attorney-General Michael Duffy agreed to support the parliamentary enquiry into Family Law and decided the enquiry would be made by both houses.

It is two years since Mr Monk began his campaign. It has cost him between ten and twenty thousand dollars. Although he has sparked an enquiry into Family Law, the operation of the Family Law Court has not changed since he began.

In the next few months Mr Monk will find himself right back where he started from — in the Family Law Court at Paramatta where he will once again try for more access to his children.

— Divorced father Ian Monk has single-handedly sparked a federal enquiry into the family law court after the court almost stripped him of access to his own children.

Family Law reformer 'over the moon' about federal parliamentary inquiry decision

FAMILY law reform campaigner Ian Monk said he felt as though he had won the Melbourne Cup a dozen times when he visited Port Macquarie yesterday.

His reason for jubilation is that his one-man battle against the Family Law Court has ended, and happily for him it ended in victory.

For the past two years he has been campaigning for a full inquiry into the Family Law Act, and last week the federal government agreed to support a joint parliamentary and Senate inquiry.

Mr Monk told the



□ Ian Monk

News he would like to see a very thorough inquiry rather than the matter being rushed, and he felt there was

no need for such an inquiry to be finalised before the next federal election.

He sees the next step as being moves to agree on the inquiry's terms of reference.

The inquiry is expected to include mediation, counselling, custody and access, property settlements, enforcement provisions and the discretion exercised by the Family Court.

Mr Monk acknowledges it will be a number of years before any real change is evidenced, but the inquiry will

open the door to encourage input from the public.

He said anyone wishing to comment should direct inquiries to Senator David Brownhill on (06) 2773705.

Mr Monk said since he began his campaign to have the system overhauled, he had come in contact with a host of Australians who shared his dissatisfaction with the law.

He said the elimination of lawyers from the Family Court in divorce matters was one of his objectives.

He believed a parlia-

mentary inquiry would provide an impartial, independent forum for concerns.

Port News 20-2-91

Family Law Act inquiry

By SALLY FITZGERALD

TERMS of reference for a Senate Inquiry into the Family Law Act will be decided this week by senators from the Federal Opposition and the Australian Democrats.

The terms of the Senate Inquiry are likely to include a review of custody and access regulations, property settlements and provisions for enforcing these without recourse to court proceedings.

Liberal Senator David Brownhill and Democrat Senator Sigfried Spindler have agreed to provide the terms of reference in the first week of Parliament in early February.

"If the terms of reference are approved in the Senate, as appears likely, the inquiry should begin in March and be completed by the end of 1992," said Ms Sue Carney, a spokeswoman for Senator Brownhill.

"Once the terms of inquiry have been established, the recommendation should go to the Senate simply as an announcement," Ms Carney said.

But Justice Elizabeth Evatt, president of the Law Reform Commission and former Chief Justice of the Family Court, said yesterday she was "still waiting for recommendations from the first Joint Select Committee in 1980 to be implemented".

And she indicated her support for the implementation of those recommendations, "before another one is set up".

"It has been almost impossible to design a system of fixed rules on how custody, for example, is to be implemented," Justice Evatt said.

"There is no way that the law can make people be nice to each



JUSTICE EVATT

other. And the law is rather short on remedies," she said. But family law reform campaigner Ian Monk believes he has scored a hard-won victory in his two-year battle for the Senate inquiry. He believes the inquiry, which was given majority support in the Senate last month, will result in fewer court cases and more amicable settlements for custodial parents.

"The message I hear from people is that they want a system of mediation, where couples are encouraged to resolve the issues out of court," Mr Monk said yesterday.

"Mediation would be far less expensive, not only for the individual but for the nation—especially when you consider that it costs approximately \$1 billion a year of taxpayers' money to run the Family Court."

Bonnie Fairman

Family Court Inquiry

By Denise Gardam

AFTER almost two years campaigning around Australia, Sydney man Ian Monk has had success in his quest to seek reform of the Family Law Court.

"It is the biggest win of my life," Mr Monk said last week about the Senate inquiry into the Family Law Act.

Mr Monk's personal quest began outside the Parramatta Family Court in 1989 after receiving what he believed was unfair treatment regarding access to his children.

He blamed the Family Court system for depriving him of the guardianship of his two boys and limiting his access to them to only eight hours a fortnight.

About this time he also heard that National Party Senator for New South Wales David Brownhill was interested in initiating an inquiry.

This news brought about Mr Monk's round Australia campaign.

He asked people from every state to write to Senator Brownhill and express their concerns and dissatisfaction about the Family Court system.

According to Mr Monk, letters of complaint flooded into Senator Brownhill's office from individuals from Adelaide through to Cairns.

Mr Monk, who founded the Family Law Reform Group, credits the massive response with giving Senator Brownhill the confidence to put a motion before the Senate calling for an inquiry.

Despite this, it was not till December last year, months after Senator Brownhill first put the motion, that the Australian Democrats supported him.

Originally the Democrats, who were lobbied extensively by the Family Law Reform

In Crisis

Campaigner calls it his biggest win

Group, had preferred to work alone and negotiate directly with the Federal Government in a quest for reform.

However, according to Senator Brownhill, after this course of action failed the "Democrats joined with the Opposition to alert the Government that an inquiry would be established at the next Parliamentary sitting", which takes place next week.

If Mr Monk has his way the Family Law Court will change from what he sees as an "adversarial system" to one of mediation.

He said he believed the present system was "brutal to

the extent that it caused the deaths of innocent women, men and children".

Mr Monk said that by encouraging counselling and taking a "softly, softly approach" to family difficulties there would be far less stress and an on-going co-operation between parents which would be of benefit to children.

In a TV debate with former Family Court Judge Justice Elizabeth Evatt on the 7.30 Report, Mr Monk said men did not get a "fair deal" in divorce, custody and matters concerning maintenance.

He said he believed it was the task of both parents to provide for their children and that the present Family Court system brought with it stress and financial hardship.

According to Senator Brownhill, "there are thousands of people in Australia — men, women and children — who have complaints about family law administration in this country".

"Until now, they have had nowhere to put those complaints, except to lawyers and judges," he said.

"A parliamentary inquiry will provide an unbiased, independent forum to express their concerns.

"Information and evidence received at the inquiry will form the basis for recommended amendments to existing legislation."

The terms of reference for the inquiry are set to be tabled in the Senate next week.

After this a committee will be formed and groups will be able to place their submissions to the secretary of the committee.

The inquiry will investigate matters concerning mediation, counselling, custody and access, property settlements, enforcement provisions and the discretion exercised by the Family Court.

Senator Brownhill has indicated he would prefer that any inquiry be required to report within a year.

MEDIA RELEASE



THE SENATE

SENATOR DAVID BROWNHILL
NATIONAL PARTY
SENATOR FOR NEW SOUTH WALES



12 February 1991

FAMILY LAW TO HAVE JOINT PARLIAMENTARY ENQUIRY

NSW National Party Senator David Brownhill advised today that the Federal Government had decided to support his Parliamentary enquiry into family law and the proposed Senate enquiry would now be a Joint one.

Attorney-General, Michael Duffy announced the decision in a letter to Shadow Attorney, Andrew Peacock late yesterday.

The letter said: " I have previously expressed the view that a general review of the kind proposed is unnecessary... However it appears from debate in the Senate ... that there is parliamentary support for such a review..."

Senator Brownhill said while he was pleased the Federal Government had acknowledged that there was a need for an enquiry, he regretted their support had come at a time when the Opposition and the Australian Democrats had already reached agreement on terms of reference for a Senate enquiry and that this development would delay the Committee's establishment.

"My concern is that the Parliament should come to agreement quickly on the new terms of reference so that the enquiry can be put into operation immediately.

"I believe the matter has dragged on for too long. People in the community have had their expectations raised that the Parliament would do something. There is no excuse for further procrastination.

"If there is no agreement on the terms of reference, the Opposition and the Australian Democrats will press ahead with their original plan and establish a Senate enquiry.

ends

further information: David Brownhill 06 277.3705

Daily Advertiser Wagga 18-3-91

Family Court battle won after two years

After two years on the campaign trail Ian Monk has won his battle for an inquiry into the Family Law Court Act.

Since a Family Court ruling allowed Mr Monk only eight hours a fortnight access to his two sons he has waged a one-man war against the legislation.

He has protested outside court houses and through newspapers in country towns throughout Australia.

When in Wagga last year, Mr Monk was standing as a candidate for the Senate. Not for political gain, he said, but as part of his campaign for Family Law Court reform.

Mr Monk was in Wagga last week to ask people to continue their support for this reform.

"This inquiry will give all Australians the chance to take any complaints or comments about the Family Court directly to Parliament," he said.

During his campaign, Mr Monk said he has been inundated with support.

"Wherever I have been I have asked people to write to Senator David Brownhill if they have any complaints about the Family Law Court Act," he said.

"Senator Brownhill's office has been flooded with letters."

Mr Monk again called upon this support when to-



Ian Monk

wards the end of last year the final word on the inquiry waited upon a decision by the Democrats.

"I orchestrated a massive phone lobbying campaign," Mr Monk said.

"I went around the country again asking people to ring or write to the Democrats urging them to support the motion for an inquiry."

Mr Monk said he would like to see the end of the "adversarial system with lawyer against lawyer" in Australian family law.

"This system creates enormous animosity between parents which, to the detriment of their children, prevents them from co-operating with each other," he said.

"We should change to a system of mediation where couples are encouraged patiently to resolve the issues between themselves.

"This system of mediation would be far less stressful which I am sure would reduce the number of murders and suicides associated with family disputes.

"And it would be far less expensive for individuals and our country."

HEADLINERS

PEOPLE IN THE NEWS

Father wins battle for Family Law Act review

Story: MARTIN RASINI
Photo: GEOFF O'NEILL

Sydney father-of-two Ian Monk has every reason to wear a satisfied smile.

Since the start of 1989 he has waged an unrelenting campaign for a review of the Family Law Act, spending weeks and months outside the nation's courts seeking support for his cause.

Two years of cajoling, argument and pressure finally convinced Opposition and Democrat senators that others who had come under its sway felt as aggrieved by the Act's workings as did Mr Monk.

And the fact that many judges administering the Act had been threatened with violence and required round-the-clock guards left little room for doubt that the approach adopted by the legislation was seriously flawed.

In December, the Senate adopted a motion put by Tamworth-based Senator David Brownhill for a full-ranging inquiry.

And on February 11, following pressure in the Lower House from Opposition legal spokesman Andrew Peacock, Attorney-General Michael Duffy announced the Government would support the inquiry.

Mr Monk's campaigning had borne fruit.

The 42-year-old salesman who visited Tamworth this week said his concerns about the Family Law Act started after he was subjected to its workings on separating from his wife in 1988.

"In December, a judge in the Family Court at Parramatta determined I would only be allowed to see my two sons for eight hours each fortnight," he explained.

"I considered the ruling totally unjust and was astonished a judge could have such power."

Mr Monks said, over the following months, his concern grew until in May, 1989, he staged a protest demonstration outside Parramatta court.

"It didn't take long for me to come around to the view an inquiry into the Act was necessary."

"In August, 1989, I started my campaign to win support for an inquiry."

Mr Monks said he quickly enlisted the help of Senator Brownhill who called for information from people affected by the Act.

"His office was soon flooded with complaints from people dissatisfied with its workings," he said.

The aggrieved father said his next move was to convince the Aus-



Ian Monk . . . successful in fight to have Family Law Act reviewed.

tralian Democrats to support an inquiry.

"I instigated a phone and letter campaign to Democrat politicians and the response was so overwhelming that in December they gave an inquiry their backing."

"And that is when the senator's motion was passed."

Senator Brownhill says he is concerned the Act has no teeth to enforce the rights of non-custody parents. He also believes the Act gives judges too much discretionary power over maintenance, property and access issues.

The legislation itself deters public questioning of judges' decisions by placing those who speak out about a judgment in contempt of court.

Mr Monk said he believed the Act should be scratched not patched up.

"Fatching has been going on since 1975, but has brought no significant improvement," he said.

Mr Monk said what was needed was total abolition of the adversarial system in relation to family law.

"We need a system of mediation where couples are encouraged over a number of sessions to resolve maintenance, property and access issues between themselves," he said.

"This would reduce the incidence of murder and suicide associated with family disputation."

"It would be less expensive to those affected and to the nation."

"And most importantly, there would be less animosity which can only be beneficial to children who seem to suffer most under the present system."

"The adversarial system generates so much animosity that people choose to ignore court orders."

"What is needed is a system which encourages people to solve their own problems."

"I understand that in France, a couple cannot approach a court until they have worked out what they intend to do. I find the idea enormously attractive."

6-3-91 Coastamundra Herald 6

Family Law crusader welcomes parliamentary inquiry proposal

By MARK ROBINSON

Ian Monk is elated that the parliamentary inquiry which he has spent the last two years vigorously campaigning for is finally to take place.

The 41 year old divorcee from Epping in Sydney, has worked tirelessly campaigning through protests, parliamentarians and the media for an full inquiry into the Family Law court and the Act that governs it.

Victory finally came in December last year when Democrat senators in Federal Parliament agreed to support an motion for an inquiry initiated by National Party Senator David Brownhill.

In February Attorney General Michael Duffy announced that the parliamentary inquiry into family law would be a joint one.

To describe Mr Monk's reaction to the news of, first a senate and now a joint parliamentary inquiry, as ecstatic, would be an understatement.

"This is without doubt the biggest achievement of my career. To my knowledge there has never before in Australian history been a joint parliamentary inquiry into the one of the courts.

"I am pleased too that the work I have done, basically by myself, has paid off and that something is finally to be done."

Mr Monk began his campaign following a December 1988 court decision saw him stripped of joint guardianship of his sons and access limited to eight hours a fortnight.

It was a decision, brought down in the Parramatta Family Court, which, he said filled him with "unimaginable

horror."

"I would describe what I was put through by the Family Court as totally unjust humiliation."

Determined to push for the abolition of the system of justice administered by the Family Court, his one man campaign started in August 1989 and has taken him through NSW, Victoria, Queensland and South Australia — to protests outside family law courts, newspapers, radio stations and television debates.

He stood as a candidate for the Senate in the Federal Election last year, purely as a single issue candidate determined to raise the public consciousness on the issue of the Family Law Act and its court system of arbitration.

Since he began campaigning for change, he's received strong support from across Australia. "There is widespread dissatisfaction with the law.

"It is widely perceived by both men and women that they get a raw deal from the Family Law Court and that the system of divorce should be changed."

Once the call for an inquiry was picked up by Senator Brownhill, Monk gathered support for a massive phone and mail campaign to encourage the Democrats to commit themselves to support the inquiry.

But the fact that his goal of a parliamentary inquiry has been reached does not mean the end of the fight for change.

Monk is cautious in predicting the outcome of the parliamentary inquiry: "I realize that joint parliamentary inquiries are often a way for the government to bury an issue rather than throwing light on it.

"The transfer from a

Senate inquiry to a joint parliamentary one will not necessarily lead to a broadening of the terms of reference.

Mr Monk believes the terms of reference for the inquiry will be a vital forbearer of its findings. "If for example they fail to consider the question of deaths and suicides related to family court matters, which I believe are the greatest single indictment of the present system, that will be a major failing.

"The inquiry must question the use of an adversarial system of justice which I believe should be abolished. The lawyer versus lawyer system creates enormous animosity between parents and effectively prevents them from co-operating in reaching a settlement.

"The failure between parents to agree is to their own detriment and to the detriment of their children.

"What needs to be looked at is the replacement of the adversarial system with one of mediation in which couples are encouraged to resolve problems between themselves.

"I think that a system of mediation would work in 90 per cent of cases with the power of resolution given back to the individuals. Obviously not every-couple can come to an agreement, but certainly mediation should be a pre-requisite to litigation.

"Mediation would make the divorce process much less stressful for those involved and cheaper.

Another particular area of concern is the role of the legal profession. He says, rather succinctly: "We cannot trust the legal profession or the bureaucracy to look after the public interest."

Lawyers, he says, gain great financial reward from involvement in family law matters and would no doubt be opposed to radical changes to the current system of administering family law.

The position of the Labor Government may also prove a stumbling block. "I am not confident of significant reform under the present Labor Government. They have people with strong ties to the party who are closely connected to the family law court and the legislation that governs its operation.

"The Whitlam Labor Government made valuable changes to the Family Law Act including the no fault provision but to my mind they did not go far enough."

The terms of reference of the inquiry should also include examination of the current counselling process, custody and access, property settlements, enforcement provisions and the discretion exercised by the Family Court, Mr Monk says.

In an attempt to increase public awareness about the imminent parliamentary inquiry, Mr Monk is again travelling the country, speaking to media representatives and encouraging members of the public to speak out about the family law system.

He sees his role now as being part of the broad public debate, attempting to stimulate discussion on Family Law reform and to push for change. Members of the public wishing to contribute information to the parliamentary inquiry, Mr Monk says, should contact the Tamworth office of National Party Senator David Brownhill.

Central Western Daily - Orange - P. 9

Divorce inquiry is fine, but...

MURDER and suicide associated with divorce should have merited inclusion as a term of reference in a coming inquiry into the Family Law Act, reform campaigner Mr Ian Monk said in Orange yesterday.

Mr Monk has welcomed the overall terms of reference of the joint Senate and House of Representatives inquiry which he has campaigned for during the past two years.

The inquiry is certain to address the prime fault of present operation of the act which sees divorcing partners pitted as adversaries in a court situation.

The inquiry will look at the merits of greater use of arbitration and mediation.

Senator David Brownhill who introduced legislation for the inquiry into the

Senate on March 11 said people making submissions were free to make reference to violence.

"Such emotive matters could not be covered in the terms of reference which had to be addressed to possible changes in the act not the operation of the Family Law Court as such," Senator Brownhill said.

He said if the wording of the act were changed as a result of the inquiry to include a greater emphasis on mediation then much trauma present in the adversarial court system may be avoided.

Matters relating to custody decisions and property settlements needed examination as it was now 10 years since there was a parliamentary inquiry into the act which was originally framed in 1975.

"I cannot see why a child created by the

love of two people cannot be equally accessed by both partners after divorce," Senator Brownhill said.

He added he was aware in cases where one spouse had access limited to a few hours each fortnight one pair of grandparents were often left out in the cold because of travel problems.

"The heartbreak of the grandparents is often forgotten," Senator Brownhill said.

Mr Monk started his campaign in early 1989 following a court decision giving child custody to his wife and granting him access of eight hours a fortnight.

He said he welcomed the inquiry's direction to examine the retiring age of judges as many judges were of an age brought up to see women's role in the home and in favouring custody to women

ignored social change.

"Women have claimed equal opportunity in the workforce and more and more are gaining it and I would like to see judges in their 30s in the Family Law Court with a retirement period after five years," he said.

Mr Monk would like judges to be of the generation of those seeking divorce.

Senator Brownhill said a final report would be presented to parliament in August 1992 before the expected date of the next election.

Senator Brownhill will head the inquiry which is accepting submissions from the public.

Inquiry to establish future of family law

Staff reporter, KATRINA BEIKOFF, examines complaints about the Family Law Act in Australia which has triggered a parliamentary inquiry into the system. The inquiry will examine, among other things, divorce and child access settlements. Results from the inquiry into the system are to be released by 1992.



HAVING battled through the "medieval cruelty" of a system he claims produces nothing but conflict, Sydney divorcee Mr Ian Monk is relieved at least one of his struggles is now over.

Mr Monk has spent the last two years campaigning against the family law system involving divorce and child access settlements — a system he blamed for making his life an absolute misery.

Mr Monk said his efforts to change that system finally came to fruition last month with the establishment of an inquiry into family law approved by Federal Parliament.

"The Family Law Act of 1975 was something straight out of the dark ages — it was the most psychologically and emotionally brutal thing I've ever seen through," he said.

And Mr Monk was not the only person to have expressed extreme dissatisfaction with the system with numerous complaints triggering the parliamentary inquiry, the driving force behind the federal committee, NSW Senator, Mr David Brownhill said.

Mr Monk began his campaign to change the operations of the Family Law Court in August 1987 following a decision by the Parameita Court to limit his access to his two sons to eight hours a fortnight.

Mr Monk, who gained only limited access due to his psychological background, travelled to Cairns in October 1989 to rally support for his personal crusade.

"I was utterly horrified at the order for my access to my sons.

Federal Parliament has launched an inquiry into the operation of the Family Law Act which has been described by a Sydney divorcee as a "system which fosters animosity between the parents and enables one to use children as a weapon".

I was stripped of my children and am being denied a basic human right," he said.

"This system fosters animosity between the parents and enables one to use children as a weapon," he said.

Mr Monk said the basic structure of the entire system needed a drastic shake-up to swing away from an adversative arrangement towards mediation.

"The environment that exists in the system now is so emotionally and psychologically brutal that it causes murders and suicides," he said.

"People don't really know how hard it is until they've been there — it is so stressful because it produces a win-lose situation and it really does cause these murders and suicides," he said.

And there have literally been hundreds of deaths that could be directly linked to the processes of the Australian Family Law Courts since the initiation of the 1975 Act, according to a Rock-

hampton researcher, Mr Cameron Smyth.

Mr Smyth, a member of the Loue Fathers Association, said last week he had studied information on 200 recorded deaths in Australia over four years from 1980-1982 and 1989-1990.

"I was absolutely shocked at the numbers of deaths. They are predominantly a male thing where the husband shoots himself or the wife and child and then himself," he said.

"It is absolute incompetence and negligence that no study has been done into these deaths — there probably has not been one because they are scared of the results," he said.

"More people have died in and around Family Law in Australia than Australian troops in the Vietnam War."

Mr Monk said his proposed system would be a far less stressful form of dispute resolution than the current archaic method of settling disputes.

"We need to abolish the ad-

versarial system and create an arena for mediation, assisting the couple to sort out their problems.

"Get rid of lawyers. They produce an environment entailing enormous emotional and financial costs," he said.

"I realise that not all couples will be able to agree, so a mutually agreed arbitrator could be the next step in the system. Couples really determined not to agree then need to go to a system like a court," he said.

However, under the present family law system, couples were given the opportunity at every turn to resolve their problems without legal intervention, a Cairns solicitor, Mr Michael Keogh said.

Mr Keogh said most people who took legal action under the Family Law act had sought counselling first anyway and were opting for court action as a final course.

"The Family Court's primary object is to uphold the marriage. If it obviously can't, then it seeks to reconcile the differences as efficiently as possible and come up with some sort of compromise.

"To use the terminology of a winner and a loser in family law, as Mr Monk has done, takes away from the whole Act. Family Law courts are there just to provide a compromise," he said.

Mr Keogh said lawyers were at the forefront on promoting reconciliation between their clients and were needed to help sort out the issues that the couple involved couldn't.

To set up a new system of counselling and mediation with court proceedings as a final option would really be establishing a system that already existed, he said.

Results from the parliamentary enquiry into the operation and interpretation of the Family Law Act of 1975 are to be released by August 1992.

The public may seek further information on the enquiry by contacting Senator David Brownhill on (06) 277 3705.

Monk wins inquiry into Family Court

An Eastwood man has succeeded in winning a joint parliamentary inquiry of the Senate and House of Representatives into the operations of the Family Court, following a nationwide campaign.

Mr Ian Monk, a 42-year-old property manager who is divorced, said that the inquiry — the terms of reference of which are yet to be set — was agreed to in the Senate late last year.

A large number of complaints received by the NSW National Party's Senator David Brownhill had convinced him to move for a Senate inquiry, with the support of the Opposition and the Australian Democrats.

In February this year, the Federal Attorney-General, Mr Duffy, announced that the Federal Government had agreed the inquiry should be a joint one.

Mr Monk said he believed the Family Court was "adversarial" in pitting parent against parent; controlled by "elitists" such as the Law Reform Commission, Institute of Family Studies and the Attorney-General's Department; and only succeeded in enriching the legal profession.

He wanted it replaced by compulsory "mediation", using the Noble Park Centre in Melbourne as a model.

At Noble Park, estranged couples attend six to eight sessions of counselling to resolve property, custody and maintenance settlements. Mr Monk said in 90 per cent of cases, litigation had been avoided.

He said the Family Court discriminated against fathers in divorce settlements.

Mr Monk does not want to replace the "no-fault" divorce principle, introduced in 1974 by the late Attorney-General and High Court Judge, Justice Lionel Murphy.

Instead, he wants it extended to "no-fault" custody, maintenance and access. "It is merely an extension of the existing philosophy," he said.

However, he said he believed any moves to amend the Family Court would be strongly resisted by the legal profession, which enjoys "easy and lucrative" work under its auspices.



Ian Monk wants to extend the "no fault" principle to custody.

"They [the lawyers] have sat by while thousands of Australians have suffered," he said. "They have ignored the issues of murder and suicide, sometimes up to 50 a year, that are connected with the adversarial system from which they profit."

He would like to see solicitors banned from a reformed Family Court.

Mr Monk's campaign began in December 1988 when he protested outside the Family Court in Parramatta. The campaign has taken him from Cairns to Adelaide.

In February 1989 he advertised for a solicitor to take his own case on a "no win-no fee" basis.

"I received only one call from a lawyer, but many from men," he said. "I quickly got the feeling there was a lot of dissatisfaction, especially among fathers who had access problems, property decisions that were biased against them and maintenance orders that were unreasonable."

"The whole system was shown to be a rip-off, where the only winners were the lawyers."

Last year, Mr Monk stood unsuccessfully for the Senate, with reform of the Family Court the centrepiece of his campaign. He said that his candidacy helped focus attention on the system.



PARLIAMENT OF AUSTRALIA
JOINT SELECT COMMITTEE ON CERTAIN ASPECTS OF THE OPERATION
AND INTERPRETATION OF THE FAMILY LAW ACT

PARLIAMENT HOUSE
CANBERRA ACT 2600
TEL: (06) 277 8129
FAX: (06) 277 2220

15 May 1991

Mr Ian Monk
8 Stanley Road
Epping NSW 2121

Dear Mr Monk

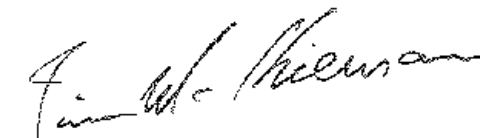
Thank you for your letter of 22 April 1991, forwarding a collection of newspaper articles relating to your work in the Family Law area to the Committee. As the material was not prepared specifically for the purposes of this inquiry, the document has been listed by the Committee as an exhibit rather than a submission.

At its last meeting, the Committee discussed your request that the Terms of Reference be amended to allow the Committee to investigate all murders and suicides arising from judgements by the Family Court. The Committee is very aware of the tragedies that have occurred in the community and no doubt will receive additional information on this subject. However, it is the Committee's firm view that the Terms of Reference, as they currently stand, allow for a detailed investigation of the causes of such deaths, including custody, access or property disputes. In addition the Committee will be looking at the effectiveness of the Family Court Counselling Service. The recommendations that will flow from our inquiry will hopefully reduce the number of such tragedies in the future. The Committee does not, therefore, support any alteration to the Terms of Reference.

The Committee would welcome a submission from you detailing what changes to the Act you believe are required. For your information I have enclosed a copy of our Terms of Reference, a list of the Membership of the Committee and a short note on the preparation of submissions.

Thank you for your interest in the work of the Committee.

Yours sincerely


Senator J McKiernan
Chairman

Herb Graham House
334 Wanneroo Rd, Nollamara.

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06.2773216



IS IT TIME FOR REFORM?

It is 16 years since the massive reform of our divorce laws and the establishment of the Family Court. Now many believe it is time we looked again at the laws which govern the very basis of society – our family life

BY PAOLO TOTARO AND
JILLIAN MCFARLANE

It is 1971. From a fifth floor hotel window a private detective with a telephoto lens snaps a woman entering an apartment block. Soon after – to the horror of the woman and her lover – he suddenly appears at a window, flashlight popping as he photographs them naked in bed together. As they freeze in fright, the detective takes the intimate and revealing pictures that will be tendered as evidence in a divorce case.

Once in court a team of lawyers works to blacken the woman's reputation, impugn her character and establish her 'fault' in the marriage. Her husband is granted a divorce. And the private detectives and lawyers involved laugh all the way to the bank.

This was the story in the bad old days before 1975 when, under the guidance of the then Attorney General, Mr Lionel Murphy, the Whitlam Government passed the Family Law Act and introduced 'no fault' divorce. Never again

PHOTO: A. SCHOMER

NEW WOMAN JUNE 1991 29

◁ would such sordid scenes be played out - in or outside of our courts.

Massive reform meant the establishment of the Family Court which would not look for guilt and which, it was expected, would deal in a civilised and fair manner with divorce, financial and property settlement. The issues of child custody and access would be decided in the interest of the child before the interests of the parents.

Almost everyone heaved a sigh of relief.

Sixteen years later, with Australia a very different place in the Nineties than it was in the Seventies - and with one in three marriages ending in divorce - many people have begun questioning the Family Law and the operation of the Family Court.

There is the question of cultural and religious differences in Australia's now very diverse society. And there is the major question that few people want to address - that

of the alarming number of horrendous acts of violence, murder and suicide which seem to be linked to Family Court decisions.

Pressure from lobby groups and individuals has succeeded in bringing these questions before the community and the government has undertaken two separate inquiries into the Family Law and areas where it may be reformed.

Law reform campaigner Ian Monk, 42, of Epping in Sydney, has made history by becoming the first private individual in Australia to succeed in having a Joint Parliamentary Inquiry set up. Under the sponsorship of National Party Senator David Brownhill the committee will look into most aspects of the Family Court's operations.

But Ian Monk says he is bitterly disappointed that the terms of reference of the Inquiry do not include the issue of murder/suicides linked to Family Court decisions. Mr Monk says this is the most important issue of all.

The Senate Inquiry will assess and report on family counselling and mediation services, the proper resolution of custody, guardianship, welfare and access disputes, property disputes - including those in de facto marriage relationships - the enforcement of rights

and duties under the Family Law Act, the adversarial system and its costs, the secrecy of the Family Court and the retiring age for its judges.

To look at the operation of the Family Law in a culturally diverse society, the government has given the Australian Law Reform Commission (headed by Justice Elizabeth Evatt) the task of consulting the community and preparing recommendations for reform.

While there are universal rules that govern family relationships, such as those on incest, in all laws of the world, other differences can be substantial.

In fundamentalist Islamic countries like Iran, for example, all commands and prohibitions of the religious law are also laws of the state. The Catholic and Greek Orthodox Churches have special tribunals which grant annulments (Catholic) and religious divorces (Orthodox). Members of the Jewish faith divorce by the mutual delivery and acceptance of the "Get", while under Islamic law the husband may unilaterally divorce his wife.

According to a Catholic priest in Melbourne: "In Australia, Christian values are all pervasive in our laws - but the separation of church and state is jealously guarded as a pillar of freedom. Most priests value this."

But lawyer Nadia Vadim says the family is still protected under the Family Law Act, but the Christian notion of family is broadened under the law.

"Distinctions are now blurred between marriage and de facto relationships, especially when there are children. The law does not provide a definition of 'family'.

"It defines marriage, but only to the extent of saying what are the basic reciprocal duties and obligations of husband and wife, how a marriage is legally constituted - and, most importantly, how it can be ended."

Feminists supported the new Family Law Act of 1975 because it gave women equal status to men in the family, and children were expressly protected from abuse of authority. Over the years, however, allegations of inconsistencies in the law have been raised from diverse quarters. For instance, conservatives have said the protection given to the family as the natural and fundamental unit of society contrasts with the reality

that marriage can be easily terminated by one party after a year's separation.

On the other side, there have been complaints the definition of marriage as 'the union of man and woman for life' is too narrow, as it ignores the reality of many life-long homosexual unions.

Nadia Vadim points out the paradox that while we are free to marry whomever we like with a wide choice of ceremony - if we decide to end a marriage, all freedom of choice has gone. Under Australian law only the Family Court has the power to grant a divorce.

And the nature of 'no-fault' divorce proceedings can mean some people feel cheated of a chance to air their views and to put their side of the story.

"I would have liked the option of venting in court why my marriage broke up," says one man who divorced in Melbourne in 1989.

"I felt no-one really considered the rights and wrongs of what had happened and my children's welfare and future was decided without taking into account that she was unfaithful and that she left me for another man. And I had to lose more than half what I had worked so hard to earn."

Fatima Mahmood, a social worker with the Lebanese community, makes the point that in some Australian immigrant communities, marriage is more than a personal relationship between two parties.

"It plays a role in establishing status and honour and maintaining alliances between families. In some cases an 'easy' divorce is a threat to the stability of an extended group of families or even of a small community."

The question is - should the law be changed to suit the changing culture of the population?

New Woman readers can play a role in law reform - by answering the questions in our survey on the Family Law on page 34 or by writing in and telling us your thoughts on the operations of the Law and the Family Court.

New Woman will pass on your letters, and the results of our survey, to the Senate Inquiry into the Family Law and to the Australian Law Reform Commission's committee of inquiry. ©

While we are free to marry whomever we like with a wide choice of ceremony - if we decide to end a marriage, all freedom of choice has gone

home, abuse, banging on doors, threats and withholding money.

The trauma affects everyone – the divorced mother left to carry the burden of bringing up children alone, the children torn between two warring parents, and the women and children of second marriages and new relationships who often have to bear with the battles through no fault of their own.

And it is not uncommon for teenage children who have lived with one parent all their lives to choose to live with the other parent when they are in their teenage years. The difficulty here may be that the non-custodial parent suddenly finds himself with a teenage son or daughter who he hardly knows.

Based on our society's general belief that it is better for children to live with one parent than with two disputing parents, the Family Court grants sole custody of children to one parent while the other, non-custodial parent is granted a specified amount of 'access' – that is, he or she can see the children for a day or two days per week or fortnight.

So while the principle of "no fault divorce" was enshrined in the Family Law Act of 1975, the Court's power to grant custody of children to one parent makes it still seem like one parent is the winner and one parent is the loser.

The Court's responsibility in deciding custody disputes is to determine the interest of the child before the interests of the parents. And so it will examine the question of 'fault' in relation to children – that is, the Court will look at any history of violence, sexual abuse or any risk to a child's interests before deciding on custody and access.

When there is no strong indication that the child should be kept away from one parent in favour of another, the parent who is the 'loser' feels as if he is being punished for the crime of having his marriage end in divorce.

Obviously it is better for everyone – father, mother and children – when parents can agree between themselves and do not have to call upon the courts to make a decision that so deeply affects their lives. And the majority of divorced parents do just that.

But for those parents who cannot agree the ensuing legal process can be brutal and de-humanising, says Family Law reform campaigner Ian Monk, of Sydney, who is lobbying the Government to have the present adversarial system scrapped.

He wants the awarding of joint custody of children to be the Court's first

option; he wants lawyers removed from the process of Family Law and replaced with a system of mediation and the secrecy of the Court overruled so these issues can be openly discussed.

"Couples getting divorced are innocent people," Ian Monk says. "They do not belong in court. Litigation destroys their chances of reaching a compromise solution. Instead, there is a winner and a loser – with the loser totally humiliated and the winner given special emotional power."

Ian Monk wants the adversarial system replaced by compulsory mediation – using the Noble Park Centre in Melbourne as a model.

At Noble Park, divorcing couples attend six to eight sessions of counselling to resolve property, custody and maintenance settlements. Monk believes that a good system of mediation could mean in as many as 90 per cent of cases, legal proceedings could be avoided.

"If a couple can co-operate – even when they don't get on with each other – everyone benefits," Monk says. "A mediation system which encourages a couple to come to an agreement would help reduce the number of murder/suicides, save a tremendous amount of money now spent on legal costs (including legal aid) and be far better for the children involved."

"It is detrimental to children to grow up not knowing one parent, to be refused the opportunity to give and receive love from a parent who loves them. If a father is good enough to have unrestricted access to his children during a marriage then he is probably good enough to have access to his children after that marriage is over.

"If not, the court could arrange for properly supervised access – which would still be better than the parent and child being cut off from one another."

Ian Monk complains it is very difficult and "horrendously expensive" for a

non-custodial parent to apply to the Court for his access to his children to be increased. "But the custodial parent – usually the woman – can far more easily reduce the amount of access.

"And if she treats the court's access orders with contempt – as is so often the case – there is no penalty. But men go to jail for contempt of court orders."

Cameron Smyth cites the study "Child Custody and Parental Co-operation" carried out by Dr Frank S. Williams, director of Family and Child Psychiatry at California's esteemed Cedars-Sinai Medical Centre and presented to the American Bar Association Family Law section.

The study says it is a myth that joint custody can only be effectively undertaken by co-operative parents. On the contrary, joint custody provides one of the best methods of stimulating a degree of significant and meaningful co-operation in warring parents who would otherwise continue years of battling, to the detriment of their children.

Dr Williams says the worst consequence of a sole custody decision is when the non-custodial parent, emotionally and physically depleted, gives up and walks away from his family.

"Although children hate the fighting and wish it would stop, they misinterpret the parent giving up the fight as that parent not caring enough about them," Dr Williams says.

"These children frequently become depressed, lack self-esteem and often go on to mistrust and fail in adult relationships, for several reasons. They tend to see people as good or bad, right or wrong, loving or hateful, worthy of gratitude or worthy of punishment. They may leave home prematurely or turn against the custodial parent later in life when they realise that they were

WHERE TO GET COUNSELLING FOR VIOLENT MEN

NSW: There are no government-funded programmes in NSW. For advice call the *NSW Marriage Council, Ms Kerry Jamms*, (02) 745 4411.

VIC: Call the *Domestic Violence and Incest Centre*, (03) 387 9155.

QLD: Several services funded by the *Dept of Family Services*, contact *Ms Christine Nolan*, (07) 227 5920.

SA: *Domestic Violence Service*, (08) 207 8900.

TAS: *Men Overcoming Violence (MOVE) Dept of Community Services*, (002) 334 700, Contact *Ms Janine Coombs*.

WA: *Marriage Guidance Council, Office of the Family*, (09) 222 0333, *Ms Sue Renshaw*.

8 Stanley Road
EPPING NSW 2121

Phone: (02) 876 2019

So the Parliamentary Enquiry Into the Family Court seems set to change significantly divorce in Australia, but just who is responsible for this? Was it him or was it her?

I met her at the time I started a gentle one-man protest in front of the old Parramatta Family Court. Falsely representing herself as dumb but with real blonde hair and big tits, I thought I might be onto something good here. Oh how wrong can you be! Soon she was quietly asking about my plans. What plans, I thought. Well, she said, how about a demonstration - you know police, police dogs, water canon, thousands of demonstrators, front page and TV coverage.

Where did this woman get these ideas from? She went to a private school, lived on the leafy ultra-conservative North Shore and sent all her kids to the "right" schools.

Fortunately for me the event proved to be something less. The only police who drove past seemed more interested in possible parking infringements.

She was not deterred. It was beyond dispute by this stage that this was her campaign. Pulling out maps of Australia and Margaret Gee's Media Guide, she directed me to protest in front of Family Courts in Newcastle, Wollongong, Albury, Dandenong, Melbourne and Adelaide. she let me off protesting in Queensland because the authorities were inclined to lock people away, which would obviously set her campaign back. This woman was in a hurry. Targets were set. There was to be a minimum of five media interviews per day while on the road. "Start with the radio stations", she said. "They open about 5a.m.". This woman is manic, I thought. "Then go to the newspapers. They're open by 9a.m. and you'll find the TV stations still open for news till around 7p.m. Go round the back door if the front one is closed. On public holidays ring them up at home and get them out."

When I got to Cairns, I rang home to see if I could come home. Ha! she wanted me to go round Australia. It was, after all, a national issue, she insisted quite correctly. Fortunately I was out of money.

Naturally she also planned the finances. Try to get free accommodation from friends wherever possible. Always ask for contributions. In Gladstone I paid \$16 for bed and breakfast. That pleased her.

I was uncomfortable and apprehensive by this activity (I too was sent to a private school) and was quietly looking for a way to escape. An excellent out arrived. A letter from the Director of Public Prosecutions threatening me (me?) with prosecution with a maximum penalty of 12 months inside.

Wouldn't you know it? She had already effected a plan for such tough moments. Being widely read, she was aware of General Patton's view that a man who can't screw can't fight. She refined this somewhat crude theory into one of her own, which must have been along the lines of "give a man everything he wants and he won't baulk at anything".

So she asked to see the letter - No, she said, what this letter really says is that they are not going to prosecute you and you are to continue. I didn't understand, I had read the letter carefully but, more importantly, I was not in control here.

There were other things I didn't understand. In common with other members of her sex, she got breakfast, drove the three kids to school, went to work, picked up kids after school, cooked dinner, did washing, ironing, kept on good terms with her ex-husband but then had endless energy and creativity for night time activities (oh to have been 17 again and thank God I didn't have a job to go to in those days).

So I offered to collect her young daughter from Ravenswood. She spoke privately to her daughter. The answer, no thanks, it would be too embarrassing in my car. What rubbish, I had never been embarrassed at the traffic lights in my Brock Commodore against any BMWs, Hondas, let alone Volvos or the oh so appropriate Land Cruiser type slugs seen most often clawing their way over the muddy rocky terrain of the North Shore.

It even got to the point of her sitting up in bed reading *The Declaration of Human Rights* and *The International Covenant on Civil and Political Rights*. Her conclusion, Australians needed their own Bill of Rights. It was 2.30a.m. - she picked up her pen. Being concerned that she had to go to work soon I softly enquired if perhaps for this very important work there might not be a better time and place. For once she agreed.

She wrote press releases, formulated policy, advised on which politicians to approach and made swift changes of direction to her campaign to maximise her effectiveness. Nobody could hold me to account for this, surely?

After an interview on the 7.30 report, which I had the temerity to organise myself, she was aghast to discover that I wore a jumper and was seen sitting there with virtually nothing to say. I was to go immediately, purchase a coat and tie and not conduct anymore interviews for which she had not briefed me.

So her goal was reached, but by now she was gone. Then I remembered a forecast of hers from a long time ago. "When people realise the size of the prize there's going to be a lot of flak about" A lot of flak! But why is it heading toward me?

To the Family Court I say, respectfully and members of the Legal Profession, guys, guys, you know what it's like - I've been in conference with you when she rings - don't forget to get some fish for dinner tonight and pick up my tennis skirt from the dry cleaners. Of course you do as you're told. And that's all I did.

To the Honourable Judge, who heard my case, I say, respectfully, Your Honour heard the very powerful submissions from my ex wife to the effect that I was a no good unemployed, indeed in her view, unemployable, lay about so I respectfully submit that it just could not have been me who was responsible for these events.

Life has returned to normal. I send off applications for employment, watch the Touring Car Races and go out on dates with pleasant, if a touch unexciting women. For all the trouble she brought me, I sometimes catch myself wistfully hoping for that late night call with an offer of a place in her next campaign. She was simply the best.

FAMILY COURT *The* LEGAL JUNGLE



by PATRICK TENNISON

375 High Street,
Ashburton. 3147.
28th July, 1991

Dear Mr Monk,

Your 'red book' arrived safely. I have just finished reading it. Cheque also received, thank you.

You are to be congratulated. It must have been extremely hard work to get this far. Of course, the battle isn't over but at least it has begun.

By now you would know that Patrick considered lawyers a sorry lot.

After his book was published we had a stream of unhappy people on the doorstep with horrific stories of injustice from the Court and from lawyers.

A few months ago a man came to collect a book. He told me his wife had moved to Adelaide which made visits to his children expensive and far apart.

I wish you great success. You deserve it!

Bless you.



Olga Tennison

Andrew G. L. Monk
18 Linksview Road
Springwood 2777

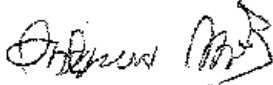
28/09/1991

Dear Dad,

I'm just writing a quick note about when we spoke on the telephone on Friday night talking about the holiday. I'm going to bring my Road Atlas because I've discovered that it has packs more detail than the map and it's easier to get out and stuff in the car.

I've enclosed the plan for the holidays in too so you can get a proper idea of the places we're staying at and all that stuff.

Yours sincerely,



Andrew G. L. Monk

P. S. I discovered in the more detailed map that the road from Bombala to Cann River is just as rugged as the one to Orborst, so cough up and do it my way!

Holiday Plan

- October 4 - 5 Epping, 304km.
- October 5 - 6 Motel 7, Jerrabomberra Avenue, Narrabunda,
2604, 06 2951111, \$44, Canberra, **, 203km.
- October 6 - 7 Maneroo, 129 Maybe Street, Bombala, 2632,
06 4563500, \$44, Bombala, **1/2, 171km.
- October 7 - 8 Snowy River Lodge, Princess Highway,
Newmerella, 3886, 051 541242, \$36 - \$45,
Orbost / Newmerella, **1/2, 252km.
- October 8 - 9 Northside, Old Princess Highway, Bega, 2550,
064 921911, \$40 - \$60, Bega, ***, 151km.
- October 9 - 10 Zorba, Orient Street, Batemans Bay, 2536,
044 725888, \$40 - \$55, Batemans Bay, **1/2,
201km. 724804
- October 10 -11 Picadilly Motor Inn, 341 Crown Street,
Wollongong, 2500, 042 264555, \$55 - \$65,
Wollongong, ***, 82km.
- October 11 -12 Epping.

Key

Date (Night of) - (Morning of)	Hotel / Motel, Address, Suburb / Town, Postcode, Telephone Number, Cost, Town / City, Star Rating, Kilometers To Next Stop.
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Julie Deroett

ARC Radio

10-12

Elaine Appermon

Family Court the Legal Jungle

by Patrick Tennison

"Does a tacit conspiracy exist to avoid public exposure of this court . . . ?"

"It has, however, become a lushly lucrative field for those practitioners who have set out to specialise in it completely."

Why do so many reputable lawyers refuse to practise in the Family Court? Why are so many who have dealings with it so critical of the way it often works? Why has it become so bitterly condemned by many people whose lives have been affected by its methods and judgments?

Secrecy of operation was one of the Family Court's strategic "reform" foundations, when it was born from divorce law reforms in 1975.

Strict prohibition on publications of its cases and methods has prevented the public who have not had dealings with it discovering any detail of its operations. But, among those with knowledge of its workings there is mounting disquiet.

To present for the first time some account of this court's dealings from the inside, Patrick Tennison talked to a large number of people who have seen it at work: Barristers, Solicitors, Social Workers, Psychologists, Litigants, Members of the Court's staff. He agrees with most of them who say: "On paper, the court was an excellent idea. But in operation it's not working out that way." Does a tacit conspiracy exist to avoid public exposure of this court, because it has become "a good thing" financially?

Readers of this book will judge how this court is functioning, and whether reforms are not immediately necessary in what has become one of the world's most unusual but also most secretive legal arena.

Published by Patrick Tennison Enterprises
375 High Street, Ashburton 3147, Vic.
1st Edition March 1983.

Unless and until measures such as these are taken, no improvement can be expected in the Family Court system. True reform of it will be difficult. On legal matters, the best reformers are legal authorities. In private many legal

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authorities are deeply concerned at the way the court is performing. But they owe an allegiance, too, to their colleagues for whom this is a large and lucrative area of practice in a time when opportunities for law practitioners are otherwise shrinking.

Any member of the profession who initiates moves for change and reform will need to be qualified also with a special type of courage. He or she will need the support of others in the profession similarly equipped.

It would appear more likely that the lead will come from within Parliament. It may come from a lawyer no longer in practice who understands the system, is affronted at what is happening, and decides to take action to effect change. If it comes from a non-lawyer parliamentarian, support from lawyers will be essential.

Whoever initiates those moves and whoever supports them will earn the respect and gratitude of thousands of Australians who will in future days have dealings with this court. Any reform move that comes, however, will come too late for the other thousands who put their trust in the justice they believed they would receive from this court. To their dismay and their sorrow, they received something sadly less.

DEAR ITA

LETTERS

WRITE TO: DEAR ITA,
PO BOX 140 STRAWBERRY HILLS,
NSW 2012 OR FAX (02) 319 0990

AN INSIGHT

ON behalf of the Family Law Reform Association, I would like to thank you for Anne Musgrave's *Custody Wars* article (ITA, August). The article gave readers an insight into the types of problems men endure when a marriage breaks down. The information it contained was well-researched and the article was presented in good taste.

CORAL SLATTERY,
Family Law Reform Association,
Sutherland, NSW.

NO MORE DOUBTS

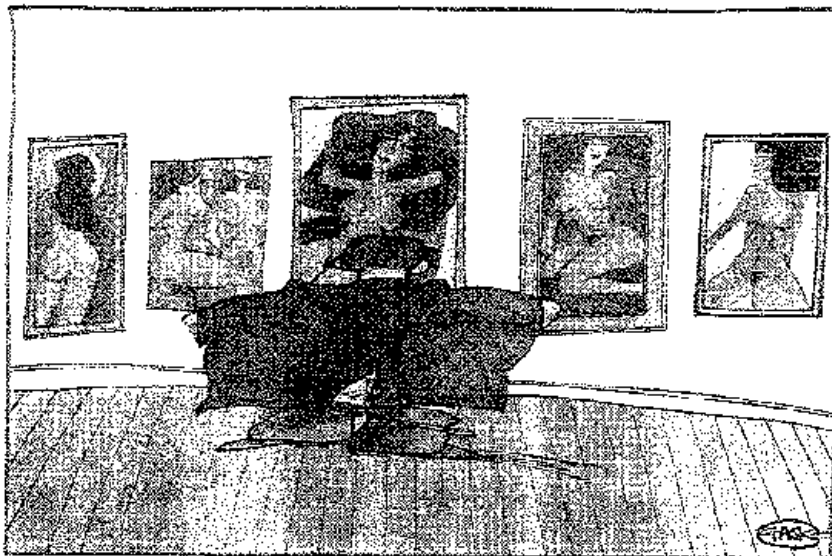
CONGRATULATIONS are in order for your *Custody Wars* article (ITA, August). I had doubted whether an article giving support to men would ever be published. To find one in a women's magazine is beyond belief.

M. WARD,
Men's Confraternity,
Victoria Park, WA.

STILL CAMPAIGNING

I REFER to your *Custody Wars* article (ITA, August). During my interview with Anne Musgrave, I gave her a copy of my booklet *How I Won The Joint Federal Parliamentary Inquiry Into The Family Court*. There is no excuse for her to then wrongly attribute the establishment of this inquiry to "non-custodial parents" when no other individual or group campaigned for this inquiry.

My policies for reform include: automatic joint custody, equal sharing of maintenance, property brought to a marriage to remain with that person after divorce, introduction of optional pre-nuptial contracts that are respected by the Family Court, abolition of the extremely expensive adversarial system, introduction of



compulsory mediation as a way for couples to resolve divorce issues.

This issue is not so much men versus women as the Australian people versus the legal profession — who control Family Law for their own self-interest.

IAN MONK,
Epping, NSW.

THE MALE SIDE

ITA Magazine is to be congratulated on presenting one of the few articles that examine the male side of custody and access (ITA, August). *Custody Wars* was balanced and accurately reflected the experience of those men who use our association's services. Please continue this brave path of incisive reporting. It is a rare commodity these days, especially on this sensitive subject.

PAUL AUGUSTSON,
Men's Action Lobby for Equality,
Cannington, WA.

THE OTHER SIDE

It is not only men who get a raw deal under Family Law, *Custody Wars*

(ITA, August). When my daughter and her husband divorced, quite amicably, custody of their daughter, aged two-and-a-half, went uncontested to the father, mainly because he was remarrying and my daughter was re-establishing her career.

Unlimited access was granted to my daughter but almost from the first visit there were arguments because the new wife felt the contact was a threat to their marriage.

The 12 years of constant harassment, of moving away from Sydney which has made visits more difficult, and ruthlessly refusing any visiting rights to us, the grandparents, have caused immeasurable pain, frustration and heartache.

ELAINE STEWART,
Copacabana, NSW.

AN OPPORTUNITY

I NOTE with interest your *Custody Wars* article (ITA, August) which questioned certain aspects of the Family Law Act. A Joint Select Committee comprising Members of the House of Representatives and ▶

Lone father wins fight for inquiry into Family Law Act

One man's campaign has resulted in a joint parliamentary inquiry into the Family Court of Australia — the first close look at the system in 15 years. ELVIRA SPROGIS reports.

DEPRIVED of joint guardianship of his two children and restricted to eight hours access a fortnight by the Family Court of Australia in 1989, Sydney divorcee Ian Monk embarked on a one-man campaign for a full inquiry into the Family Law Act.

He succeeded. A Joint Parliamentary Committee has been established to inquire into and report on the provisions and operations of the Family Law Act.

Mr Monk's call for an inquiry was endorsed by the Lone Fathers Association at its February conference last year, and sponsored by National Party Senator David Brownhill. The inquiry will assess and report on the following:

The role, funding, effectiveness and availability of counselling and mediation services; the proper resolution of custody, guardianship, welfare and access disputes, property disputes, including those from de facto relationships; the effective enforcement of rights and duties under the Family Law Act; the exercise of discretion by the courts; the adversarial nature of proceedings and their costs; security of Family Court proceedings; and the retiring age for its judges.

Submissions to the inquiry will be received until the end of July and the committee is to report to Parliament by August, 1992, to make its recommendations for legislative and administrative changes that are needed to improve the operation of the family law system.

This will be the first time since 1976 that the Family Law Act will have come under such close scrutiny.

Mr Monk said that, until this inquiry was initiated, people who had complaints about the Family Court had nowhere to go.

"You could write to the judge's administrators who just said you could appeal in court against any decision," he said.

"They didn't accept any criticism of the court."

One of Mr Monk's criticisms of the inquiry was over its terms of reference, which he said were not discussed with the people who actively sought the inquiry.

"It seems inappropriate that the terms of reference and some are doubtful whether the terms give sufficient scope to fully evaluate things like the child support scheme, the subject of a lot of criticism," he said.

"I did seek an additional term of reference which was to examine all the deaths (like suicides, murders, and heart attacks due to stress, associated with the Family Court.

"Many of us feel that it's absolutely relevant and crucial but they won't look into it and have refused to adopt any further terms of reference."

"I can't tell you who drew them up or why they declined my request to examine deaths."

Mr Monk travelled to northern NSW and the Hunter Valley last week, and his campaign over the past three years has taken him from Adelaide to Cairns, where he protested outside family law courts and made appearances on television, radio and in newspapers.

To draw further attention to his cause, Mr Monk stood as a candidate for the Senate in last year's federal election.

Whenever he went Mr Monk said the scores from fathers were the same: that the court was biased in favour of women.

"Richer parents can take off but what most had going is that when the women takes off, comes back a few years later and wants custody of the children, the court gives it to her," he said.

"That's what men are stressed about."

"Much of the criticism of the court is the exercise of discretion."

"I'd have joint custody as the norm, which would only be altered under the most extreme circumstances."

"I find it hypocritical that one party, usually the one with custody of the children, can move interstate and the court says it's in the best interests of the children. What's in their best interests is the love and affection of both parents."

Mr Monk said the existing adversarial process, which he said was "psychologically and emotionally brutal" and unworkable, should be replaced by compulsory mediation.

He wanted to see lawyers taken out of the Family Court and the creation of a network of mediation centres based on Melbourne's Noble Park Centre where divorcing couples attended six to eight counselling sessions to resolve custody, property and maintenance settlements. About 80% of the cases were resolved without going to court.

"The reforms I'm seeking are not meant and in reality would benefit the children."

Mr Monk is not aligned to any group although in the early days of his campaigning a group was formed after a demonstration in Parliament.

He stayed with it for a short time but went his own way when he said most of the men in the group did not want to do any work such as campaign through the media, protest or lobby parliamentarians.

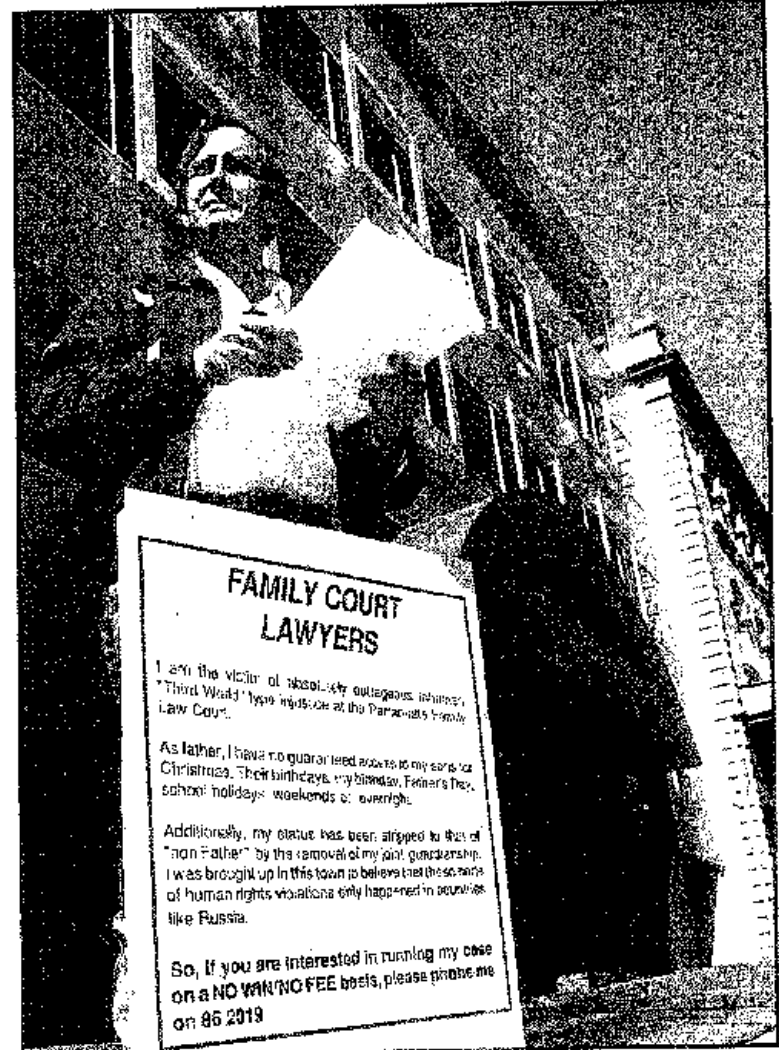
"I found that many of the guys I met lacked motivation or ideas and were uninspiring."

"Those who rang me only wanted to talk about their pain and when I suggested to them that I found counselling took the edge off the pain, they weren't impressed."

"I wanted to reform the Family Court and with that specific objective, found very few men who said, 'What can I do to help?'"

Barry Williams of the Lone Fathers Association has asked participants in Canberra and he's one of the few people who has worked to achieve something.

Mr Monk admits that some people regard him as obsessive



Mr Ian Monk campaigns outside the Family Court of Australia in Newcastle... argues that the adversarial process should be replaced by mediation.

about his campaign, but he regards that as a compliment.

"If you want to achieve anything at the highest level, you have to be obsessive about it."

"If you want to be effective you have to marshal all your resources, so it depends on your perspective as to whether or not someone's obsessive. I see people as apathetic, they see me as obsessive."

Mr Monk says that his campaign will not end when submissions have been completed.

"It seems clear to me that the legal profession and the judiciary are controlling family law in this country and the real battle is between the self-interest of the legal profession on the one hand and the wish of the Australian people on the other."

Mr Monk would continue to campaign for the abolition of removal of involvement of the legal profession in the formation of legislation in family law because it (the profession) had a clear financial interest.

"I would question why we need to have the Law Reform Council for Family Law."

Mr Monk said a mixture of representatives from such bodies would be on the committee for the current inquiry, which involved both houses of Parliament.

"But at least two of the members of the committee are lawyers."

"I question whether those lawyers could have an open mind to a proposal that says we should abolish an adversarial system in the

Family Court and replace it with one of mediation."

"It would be a proposal that would have an adverse effect on their legal colleagues."

"The sort of people who should be on this committee would have to be parliamentarians but I don't think parliamentarians who are also lawyers should be on the committee."

"It should comprise others who represented a balance of the parties in Parliament."

"Another reason why I would like to continue my campaign is that at the end of the day public opinion can be just as powerful to motivate our governments to act, as my inquiry."

The Newcastle Herald, Wednesday, July 10, 1991

Whitewash feared from family-law inquiry

By MICHAEL BACHELARD

A joint parliamentary inquiry set up to scrutinise aspects of the Family Law Act is in danger of ending in a "whitewash", according to a man partly responsible for its establishment.

A property manager, Ian Monk, said other men who believed they had been victims of the system, began lobbying strongly for an inquiry in 1989. Mr Monk's wish was that the inquiry would challenge the adversarial framework for divorce in a court.

Mr Monk's wish was that lawyers would be removed from all aspects of family break-up, and a network of mediation centres be created to deal with problems associated with it through negotiation, not confrontation.

Mr Monk said the family court system turned people into enemies

and encouraged rather than solved or prevented hostility between partners.

People in this situation were often pushed into making up allegations that were false.

Mr Monk was afraid that the prevailing legal framework of the Family Law Act would never be challenged.

On a visit to Canberra last week he said several lawyers on the parliamentary committee and "a lot of lawyers in parliament" were making it difficult to change the system.

The first parliamentary inquiry into family law, in 1980, recommended that a legal body, set up to make recommendations to the Attorney General on family-law issues, the Family Law Council, be disbanded because it was doing the work of parliament; that a research organisation, the Institute of Family

Studies, be abolished. Neither of these recommendations was implemented.

"It is a very incestuous group linked together with the court. It is there to maintain and enhance the status quo," Mr Monk said.

Mr Monk believed that the family court system had failed, but the present high-powered parliamentary inquiry had failed to see that.

He said the members of the inquiry committee were in danger of perceiving a failure in the Family Court as a major one for the legal system. If that were the case, the inquiry could end up as a whitewash.

Mr Monk said many requests by various groups had been made to have the American advocate for mediation, a psychologist, Dr Frank S. Williams, to appear at the inquiry. Organisers had failed to

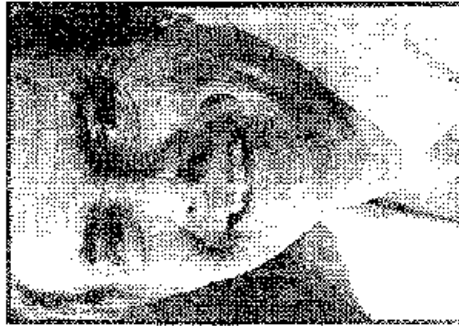
invite the expert. The decision had lacked logic.

Mr Monk agreed with Dr Williams that the victims of a system that pits parents against each other were most commonly the children.

Joint custody should be awarded as a matter of course, other arrangements made only in exceptional circumstances. In the present system, one or other parent was branded a loser, Mr Monk said.

The inquiry is likely to address some of these issues. The Chief Justice of the Family Court, Alastair Nicholson, said in August that the committee should recommend deletion of the custody and access terminology of the Family Law Act to reduce the winner-loser aspect.

He hoped mediation and counselling services would become better funded.



Ian Monk

Law reformer continues battle despite historic decision 'It's only round one'

A 42-year-old Eastwood man has made history by becoming the first private individual in Australia to succeed in having a Joint Parliamentary Inquiry set up.

But he is not resting there.

Law reform campaigner Ian Monk, who is divorced, says it is only round one in his crusade to have the Family Court system reformed.

"On the one hand it is a fantastic feeling to have been able to establish the inquiry, but on the other hand I am very much aware that a similar inquiry held as recently as 1979 led to little, if any, actual reform," he said.

"Therefore, I am concerned that this inquiry could end up similarly and no action ultimately will be taken.

"We still have round two and three to come: some worthwhile recommendations and their implementation.

"I will continue campaigning to keep public awareness up and the pressure on."

A painful divorce in the late 1980s sparked Mr Monk's initial dissatisfaction with the Family Court.

He said the system was "adversarial" in pitting parent against parent and controlled by "elitists" such as the Law Reform Commission, Institute of Family Studies and the Attorney-General's Department.

The only thing it achieved, he believed, was the enrichment of the legal profession and he felt it would be much better replaced by compulsory "mediation", using the Noble Park Centre in

Melbourne as a model.

Mr Monk's dissatisfaction turned into a campaign which has taken him to almost every town in the south and east of Australia which has a radio station or newspaper, including Batemans Bay three times.

He also stood, unsuccessfully, as the candidate for the Senate last year.

"I've been from Adelaide to Cairns and around NSW on four or five occasions.

"At one stage a journalist counted over 200 cards in my file, but that would only be about half the number of interviews I would have had," he said.

Mr Monk said his expensive campaign had only been possible because of an inheritance.

"I was in the fortunate circumstances that my father was a high achiever and the money from his estate enable me to conduct this campaign," he explained.

"But after all this time the money is starting to run low."

Mr Monk has not discussed his crusade with his ex-wife, but says he heard from a mutual friend that she reacted with grudging admiration to the news that he had succeeded in sparking an inquiry, which is now at the hearing stage.

"I was told she said 'The SOB has actually done it,'" he said.

But, unlike Margaret Hewson who told 'Sixty Minutes' recently that she would still vote for her ex-husband, Opposition Leader John Hewson, Mr Monk's wife did not support him in his Senate campaign.



ABOVE: Family Court reform campaigner Ian Monk...in Batemans Bay earlier this week for the third time in only a few years to press his case.

Family Law inquiry complete but will there be action?

Ian Monk of Epping, who through his own lobbying, following his divorce, for an inquiry into the Family Law Courts operation is pleased to announce that the inquiry has received a studied many recommendations, but is now concerned at the lack of action that may occur.

Mr Monk said that he believed that the Family Court was "adversarial" in setting parents against each other, and that the legal profession were the only winners from any divorce settlement.

His nationwide campaign followed many complaints he heard from men who felt they had been treated "criminally" by the Family Law Court.

In February 1991 the Federal Attorney-General, Mr. Duffy announced that the Federal Government had agreed the inquiry should be a joint one between the Senate and the House of Representatives, after the proposal was moved by NSW National Party Senator David Brownhill, and supported by the Opposition and Australian Democrats.

Although the many submissions were discussed, Mr Monk is continuing his campaign to ensure that recommendations are acted upon in the future.

The inquiry assessed the role of family counselling, mediation services, custody and guardianship, welfare and access disputes, property disputes and de facto relationships.

Mr Monk felt that the inquiry did not go far enough as it did not cover the issue of murder and suicide, which number approximately 50 a year caused through the "lack of compassion by the Family Law Courts".

1980 INQUIRY

Mr Monk has evidence of the 1980 Family Law Court in-

quiry in which many recommendations were suggested, but never acted upon, this because, he believes, the "Legal Elitists" do not want the system changed.

"The Family Law Act is enormously expensive to the taxpayer as it has created a heavy structure of judges and extra bureaucracy with more to come with the Institute of Family Studies", was one of the findings in 1980.

The findings continued "The Family Law Act, particularly through "no fault" divorce has separated Family Law from the mainstream of Australian jurisprudence, there is even a special condition in the Family Law Act for appointment as a Judge of Family Court and there are different premises, procedures, rules and customs which are unnecessary and expensive."

The 1980 Inquiry also stated that "The Family Court has no machinery for reconciliation counselling, its "court counsellors" are essentially expeditors of court procedures".

This point, Mr Monk has continually maintained and feels that one session that is not compulsory is not enough for parents who are undergoing the trauma of divorce.

He would like to see the Family Law Court system replaced by



● Ian Monk who is campaigning for changes to the Family Law Act.

compulsory "mediation" similar to one already set up, the Noble Park Centre in Melbourne.

At Noble Park, estranged couples attend six to eight sessions of counselling to resolve property, custody and maintenance settlements.

Mr Monk has noted that in 80% of cases going through Noble Park litigation had been avoided.

He feels that fathers are discriminated against in divorce settlements, and that the legal system gains the most from the family court.

He would like to see solicitors banned from the Family Court under a complete reform of the system.

In the last election, he stood unsuccessfully for the Senate with reform of the Family Court the centrepiece of his campaign, which raised awareness of the system.

Mr Monk invites persons who are concerned at certain aspects of Family Law to write to their Federal and State Members for Parliament, expressing their concerns, to ensure that the inquiry which has cost taxpayers thousands of dollars is acted upon.

Friday 1st Nov 1985
18 Linkview Rd.
Sydney NSW
2177

Dear Dad,

Just writing a letter to
say hello... well to tell you the
truth I was at a place with one
of those machines where you can
put money in and just come a
particular number but to cut
it out there that I ended up
with you.

Today at school the stu-
dent teachers had their last day

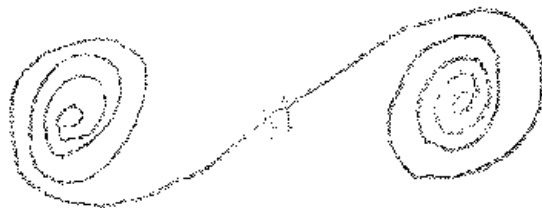
at Ellison, so we had a party.
There was cheezels, coke, and
everything you could imagine it
was great.

Oh well I suppose that's all,
see you soon.

Yours sincerely,

Andrew Monk

Andrew G. L. Monk



15 Linksview Road
PRINWOOD NSW 2771

Wednesday 6th November, 1991

Dear Dad,

Seeing you like my letters
so much, guess what..... here's
another one!!!

Today I got the photos (school)
back and we decided to post one
to you. I'm sorry my hair isn't
done in the photo but (and this
isn't a lie) the lady who was doing
the photos at the time said my
hair was "fine"!!!

I was going to ring you
reverse charges tonight but I decided
to send a letter to you because I
would end up calling you reverse
charges all the time and anyway,

From memory the stamp I used to post
this to you I bought with your
money at Bombay, so don't worry
you haven't got this for free. (It
sounds like hidden bank charges
doesn't it?)

Oh well, that's all...

Love from Andrew G.L. Monk.

Sunday Mail 15-12-91 Adelaide

Axe custody laws call

Divorced couples should share maintenance payments 50-50 and existing laws on custody of children should be thrown out, according to a lone crusader who brings his campaign to change the Family Court laws on divorce to South Australia next month.

And Sydney-based Ian Monk, who succeeded in winning a joint parliamentary inquiry of the Senate and House of Representatives into the

Family Court earlier this year, will have no lack of support for his views in Adelaide.

Mr Monks has savaged the Family Court for its treatment of families suffering marriage breakdown.

"What people are put through and the way the law is framed makes couples being divorced like ordeals," Mr Monk said.

"I am not saying we must replace the 'no fault' divorce principle, I'm advocating its extension to custody, maintenance and access."

"The Family Court discriminates against fathers in divorce settlements. It is totally wrong by any standard for fathers to be given access to children; given set time frames when they can see their children. That is putting many men through horrific psychological torture --- and a very expensive exercise.

All that existing Family Court laws do is enrich the legal profession."

Mr Monk said he realised any moves to change the current legislation would be resisted by the legal profession. He is advocating laws which will see both parents make equal maintenance payments and open custody be introduced.

Some programs interstate already have been introduced where estranged couples decide access, custody and property settlement under counselling before attending court ---

in 80 per cent of cases so far litigation has been avoided.

Mr Monk's Adelaide visit coincides with a South Australian man's claims last week that the existing Child Support Agency system is unfair.

Mr David Torr, of Plympton, said last week the agency, part of the Australian Taxation Office, was wrong in setting child maintenance payments on income before tax. "I have to pay single man's tax --- an extra \$60 a fortnight, but I can't claim the support on tax," he said.

The Sun Brisbane 22-11-91

Working to end home violence

THE instigator of a parliamentary inquiry into the Family Law Court hopes a review of its operations will help break the domestic violence cycle.

Sydney property manager Ian Monk says the Joint Select Committee on the Family Law Act is a chance to introduce compulsory mediation to the system.

Mr Monk made history by becoming the first private individual in Australia to succeed in having a joint parliamentary inquiry set up. The inquiry moved to Brisbane on Wednesday and yesterday, with public hearings and witnesses appearing before members at the Parliamentary Annex.

"If a couple can co-operate - even when they don't get on with each other - everyone benefits," Mr Monk says.

"A mediation system which encourages a couple to come to an agreement, would help reduce the number of murder-suicides, save a tremendous amount of

legal costs and be far better for the children involved."

But Brisbane's Coalition Against Domestic Violence believes women should never be forced into compulsory counselling with aggressive partners.

Commonwealth funding should be extended to enable the Family Court to play a vital role in breaking the domestic violence cycle, Ms Miller said.

"It was vital that the court allowed a more equitable distribution of bargaining power and ensured that children did not continue to suffer the devastating long-term effects of domestic violence," she said.

The inquiry was told

the court had not responded properly to the violence problem. In many cases, victims and children were in a state of fear for years.

Counselor Christine D'Aquino said children could be affected by domestic violence, even if the violence was not directed at them.

Women and children affected were further disempowered by the system, she said.

The inquiry panel - senators John McKiernan, Rosemary Crowley and Syd Spindler and Federal MPs Steve Marth and Michael Lavarch - heard that the requirement for parties to attend joint counselling sessions showed a lack of understanding.

Ms Miller said court judges and counsellors were not trained to understand the effects of domestic violence or to deal with them.

"Counsellors, solicitors and judges are not as aware of domestic violence as they should be," she said.

That brought this request from Mr Marth: "Are they slow learners, or are they the wrong

person in the wrong job?"

Senator Crowley said it had taken time for the public and professions alike to recognise domestic violence as an issue.

The fact that one in five Australians believed it was acceptable to assault women made the education process difficult, he said.

A submission from Brisbane Family Court officials and counsellors spelled out the difficulties faced because of inadequate funding.

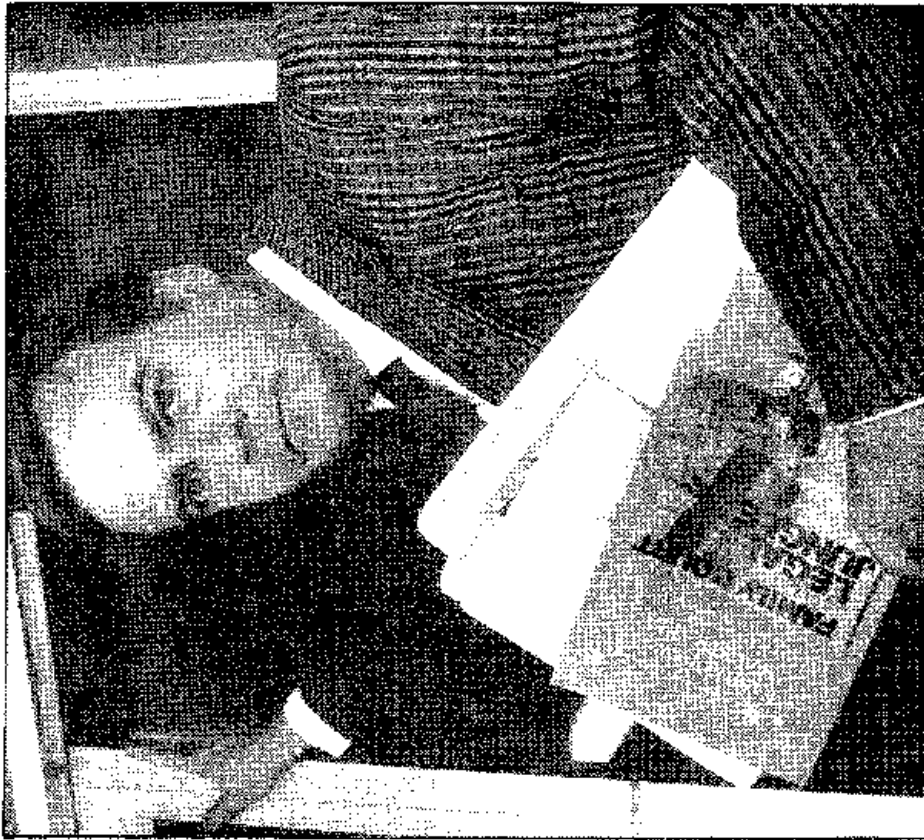
"The Family Court will have influence in the lives of one third of the nation's families," it said.

Staff said there was little time for training and research because of the workload placed on the court.

"The budget is insufficient to cover all the functions the court is expected to fulfil..." the submission said.

But Mr Monk warned that lawyers would try to block a challenge to the Family Court framework.

"We had a parliamentary inquiry as recently



Ian Monk: 'Mediation helps... if a couple can co-operate - even when they don't get on with each other - everyone benefits.'

as 1980 with a number of good recommendations being made," he said.

"But nothing happened. Not one recommendation was adopted. The reason why it happened is that the legal profession obstructed it. This is a very incestuous group linked together with the intention to facilitate

change. The Senate inquiry will assess and report on family counselling and mediation services, the proper resolution of custody, guardianship, welfare and access disputes, property disputes - including those in de facto relationships - and the enforcement of rights.

Senator Crowley said she and other committee members were committed to their task. She said they realised the problems with the court operations and were working well together to facilitate rights.

18 Linksview Road
SPRINGWOOD NSW 2777
16th December, 1991

Dear Dad,

I just thought I'd write a letter to you for two reasons: one, because I'm using the brand new paper and envelopes (and stamps) that I bought when I was down there last and I can't wait to try them out, and two, (bad news) I want you to mind some more coupons for me.

Oh, and also, I told Jamie about the story when you dropped the keys in the toilet..... remember?.....

"Hey Dad, there's lots of...."
"Aaaaaaahhhrrr f _ _ _ !!!"
"Ha ha ha ha!!!!....."

Jamie was laughing for ages after that! ²⁰

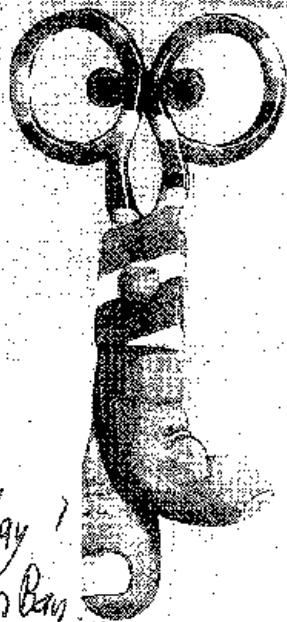
With the coupons, seeing we won't need them until January, you can put them in the glove box of the brock until we go on holidays.

Take care of this, and I quote: "classic watermarked paper".

Love from,

O. Monk

Andrew Monk.



YOU KNOW
JAE ADDRESS!

12/11/91

Dear Dad,
Yesterday I
arrived at Broken Bay.

The beds are hopeless. Anyway, the school
said it was not allowed to get off at or near
Epping because it was too complicated. This
isn't a lie. Mum said it was OK but the school
didn't. I don't have much time so that's all I
say.

Love,

Andrew Mark

07/12/91

To dad,

I just thought I'd send you a Christmas card through the post (and I hope it gets to you!) just to fill in the time and ~~and~~ also because I had lots of cards with the word "love" on them and I didn't want to give those to my friends at school.

Also I've enclosed a McDonald's coupon which I keep on losing, so I hope you can put it in a safe place until I come down next time. Merry Christmas!!!

Love from Andrew!

P.S. Mum said that it's OK if you pick me up on Xmas day and it's also OK if we don't book past Adelaide.



NEWS

Divorcee wants Family Law Court trauma ended

LAWYERS have nothing to gain by seeing a couple settle their divorce amicably without the "interference" of the Family Law Court, according to a man who is campaigning for reform in the system.

Ian Monk, 42, says he is in Townsville to raise public awareness of the tendency of the Family Law Court to put parent against parent in a winner/loser battle for custody of children.

Mr Monk, a salesman, wants to see the Family Law Court abolished and replaced with a system of mediation between the parties, a system which would assist with resolving disputes rather than interfering.

His own divorce in 1988 and the loss of guardianship of his two sons because the Family Law Court decided he had an immature personality caused by an hereditary illness, spurred Mr Monk on campaign for reform.

His campaign has spread Australia-wide and he has appeared on national television and in magazines as well as numerous newspapers and radio stations.

He debated with the new head of the Australian Law Reform Commission, Justice Evatt, last year on the ABC's 7.30 Report.

Earlier this year his campaigning saw him become the first private citizen in Australia to succeed in having a joint



Ian Monk ... Family Law Court is a lucrative area of business for lawyers Photo: GARY SCHAFER

parliamentary inquiry set up to investigate the operations of the Family Law Court.

"People who go before the Family Law Court are just innocent people getting a divorce," he said.

"There are no charges laid against any of the parties but they're put before an adversarial system where there's a winner and a loser.

"It's an emotionally brutal experience as well as being very expensive."

Mr Monk criticised the legal profession, describing it as one of the most powerful and protected professions with a highly developed sense of self-interest.

"The Family Law Court is a most lucrative area of business for them."

Mr Monk said that a previous inquiry into the Family Law Court found that the Family Law Council in fact had more power than politicians.

Hearing cancelled

A PUBLIC hearing by the Joint Select Committee on certain aspects of the operation and interpretation of the Family Law Act to be held in Townsville today has been cancelled.

A spokeswoman for the committee said that the Liberal members of the committee were recalled to Canberra yesterday for a party meeting to discuss the Fed-

eral Opposition's tax package.

"Because of this, we are unable to make our quorum for that meeting," she said.

She said that no new dates had been set for the hearings in Townsville and because of the committee's heavy schedule next year she doubted there would be time for it to return.

FAMILY COURT COURT
HOURS 8.45am -
2.00pm

Visit by Family Court campaigner

Ian Monk, the first private individual in Australia to succeed in having a Joint Parliamentary Inquiry set up, paid a visit to the city yesterday as part of a nationwide campaign to change Family Court operations.

Mr Monk, a 42-year-old property manager who is divorced, said he believed the Family Court was "adversarial" in pitting parent against parent.

He said that couples getting a divorce are innocent people and do not belong in court.

"Litigation destroys their

chances of reaching a compromise solution. Instead, there is a winner and a loser - with the loser totally humiliated and the winner given special emotional power," he said.

Mr Monk wants the present system replaced by compulsory "mediation", using the Noble

Park Centre in Melbourne as a model.

At Noble Park, estranged couples attend six to eight sessions of counselling to resolve property, custody and maintenance settlements.

Mr Monk believes that a good system of mediation could mean that as many as 90 per cent of cases, legal proceedings, could be avoided.

It is believed that it's better for children to live with one parent than with two disputing parents, so the Family Court grants sole custody of children to one parent while the other, non-custodial parent is granted a specific amount of access.

Mr Monk says he wants the awarding of joint custody of children to be the Court's first option, and he wants lawyers removed from the process of Family Law.

Since 1989 when Mr Monk first began campaigning, he has travelled through most parts of Australia trying to obtain media and public attention to the issue.

The Senate Inquiry will assess and report family counselling and mediation services, the proper resolution of custody, guardianship, welfare and access disputes, property disputes - including those in de facto marriage relationship.

If the community is interested in helping Mr Monk with his campaign, they can write or phone their local member of parliament to complain about the present system.



* Ian Monk.

Out and About

Sydney man fights for rights of fathers

Sydney man, Mr Ian Monk, has been fighting for his rights and the rights of other fathers around Australia for more than three years.

He passed through Renmark on Tuesday continuing his campaign for a positive outcome of a Family Law inquiry he initiated.

His fight began when he lost access to his two sons when the court ruled that he became a 'non-father' by the removal of joint guardianship.

Mr Monk said his fight today was not just on a personal level, but to see the inquiry achieve 'something'.

"There was a Family Law enquiry in 1987, but nothing came of it," he said.

"I don't want to achieve nothing.

Mr Monk says he believes there were three reasons for the failure of the earlier enquiry.

"Number one, there was a lack of political support of the issue," he said.

"Number two, there is very strong opposition by the legal profession because they think the operation is efficient - but it basically boils down to profit."

By Kate McCarthur

He said the lawyers made a lot of money out of the cases and were not willing to give up without a fight.

"Ideally a new system will be created of divorces without lawyers and custody talks," he said.

"Part of the problem is that there are many lawyers who are part of parliament."

"They are clearly defensive and they are very powerful.

"They are the ones who will determine the result of the issues.

No attention

"The third reason the enquiry failed is that the issue did not get into the media, there was no attention drawn to it.

"To a greater or less extent it is the same today - I think it's appalling."

Mr Monk said the enquiry included public hearings to allow all Australians to make submissions.

"It is important that people write in because only 11000 complaints were received and they consider it not an issue," he said.

"We need to show there are more people who support the enquiry."

He said interested people could write to the Secretary of the Joint Select Committee on Certain Aspects of the Operation and Interpretation of the Family Law Act, Parliament house.

"Anyone wanting more information about the enquiry can contact one of the secretaries of the enquiry, Fiona Taylor, on 06 2774129," he said.

"The Family Law inquiry includes looking at the recommendation of:

* The role, funding, effectiveness and availability of services including Family Court Counselling Services;

* The proper resolution of custody, guardianship, welfare and access disputes; and

* The proper resolution of family law property disputes; and

* The effective enforcement of rights and duties under the Family Law Act.

Mr Monk said he had not had much success on a personal level.

"I see my eldest son every alternate weekend, but my wife refuses to obey the court order to allow me to see my youngest son," he said.

"They do not punish women for refusing to carry out court orders."



Ian Monk, of Sydney, with his eldest son, Andrew, in Renmark on Tuesday. Mr Monk is allowed to see his son on alternate weekends, but is not allowed to see his youngest son.

Ian wages a lengthy battle for law reform

For one Sydney man, a campaign to reform the Family Law Court has almost become a full-time job.

Divorced property manager, Mr Ian Monk, is the first non-parliamentary person in Australian political history to succeed in having a joint Parliamentary Inquiry established.

The inquiry began in February 1991 and is investigating operations of the Family Law Court under a number of terms of reference. It is already into the 27th volume of submissions.

Mr Monk is touring the eastern States of Australia to raise awareness about the inquiry and its objectives.

"In my view not one tenth of one percent of all Australians would know about this inquiry," Mr Monk.

"There was a Parliamentary Inquiry in family law as recently as 1980.

"Although the inquiry sat, had public hearings and took submissions and all the rest, absolutely nothing came of it.

"What I am doing by campaigning now is that I hope to alert people to why this inquiry failed to achieve any reforms in the hope that we might be able to overcome them before this one is finalised.

"The failure of the inquiry to achieve anything can be put down to three main areas.

"Firstly there was a lack of political leadership on the issue, secondly there was strong opposition from the legal profession on any reforms and thirdly, for

whatever reasons, the issue did not get into the media."

The present inquiry has terms of reference that include;

- the role, funding, effectiveness and availability of the services the Family Court Counselling Service and approved organisations providing marriage counselling and family mediation services;

- the proper resolution of custody, guardianship, welfare and access disputes;

- the proper resolution of family law property disputes, including the question de facto relationships;

- the effective enforcement of rights and duties under the Family Law Act;

- the adversarial nature of proceedings and their associated legal costs.

"The main issue for me is the abolition of the adversarial system in the court environment," Mr Monk said.

"The adversarial system is totally inappropriate. It is extremely expensive, it is very stressful and it has an inherent concept of looking for guilt when the people in the family court are innocent people.

"It should be replaced with six to eight compulsory mediation sessions that encourage people to seek their own solution to the issues.

"I'd also like to see the abolition of the censorship associated with the Family Court.

"It is entirely appropriate in a demo-



• Mr Monk . . . "the failure of the inquiry to achieve anything can be put down to three main areas." cratic country, and it is entirely consistent with free press."

Mr Monk said anyone wanting to voice their concern about the Family Law Court should contact their Federal politician.

For more information on the inquiry, contact Ms Fiona Taylor on (06) 277 4129.





PRRES RELEASE

8 Stanley Road
EPPING 2121

Tel: (02) 876 2019

28 January 1992

The Chief of Staff

Dear Sir/Madam

Ian Monk, sentenced by the Family Court to 4 hours access a week to his two sons, Andrew and Jamie, replies with a Parliamentary Inquiry that could change dramatically the operation of the Court.

My campaign to reform the Family Court may not physically get to your place, however, I would still welcome the opportunity of an interview. (Phone (02) 876 2019).

There are a number of factors however that are putting this reform process at risk. They are:-

1. No politician showing any leadership on the issue.
2. Strong opposition from the legal profession.
3. Little, if any, coverage of the issue by Sydney based mainstream media.
4. No visible protests by fathers seeking reform of the Family Court.

Should you decide to run a story, it would be appreciated if you would include my phone number in the text.

Yours sincerely

IAN MONK

Family Court inquiry to sit in Launceston

A nationwide Parliamentary inquiry into the operations of the Family Court will sit in Launceston tomorrow.

The joint inquiry of the Senate and the House of Representatives has been travelling to most major cities taking written and oral evidence.

The terms of reference for the inquiry are: • To assess and

report on family counselling and mediation services;

• The proper resolution of custody, guardianship, welfare and access disputes;

• Property disputes, including de-facto relationships.

It will be held in the Tamar Valley Room at the Albert Hall between 8.15am and 11.30am and is open to the public. The

inquiry follows a two-year campaign by a Sydney man, Mr Ian Monk, who is pushing for wide-ranging reforms.

His fight began when the Family Court allowed him four hours' access a week to his two sons.

He said there are four main reform risk factors: • Lack of leadership by any politician on

the issue; • Strong opposition from the legal profession;

• Little coverage by major media groups;

• No visible protests by fathers seeking reform of the Family Court.

The inquiry is due to complete its report by August.

Visit by Family Court campaigner

Ian Monk, the first private individual in Australia to succeed in having a Joint Parliamentary Inquiry set up, paid a visit to the city yesterday as part of a nationwide campaign to change Family Court operations.

Mr Monk, a 42-year-old property manager who is divorced, said he believed the Family Court was "adversarial" in pitting parent against parent.

He said that couples getting a divorce are innocent people and do not belong in court.

"Litigation destroys their

chances of reaching a compromise solution. Instead, there is a winner and a loser - with the loser totally humiliated and the winner given special emotional power," he said.

Mr Monk wants the present system replaced by compulsory "mediation", using the Noble

Park Centre in Melbourne as a model.

At Noble Park, estranged couples attend six to eight sessions of counselling to resolve property, custody and maintenance settlements.

Mr Monk believes that a good system of mediation could mean that as many as 90 per cent of cases, legal proceedings, could be avoided.

It is believed that it's better for children to live with one parent than with two disputing parents, so the Family Court grants sole custody of children to one parent while the other, non-custodial parent is granted a specific amount of access.

Mr Monk says he wants the awarding of joint custody of children to be the Court's first option, and he wants lawyers removed from the process of Family Law.

Since 1989 when Mr Monk first began campaigning, he has travelled through most parts of Australia trying to obtain media and public attention to the issue.

The Senate Inquiry will assess and report family counselling and mediation services, the proper resolution of custody, guardianship, welfare and access disputes, property disputes - including those in de facto marriage relationship.

If the community is interested in helping Mr Monk with his campaign, they can write or phone their local member of parliament to complain about the present system.



Mr Ian Monk.

Call to get divorce out of court and around table

Two years ago Ian Monk, of Kippington in Sydney, was in Ballarat to campaign for a Senate inquiry into the Family Law Act.

Yesterday he was back, because although in December, 1989, Mr Monk achieved his goal and in February 1991, had it extended into a Joint Parliamentary Inquiry, he fears its findings will be left to "gather dust on the shelf" as he says a similar inquiry in 1980 did.

Mr Monk claims there has been no political leadership or media coverage of the issue and without these there would be no reform, especially, he says, as the legal profession has a financial interest in the continuation of the adversarial Family Court system.

Mr Monk, who is taking this campaign throughout Victoria and to parts of South Australia, would like to see the adversarial court system replaced with a compulsory mediation process in which the parties work together, with the help of counselling, to solve the issues of child custody, maintenance and property division.

He says this would end the "winner" and "loser" situation in which the parent not granted sole custody is left feeling he or she (although it is usually the mother who receives custody) is being punished for the marriage failure.

Mr Monk would like to see most parents given joint custody and maintenance so they could

make joint decisions about their children and how to support them.

Ideally the parents would live close enough so that the children could spend three-and-a-half days a week with each parent. Mediation would work on the lines of the Noble Park Centre in Melbourne where divorcing couples can attend six to eight sessions of counselling.

Mr Monk said mediation encouraged co-operation between the parents and allowed them to resolve their problems on their own, without one party becoming the "guilty" one and the other the "innocent" party.

He said a study into child custody and parental co-operation

by California's Cedars-Sinai Medical Centre director of family and child psychiatry Dr Frank Williams showed that joint custody, even by warring parents, was one of the best methods of stimulating co-operation.

Mr Monk believes that with compulsory mediation and continued support, only a few divorces would end in litigation, especially if there was also an arbitration process for those who found mediation failed. He said the adversarial system worked for no one but particularly discriminated against men.

The Joint Parliamentary Inquiry is headed by National Party Senator David Brownhill and is expected to report to Parliament in August 1992.



Ian Monk: adversarial system works for no one.

One man's crusade continues

EPPING divorcee Ian Monk has made history since embarking on a one-man crusade against the Family Law Court in 1989.

Early last year he became the first private individual in Australia to succeed in having a Joint Parliamentary Inquiry set up.

Although victorious in establishing an inquiry into most aspects of the Family Court's operations, Mr Monk's battle is not over.

He is concerned the results of the report could be "blocked" or left to "lie dormant".

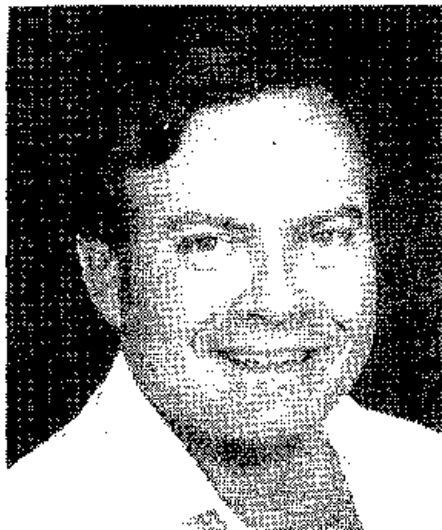
He says that "nothing came of" a similar inquiry into the Family Court in 1980.

He believed the reasons for this were: opposition from the legal profession to the changes, and lack of political leadership and media publicity on the issue.

"My campaign hopes to address all those reasons for the failure of the 1980 inquiry," Mr Monk told *The News*.

Mr Monk began his campaign after a bitter custody battle saw him lose his joint guardianship of his two sons and limit his access to them to eight hours a fortnight.

By CORINNA WANSLEEBEN



Persistent ... Family Law Court reform campaigner Ian Monk.

Since then his access time has been increased.

Mr Monk, who has campaigned in front of courts and through the media

Australia wide, was cautiously optimistic that the current inquiry could make significant reforms in the Family Court.

The inquiry, sponsored by National Party Senator David Brownhill, is investigating such matters as mediation, counselling, custody and access, property settlements, enforcement provisions and the discretion exercised by the Family Law Court.

Mr Monk believed a major reform, which was a "wide spread Australian view", should be a new system for divorce settlements that did not include lawyers.

He said compulsory mediation between divorcing couples would be less stressful and less expensive for both the couple and Australian taxpayers.

"It would also be a much quicker way of resolving issues surrounding divorce," Mr Monk added.

He said another fault with the system was the Child Support Scheme, claiming it was "biased" and throwing hundreds of divorced fathers into "poverty".

"The situation of maintaining children after divorce is that both parents contribute equal amounts of cash," Mr Monk argued.



Newsreader . . . Richard Moorecroft

Media focus on eco

ABC newsreader Richard Moorecroft acknowledges that the media faces a dilemma when covering environmental issues.

Speaking at a Macquarie University seminar, Mr Moorecroft said the public was often deeply divided over environmental issues and the media sometimes reflected that division.

"In terms of environment reporting for the news, it is necessary to recognise the difference between environment issues which are significant and reporting something that promotes a particular environmental cause," Mr Moorecroft said.

"The most important thing is the media makes people aware and offers the chance to think about environmental issues.

"What they decide on those issues is up to them but informing them fairly and without political bias is the responsibility of the media."

The seminar was part of a series of monthly public meetings organised by the university's research unit for biodiversity and bioresearch.

Unit head Professor Andrew Beatty praised Mr Moorecroft for raising the issue of the media's involvement in the environmental debate.

Progress slow on family law reform

By KATE SOUTHAM and JUSTIN BICKNELL

The Epping man whose efforts led to a joint federal parliamentary inquiry into the family law system doubts it will result in any real reform.

Mr Ian Monk, who travelled through four States and campaigned for two years to get the inquiry, said the issue needed a political champion if much-needed changes were to be made to the court system.

Mr Monk, 43, said an inquiry in 1980 failed to bring about reform because of a lack of political leadership on the issue and opposition from the legal profession.

The Select Committee on Certain Aspects of the Operation and Interpretation of the Family Law Act 1975 will finish its inquiry this week.

The committee, which received 1,000 public submissions from around Australia, will table a full report when Parliament resumes in August.

The inquiry is seeking to determine how improvements might be effected in the areas of custody battles, parental access to children, and property settlement.

Mr Monk would like to see judges as young as 35 appointed to the family bench for a limited three-year post and a move away from the adversary-oriented system of dealing with custody and access cases where there is conflict between parents.

"If we are to continue with the philosophy of no-fault divorce, then it is completely inconsistent to continue with the infamous access trials where innocent parents can be dragged before the courts solely at the whim of the other parent and, as a result, have their access to their children stopped or cruelly reduced.

"These access trials should be abolished," he said.

Divorced in 1988, Mr Monk started the campaign for reform based on his own experience.

He said the secrecy surrounding the Family Law Courts should be lifted.

"Additionally, there should be comprehensive statistical analysis of all the court decisions produced each month. Is it really a matter of mothers 99, fathers 1? We can't see what is happening," he said.

A member of the committee, Senator David Brownhill, said the large number of people subjected to the Family Law Act found it inadequate in its present interpretation and its administration required urgent attention.

He said there had been considerable pressure for the inquiry from groups such as the Lone Fathers Association and Parents Without Rights.

The major criticisms leveled at the Act, he said, emphasised the arbitrary powers accorded to judges and the need to introduce a greater degree of accountability into the Family Court.

Estimates put the rate of divorce in Australia at one in three marriages, and of those who remarry, half will seek another divorce.

THE NORTHERN HERALD, Thursday, July 23, 1992

Father fighting for law change

A Sydney man is calling on Territory fathers to voice their concerns to a Parliamentary Inquiry into the operations of the Family Court.

Mr Ian Monk, 42, a divorced father of two, has been fighting for his rights and the rights of other fathers for more than three years.

Mr Monk, probably the only person in Australia to single-handedly win a joint Parliamentary Inquiry, said he was concerned people may not get the opportunity to make submissions because of the lack of publicity the inquiry has attracted.

"That is the case because there is not a single politician showing any leadership on the issue," Mr Monk said.

"And that is the case because many politicians are lawyers."

Mr Monk wants to see family law change dramatically — he wants the awarding of joint custody of children to be the court's first option, he wants lawyers removed from the process of

family law and replaced with a system of mediation.

Mr Monk's battle began after his divorce in 1987.

"After we had resolved our issues my ex-wife sought to reduce my access to my two sons and the judge granted her everything she sought.

"I am advocating joint custody because it will be formal recognition that children require the love and affection of both parents."

Mr Monk, who was seeing his eldest son, Andrew, 11, for four hours a week now has alternate weekends with him. He does not see his 10-year-old boy, Jamie.

"At the moment the system encourages fighting," Mr Monk said.

"It pits one parent against the other so there is a loser."

Mr Monk wants interested people to write to the Secretary of the Joint Select Committee on Certain Aspects of the Operation and Interpretation of the Family Law Act, Parliament House, Canberra.

Northern Territory News, Monday, February 10, 1992

Family Court in plea for funding

By PRUE INNES

Lack of proper financial support for the Family Court has prevented it from meeting its responsibilities, according to the Chief Justice of the court, Justice Nicholson.

In evidence to the Federal parliamentary committee examining the Family Law Act, Justice Nicholson said the court has never been adequately funded, and urged Parliament to act.

"I just find it a very frustrating exercise in this court," he told the committee.

"Much is expected of us, but when we start putting forward proposals as to how we can achieve it, I do not believe that we are getting the sort of support that we ought to get.

"I think that we set up a very interesting and far-sighted expert... when we passed the Family Law Act.

"We set up a court to administer it, but I think that judges in all courts, including this court, do not feel that courts are properly funded by governments."

The court has also urged the Federal Director of Public Prosecutions or the Attorney-General's Department to enforce orders of the court in contempt-of-court cases, which are typically about refusing access, and failing to

Fathers need more counselling

Many men feel powerless and frustrated, and find it difficult to cope with separation and being an access father, according to a major study by the Family Court.

The study, to be released today, says that the father's perspective of marital separation has been largely ignored, because of a perception that parenting is fundamentally a mother's role.

It says the problems highlight the need for more counselling services directed specifically at assisting non-custodial parents.

Another Family Court study, on children's perception of access,

shows that it works well in most cases, especially where parents co-operate.

The studies also show no difference in how well access works between arrangements that parents reach with each other out of court and court decisions.

The Chief Justice of the Family Court, Justice Nicholson, who will officially release the studies in Sydney today, says they dispel a lot of common myths about access, and generally show a positive picture of its success for children and parents.

The study of non-custodial

trials — the breakdown of marriages and other relationships.

He said money must be spent in the area of reconciliation and resolution of disputes at an early stage.

Many submissions to the parliamentary inquiry were critical of the court's performance, particularly the counselling service, because it had not met people's expectations, Justice Nicholson said.

"All I am rhetorically asking is how can we meet those expectations if we have not got the

fathers shows that most visit their children frequently, with only 15 per cent having no access.

The common theme was that fathers wanted more involvement in their children's lives, and 92 per cent wanted more access, or to leave access up to their children.

According to the study, some widely held beliefs about non-custodial fathers and access were challenged by the findings. Most fathers saw their children, and litigation with the mother did not affect access patterns.

□ PRUE INNES

means and wherewithal to do it? "We can only do a certain amount with what we have got. If Parliament wants us to achieve more, we cannot do it without appropriate funding. That is really what it amounts to."

Justice Buckley said the counselling services at the main registries of the court were now confined to crisis intervention counselling in custody and access disputes, and people were disappointed that the court could not offer counselling about separation, reconciliation and relationships.

"That must breed a level of disappointment from time to time when we are simply not in a position to offer the services which the feedback from a client survey has indicated to us that people require and need," he said.

Justice Buckley said that services had had to be stopped in the Gold Coast area — Australia's fastest-growing region — and if counsellors were sent from the Brisbane registry, Brisbane services would be extremely confined.

"We will not be able to provide anything else. People are going to scream, and justifiably so. It is disgraceful," he said.

The court's chief executive officer, Mr Len Glare, said the court was having to cut back services. It had frozen recruitments and stopped all overtime, which meant it could not operate after-hours counselling and other services. And he warned that the services would continue to be reduced without extra funding.

He said several regions of Australia were not being served properly by the court.

The joint select committee on certain aspects of the Family Law Act was set up last year, and is scheduled to report later this month.

The Age

Plan For 16th days at Dad's

3/7/92 - 6/7/92

Friday 3 July: 8:30pm: Order Pizza from what used to be Tommo's pizza in Epping and eat it over the festy.

Saturday 4 July: ~~1/2~~ an hour before opening: Zoom into town in the Brock and go to the Powerhouse Museum and have a go's Virtual Reality (Book it first).
: 7:30pm: Go to the Sydney Entertainment Centre VEE! BEFORE TIPOFF so we can get a good seat (if they're playing).

Sunday 5 July: 10:45am: Zoom to Dohs for lunch. Leave by 1:30pm
4:30pm: Zoom to the festy at Kingsford oval. Remember the following: Jersey, Abag & hat.

Powerhouse Museum

10:55 - 1:00

~~1:15 - 1:30~~ Festy



May 11, 1993

Ian Monk
8 Stanley Road
EPPING NSW 2121

Dear Ian:

Thank you for submitting your clippings file on your battle with the Family Court. I have now had a chance to discuss the idea with my colleagues. Unfortunately, although your story is remarkable we feel, after careful consideration, that the idea wouldn't work in the magazine.

However, we are pleased the Digest came to mind as a possible market. I regret not having better news for you, Ian. It's a hard road to the Digest's pages.

Sincerely,

B. Heilbuth

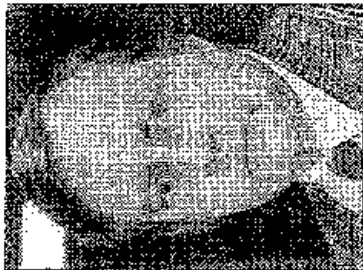
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Improvements to child support scheme sought



IAN MONK

The man who pushed the Federal Government to hold two inquiries into the family law act has called on Wagga residents to demand improvements to the child support scheme.

Ian Monk, the first private citizen to initiate parliamentary inquiries, said in Wagga yesterday a new inquiry into the child support scheme could lead to changes important to all divorced parents.

Mr Monk, himself di-

By SHANE WRIGHT

voiced, said he hoped a system of mediation would be introduced for family court proceedings to avoid the conflict and legalism which now faces most people.

A federal parliamentary inquiry into the family law act, which was brought about after repeated representations by Mr Monk, found the child support

★ Page 22

8-30 TONIGHT



YOUR LOCAL STATION

A visually stunning film from Australian director PETER WEIR, as HARRISON FORD fights police corruption to keep himself and his witness alive!

The Daily Advertiser, Wednesday, June 9, 1993 3

Changes needed to child support scheme

★ Page 3
scheme is the country's most complained-about government agency.

It stated there were major problems with the scheme, which in some cases had forced people into bankruptcy and unemployment because of its regulation.

Under the present system, non-custodial parents can be required to solely contribute maintenance for a child while the custodial partner earns up to \$30,000.

After that point, the custodial partner contributes

some money towards maintenance.

According to Mr Monk, this inequity is one of the major problems with the scheme and family law system which many people believe favours women over men.

He supports the family law inquiry suggestion which calls for maintenance to be based upon the proportion of a parent's income.

But he believes the general public should be aware of the present inquiry and the changes which could be made to the whole system.

"The major changes will come from inside the family court and its system of dealing with people," he said.

"If we can get a system of mediation in the family court, and that is one of the options being looked at, that will bring very significant benefits to not only couples and their children, but to the whole legal system."

"Mediation will be a significant microeconomic reform to all our courts."

Mr Monk said the present child support scheme caused a great deal of resentment, especially to men

forced to continue maintenance when their female partner was earning a reasonable income.

He said a system of joint custody would be one option which could reduce the resentment, while an overhaul of the funding formula for the scheme was also desperately needed.

"A lot of ordinary groups, both men and women, believe the family court is grossly unfair to men," he said.

"Those who do not work in the government or with government-funded bodies believe there is a problem,

with the only people who think the system is right are those in the government-funded organisations.

"The child support scheme will have to change so people don't feel angered by it, because those people involved in the system are already stressed and under increased pressure."

The family law inquiry found the child support scheme issue was a matter of importance, urging a review of its anomalies.

The new inquiry, being chaired by Roger Price, will receive public submissions until July 30 this year.

PRIVATE CITIZEN GAINS INQUIRY INTO CHILD SUPPORT

The Joint Select Committee on certain Family law issues was established by the Parliament on May 18, 1993.

One of the Committee's major tasks is to inquire into and report on the operation and effectiveness of the Child Support Scheme.

The inquiry has come about as a result of concerns expressed in a previous Joint Select Committee referred to by the Commonwealth Ombudsman in his annual report to Parliament in August 1992.

Since its inception in 1975, the Family Law Act has been shrouded in controversy, and four years ago one man, Ian Monk of Epping, in Sydney took up the fight to gain an equality in the System.

This second inquiry has created Australia's history, with Ian Monk being the first private individual to succeed in having a Joint Parliamentary inquiry set up.

The first inquiry was released in November 1992, but Mr Monk felt that it did not go far enough as it excluded the issue of murder/suicides linked to Family Court decisions.

For years, Mr Monk has lobbied against hav-

ing lawyers in the family Court, stating that "mediation is far better than litigation."

He continues "The Family Court discriminates against fathers in divorce settlements, I do not want the no-fault divorce principle abolished what was introduced by the late Attorney General and High Court Judge Justice Lionel Murphy, but I want to see it extended to no-fault custody, maintenance and access.

It is merely an extension of the existing philosophy."

These views have been echoed in the 1992 inquiry, resulting in the second inquiry for which comments from individuals and organizations are welcome.

PROPERTY SETTLEMENTS

The report of the Joint Select Committee on Certain Aspects of the Operation and Interpretation of the Family Law Act stated:

A matter which also merits consideration and something to which the Family Court must turn its attention is the

outcome of the property settlement.

The court is required under the Family Law Act 1975 (s75(2)(na)) to take into consideration any liability for child support which the non-custodial parent must pay or has paid.

However, the extent to which this is a real consideration and the extent to which the court is aware of the realities of the child support scheme is unclear.

Non-custodial parents have advised the Committee in their submissions that they received very little from their property settlement because they did not have custody of the children, and in many cases were not in a position to seek custody, and the payments assessed by the CSA then ensured that they were unable to re-establish themselves in any satisfactory way.

Again, members of the Committee are aware of such situations from their electorate office work.

And on maintenance: The Committee's major concern is that in many cases the non-custodial parent is bearing a disproportionate cost of maintaining the children.

The Committee is concerned that the intention expressed in both the Family Law Act and the Child Support (Assessment) Act that both parents share the responsibility for the maintenance of their children, is reflected in reality.

This appears not to be the case at present. The Committee considers that the Government as a matter of urgency must address the anomalies currently inherent in the Child Support Scheme so that both parents share an equitable burden of the cost of supporting their children after marriage breakdown.

CHILD SUPPORT AGENCY

The most recent report of the Commonwealth Ombudsman was very critical of the operations of the Child Support Agency.

"The CSA may well have been the greatest single source of difficulty for my office during the year.

It was not just the complaint numbers. Its administrative system

seems complex. Its staff appear at times not to have grasped how the law operates; and it is not as responsive to complaints, whether from me or from the public, as ought to be expected...but the number of complaints remains a prime source of concern because the client group is so much smaller than that of the other agencies with high complaint levels.

Even though child support was not a matter included in the committee's terms of reference, by the time submissions closed in November 1991, the Committee had received 198 complaints about the level of child support payable under the new scheme and 71 complaints critical of the child support agency itself.

Altogether 285 complaints were received about some aspect or other of the new child support scheme.

Since that time the Committee has continued to receive complaints about the CSA and the level of child support.

Given that the payment of child support and maintenance issues are closely related to one another and to other issues within the family law area, the Committee was unable to ignore the grievances expressed to it on this matter.

The major complaints raised in submissions related to the high level of child support as assessed under the formula, the inability of many non-custodial parents to start a second family if they had remained.

Mr Monk is thrilled with the second inquiry, although is yet to see any great reform within the Family Law court system.

Since 1988, he has campaigned from Cairns to Adelaide, protesting the 1975 Act, and is finally gaining momentum, hoping that the inquiry will be discussed in the Senate this year.

Throughout his campaigning he has spoken to many men who have become emotionally, physically and financially depleted and given up



• Ian Monk, Law Reform campaigner, who spent four years 'on the road' talking to politicians and lawyers in an attempt to get the Family Law Act of 1975 reviewed.

and walked away from the family.

He explains that currently it is "very difficult and horrendously expensive" for a non-custodial parent to apply to the Court for access to his children to be increased, "but the custodial parent can far more easily reduce the amount of access."

SUBMISSIONS INVITED

The Committee chaired by the Hon Roger Price MP, Member for Chifley, NSW is seeking submissions from interested per-

sons and organizations.

Individuals and organizations making submissions may be asked to appear before the Committee at public hearings.

The closing date for submissions is Friday July 30, 1993.

Submissions will be signed and dated.

Inquiries are to be addressed to the "Secretary, Joint Select Committee on Certain Family Law Issues," Parliament House, Canberra ACT, 2600.

Telephone inquiries to (06) 277 4287 or fax (06) 277 2286.

Inquiry will help improve family law

10 - Goulburn Post, Wednesday June 16, 1993

Sydney man Ian Monk says an inquiry into the Child Support Scheme by a Joint Select Committee of the Commonwealth Government is another big step toward improving Australia's family law.

Mr Monk succeeded in winning a joint parliamentary inquiry into the operations of the Family Court in 1991 which led to a detailed report that was tabled in Federal Parliament in November last year.

Mr Monk, a 44-year-old property manager, is divorced and has not only gone through the turmoil of the family break up but, when he believed the law was not fair to some partners, he decided to do something about it and led a campaign which produced the first inquiry.

"The government is expected to flag its intentions with regard to legislation in this area in the next few months," Mr Monk said in a visit to Goulburn.

"I anticipate we will see the introduction into the Family Court of a system of voluntary mediation which will mean that for couples who use it successfully, divorce will be far less stressful and less expensive and also less expensive for the taxpayers.

"Mediation will encourage parents to agree between themselves their financial contribution towards their children. That style of problem solving is infinitely preferable to imposed judicial decisions or the inflexible formulas of the Child Support Scheme."

Since Mr Monk started campaigning for improvements in Family Law in 1989 he has travelled from Adelaide to Cairns and ran as an Independent Senate candidate in the 1989 federal election.

Rural economy high



Dear Mr. Monk

I support your campaign against the Family Law Court and I am making suggestions to the parliamentary enquiry about the lawyers so I was surprised to hear that you are using . . . as your solicitor who has been telling people how he is ripping you off for a lot of money. I have heard that you have paid him over \$20000 and he will want another \$20000 before the case is over. If you get taken to the cleaners by the lawyers there is not much hope for the rest of us. I wish there was some way to stop all this but I am afraid to give any of the details of my case because if the judge finds out I will lose the case..I just hope you win.

SURPRISE!

Happy birthday Dad!



NOTE
Add this to your present.
"I think it's necessary!"
- your old friend

HAPPY BIRTHDAY

Have fun
on your Birthday
whatever you do,
Wishing you lots of love
all the year through
HAPPY BIRTHDAY

I hope you enjoy your
birthday, Dad, even though
you don't see me for most
of it. (Actually, you're not supposed
to enjoy it, I'm supposed to be a grand)

Family Court reforms just reward for Monk

An announcement on reforms to the Family Court expected soon from the Federal Government will be the culmination of four years work by Sydney man, Ian Monk.

Mr Monk's campaign for Family Court reforms began in Dubbo in April 1989 when he began protesting his own treatment at the hands of the court, which saw him given only nine hours access to his children each week.

He later expanded his protests and began to pressure politicians to hold a parliamentary inquiry into the court's processes.

Now a joint inquiry has been held, another is planned and Attorney General Michael Lavarch is expected to make a statement soon on proposed reforms.

Mr Monk said the reforms he hoped would be made to the Family Court would save many of those involved in divorce proceedings a great deal of stress and heartache.

"I believe the Family Court will have a new process of mediation instated where approximately 80 per cent of couples would be successful in resolving between themselves all the issues of their divorce," he said.

"For those couples divorce will be a lot less stressful, a lot more beneficial for the children in the way of custody and a lot less expensive. In addition to the mediation there would be the most significant micro-economic reform introduced to any of the courts.

"The mediation process could be done in private, they wouldn't even have to go to court. Once the couple agree between themselves it would simply be a matter of having it confirmed by a court."

However, Mr Monk said there would still be disagreements between couples.

He said this could be resolved by a form of arbitration which, along with mediation, would save a great deal of money.

"I would suggest the other 20 per cent could go through some arbitration process and litigation be seen as a last resort," he said.

"Many people still think automatically in terms of litigation rather than mediation. Likewise many are aware litigation is very expensive and mediation makes a great deal of sense."

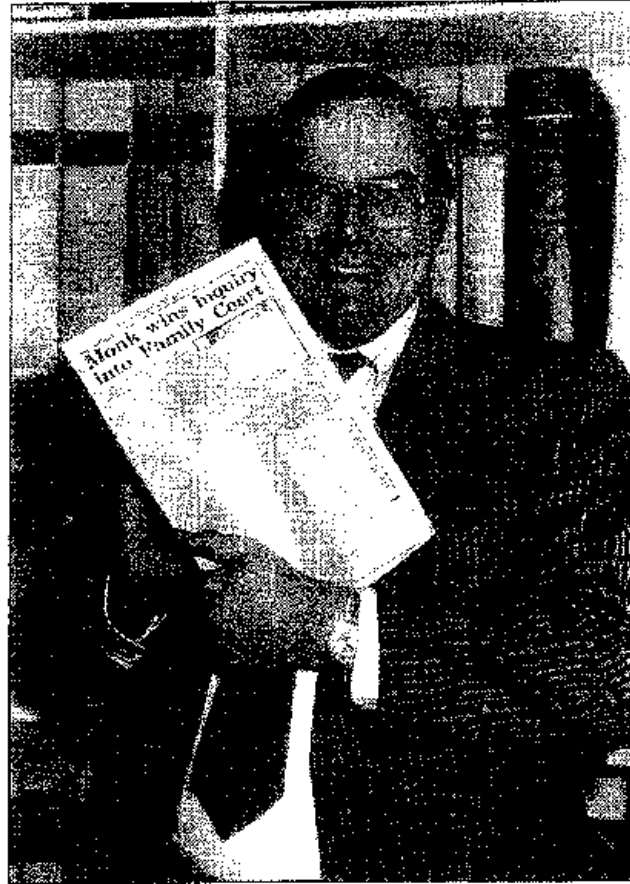
Mr Monk said he believed the issue of custody could also be handled better through a mediation process rather than having a judicial decision thrust on partners and possibly having a father subject to an "inequitable" child support scheme.

"It is far better to sit down and discuss this through mediation how a couple can share their responsibility," he said.

Mr Monk said the expected announcement would be the culmination of a great deal of work.

"It is fantastic, I never imagined I would get two parliamentary inquiries as a result of my work," he said.

"There is this huge sense of achievement



© Ian Monk...awaiting an announcement on reforms to the Family Court.

and part of that sense of achievement is being back in Dubbo which marked the beginning of my campaign. Back then I was just a guy with a protest sign, now I have gone through the establishment of two parliamentary inquiries and the reform of one of the biggest courts."

Mr Monk has travelled extensively in his campaign for the reforms.

Live-in counselling service 'impractical'

A live-in family counselling service proposed by the State Government would be impractical in country areas according to one Dubbo counsellor.

Family Life Dubbo manager, Lyn Sykes, said she imagined there would be "sporadic" difficulties related to the practical implications of the plan.

Under the proposal, announced by Community Services Minister, Jim Longley, families would have exclusive access to a counsellor for up to six weeks at a time.

Known as Intensive Family-based Support, the scheme will undergo a two year trial period involving 50

families from the south-western suburbs of Sydney.

If successful the program would be extended across the State.

Ms Sykes said the plan would provide several problems, particularly in rural areas.

"I am not sure how practical it would be," she said.

"It would be a very oppressive situation for the counsellor to be in. They would have to be very carefully trained to ensure they don't become involved in the family dynamic.

Ms Sykes said another major problem with the proposed program in the country would be ensuring anonymity for the counsellors involved.

Agency under investigation

Federal Member for Parkes, Michael Cobb, has advised constituents that a select Federal Parliamentary Committee has been established to investigate the operation and effectiveness of the Child Support Agency.

Mr Cobb said the inquiry will be investigating how best to make the system work.

"The Child Support Agency has been in effect for a number of years now and it is time the system was reviewed to ensure it works in the best interests of children and their parents," he said.

"I have had numerous complaints from constituents about the Child Support Agency so I welcome this inquiry into the whole operation of the agency.

Submissions are now being sought from people who have had dealings with the Child Support Agency and should be received by the committee before July 30.

The address for submissions is: The Secretary, Joint Select Committee on Certain Family Law Issues, Parliament House, Canberra, ACT 2600. Telephone (06) 277 4287 and fax (06) 277 2288.

Separating divorce from law

Picture: WAYNE VENABLES



● Family law reform campaigner Ian Monk ... satisfied his five-year campaign has been realised.

Reformer wins five-year battle

After five long years of fighting for changes to the Family Law Act, Ian Monk is resting easy.

He took on the task of reforming the family law legislation single-handedly in 1988 after going through a bitter court battle to gain access to his two sons.

And the Sydney-based law reformer yesterday said the campaign which had become his all-consuming, full-time occupation was finally over.

Mr Monk, 41, achieved his aim of introducing mediation as the first step in divorce proceedings, and in particular, in custody or child access disputes.

"I think what it will mean is that mediation will be the basis for cooperation between couples to the extent where the majority of them, perhaps 50 per cent, will agree on all the major issues between themselves," he said.

Mr Monk travelled around the State in an effort to gain support for his campaign, staging a protest outside Wollongong Family Court in 1989.

In 1991, he made history as the first private individual in Australia to succeed in having a Joint Parliamentary Inquiry set up.

With the backing of National Party Senator David Brownbill, the inquiry was established to look into many aspects of the Family Court's operations.

By

MEGAN HOWE



Its report, released late last year, recommended mediation in the family court system as an alternative to litigation.

Family Court Director of Mediation Dianne Gibson yesterday said a successful pilot project running in Melbourne for 18 months had seen optional mediation offered to couples before they started litigation.

"Those people who are agreeable to attempt to sort out disputes over children and property have an opportunity to sit down together with the assistance of two mediators," she said.

It was understood extra funding would be provided for family court mediation in this month's Federal Budget.

A spokesman for Federal Attorney General Michael Lavarch yesterday said a decision was imminent on the future of the mediation process.

"It is definitely under consideration to be extended through the system," he said.

Mr Monk was now confident his campaign had been successful despite the fact he advances compulsory me-

diation while the courts are looking at an optional service.

"This is a huge piece of reform to Family Court which will benefit not just people going through divorce and their children but virtually all Australian taxpayers," he said.

"It will be a much more efficient process."

Mr Monk said his five-year campaign had been the most rewarding "job" of his career.

"I can honestly say that except for the stress of my own circumstances it was far and away the most challenging, exciting and satisfying occupation I've had," he said.

And he said it showed the "average" Australian could make a difference.

"It opens the way, obviously, for other individuals to put issues not only right on the agenda, but essentially through into law," he said.

Mr Monk said the next step should be to set a national objective to make all divorce community-based, rather than court based, by the year 2010.

But he said he would leave that battle to someone else.

"I think that's a highly desirable goal but I don't know that I have the emotional or financial resources to pursue it," he said.

"I am pretty drained after this."

Mr Monk said he now hoped to get a regular job with a regular pay check.



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TEL: (02) 261 1930

CHAIRMAN
PROFESSOR DAVID FLINT
EXECUTIVE SECRETARY
MRS JENNIFER TRELEAVEN

16 September 1993

Mr Ian Monk
8 Stanley Road
EPPING NSW 2121

Dear Mr Monk,

Following a recent telephone message you left for Professor Flint, he has asked me to write to you and let you know of the Council's interest in the Family Law Act, in particular section 121, and of its submission to the Joint Select Committee which inquired into the Act in 1991.

I find, however, on going through our files in relation to this matter, that you did correspond with this office early in 1992 and, at that time, Mr Jack Herman provided you with this information.

If you have any grievance against a specific newspaper, which you feel falls within the Press Council's principles, you are of course welcome to lodge a formal complaint with this office. Professor Flint does not feel it appropriate for him to withhold articles from any publication requesting them, as the views of the Press Council should be freely available for dissemination.

Yours sincerely,

Jennifer Treleaven
Executive Secretary



RADIO 2UE SYDNEY PTY LTD ACN 090 796 887
176 PACIFIC HIGHWAY, GREENWICH NSW 2065 TEL 02 930 9954, FAX 02 906 7757

31 August 1993

Mr I. Monk
8 Stanley Road
EPPING NSW 2121

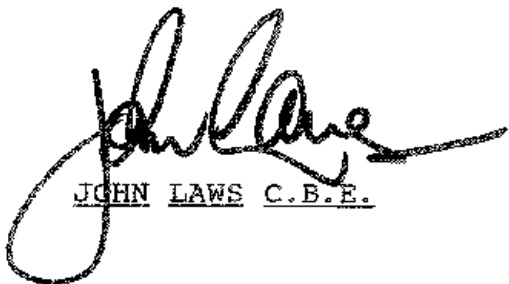
Dear Ian

Thank you for your letter concerning your interest in viewing my car collection. I appreciate you taking the time and trouble to write to me.


The majority of my cars aren't in Sydney and are not easily accessible, so it's not really possible to see them. I'm sorry I can't comply with your request, but I'm sure you understand.

Thank you again for your letter.

Yours sincerely



JOHN LAWS C.B.E.



SYDNEY 2000

PROUD SUPPORTER
OF THE SYDNEY 2000 BID

Family court issues to change

Coffs Harbour Advocate, Thursday, September 2, 1993

Family law campaigner Ian Monk believes a five-year battle to reform the adversarial nature of the Family Law Court is on the brink of success.

Mr Monk, who visited Coffs Harbour several times during his battle, believes it is now inevitable that mediation rather than litigation will become the normal way to resolve the issues associated with most divorces.

In 1991 he succeeded in having a joint parliamentary inquiry set up into the Family Law Court.

That committee's report recommended mediation and a pilot program has been running successfully in Melbourne for eight months.

Federal Attorney General Michael Lavarch has been quoted as saying a decision was imminent on the future of the mediation process.

'I'm very confident it's going to happen,' Mr Monk said.

'I'm told all the judges of the Family Court want mediation and I can't imagine the Attorney General opposing it in those circumstances.'

Mr Monk believes that up to 80 per cent of couples could resolve their differences amicably through mediation without resorting to expensive and time-consuming litigation.

He wishes it had been available back in 1989 when he and his former wife reached an agreement on their divorce, only to see him later denied access to his sons, which he blames on his wife having a lawyer who was orientated towards litigation.

'I think mediation could have led to cooperation between my former wife and myself where we satisfactorily resolved the issues,' Mr Monk said.

'Instead, litigation cost me \$70,000 and didn't resolve the access question satisfactorily for the parties.'

'We're all innocent people in these cases and we don't deserve to be put on trial. These are not matters which should be decided by litigation.'

As for Mr Monk, after five years of living off family resources, he now believes his battle is all but over and he is looking for a job.

582 QUEENSBERRY STREET.
NORTH MELBOURNE. 3051
TELEPHONE: (03) 326 5757
FAX: (03) 328 2877

9th November, 1993


Mr. Ian Monk,
8 Stanley Road,
EPPING. 2121

Dear Mr. Monk,

Thank you for your letter of 26
October. I regret the lateness of this
acknowledgement due to my absence from
Melbourne over the past fortnight.

I will study your document as soon
as possible and hope to write to you
again once I have done so.

Yours sincerely,



B. A. Santamaria



Armidale, NSW 2351 Australia
Telephone (067) 73 2004 Facsimile (067) 71 2635
Email: Bruce.Thom@une.edu.au

Professor Bruce G. Thom
Vice-Chancellor

8 November 1994

Mr Ian Monk
8 Stanley Road
EPPING NSW 2121

Dear Mr Monk

Thank you for letting me see your portfolio of newspaper articles detailing your campaign into family law reform.

While there is no doubt that you have been a tireless fighter for reform and that you have indicated changes to the system. I am afraid The University of New England has no formal mechanism to recognise work other than that conducted by an enrolled student. I am sorry if this seems insensitive to your efforts but there are no avenues available for public acclaim through the University.

I wish you every success in any future extension of your campaign you may be planning.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D M Stoddart', written over a horizontal line.

Professor D M Stoddart
Acting Vice-Chancellor

Crusade for reforms to family law

By VICKI CUMING

Described as the first private individual in Australia to succeed in having a joint parliamentary inquiry set up, Ian Monk has made reforming family law his ultimate ambition and, after five years of battling, things are finally starting to pay off.

The 44-year-old divorced father of two has battled for five years to see changes to the Family Law Act that would encourage and recognise joint custody and the rights of both parents.

His one-man crusade had led him around the state seeking support for the cause.

While making steps towards reform, Mr Monk has a broader goal in mind for the whole family law system.

"I believe it should be a national objective to make all divorce community based rather than court based by 2010," Mr Monk said.

"I believe the community has the capacity to handle divorce cases more swiftly than the courts. The family court is a black hole of funds and a waste of time for a lot of talented lawyers."

He believes the situation in Australia should be reversed so that joint custody is the preferred option.

"Just as there is no fault divorce these days, there should be no fault access and no fault custody," he said. "Access trials, when one parent is portrayed as a poor parent, are completely wrong. Sole custody effectively removes the rights of one parent."

Under the current family law system, if an order for sole custody is made, the court grants custody to one parent with the other legally only entitled to access visits.

However if a couple separates, the partners are entitled to joint custody,

until one or the other makes a sole custody order.

"The system now has entrenched sexist views where the mother more than often gets custody," he said.

An inquiry into Family Law in 1992 led to major reform that now recognises joint custody, provided couples resolve their disputes through mediation and not through the courts.

"I believe this is the most fundamental change to family law and is the most significant step since family law was introduced," Mr Monk said.

In November 1994, Mr Monk was successful in having a second parliamentary inquiry set up into the Child Support Scheme.

The results of this inquiry were a list of 163 recommendations with Mr Monk seeing the most significant being the recognition of the responsibility of each parent to pay support to the best of his or her capacity.

These are only two of a number of issues Mr Monk has raised about the effectiveness of the family law system in Australia.

"In my opinion, my work has resulted in the most comprehensive reform to family law ever."

Mr Monk has been working towards the development of divorce mediation as opposed to court settlements.

"It would be better for everyone to have the couple work things out without having to go to court but through a mediator," he said.

A third inquiry Mr Monk has seen established is looking at the overall workings of the Family Court. He believes this inquiry is heading towards a more effective divorce solution.

Although Mr Monk does not have custody of his own children, he continues to work for family law reform for other parents in his position.



Family law reformer Ian Monk with sons Jamie (top) and Andrew. "It would be better for everyone to have the couple work things out without having to go to court but through a mediator," Mr Monk believes.

Dated 3/7/95. Orange, CND.

Family Law war horse revisits the campaign trail

IAN Monk has the distinction of being the first private citizen in this country to instigate a Joint Parliamentary Inquiry.

Back in 1988 Mr Monk set out on what was to be a five year battle to change the Family Law Act.

After going through the legal mangle in order to gain access to his two sons, he decided enough was enough.

In 1993 his hard work paid off - the Family Law Court undertook to introduce mediation as the first step in divorce proceedings, particularly in custody or child access disputes.

"I didn't want my sons to grow up and have to experience the adversarial trial that I experienced in the family court," he said yesterday.

During the height of his campaign, Mr Monk travelled throughout NSW in an effort to drum up support for his proposed reforms.

The 46-year-old was in Orange on Friday with his sons, Andrew and Jamie, as part of a tour of the old war trail.



Law-reformer Ian Monk with his sons Andrew, 15, and Jamie, 13. Photo: STEVE GOSCH.

Fight far from over for battler

By ROSEMARY MORT

IAN MONK, the Sydney divorcee who took on the Family Court system and won, is chasing academic recognition for his long campaign.

He received a knockback from UNE last year but is still hoping one of the university colleges here might honour his work.

In Armidale this week he was celebrating his first holiday with his two sons, Jamie, 13, and Andrew, 15, since the divorce eight years ago which sparked his one-man campaign for justice.

It was the 'injustice' of his divorce settlement, restricting access to his sons to nine hours a fortnight which prompted his relentless quest for changes to the Family Law Act.

He says through his efforts to force a Senate Inquiry into the act there have been two important major changes:

- * A system of mediation has been introduced as an alternative to expensive legal action

- * Joint-custody is now granted

"For men this is as important as winning the vote was for women," he said.

In 1989, Mr Monk, a property manager, took to the campaign trail through country South Australia, Victoria, NSW and Queensland finding a ready ear in the rural media to publicise his cause.

Regularly he stood outside family courts distributing pamphlets, and in each town answered letters and phone calls generated by the publicity and then moved on



VICTOR ... But Ian Monk, pictured with son Jamie, says the battle with 'the system' is far from over

Photo: Tim Barnstey

to the next centre "at ramming speed" to start all over again.

The stress, he says, was enormous but was more satisfying than the wrangles in court which have cost him tens of thousands of dollars.

Although he has his sons with him for 10 days, Mr Monk says the court system

has robbed him of his role as a father.

"I cannot fulfil my responsibilities other than paying child support," he said.

He still wants to see an inquiry into the Child Support Scheme which he says has not achieved equity.

He also proposes all divorces should be contin-

uity-based by the year 2010.

Instead of going to court, he proposes couples would consult a mediator to resolve custody and property settlement issues.

"There is general support throughout the country to move in that direction," he said. "The job is not finished yet."

SUNDAY, JULY 2, 1995

WESTERN

Sunday



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Vol. 7 No.27

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Campaigning dad, kids thank Dubbo

By TRUDY GLASGOW

The last time Swiney father Ian Monk visited Dubbo it was to campaign for support in an epic fight to get what he saw as Family Law Court injustices changed.

Mr Monk's long, often frustrating, mission to improve custodial rights of fathers required four years and thousands of kilometres around Australia.

He took up his crusade after custody of his two boys was awarded to his ex-wife during divorce proceedings.

His parenting time was cut from everyday living to just a few hours every fortnight, he pointed out.

There were no birthdays, no Christmases and no special occasions.

The property manager has returned to Dubbo a happier man this weekend.

The source of his smile was obvious: his sons Andrew and Jamie were close at his side when he called at the *Western Sunday* office.

The trio are enjoying their first holiday together in seven years.

Mr Monk is visiting places such as Dubbo where communities, and particularly their media, supported his fight.

Dad and Jamie are busy getting to know one another again after a four-year period of estrangement caused by the custody battle.

Mr Monk said being back in a life of his 13-year-old was one of the happiest things that has happened.

"This is a happy story because the outcome is joint custody of parents," he said yesterday.

"For me that is the equivalent of the way women felt when they won the right to vote.

"Men had been cut out of parenting. This is about making things equal, giving dads their rights back."

Mr Monk's campaign began in December, 1988, after his

To next page



Ian Monk with sons Andrew and Jamie, back to say thank you for help and support received in communities such as Dubbo. PHOTO: LUIS LUZURIGA

Family law campaigner says 'thanks'

A SINCERE thank you was expressed by family law reform campaigner, Ian Monk, last week as he passed through Grafton with his two sons Jamie, 13, and Andrew, 15, on his way back to Sydney.

"To put it bluntly I wouldn't have been able to have achieved what I did if it wasn't for the help of country newspapers like the Daily Examiner," Mr Monk said.

Ian Monk has led a seven-year campaign to reform family law legislation after he lost access to his sons in 1988.

Mr Monk took his campaign on the road around the State and into Queensland in an effort to change divorce proceedings and introduce mediation as a first step in obtaining child custody.

Mr Monk can boast that he was the first private individual in Australia to have a Joint Parliamentary inquiry established, along with a committee, to examine the administration of the Family Court.

"The metropolitan papers wouldn't even interview me. I think I achieved perhaps three paragraphs in a Sydney daily," he said.

"The response from people in the country to my battle has been the most amazing."

He said, however, there were still a few goals left to achieve, including removing divorce from the court situation altogether and into the a community environment.

"It would be a better environment, more natural for mediation and save everyone money that just goes to the legal profession."

But he said he would leave that campaign to someone else, as he was planning to return to study.

"I'm looking forward to studying something in the area of counselling," he said.

Mr Monk's only disappointment has been a knock back by the University of New England (UNE), where he obtained a Science degree in 1971, to a request for recognition of his campaign.

He said UNE was the only university he had contacted for an honorary degree with which to recognise his work.

© RIGHT: Family Law reformer and father, Ian Monk, with his youngest son Jamie... visiting the Clarence Valley to say thanks.



THURSDAY, JULY 6, 1995

ONE-MAN CAMPAIGN REFORMS FAMILY LAW

FAMILY COURT LAWYERS

a victim of absolutely outrageous inhuman
"third world" type injustice at the Parramatta Family

I have no guaranteed access to my sons for
s. Their birthdays, my birthday, Father's Day,
holidays, weekends or overnight.

My status has been stripped to that of
"third world" by the removal of my joint guardianship
right up in this town to believe that these sorts
of rights violations only happened in countries
like

are interested in creating an

**Flashback to 1989: Mr. Monk with the sign claiming "third world"
injustice by the Family Law Court.**

A Sydney father's seven-year cam-
paign to reform the Family Law Act
and the Family Law Court of Aus-
tralia has resulted in important
amendments to divorce and child
custody procedures.

Ian Monk began his campaign in
December, 1988, after a Family
Law Court decision removed his
joint guardianship of his two sons
and limited his access to them to
eight hours a fortnight.

Mr. Monk travelled throughout
Queensland, Victoria and South
Australia to rally support for his
push for a parliamentary inquiry in
the Family Law Act, calling for the
introduction of a system of joint
custody, resolution of custody dis-
putes through mediation rather
than adversarial court battles, and
recognition of fathers' rights to take
part in their children's up-bring-
ing.

Visiting Stanthorpe in October,
1989, Mr. Monk said that the sys-
tem of awarding sole custody to one
parent and "access" to the other
deprived the non-custodial parent
of their guardianship and legal
rights as a parent.

In 1991, Mr. Monks made history
as the first private individual in
Australia to succeed in having a
Joint Parliamentary Inquiry set up.

With the backing of the National
Party Senator, David Brownhill,
the inquiry was established to look
into aspects of the Family Court's
operations.

Its report recommended media-
tion in the family court system as
an alternative to litigation.

A second parliamentary inquiry
looked at the Child Support Scheme,
and a third inquiry, still in progress,
is reviewing the funding, functions
and effectiveness of the Family
Court of Australia.

This week, Mr. Monk was back in
Stanthorpe on a "victory lap" to
thank those who helped him in his

successful push for Family Law
reform.

"The two major achievements of
my campaign have been the intro-
duction of joint custody for parents,
and a system of mediation in the
family court that may help to re-
solve all the issues of divorce in a
less stressful way," said Mr. Monks.

"I think what I did was to raise
some of the issues in public.

"My work was to find sufficient
support to bring about the inquir-
ies, to persuade the politicians to
move for the inquiry and to per-
suade the Democrats to support
the call for the inquiry.

"I am very happy with the changes
that have been made. Joint cus-
tody I see as a fundamental ad-
vance that is analagous to when
women won the right to vote at the
beginning of this century.

"Really, it is a truly historic step
forward."

Mr. Monks said that the next step
in Family Law reform should be to
set make divorce procedure com-
munity-based, rather than court-
base, by the year 2010.



**A happier Mr. Monk in
Stanthorpe this week with son
Jamie, 13.**

Family law campaigner seeks talks

DIVORCE and custody hearings would be taken out of the courts and replaced with mediation if a Sydney-based family law reform campaigner has his way.

Ion Monk visited Ipswich yesterday with his two sons. He has achieved his first aim of introducing mediation as the first step in divorce proceedings.

Mr Monk's fight for changes to the Family Law Act started in 1988 after a court battle to gain access to his two sons.

He made Australian political history in 1991 by becoming the first non-parliamentary person to succeed in having a joint parliamentary inquiry established.

The inquiry into the operations of the Family Law Court recommended mediation in the family court system should be an alternative to litigation.

While the court currently views mediation as an alternative, Mr Monk said he believed it should be compulsory.

Mr Monk said the next step should be to set a national objective to make divorce community-based, rather than court-based, by the year 2010.

He said both parties could work together, with the help of counselling, to solve issues of child custody, maintenance and property division.

"This would end the 'winner' and 'loser' situation where one parent feels they have become the guilty party," he said.

He said he would like to see most parents given joint custody and maintenance so they could make joint decisions about their children and how to support them.

Page 4 - The Queensland Times, Westralia, July 6, 1995

022 562332
Lisa Riley

No thanks for the man who helped changed laws

PULLING on a seatbelt has become a matter of course for most people when they get in the car — after all, wearing a seatbelt is law.

It wasn't always law but back in the early 1970s a young man named Ian Monk campaigned and campaigned until the Government took notice and made it illegal for drivers and front seat passengers to wear seatbelts.

The law has come a long way since then and so has Ian Monk. Six years ago, unsatisfied with the Family Law Act, Mr Monk again hit the campaign trail. Week after week he called upon newspapers large and small to carry his story — a divorced father of two seeking access to his sons.

Spurned by the large metropolitan newspapers, Mr Monk took his campaign to the small country papers, collecting clippings and research to support his case. Finally the Government decided to listen. Five years later he won an inquiry into the Family Law

Act. The major change for divorced parents like himself was the availability of joint custody.

"To me, joint custody is a fundamental step forward," Mr Monk said. "The other major thing is mediation, which has great capacity to reduce the financial and emotional costs of divorce. It's been the greatest amount of reform ever to cover family law."

After celebrating these

reforms with a close circle of supporters, Mr Monk then looked towards gaining some recognition for his work. He turned to the University of New England where he was once a student. Nothing.

"They weren't interested in giving me an honorary degree," he said.

Disappointed in the lack of interest in his achievements, Mr Monk said, "From the time they brought down the reforms

of the Family Law Act in 1993 I've not had a single call from anybody to acknowledge my work."

Now he's taking time out to thank those who helped him along the way, the editors who published his story and the people who listened. He's also on his way north to enjoy 10 days of holidays with his two young sons, Andrew and Jamie, who sparked his interest in starting his campaign six years ago.



TAKING A WELL-EARNED REST ... Family Law campaigner Ian Monk heads north on holidays with his two sons, Andrew and Jamie.

Battle ends for crusader

Father leads campaign to reform Family Law

A seven-year battle waged by one man to change Australia's Family Law Act has finally ended for reformer Ian Monk of Epping, Sydney.

Accompanied by his sons Andrew and Jamie, Mr Monk visited the Tweed last week during his first holiday with the boys since a bitter custody fight in 1988.

Advances to Family Law in Australia remain slow and pockmarked with many lows, including murder and suicide, but the country may well owe a debt of gratitude to Mr Monk who in 1991, made history as the first private individual to succeed in having a Joint Parliamentary Inquiry established.

After losing custody of his children, Mr Monk took up the fight going right to the core of society's general belief that it was better for children to live with one parent than with two disputing parents.

And in so doing he gained the backing of National Party Senator David Brownhill in establishing the inquiry.

Following the conclusion of that inquiry and subsequent report, Mr Monk had at last achieved his aim - the introduction of mediation as the first choice in divorce proceedings.

"I'm delighted with what has happened and as a result we now have joint custody legislation in Australia," Mr Monk said.

"This was a most fundamental advance for children and their fathers, analogous, in my view, to when women were given the right to vote at the beginning of this century - a truly historic step forward."

As a result of the report released in late 1992, Australia now had a system of mediation in the Family Court which was far preferable to litigation in resolving all divorce related issues, Mr Monk said.

The report also made available pre-nuptial contracts as an option and in property cases a 50/50 split became the starting point in negotiations.

But realising there was still a long way to go in reforming the Family Court, established in 1975 by Federal Attorney General Lionel Murphy, Mr Monk called for a second inquiry - this time into the operation of the Child Support Scheme.

"The Government accepted my recommendations for an administrative change in operations of the Child Support Agency (in its subsequent re-



● Family Law reform campaigner Ian Monk takes a well earned holiday on the Tweed to reflect on his achievements over the past seven years. He is pictured with son Jamie.

port handed down in November 1994)," Mr Monk said yesterday.

"Up till that time men had to carry the whole financial burden of child support. The Joint Select Committee now recommends parents share the cost of supporting their children according to their respective ca-

pacities to pay."

And while Mr Monk pondered whether to continue active involvement in Family Law reform, a third inquiry was set up late last year to examine the operation and effectiveness of the Child Support Scheme.

With new terms of reference

Mr Monk hopes the inquiry will outline a national objective to make all divorce community-based by the year 2010.

"I hope this new inquiry will strongly support this objective but right now I'm very satisfied," he said.

"But I think I'll leave that battle to someone else."



ROBB COLLEGE
THE UNIVERSITY OF NEW ENGLAND
ARMIDALE N.S.W. 2351

(067) 73 1700
FAX (067) 71 1997
TELEX (University) 166050

24th July 1995

Mr. Ian Monk
8 Stanley Road
EPPING NSW 2121

Dear Ian


I write in response to your visit with your son Jamie to the College during the recent vacation period. I have a good photograph of you both to put in the next edition of Roundup.

As you realized I was more than a little disconcerted by the directness of your request for me to pursue recognition on your behalf from the University of New England for your efforts in establishing Parliamentary Inquiries into Family Law and the Family Court.

I have given the matter some thought and have sought advice at the highest levels. Reactions have been the same as my own: that honours of any kind are usually bestowed upon people rather than actively sought by them, and that whilst you undoubtedly put in a tremendous effort which gained significant results your actions were by no means disinterested. Further the opinion has been expressed to me that your efforts and campaigning were part of a much wider movement towards eventual reform.

It is for these reasons then that I am choosing to be equally direct in my reply. Despite my respect for your hard work and single-minded pursuit of your goal I am not prepared to be your advocate for the recognition you seek.

Yours sincerely



Jan Wyles
Head of College

BSV.MF.LCA0969(8166)

20 September, 1995

Mr Ian Monk
8 Stanley Road
EPPING NSW 2121

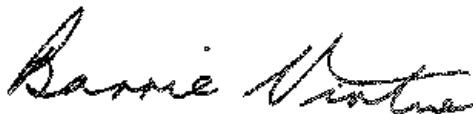
Dear Mr Monk

As Mr Fowler is away from his office and, in any event, will end his term as President of the Law Council next week, I am taking the liberty of responding to your recent letters.

I have to say that your understanding that the Law Council is above Parliament and that Parliament simply rubber-stamps its wishes is so far from reality as to not require further comment.

The only way open to the Law Council to influence government policy or Parliamentary decisions is to put its views forward in the same way that every other organisation and individual are entitled to do. If the Law Council influenced decisions made in relation to the report on family law in Australia, I have no doubt that it was because the Council presented carefully researched and argued submissions.

Yours sincerely



B S Virtue
Deputy Secretary-General

Received 23/11



FAMILY COURT OF AUSTRALIA

Telephone (02) 212 4734
Facsimile (02) 212 4731

Office of the Chief Executive
Lionel Bowen Building
97-99 Goulburn Street
Sydney NSW 2000

File: INFORMATION SERVICES

15 November 1995

Mr Ian Monk
8 Stanley Road
EPPING NSW 2121

Dear Mr Monk,

I refer to your facsimile to my Executive Assistant dated 15 November 1995 concerning the extraction of statistics from the Court's database.

You had asked for the figures on joint custody for each three month period going back in time from the commencement of the current financial year. You have not indicated just how far back you wish to go.

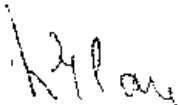
I have been advised by the Principal Director of Information Services that it would involve a separate program to be run overnight for each three month period requested and under these circumstances I have asked for the figures as a total for each of the three previous financial years. These are set out in the table below:

ORDERS FOR JOINT CUSTODY												
1992-93 to 1994-95												
	CANB	NEWC	PARRA	SYD	BRIS	T'VILLE	ADEL	HOE	LAUN	DAND	MELE	TOTAL
92-93	63	32	11	56	56	11	83	10	3	1	151	477
93-94	54	49	20	68	137	18	177	6	15	3	233	780
94-95	68	66	34	84	107	20	99	18	27	2	226	751

The Court's statistics are published each year in our Annual Report which I am advised is generally available from the Australian Government Publishing Service. I have enclosed a copy of our current Annual Report for your information. Additional statistical information is also published by the Australian Bureau of Statistics.

Any requests for statistical information additional to that already published by the Court must be evaluated by this office on their individual merits. As I mentioned earlier this process is time consuming and takes staff away from their normal duties.

Yours faithfully,



L. G. Glare
Chief Executive Officer



FAMILY COURT OF AUSTRALIA

Telephone (02) 212 4734
Facsimile (02) 212 4731

Office of the Chief Executive
Lionel Bowen Building
97-99 Goulburn Street
Sydney NSW 2000

File:

27 November 1995

Mr Ian Monk
8 Stanley Road
EPPING NSW 2121

Dear Mr Monk,

My Executive Assistant passed on to me your appreciation for the information sent to you in my letter dated 15 November 1995.

I understand you have now requested the numbers of all joint custody orders made in this Court since its inception. Unfortunately, I am unable to provide you with this additional information.

The Court's statistics were recorded manually until the implementation of a central computer database called Blackstone. The Canberra Registry was the first registry to go on-line to Blackstone in August 1988 and the process then continued registry by registry until the middle of 1992.

The extraction of the joint custody figures which have already been supplied to you was only possible by manipulating the information now recorded in the complete Blackstone database, that is from 1992-93 onwards. Records on joint custody orders prior to this time were not kept in a separate form from custody orders generally.

You have also asked when the Family Law Act was amended to allow judges to make orders for joint custody. Judges of this Court have always had the power to make orders for joint custody and in doing so are aware that such arrangements when ordered, require, at the very least, a great deal of co-operation between the parents.

Yours faithfully,

L. G. Glare
Chief Executive Officer



The Parliament of the
Commonwealth of Australia

[REDACTED]

and

[REDACTED]

of the

*Family Court
of Australia*

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NS46.94015

52

Joint Select Committee on
Certain Family Law Issues

[REDACTED]

6.24 Magistrates

- (a) the Attorney-General approach the State Attorneys-General and seek agreement to the development of a comprehensive training program for a limited number of appropriate State Magistrates who would specialise in family law particularly in outer suburban, provincial and rural areas;
- (b) State Magistrates exercising family law jurisdiction;
 - (i) have direct access to the Family Court of Australia for advice and research assistance; and
 - (ii) have access to the Court Counselling service, in the local area where possible;
- (c) after specialist State Magistrates receive appropriate training, section 96(4)(a) of the *Family Law Act 1975* be repealed to eliminate the restriction that an appeal from a court of summary jurisdiction proceeds by way of a hearing de novo; and
- (d) the jurisdiction in property matters in courts of summary jurisdiction be increased to \$300,000 (the current level of Judicial Registrars' jurisdiction).

6.25 South Australian Magistrates

the Attorney-General seek to renegotiate the agreement with the Government of South Australia to allow the use of local courts in the areas outside Adelaide's central business district.

7.26 Alternative Dispute Resolution

alternative dispute resolution processes including mediation be pursued in the family law area but be community based rather than through existing Family Court of Australia structures.

7.34 Development of a Best Practice Model

the Family Court of Australia develop and implement a best practice model to ensure effective liaison and cooperation with outside service providers on a national basis.

Success in reform of family law

By ALEK SCHULHA
Staff Reporter

THE man who took on the task of seeking to reform family law legislation single-handedly, after going through a bitter court battle to gain access to his two sons, feels satisfied with his achievements and is now looking for a job.

As a result of his seven-year campaign, Mr Ian Monk, of Epping, Sydney, was instrumental in having three separate government inquiries carried out into aspects of the Family Law Act 1975.

His campaign resulted in major reforms to the Act including the introduction of a system of mediation as the first choice in divorce proceedings, and in particular, in custody or child access disputes, the introduction of the granting of orders for joint custody, the option of pre-nuptial contracts and changes to the operation of the Child Support Agency.

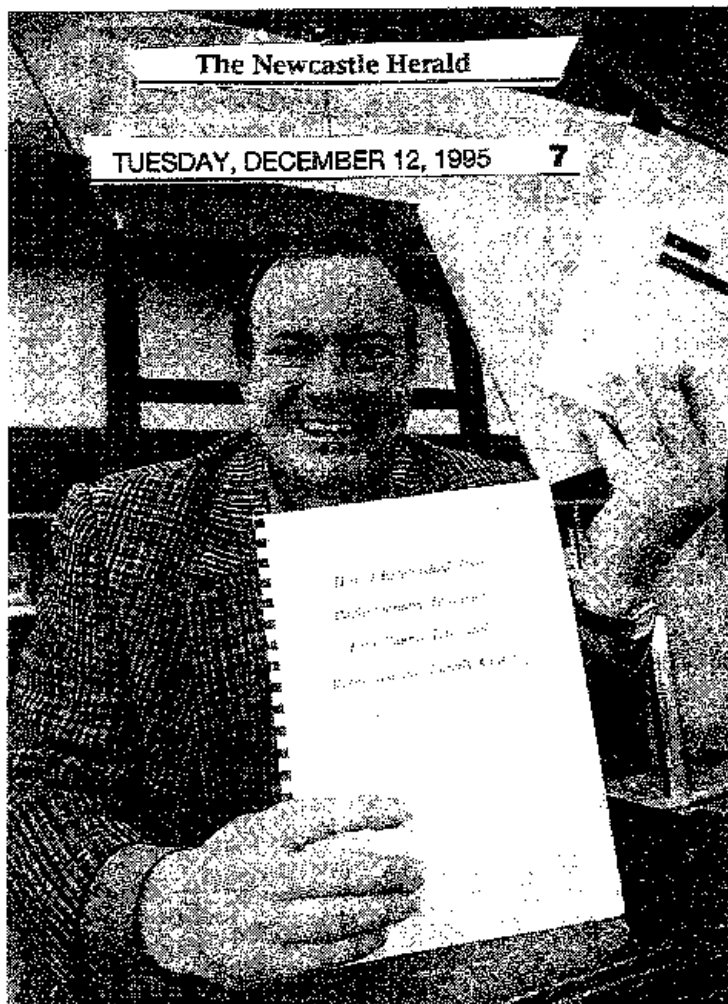
'I am delighted with what has happened and as a result we now have joint custody legislation in Australia,' Mr Monk said.

He said he was 'enormously satisfied' with the results of his campaign and the changes made to the Family Law Act but wanted to get back to leading 'a normal life' and get a paid job, perhaps as a counsellor.

The former property manager said he would like to see all divorce proceedings become community-based, rather than court-based, by the year 2010 but said he would leave that battle to someone else.

'This is the end of my work and I am retiring from family law,' Mr Monk said.

He started his one-man cam-



Crusader: Ian Monk is satisfied with his changes to family law legislation and ready to resume a 'normal life'.

paign in December 1988, after a Family Law Court decision removed joint guardianship of his two sons and limited his access to them to nine hours a fortnight.

'I was fighting on two fronts simultaneously, something any good commander would avoid if he can,' Mr Monk said.

He admits that the past seven years were 'the best and worst times of my life'.

'While I was travelling around Australia gaining support for my campaign I was also frustrated with my own personal difficulties with the

Family Court over access to my own children,' Mr Monk said.

'Although it was stressful for me, much of the stress had been due to my own particular circumstances.

'I had no access to my younger son, Jamie, for four years. This was a huge burden of pain to carry. Secondly, I only had nine hours access a fortnight to Andrew.'

The end of the campaign and changes to the Family Court legislation have allowed Mr Monk to spend more time with his two sons.



Champion Family Law Court reformer Ian Monk, of Epping, says his fight for improvements to the system has ended. He visited Tamworth this week to thank supporters.

Law court reformer says thanks

TAMWORTH - After years of heartache, tragedy and frustration Ian Monk says he's triumphed in his battle to have the Family Law Court reformed.

Mr Monk, a salesman of Epping, was in Tamworth to thank the many people who have supported him since he launched his one-man campaign against the Family Law Court system in 1988.

"I'm coming around to say the job's done and that job was to reform the Family Law Court," Mr Monk said. "The historic swing has meant fathers can now get joint custody.

"I see it as like when women won the right to vote . . . it's that fundamental."

A bitter separation from his wife and battle for fair access to his children catapulted Mr Monk into his long quest for reforms.

His success lay in three joint select committee investigations into law court practices, Mr Monk said.

Reports titled *The Funding and Administration of Family Law Court of Australia* (November, 1995), *Child Support Scheme* (1994) and the groundbreaking *Aspect of Its Interpretation Family Law Act, 1975* (1992) were later tabled in parliament and contained improvements to the access and custody system.

Family Law changes delight campaigner

By PETER BARRETT

IAN MONK'S 'seven-year itch' is over.

That's how long he has waged a one-man campaign to secure changes to Australia's Family Law Act.

Mr Monk was in Armidale recently to report on the success of his campaign, which he says has already resulted in "major and historical changes, giving the Family Court some direction for the future."

The Sydney man began his battle in 1989, spurred on by the implications of his own divorce settlement, including restricted access to his two sons, now aged 15 and 13.

The first private individual to instigate a parliamentary inquiry, Mr Monk takes credit for three reports by the Joint Select Committee on Australian Family Law Issues: Family Law Act - Aspects of its Operation and Interpretation (November, 1992); Child Support Scheme (November, 1994); and Funding and Administration of the Family Court of Australia (November, 1995).

Major changes to the Act include:

- Joint custody is now granted
- Many branches of the Family Court have a system of mediation as an alternative to expensive legal action
- Property distribution has a 50/50 starting point (which he believes will lead to a fairer distribution of property)
- Pre-nuptial contracts have been introduced to give people the opportunity to determine



The Armidale Express, Wednesday, December 29, 1995— 5

SUCCESSFUL MISSION ... Ian Monk, pictured with son Jamie, has completed his seven-year campaign for changes to the Family Law Act

how property is to be shared before they get married.

Mr Monk said he was determined to put divorce out of the courts and away from lawyers into a less expensive and less stressful environment.

He proposes mediation centres where couples can speak with a mediator to assist them in finding a resolution.

"This is the complete opposite to litigation which assists couples to keep fighting until they run out of money.

"Not only will such a system be less expensive for those involved, but it will also take the financial burden off the community through lower running costs for the Family Court," he said.

Mr Monk hopes that another recommendation still being considered will be brought in - requiring that parents share in the cost of supporting their children according to their respective capacities.

Although satisfied with the results of his campaign, Mr Monk is still disappointed about access trials.

One-man crusade claims success

A MAN who spent seven years travelling up and down the eastern states seeking custody rights for divorced fathers has won his battle with officialdom.

The one-man crusade by Ian Monk from the Sydney suburb of Epping led to three joint parliamentary inquiries being set up, each of which endorsed his case.

The campaign took him from claims in the north to Adelaide in the south, including several stops in Bendigo.

Mr Monk's plight was featured in an article in the Bendigo Advertiser on September 16, 1989.

It is one of more than 50 press clippings he carries with him as a memento of his epic struggle.

On top of that he had numerous radio and television interviews, some from as far away as Northern Territory and Tasmania.

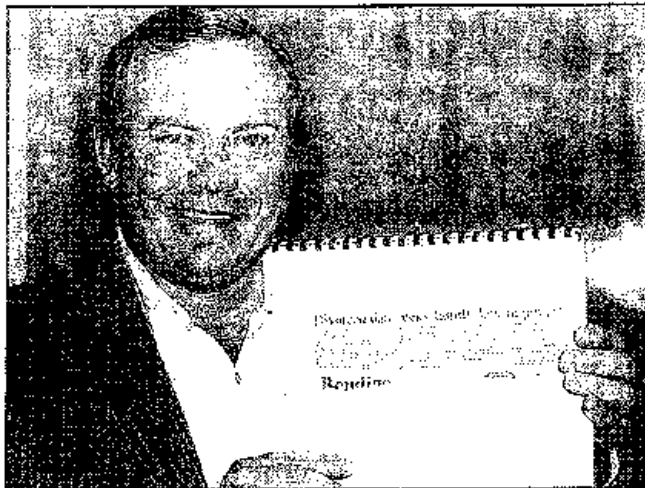
His aim was to have custody applications taken away from the courts and wherever possible, settled by mediation.

That way divorced fathers stood a better chance of gaining reasonable access to their children, he said.

Mr Monk was talking from experience when he outlined the problems some fathers could face.

His own marriage ended in divorce with his wife granted sole custody of their two sons, Andrew, now 15, and Jamie, 13.

He was granted nine hours access a fortnight and his wife was given the power to determine the timing of the visits.



A BENDIGO Advertiser article is one of more than 50 articles Ian Monk carries with him as a memento of his epic struggle.

That meant he could not be guaranteed access on milestones such as his or his sons' birthdays or Fathers Day.

"That is not justice at all. Access trials are very wrong.

"Where you can have one person seeking to reduce access, their motives have to be suspect.

"I found myself on trial without having committed any offence."

In Mr Monk's case, the bitterness brought on by the trial left such an impression that his youngest son chose not to see him for four years afterwards.

In the wake of that, Mr Monk

set out to do what he could to redress what he saw as a terrible wrong.

He believes he has been to virtually every newspaper along the eastern coast publicising his cause.

Sometimes he contented himself with interviews with local media, other times he paraded outside local family law courts with his placard which said in part: "I am a victim of an absolutely outrageous 'Third World' type injustice at the Paramatta Family Law Court."

Another of his ploys was to

stand as an independent candidate for the Senate in the 1990 election in a bid to publicise his case.

He lost the election but his cause gained momentum and with backing from National Party MP David Brownhill, the issue went before a joint parliamentary committee.

That was the first of three separate hearings, the most recent of which tabled its findings last month.

The upshot was that Federal Parliament agreed with Mr Monk that mediation, rather than litigation, was the best way to solve custody disputes.

Along the way, it endorsed his call for divorce settlements to be community-based rather than court-based by the year 2010.

Already signs of progress are emerging with dramatic increases in the number of joint custody orders coming from courts.

Mr Monk said judges always had the power to issue such orders but until recently had refrained from doing so.

The breakthrough has arrived too late to help Mr Monk's personal situation but he remains convinced that his long struggle is worth every bit of the effort it took.

"Joint custody for fathers is the equivalent for women of getting the vote," he said.

— KEITH ALMOND

FAMILY LAW REFORMER RETURNS TO SPEAK OF HIS SUCCESS

By Garry Cotton

WHEN law reformer Ian Monk first visited Geelong in 1989 he was a shattered man and did not know it would be years before his anger subsided.

The Family Court had reduced access to his two sons to nine hours a fortnight when previously he had them on all weekends and half the school holidays.

He believed the Family Law Act 1975 was biased against men and he wanted it changed.

In the only way he knew how to get his message across, he began knocking on the door of every newspaper editorial office he could find to tell his story to the public.

The *Geelong Advertiser* was one of those offices, and yesterday he came back to express his gratitude and tell his success story.

His five-year road tour of Queensland, New South Wales, Australian Capital Territory, Victoria and South Australia, and other media coverage in Northern Territory and Tasmania brought an overwhelming response from men who believed they had been unjustly treated by the court.

Each time a newspaper published a story about his one-man crusade, he would receive several telephone calls or letters from men who agreed with his stand.

The results of his campaign have been three Federal parliamentary inquiries and changes to the Act.

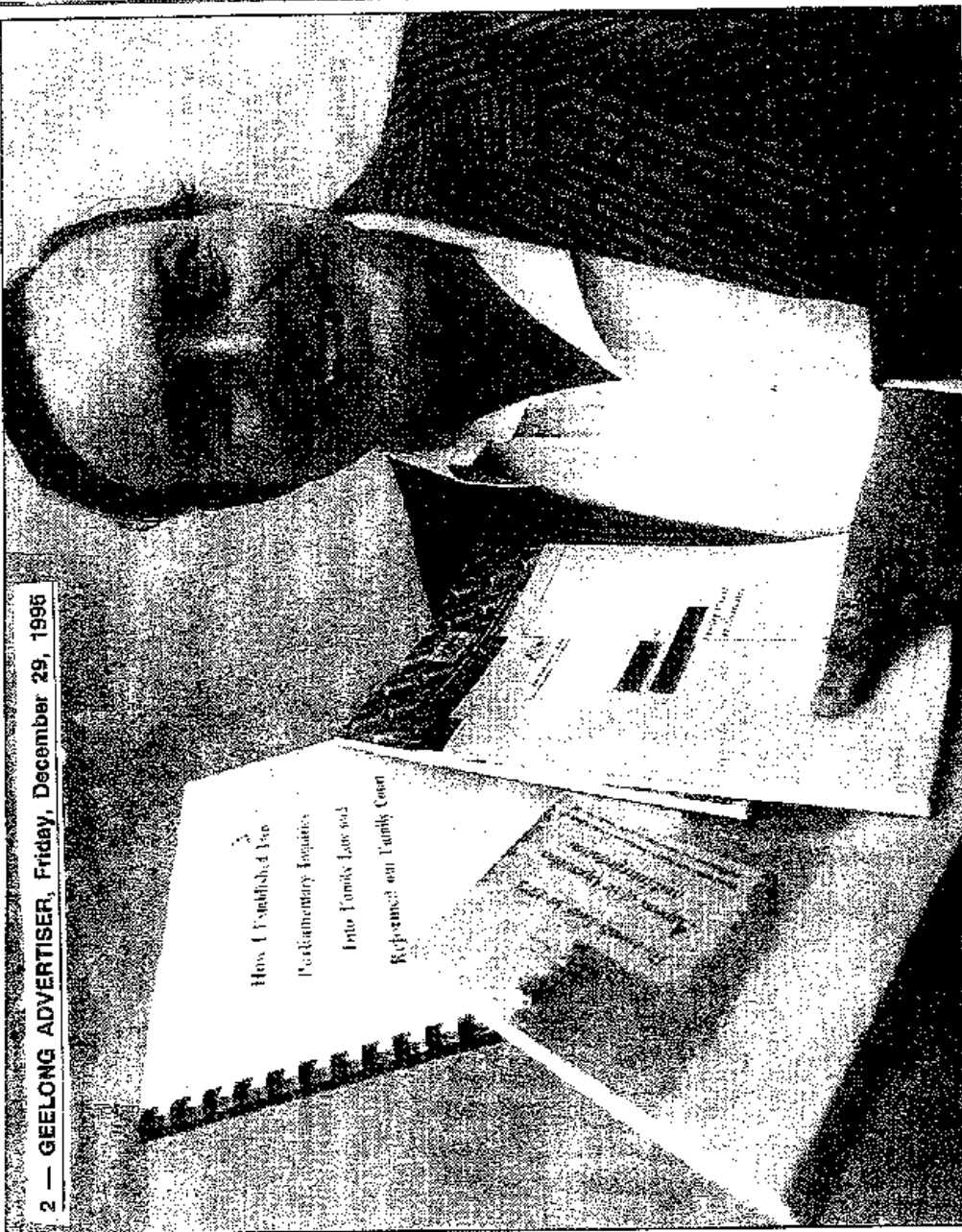
Tabled in November 1992 was the inquiry into aspects of the operation and interpretation of the Act; two years later, a joint select committee report into the Child Support Scheme; and last November, a report on funding and administering of the court.

But more specifically, 47-year-old Mr Monk, a property investor of Epping in Sydney, has achieved some substantial victories.

They have included:

MEDIATION as a first choice in divorce actions, particularly related to joint custody and access.

2 — GEELONG ADVERTISER, Friday, December 29, 1996



● Law reformer Ian Monk who was back in Geelong to talk about his success in changing an Act he considered biased.

THE option of pre-nuptial contracts.
CHANGES to the Child Support Agency.

Mr Monk said it was now possible for a couple seeking divorce to sort it out in a more enlightened way without recourse to an adversarial trial.

He said there had been opposition to changes in the Act, but not from women who previously benefited most from decisions of the court.

"Most opposition came from the legal profession which saw a threat to its income, and from the court itself," he said.

Mr Monk said he believed his work had now been accomplished with one exception. That was a recommendation of the joint committee that parents share in the cost of supporting children, according to their respective capacities to pay.

"For me, the campaign is over and now it is time to concentrate on strengthening the ties with my two boys," he said.



Ian Monk's seven-year campaign to have the Family Law Act changed has resulted in success.

Law reformer wins out after seven years of struggle

By ANDREW McBRIDE

A Sydney man's seven-year campaign to have aspects of the Family Law Act changed has ended successfully.

Ian Monk, who was visiting Ballarat yesterday, said he was satisfied with what he had achieved.

The former property manager's campaign helped to establish three separate government inquiries which have now led to some family law changes.

They include the introduction of a system of mediation as the first choice in divorce

proceedings, greater use of joint custody, options of pre-nuptial contracts and changes to the operation of the Child Support Agency.

Mr Monk believes his biggest victory was achieving a wider use of joint custody which provides each parent with equal responsibility for children.

He said that, in the past, the parent without custody had been left feeling like a criminal, with the limited access to children like a jail sentence.

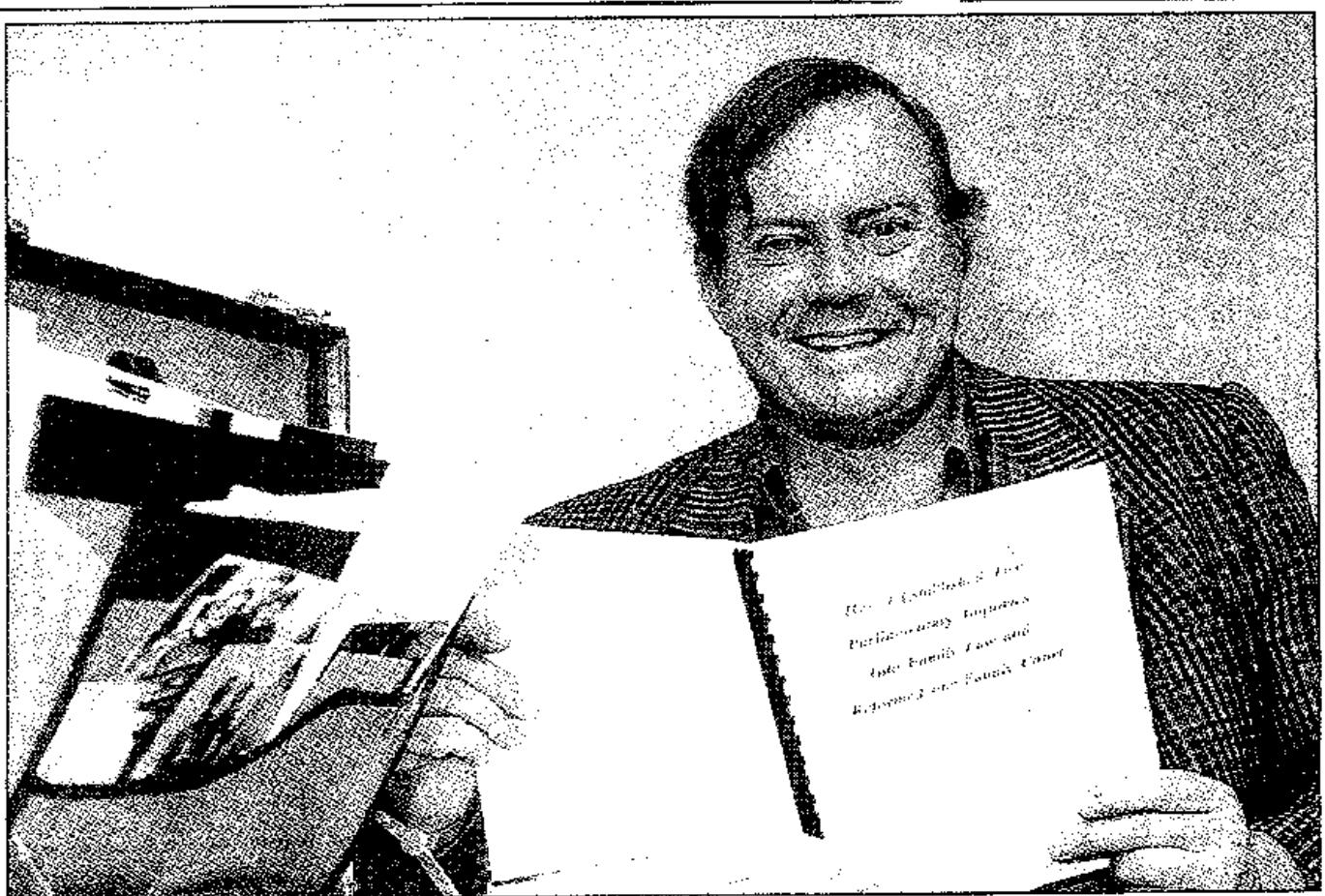
Mr Monk's campaign took him

to towns throughout Australia, where he found support.

He said the hardest part of the campaign was convincing politicians to take the issue on board.

However, Mr Monk was determined to succeed and continued to lobby strongly for the changes to be brought about.

"In the past, Australians have had no say about the construction of family law, but we have (had a voice) during this latest reform," he said.



● Ian Monk, of Sydney has spent the past seven years campaigning for Family Law reform.

Reform crusader triumphs

By MARIA GALINOVIC

LIKE a knight returning from a successful crusade, Ian Monk is on his way home, somewhat battle weary but jubilant.

Mr Monk, of Sydney, has spent the past seven years campaigning for Family Law reform after being badly done by in an access trial.

He prides himself on instigating three inquiries into the 1975 Act.

Appalled and crushed by his former wife's court-bestowed power and determined not to sit back and accept the nine hours of fortnightly custody he was allowed for his two young sons, Mr

Monk packed his suitcase and hit the road.

He campaigned through the media, sat vigils at Family Court courthouses and tapped into community dissatisfaction at how divorces were handled.

He funneled all complaints to National Party Senator David Brownhill, who offered silent support, and he lobbied the Democrats who agreed to support an inquiry.

The Government also agreed, and an inquiry on aspects of the Family Law's operation and interpretation was tabled in 1991, resulting in a system of mediation and pre-nuptial contracts.

The second inquiry, into the

child-support scheme, was tabled in 1994.

As far as Mr Monk is concerned, its major result was the recommendation that parents share in the support of children according to their ability to pay.

The third inquiry, tabled last month, has looked into the funding and administration of the Family Court.

Mr Monk believes the report is a plan to eventually close down the Family Court in favor of community-based mediation and counselling.

"It was one of my objectives that all divorce become community-based by 2010," Mr Monk said yesterday.

"If the last inquiry is implemented I will have reached my objectives.

"The courts cost a lot of money just to get people divorced."

He said access trials were wrong, because they put one parent on trial at the whim of the other and without a charge, imposed cruel sentences and gave the accuser the right to set the length of the punishment.

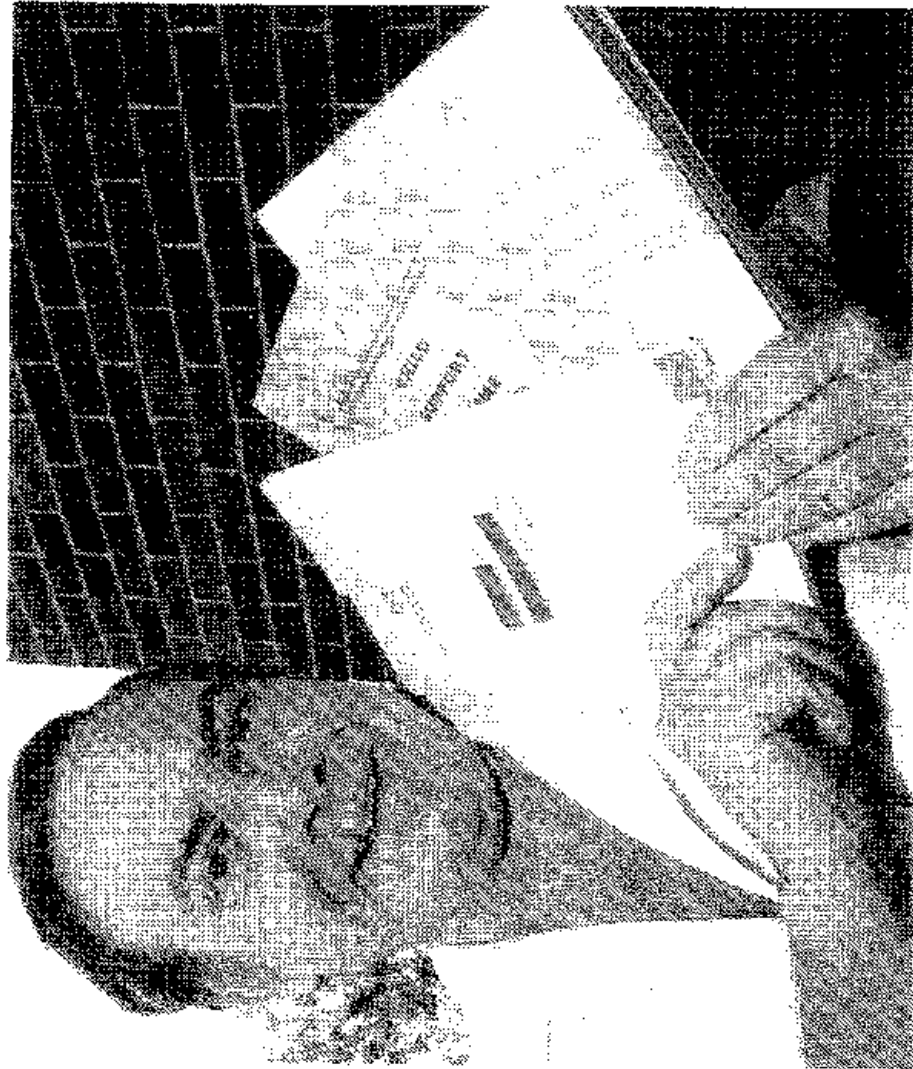
The crusade, with its highs, lows, stress and expense has been vindicated, freeing Mr Monk to continue with his life.

A science graduate who has worked in real estate, he thinks he might retrain and become a counsellor.

South Coast Register 3-1-96

Success for family law reformer

reformer



• Ian Monk, who has been lobbying for Family Court Law Reform since 1988, with three reports resulting from inquiries prompted by his campaign.

Long time campaigner for reform in the area of family law, Ian Monk, is taking a well earned break from his pursuit of justice in the Courts after achieving three separate inquiries into aspects of Family Law.

The Sydney father of two has travelled widely for the last seven years, spurred on by his own experiences with the Family Court, taking his message to the people and the newspapers of towns across the state.

When Mr Monk's access to his two sons was substantially reduced during divorce proceedings in 1988, he began a public crusade for joint access and mediation in Child access and Custody cases.

As a result of his research and lobbying, joint custody is now a reality in Australia and the concept of mediation and Pre-nuptial contracts have also been introduced. He has also gained an inquiry into the operation of the Child Support Scheme and the Funding and Administration of the Family Court.

The latter document, in my opinion, is a manual on how to close

and less heartache for families in divorce situations.

He also believes the main people to benefit from litigation are lawyers and solicitors.

Mr Monk said, "The area of maintenance is also badly in need of reform, with almost the entire burden of financial support often falling upon the non-custodial parent."

An important advance made as a result of pressure from Mr Monk is a Joint Committee recommendation that parents share in the cost of supporting their children according to their respective capacities to pay.

Mr Monk was the first private individual in the history of Australia to successfully initiate a Joint Parliamentary Inquiry.

While the Family Court is considering the availability of optional mediation for separating couples as an alternative to litigation, Ian Monk is winding up his campaign.

"I want to thank all the people, both in the public and in the media, who have supported me in my campaign and helped achieve the much needed reforms which will ultimately benefit the whole community," he said.

Long time Campaign

down the Family Court," said Mr Monk, who recommends that divorce should be community based.

"Couples should ideally be able to negotiate the end of a marriage between themselves or with the help of a mediator," said Mr Monk, who risked his own access rights by his public campaigning.

Mr Monk said 70% of couples were able to resolve issues such as property division and child access by mediation.

"Mediation promotes co-operation, while litigation promotes animosity," he said.

Mr Monk has fought hard for his belief that increased reliance on mediation will lead to fewer access problems.

Victory claim in war on Family Court injustice

By KEN GRIMSON

IAN MONK, yesterday claimed victory in a seven-year fight against what he considers Family Court injustice for fathers in divorce settlements.

The Sydney father of two, who has taken his campaign of media briefings and courthouse protests around Australia, returned to Wagga yesterday to publicise the recent findings of a Federal Parliament joint select committee inquiry into the funding and administration of the Family Court in Australia.

Mr Monk, 47, said the effect of the recommendations of the committee will be the eventual dismantling of the Family Court and the transferring of its functions to community-based groups and magistrates.

The recommendations, he said, would substantially achieve his

1993 wish that mediation be dealt with in the community rather than through the adversarial court system.

"They can be seen as a long-term plan to wind-up the Family Court," Mr Monk said.

The Epping man began his campaign against the Family Court in 1989 following his divorce a year earlier. The Family Court ruled that he could see his two sons, Andrew (then eight) and Jamie (then seven) for just nine hours each fortnight.

According to Mr Monk, his case is typical of the Family Court's discrimination against men.

"It's been normal in the past for the Family Court to order mothers to have sole custody of children," he said.

But in recent years, coinciding

with Mr Monk's vociferous campaign, the number of cases where the Family Court has ordered joint custody between divorced parents has escalated.

The figure has grown from 477 in 1992-93 to 751 in 1994-95.

"One of the outcomes of the whole reform process has been the introduction to Australia of joint custody," Mr Monk said.

"This is historic; it is at least as fundamental as the time women won the right to vote about 100 years ago.

"So, I think this could be a marker not just for family law, but a significant marker in the social equation between men and women.

"It means fathers now have equal rights and responsibilities as mothers.

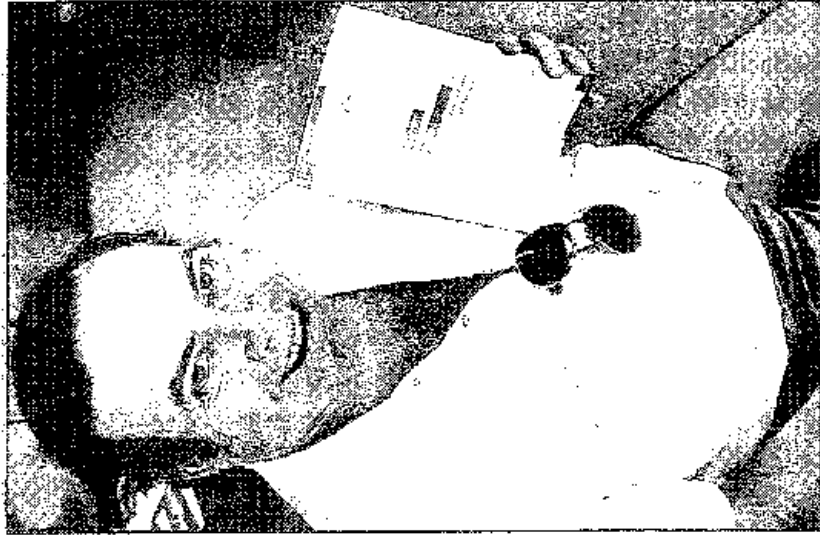
"This is the end of my campaign," he said.

Mr Monk agreed the committee could only make recommendations to the Government, but he is convinced they will be implemented.

"What will ensure it (the Family Court) is wound-up is the economic condition of Australia. We can't afford this grossly inefficient and unproductive organisation," he said.

Mr Monk agreed he felt he had helped change attitudes within the Family Court over the past seven years.

"When I started it would be common for people I met to say: 'Why doesn't someone do something about the Family Court?' Well, I have, and I no longer hear that expressed by people, so there is already a change of attitude in the courts," he said.



WINNER: Ian Monk with a copy of the joint select committee's report on the Family Court.

Law reformer ends a six year campaign



Law reformer Ian Monk takes a break after a six year family law campaign.

By Karen Beneben

When the Family Law Court restricted Ian Monk to seeing his two sons for just eight hours a fortnight, he immediately decided the system had to change.

That was back in 1989 and after spending six years lobbying the Government Mr Monk has achieved his aim.

Mr Monk, who comes from the Sydney suburb of Epping, has succeeded in introducing mediation as an alternative step to the law courts in resolving custody disputes, and said it is time to take a well earned break for a while.

"Assisted mediation means for those involved they are able to escape the stresses and expenses of litigation.

He said mediation would be seen as a major attraction for anyone who has been through the Family Law Courts.

"I was put on trial without being charged with committing an offence and my accuser was given the power to determine the length of my sentence.

"I don't see that as anything faintly resembling justice."

He also believes the procedure of custody battle through the courts as extremely harmful to the children involved.

"The animosity between myself and my former wife led one of my sons to not visit me for four years which highlights the hardship a court case can impose."

And while he believes mediation is the right passage for many people in the community he understands the Family Law Court may be the only alternative for some.

He is also hopeful divorce settlements will be continually based by the year 2010.

"It would certainly save the tax payer a lot of money."

Mr Monk's six year one man crusade focused on the eastern states and he said it involved a full time commitment.

"It's great to be able to come back to tell people that I have achieved after six years — I think that is very important.

"Understandably people were a bit hesitant about my case initially but I can now proudly show people what I have done."

Along the way Mr Monk made history in 1991 by becoming the first private individual in Australia to succeed in having a Joint Parliamentary Inquiry set up.

That was the first of three separate hearings, with the results of the final hearing tabled in November.

Throughout the campaign Mr Monk set up camp outside family courts handing out letters inviting people to submit complaints against the court. He was backed by a band of supporters including National Party MP David Brownhill.

"One of the major things from reform is the introduction into Australia of joint custody which I think is analogous when women won the right to vote.

"This is the historic step forward to bringing justice to divorce proceedings.

"My main thrust is to shift the function of the Family Law Court into the community."

SOUTHERN WEEKLY MAGAZINE

Week commencing January 13, 1995

Success after a six year campaign

NEARLY six years down the track, Family Court reform activist Ian Monk, pictured, returned to Griffith this week as part of the last leg of his campaign.

"I campaigned here in Griffith in the early part of my battle for reform," he said.

"It's fair to say that this is the end of my campaign, which has resulted in three inquiries into the Family Law Act."

His battle began after a bitter custody fight in 1988 when his access to his two children, then aged nine and seven was limited to eight hours a fortnight.

He then took to the road to campaign against what he saw was the blatant bias against men in divorce actions, taking his protest north to Cairns in Queensland, throughout NSW, ACT, Victoria and South Australia.

The major advance in Family Law, he believes, has been the move to mediation as the first choice in divorce actions, particularly relating to joint custody of children.

"This has been the biggest advance in divorce in the past 200 years," Mr Monk said.

In the past three years the number of orders for joint custody made by Family Court judges had im-



proved around the country, the total increasing by nearly 300 from 477 in 1992-93.

"Other major advances have been the introduction of the system of mediation into the Family Court and the recommendation from the inquiry into the child support scheme that both parents should contribute to the financial upkeep of their children."

Another report tabled last November into the funding and administration of the Family Court of Australia signalled the shifting of functions of the court to

magistrates and shifting mediation into the community.

"This suggests counseling will be shifted into the community and with that's the recommendation that the Family Court becomes, in the long term, part of the Federal Court. I see this document in reality as being a plan to close down the Family Court over a period of time."

Mr Monk was last in Griffith in early 1990 as an independent candidate running for Senate, a move he claims he made to increase coverage for his reform

campaign.

"The purpose wasn't to get elected but to attract more media interest in the issue and I achieved my objective."

"As the most visible advocate for joint custody, I'd like to think I had a little bit to do with the three inquiries that came about after I began my campaign."

He said he was retracing the steps he made during his lengthy campaign to "spread the good news".

"Joint custody, mediation in the community and hopefully when the Family Court is eventually closed down, it will be better for all concerned."

Stefan Sojka

From: Jack Bassett [jbassett@vc.mq.edu.au]
Sent: Monday, 11 March 2002 09:38 AM
Subject: Response to your letter

Mr Ian Monk
8 Stanley Road
Epping NSW 2121

Dear Mr Monk,

I have received your request seeking permission to come onto Campus and hand out material related to your capacity as a Political activist.

I am sorry, but I cannot grant you such permission. The University does not encourage members of outside organisations, or individuals, to use the University to distribute material that may be controversial.

This policy of the University should not be seen as being judgemental or negative towards the issues you may wish to raise.

Thank you for the collection of your work. I will pass it on to our Division of Law for possible inclusion in their Law Library.

Yours sincerely,

Professor Jack R Bassett
Deputy Vice-Chancellor (Administration)
Macquarie University
NSW 2109

Ian - received this by
email today
11-3-02

[Signature]

Some Radio Interviews

28-3-89	JJJ	Fran Kelly
21-2-91	2TM	Gary Blair
21-2-91	ABC Tamworth	Kate Beneke
22-2-91	2LM	Cameron Marshall
6-3-91	2AY Albury	Ray Currie
31-5-91	FM 915	
20-11-91	4BC	Haydn Sargent
5-2-92	ABC Hobart	Judy Tierney
3-8-92	2HD	Warwick Johnston
9-4-93	3LO ABC	John Faine
8-6-93	ABC Wagga	
6-6-93	2DU Dubbo	Richard Matton
7-12-93	2UE	Murray Olds
21-12-93	2KY	Ron Casey.

Some TV Interviews

- 13.7.90 7.30 Report ABC
ILM vs Justice E. Evatt
- 5.6.91 Ch 10 Good Morning Australia
- 30.12.91 Television Victoria Albany
- 31.12.91 Southern Cross TV Bendigo
- 7.1.92 Vic TV Mildura Debra Burke
- 7.1.92 RTS SA Loxton
- 25.11.92 Ch 9 Today Show
Parliament House, Canberra
- 8.6.93 Prime TV, Koorngal
- 17.12.93 SBS news

UNIVERSITY OF CANBERRA

THE LIBRARY
LAW TEAM



Mr Ian Monk
8 Stanley Rd
Epping 2121
NSW

Dear Mr Monk,

Thank you for your donation of your book: How I established two parliamentary inquiries, etc which we have recently added to our Law collection. I believe the volume will be of use and interest to students in our law programmes here. It is a clear demonstration that one citizen's persistence and determination can still make a difference.

Thank you for thinking of us.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'H. Malcolm'.

Hugh Malcolm,
Faculty Support Librarian, Law
email: hm@isd.canberra.edu.au
8 January, 1996

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SHORE

Sydney Church of England
Grammar School

Msept00/jj

From the Headmaster

4 September 2000

Mr I Monk
8 Stanley Road
EPPING NSW 2121

Dear Mr Monk

I am conscious that you have been endeavouring to make contact with me to discuss the publication you dropped into my Office a few weeks ago.

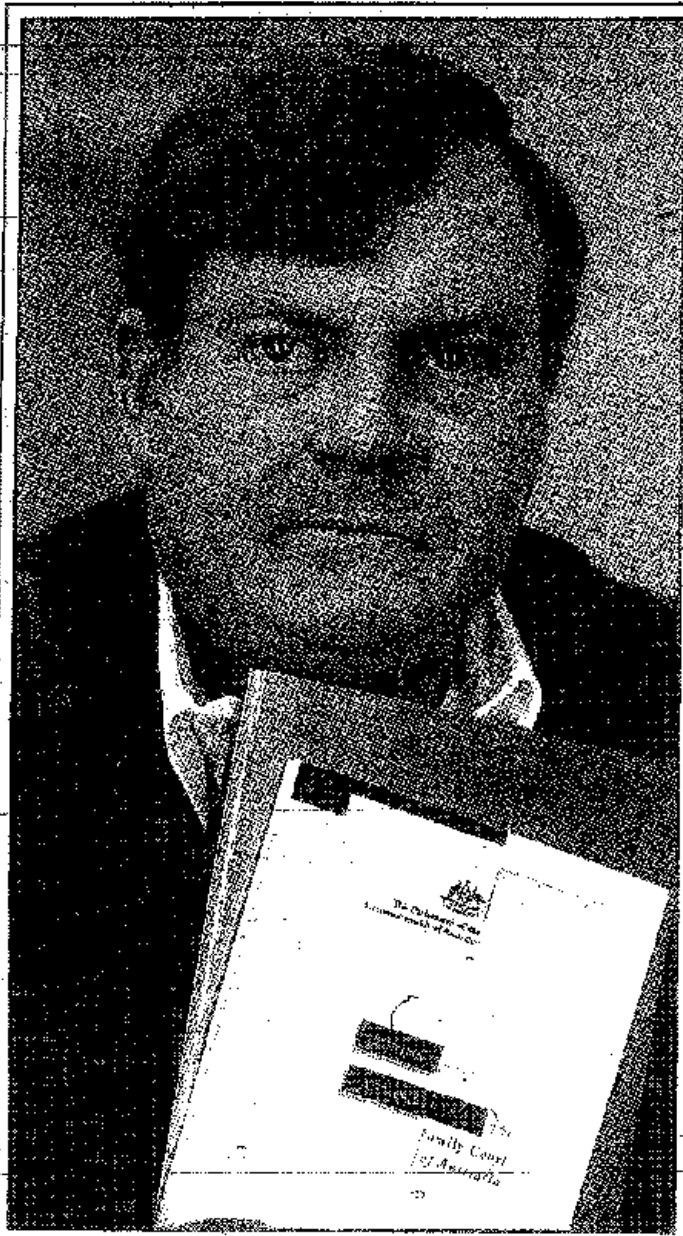
I am also aware that Mr David Spurr, in his role as Assistant to the Headmaster made contact with you as I had requested.

It would appear that following your recent conversation with Mr Spurr further discussions would not be advantageous. I am therefore returning your publication as requested and I thank you for conveying it to me for my perusal.

Yours sincerely

Robert A I Grant
Headmaster

PHOTOGRAPH BY SHERIDAN



MPs urged to take on court

MEMBERS of Parliament should speak out publicly against decisions and policies of the Family Court, law reform crusader Mr Ian Monk said in Albury yesterday.

Mr Monk praised the Deputy Prime Minister, Mr Tim Fischer, for last year breaking a long-standing convention that politicians must not criticise judges.

But that was in relation to the High Court and Mr Fischer and other MPs still had the attitude that the Family Court was beyond criticism.

Mr Monk, of Sydney, fought a long campaign of rallies, vigils, lobbying and letter-writing that eventually led to three parliamentary inquiries into the Family Court.

He said the first resulted in a system of mediation and pre-nuptial contracts and the second in a recommendation that parents share the support of children according to their ability to pay.

But nothing had been done about the third inquiry completed in 1995, which looked into the funding and administration of the Family Court.

Consequently, the court continued to cost the taxpayers millions of dollars.

Mr Monk is continuing his nine-year Australia-wide campaign for reform.

He has worked to persuade governments that divorce should become community-based by 2010, using mediation centres instead of courts.

A book of his campaigns is used in schools to show what can be achieved by sustained media and Internet campaigning.

Mr Monk's website is: www.cyrus.com.au/ianMonk.

● Ian Monk . . . pressing for Family Court reforms.

The Daily Mercury

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Family court reform push

8 JUL 2000

By CHANTAL CARR

A NEW South Wales law reformer's "main objective is to close down the family court by 2010."

Ian Monk visited Mackay this week to generate support for his 10-year battle for reformation of the Australian family court.

Since 1980 he has been the driving force behind three federal government inquiries.

They were: Aspects of Operation and Interpretation of the Family Law Act 1975; The Child Support Scheme; The Funding and Administration of the Family Law Court of Australia.

Mr Monk said he initiated the inquiries from his own time and money, using the inheritance of his late veterinary surgeon father's New South Wales estate.

He said he wanted to make the changes because of his 1988 Parramatta family court trial.

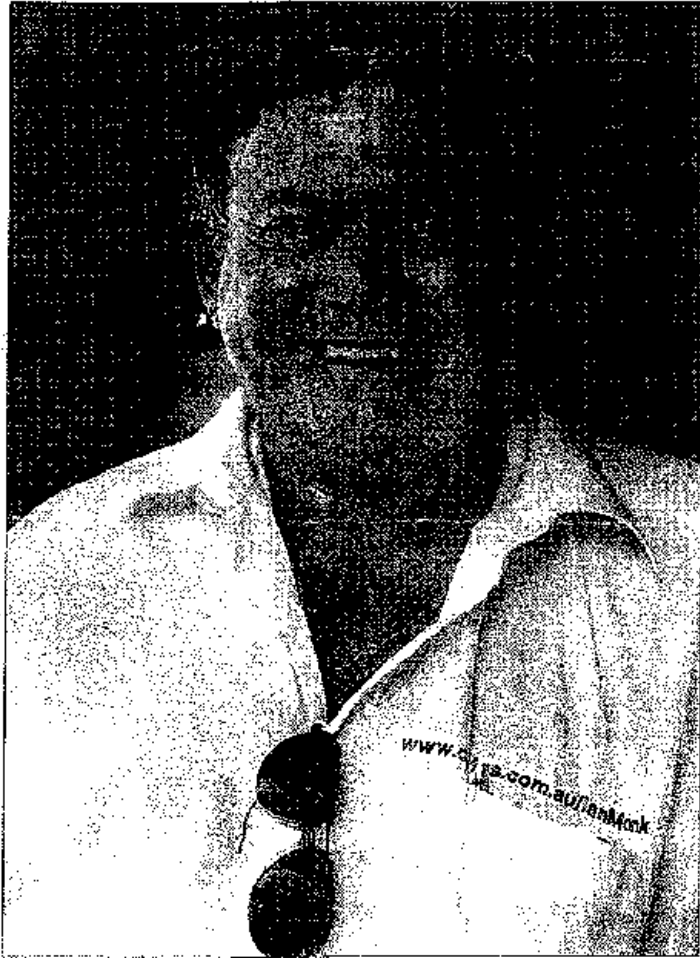
He said the court ordered he be permitted nine hours a fortnight access to sons Andrew and Jamie, who were then aged six and five.

He said the court had ruled he was immature.

"Of the inquiries I initiated, the first saw the installation of the family court system of mediation, not much came of the second and the third recommended a separate system of a community based divorce with no lawyers or judges," Mr Monk said.

"The third conclusion is potentially faster, less expensive and less stressful than litigation in the family court.

"Many people want to close down the family court to this system of community based divorce. There are big efficiency gains in this system and the government will save money that can be better used for



Ian Monk: driving force behind three inquiries.

health, education and defence," Mr Monk said.

He said the major advantage of the first and third inquiries was they had broken the monopoly the family court held over divorce.

Mr Monk has since compiled a book titled *How I Initiated Three Parliamentary Inquiries Into Family Law and Reformed*

our Family Court.

The book includes copies of letters from government bodies, clippings about his fight from newspapers around Australia and family photographs.

"My campaign to reform the Family Court is relevant to all states except Western Australia," Mr Monk said.

Court crusader puts forward alternative

By CATHERINE SANDERS

FAMILY Court crusader Ian Monk visited Bunbury briefly this week to spread his message of alternatives to the use of litigation in divorce.

Mr Monk has been travelling Australia for the 11 years since his own divorce ended in litigation, giving him what he said was mutual access to his sons.

During the time Mr Monk has been campaigning there have been three parliamentary inquiries into matters related to divorce and the Family Court and an increased recognition of the benefits of mediation.

"What I'm doing is simply saying publicly what many people are saying privately about the Family Court," Mr Monk said this week.

"Philosophically people going to the Family Court are innocent people and therefore do not belong in a court and should have the matter resolved outside the court by mediation.

"Mediation says the best people to resolve this are the couple involved, not having a decision imposed on them from outside."

Mr Monk is calling for the abolition of the Family Court and its replacement entirely with mediation.

He admitted there would be people who could not resolve their differences through mediation and there would continue to be a place for court-resolved divorce.

He suggested the Federal Court



• Ian Monk

might be a better place for this than the Family Court.

"There'll be some who can't resolve it but over a period of time I'm sure the overwhelming majority of people will see (mediation) is the commonsense way to handle their divorce," Mr Monk said.

"Differences can be more easily resolved at an early stage if they're addressed in a cooperative atmosphere.

"I think overwhelmingly people want to split as amicably as they can."

Campaign to outlaw court

Father believes community-based divorce key to peaceful family splits

By Gary Ruddleick

IAN Monks of Epping in Sydney is a lucky guy.

He's also an unlucky one. Lucky because his father left him part of a "huge estate" which has meant he does not have to work for money any more.

He's unlucky because his marriage broke up some 10 years ago and the Family Court granted his wife custody of their two sons, now aged 21 and 19.

It was a traumatic blow and although he was given the traditionally modest (for a father) access rights, he embarked on a campaign to have the

Family Law Court outlawed by Federal Parliament.

Mr Monks, now 51, who visited Lamworth on Friday has never remarried, but says: "It may happen again".

As for his relationship with his sons, he says it's "extremely good" with one, but "not quite so good" with the other.

His decade-long campaign has seen him interviewed by hundreds of journalists around the country and he's been pivotal to several parliamentary committee investigations.

But — to him — sadly, the Family Law Courts still continue to operate.

He believes that when it comes to family splits, they just should not be

part of the formal judiciary system.

Community-based divorce (CBD), is, he believes, the key to reasonably peaceful and (long-term) acceptable marriage break-ups and child access.

"CBD is a mediation, not a compelling, process, with no lawyers or judges involved and is designed to come up with a resolution as amicable as possible," he said.

Mr Monks has no doubt Family Courts are biased against fathers, and "almost invariably" rule in favour of the mother, regardless of her fitness as a parent.

He doesn't believe female judges are more biased than male judges, "but

they're all biased in favour of females".

He said he knew of cases where the fathers had accepted responsibility for bringing up their children for years, only to lose them when the mother applied to the Family Court to get them back.

Mr Monks has a simple message and it is this: "If you want more Federal Government funding for health, higher education or defence, then tell the Government to close down the Family Court in favour of my highly efficient system of community-based divorce."

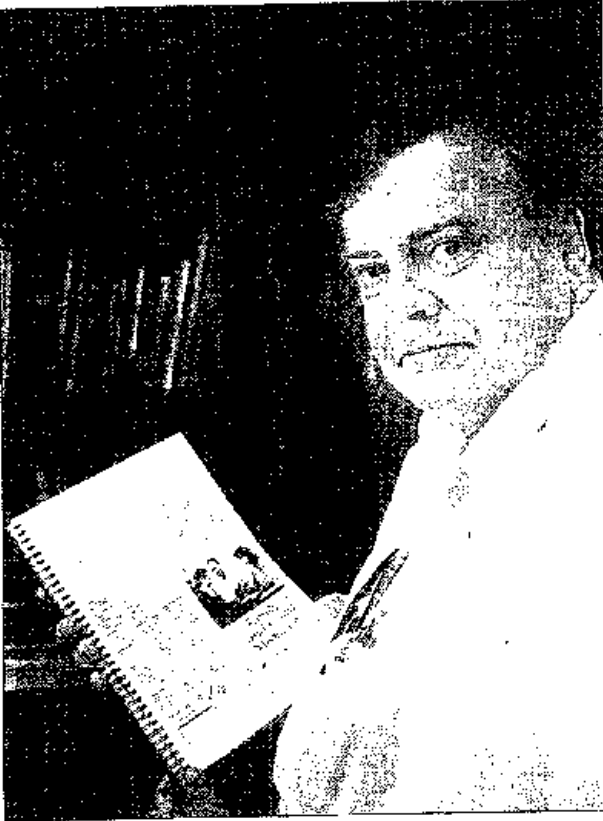
Mr Monks can be contacted on www.cyrinus.com.au/fanMonk

27/660

25 JUN 2007

Saw

Campaigner wants end to Family Court



A campaigner for family law reform says the abolition of the Family Court will save taxpayers dollars and provide a more caring system for divorcing couples and their children.

Mr Ian Monk has been campaigning for more than 18 years against Australia's "adversarial divorce system" after an acrimonious divorce which left his former wife as custodian of his two sons.

Mr Monk, visiting Toowoomba on the weekend, said his campaign was instrumental in establishing three inquiries into the family law system. A 1995 inquiry led to the establishment of mediation processes for divorcing couples, aimed at heading off custody and property disputes before they hit the courts.

Mr Monk, from Epping in Sydney, said that the system had proven itself to work as well he was now calling for the abolition of the Family Court.

While conceding 20% of couples fail to reach a negotiated settlement he pointed out that the system in France will not grant couples a divorce until they reach a settlement agreement.

"I think the public should know there are potential savings of \$1 billion a year if we close down the adversarial system in favour of community-based divorce," Mr Monk said.

Mr Monk said that with Federal elections pending, it was an ideal time to lobby politicians for abolition of the Family Court.

ABOLITION CALL: Sydney divorcee and divorce law reform campaigner Ian Monk has called for the abolition of the Family Court in favour of compulsory divorce and custody mediation.

Picture: LIZA KATTIAZZI

Activist pushes fathers' rights

Mediation touted as the way to solve complex disputes

By FRANK WILKIE

A SELF-CONFESSED "family law court activist" who has spent the past decade battling for fathers' rights spread the word to the Sunshine Coast earlier this week.

"Mediation (not litigation) is the only way to solve the unfairness and ridiculous costs associated with the adversarial family court system," Sydney divorcee Ian Monk said.

"The ultimate goal is to close down the family courts."

Mr Monk, 61, wants to see Australia adopt the system he claims operates in France where law courts reportedly grant divorces only after warring couples have agreed on custody and property arrangements.

"Having couples sort things out without the courts is all bad news for the lawyers though," Mr Monk said.

"It could save the community up to \$1 billion a year."

The father of two started lobbying politicians and protesting outside Family Courts in 1982 after he was granted nine hours a fortnight custody with his young sons.

He is requested to be the first person individual to instigate



CLOSE THE COURTS: Family law court activist Ian Monk says couples should settle disputes through mediation.

a joint Federal Parliamentary inquiry. His efforts have been credited with prompting three inquiries resulting in major changes to the 1975 Family Law Act.

Since then, improvements to the Act include joint custody for both parents; mediation being offered as an alternative to expensive legal action; and a 50-50 starting point for property distribu-

tion disputes. Mr Monk claimed victory for his cause in 1986 after the establishment of Family and Child Mediation Services.

"I believe we can get to the point where couples will be able to reach agreements in community-based mediation and the courts will be reduced to just being a rubber stamp for such agreements," he said.

Years of fighting for commonsense in court system begin to bear fruit

Standing up for families

By STEPHEN RYAN

TWELVE years after his first protest against the Family Court of Australia, Ian Monk is now fighting to have the \$1billion a year court abolished.

Having succeeded in establishing cost and time effective mediation centres for couples going through divorce, Ian says his work is far from done.

When going through divorce procedures himself, the Family Court decided he was allowed nine hours a week to see his two boys.

"I thought that was pretty rough," he recalled on a visit to Taree this week. (Ian was last here several years ago to promote his work.)

Disillusioned with the Court's decision, but complying with it none the less, he had made a sign and began protesting outside courthouses throughout Australia.

"I could see it wasn't just me who was unimpressed with the court, but there were many men who were dissatisfied with the experience in the Family Court."

His fight was not only for the rights of fathers, but to instigate an inquiry into the Family Court and its workings.

In 1997, nine years after his first protest, a chain of family and child mediation centres were established to help families sort through the issues of marriage breakdown, without the ex-

pense and formalities of the Family Court.

"There are no judges and no lawyers, which was the core of what people were looking for," said Ian.

He has a business card that reads, 'If you want more Federal Government funding for health, higher education or defence, then tell the Government to close down the Family Court in favour of my highly efficient system of community based divorce.'

The service is endorsed by the Federal Attorney General and Ian would like to see the service promoted so more families know about it.

Basically, mediation works by the couple discussing the issues of the marriage breakdown with a mediator present to assist the proceedings. Ian says it can take several sittings to work through any problems, but it still remains inexpensive and transportable.

At the moment Coffs Harbour is the closest city to Taree with the service. Ian is still touring Australia recently visiting Gympie, Tamworth, Toowoomba as well as Taree. A neatly presented folder with newspaper clippings, pamphlets and reports are testimony to his protesting career.

"All I did was say publicly, what many Australians were saying privately."

You can learn more about Ian Monk's battle by logging onto www.cyrilus.com.au/ianmonk.

02 98762019

There are no judges and no lawyers, which was the core of what people were looking for.

Ian Monk, court system campaigner

Commonsense approach: Ian Monk



Family and Child Mediation Services

The Federal Attorney-General's Department subsidises a number of community-based organisations to provide family and child mediation services.

For more information phone:

NSW
Centacare Broken Bay
 Ph. (02) 9913 3888
Centacare Sydney City
 Ph. (02) 9283 4899
Sutherland
 Ph. (02) 9545 1544
Bankstown
 Ph. (02) 9793 7522
Fairfield
 Ph. (02) 9725 6800
Interrelate
 (formerly Family Life)
Coffs Harbour
 Ph. (02) 6651 1010
Lismore
 Ph. (02) 6621 4970
Relationships Australia
 Ph. (02) 9327 1222
 (services at Edgecliff, Lane Cove, and Parramatta area)
UNIFAM Sydney
 Ph. (02) 9261 4077
 (services at Roseville, Parramatta, City)
Campbelltown
 Ph. (02) 4628 1577
Penrith
 Ph. (02) 4732 3836
Victoria
Family Mediation Centre
 Noble Park
 Ph. (03) 9547 6466
 Narre Warren
 Ph. (03) 9705 6277

Ringwood
 Ph. (03) 9876 0677
Relationships Australia Kew
 Ph. (03) 9261 8710
Eltham
 Ph. (03) 94311333
Preston
 Ph. (03) 9484 9775
Sunshine
 Ph. (03) 9364 9033
Tasmania
Community Mediation Service
 Ph. (03) 6231 1301
Relationships Australia
 Ph. (03) 6236 9109
South Australia
Centacare Adelaide
 Ph. (08) 8210 8200
Salisbury
 Ph. (08) 8250 3694
Relationships Australia Adelaide
 Ph. (08) 8223 4566
Christies Beach
 Ph. (08) 8384 5388
Modbury North
 Ph. (08) 8396 4237
Berri
 Ph. (08) 8582 4122
Queensland
Lifeline
 Sunshine Coast
 Ph. (07) 5479 1600

Gympie
 Ph. (07) 5482 7742
Relationships Australia Logan
 Ph. (07) 3808 9235
Mt. Gravatt
 Ph. (07) 3349 5111
Spring Hill
 Ph. (07) 3831 2005
Strathpine
 Ph. (07) 3881 3311
ACT
Relationships Australia Deakin
 Phone (02) 6282 4300
Belconnen
 Phone (02) 6251 7311
Tuggeranong
 Phone (02) 6293 2032
Western Australia
Centrecare Marriage and Family Service Mirrabooka
 Ph. (08) 9440 0400
 (services also at Perth and Joondalup)
Relationships Australia East Victoria Park
 Ph. (08) 9470 5109
 (services also at Fremantle, Midland & Mandurah)
Northern Territory
Anglicare NT (Resolve)
 Ph. (08) 8948 2700

Fair solutions for separating couples



Family and Child Mediation

Family and Child Mediation



Approved by the Federal Attorney-General



Approved by the Federal Attorney-General

Printed by the Federal Attorney-General's Department August 1997.

Family Court chief to resign

Luke McIlveen

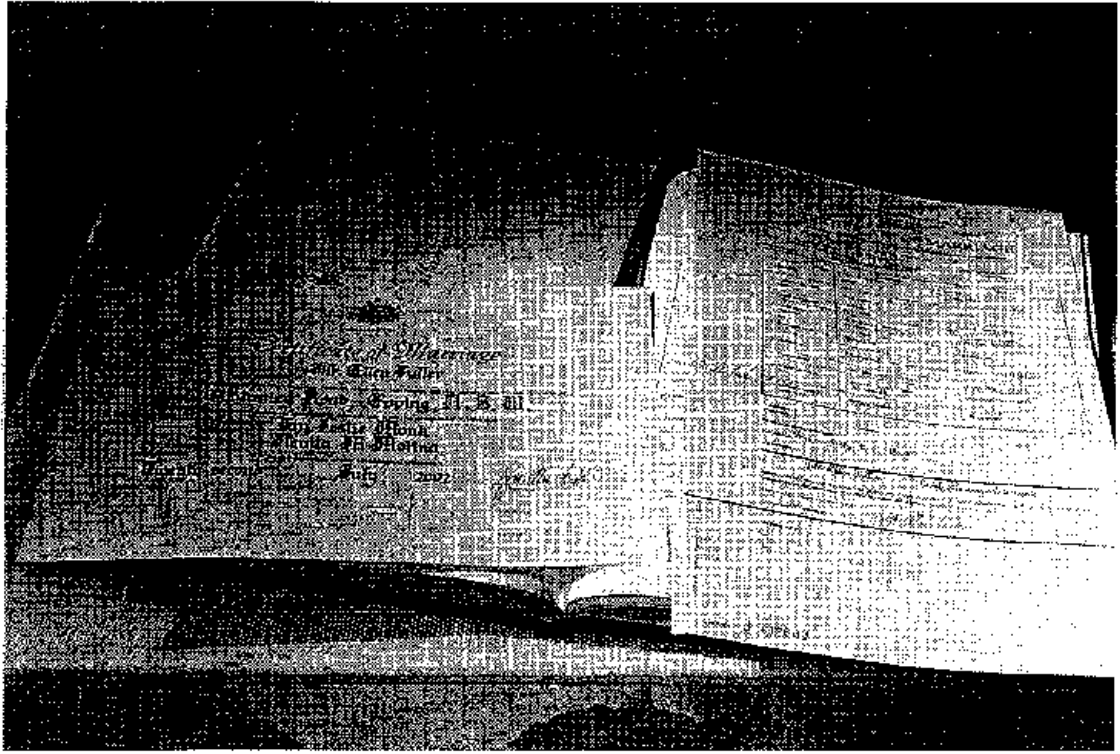
THE controversial Chief Justice of the Family Court, Alastair Nicholson, has announced he will resign from the post next February, saying he needs to spend more time with his family.

Justice Nicholson, 63, has spent almost 15 years at the top of one of the judiciary's more complex branches and yesterday defended the institution against claims it was too slow to achieve conflict resolution.

"Sometimes the court's image is skewed because people tend to focus on the 6 per cent of our clients who go to litigation, most of whom may not be perfectly happy but do achieve resolution," he said.

"Consequently, although the most difficult and troublesome cases comprise a relatively tiny proportion of our clients, they take up a disproportionate amount of our time."

While his resignation would be effective from March 31, 2004, Justice Nicholson said he would take accumulated leave from February 1, 2003. He will continue to perform other court duties.



Why on earth is the Family Court getting involved in illegal immigration cases?

It is facing

extinction



Janet Albrechtsen

THE spectre of ideology hanging over the Family Court grows by the day. The Family Court has set aside four days in late September to hear an application for the release of the now famous Bakhtiyari boys from Woomera detention centre. Not the three Bakhtiyari girls in Woomera with their mother, mind you. Just the boys.

What role does the Family Court have in immigration cases? Until last week, none. But now, in the middle of this most heated of political debates, the Family Court is being touted as the saviour of illegal immigrants.

The ratings activists who broke the law helped the Bakhtiyari boys escape detention, housed them and delivered them to the British consulate where their claims for asylum were rejected, and the eager beaver boys of lawyers behind them must be chortling as the Family Court prepares to hear the matter.

This sinister lobby has made pawns of Ali Bakhtiyari, his wife and children in an attempt to force a change of government policy on mandatory detention. Last week *The Australian* revealed that no one in the village of Charkh, where Bakhtiyari claimed he lived, could remember him.

With their mascot's refugee status looking decidedly shaky, the lobby reverted to the Bakhtiyari boys. And the Family Court looks like a welcoming receptacle after an open invitation was sent earlier this year by the court's Chief Justice, Alastair Nicholson.

In a remarkable political speech in Cape Town, Nicholson said that "decision-making about asylum-seekers' status to be properly understood as an aspect of family law" because they are members of families. From there it's a small step for the Family Court to claim jurisdiction, it seems. And hey presto, the Family Court put its hands in a little more than a week ago to hear an application that the Bakhtiyari boys be released from Woomera.

The only hitch is the law. The Bakhtiyari boys agree they are illegal immigrants. The Migration Act says illegal immigrants must be held in detention until they are removed from Australia or granted a visa. No ifs, no buts. That's the law. However much the Family Court may find this law abhorrent, it is the law. And only parliament can change that law.

Not deterred, the Bakhtiyaris believe that the key to their release lies among the 1995 reforms to the Family Law Act, the UN Convention of the Rights of the Child and the International Covenant on Civil and Political Rights.

If you want more Federal Government funding for Health, Higher Education or Defence then tell the Government to close down the Family Court in favour of my highly efficient system of Community Based Divorce

UNFORTUNATELY what requires a skewed interpretation of the law. As even Nicholson noted in his Cape Town address, international treaties and conventions don't hold much sway under Australian domestic law. That, of course, has not stopped him and other activist judges from relying on so-called international law in their ideologically driven attempts to seek justice — a shorthand word for what the law should be according to them.

It's easy. These conventions are written in generalous language. Like a horoscope, they can mean just about whatever you want them to mean. And so, as law professor Pat Lane said recently, "the commonwealth Government's innumerable international assurances held in ambush" waiting to overturn the decisions of domestic democratic bodies.

What a prophetic statement that proved to be as the Family Court prepares itself for this ideologically driven frolic. Even the preliminary hearing was drenched in ideology and politics. The overarching principle in family law is meant to be the best interests of the child. And so the Family Court usually suppresses the names of parties — especially children — who come before Family Court.

Not here. Not in this political punch-up. All it took was a last minute, hurried application from an ABC journalist for the court to agree to stand this longstanding principle on its head.

How were these children's interests served by having their names plastered across newspapers? Remarkably, Justice Rodney Burr found the psychologists' reports alarming and disturbing yet still allowed these boys to be exposed to the world's prying eyes.

For the court to have waded in at all suggests a court driven by ideology, not law. But ideology has a long history in the Family Court. Along the way, the court has overseen the bastardisation of the "best interests of the child" test.

And how ironic that the Family Court might rely on some dubious reading of the 1995 reforms to the Family Law Act to release the Bakhtiyari boys. The court has still not fully comprehended other much clearer provisions of the 1995 reforms — those dealing with shared parenting — to deny fathers a genuine relationship with their children. Again, all in the name of ideology.

Six years ago parliament sent the court an explicit message: Upon divorce, children were to have the right to know and be cared for by both parents. Statistics show that the Family Court has ignored parliament with impunity.

Sadly, it is caught down west of the more logical parts of the continent where the sanctifies the world as usual, be a marriage is over. So shared parenting is still null.

The irony acts better by the moment. The Bakhtiyari boys want to be released into their father's care. In the clash of ideology, what will the Family Court do?

Ideology eh?

After years of watching the Family Court, its clear to me that its current moves and past practices show that its ideology is nothing more than writing the rules out of concern for its own self interest. The Family Court's refusal to introduce joint custody should be seen as convincing evidence of its desires to protect and enhance the inappropriate use of the adversary system on innocent people, because custody battles bring in the big dollars for the Family Law Industry.

As the only sound philosophical basis for constructing law in this area is that each parent has equal rights and responsibilities with regard to their children, it can be seen how wrong the court is in rejecting joint custody.

Pretty bloody awful isn't it when you think about this?

The Court is writing its own laws, out of concern for its own self-interest. America has joint custody, the UK has joint custody- why have things gone wrong in Australia? Answer is Parliament has failed to exercise its authority.

So, Parliament has sent the Court and explicit message six years ago. Yeah?

Name an Australian Politician who has said anything significant about Family Law / Court in the last 15 years. You can't can you?

Has the Australian Parliament passed legislation for joint custody? NO

Has the Australian Parliament debated joint custody? NO

Has the Australian Parliament been silent about the Family Court? YES

Why? Because the Family Court has risen, quite improperly to a position above Parliament.

The Australian Parliament's silence about the national tragedy that is The Family Court of Australia is a major failure for the Australian system of Parliamentary democracy, because the views of our citizens are not given a voice by our elected representatives on this issue.

Is this class war? - I think so. The people at the very top of our society run a system that inflicts great pain and expense on my country and my people, solely for their own benefit.

CLOSE DOWN THE FAMILY COURT!



ANDREW TINK MP
MEMBER FOR EPPING

SHADOW MINISTER FOR POLICE
SHADOW LEADER OF THE HOUSE

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Suite 303, 51 Rawson Street
Epping 2121
PO Box 33, Epping 1710
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Fax: 9877 0405

Email: atink@parliament.nsw.gov.au
Website: www.andrewtink.com.au

4/04/2003

Mr. Ian Monk
8 Stanley Road
EPPING NSW 2121

Dear Ian,

Thank you very much for dropping in your booklet outlining the inquiries you initiated into Family Law and the results you achieved in reforming Family Law legislation.

Your campaign was persistent and ultimately very successful.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Tink', written over the printed name.

ANDREW TINK MP
Member for Epping

Fathers are not optional

Paternal love and contact are crucial to a child's happiness and wellbeing



Janet Albrechtsen

In the photograph, the father is holding a tiny baby, a few weeks old, maybe less. The father is looking down at the baby in wonder. His first child. He is oblivious to the camera. I didn't notice how much love was in that photo until I had a child. That photo of my father is on my fridge as a daily reminder of his love.

Fatherhood is like that. So often the deep bond between father and child goes unnoticed. It is undervalued and sadly misunderstood. How else do you explain a society where fatherlessness is so common?

In Australia upwards of 1 million children live separate from their fathers. More than one third of children who still see their dad's never spend the night with him. These children and their fathers never experience typical family life together — being kissed goodnight, waking up together, starting the day over breakfast, being more than a visitor in each other's lives. These are the distressing findings of Bruce Smyth and Anna Kello from the Australian Institute of Family Studies.

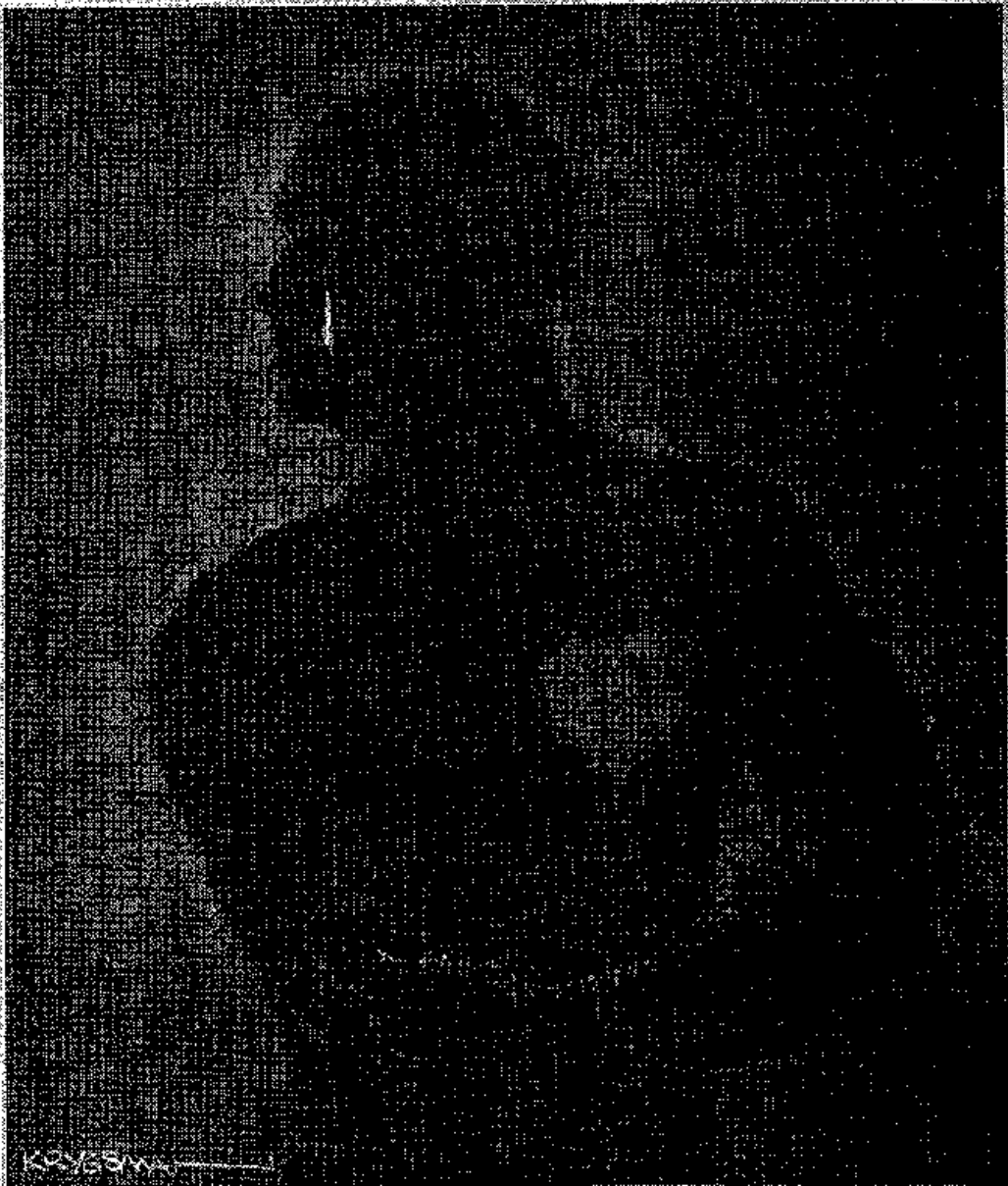
Here's a flash. Parenting is to the doing, it's not babysitting. It's the whole, bedeviling, demanding, riveting and privileged experience of raising children. Given the chance, most fathers are eager to embrace that because like mothers, fathers have the same need to be with and near their child.

Too often 1.1 million Australian children lived apart from their mothers and study after study showed that these children were generally worse off than those who enjoyed meaningful relationships with both parents. Voices would be raised, forums convened, radical solutions pushed.

Just look at the attention devoted to motherhood. Yesterday, high profile American feminist and author Naomi Wolf was in Melbourne to give the motherhood cause a kick along at a forum with Sex Discrimination Commissioner, Pru Goward. As the hype around Wolf flows, motherhood and its woes are fashionable. And we're moving in a forward direction trying to make it easier for mothers.

Last week on Andrew Denton's *Enough Rope*, Wolf said that society's reluctance to pay mothers to care for children revealed a contempt for motherhood. The child's unconditional love is not paid back enough, mothers deserve more, said Wolf. At least, Wolf says men should also be paid. It's Stalinist to designate one gender to be responsible for child-rearing, she says.

Yet that is where we're at. Fatherhood is still grappling to find a voice



let alone a foothold in the national conscience. Too often fathers are optional extras in children's lives. That's contempt.

A small upward blip in the percentage of fathers granted residence — formerly called custody — orders by the Family Court in the year 2000-2001 was recently hailed by one academic as a "massive cultural shift in favour of fathers".

Yes, residence orders now favour fathers in almost 20 per cent of cases — up from 15.3 per cent in 1994-95. But in an extensive study of contested parenting cases from 1988 to May 2000, Lawrie Moloney senior lecturer at Melbourne's La Trobe University, found that fathers tend to succeed only where the mother is judged inadequate — they win by default, not because of their own capacity as parents. Hardly a cultural shift.

And thousands of children still go to bed each night unable to say goodnight to their dad. The only cultural shift they know is fatherlessness, which David Popenoe, Professor of Sociology at Rutgers University, describes as "the most basic, unexpected, and extraordinary social trend of our time". Says Popenoe in

his book *Life Without Father*, "Father absence is a major force driving behind many of the attention-grabbing issues that dominate the news, crime and delinquency, premature sexuality and out-of-wedlock teen births, deteriorating educational achievement, depression, substance abuse, and alienation among teenagers, and the growing number of women and children in poverty."

There is something profoundly wrong when, in full knowledge of these costs, society does little to protect the love and intimacy between father and child.

Unfortunately the Family Court remains captive to the more illogical patrio-feminist thinking that stakes out a paradoxical mythic power over children rearing from divorced. Shared responsibility may be the theme song during the marriage, but when it collapses the mythos of motherhood is restricted to deny father and child the right to a meaningful relationship.

A detailed study last year by Robert Bousman in the *American Journal of Family Psychology* found children

in joint custody enjoy higher self-esteem, better family relationships and higher scholastic performance than those in sole custody (usually maternal).

The Family Court has ignored that message. Of the 11,000 orders made by the Family Court in 2000-01, there were only 329 shared parenting orders.

Opponents point to domestic violence as reason enough why shared parenting is not an option. But what they suggest is that the domestic violence that should be the Family Court dog, Domestic violence is not the norm in family breakdown. Being policy on the worst case family severance relations is for tens of thousands of children for no good reason.

Has the fatherless child become the inevitable consequence of the new order of neoliberal drive through divorce? Look at the black and white photograph on the page and wonder why the father in love with the baby that is so central to most women's being and the obvious value of that love is so easily dismissed in the case of fathers.

For all the progress in other ways society has changed, it's worse for the worse.

MEDIA RELEASE

THE HON DAVID JULL MP
MEMBER FOR FADDEN

Phone: 3299 1159/ 1300 301 929 Fax: 3299 1208

Email: david.jull.mp@aph.gov.au

Issued 22 July 2003

Inquiry into child custody arrangements in the event of family separation: call for submissions

Federal Member for Fadden, David Jull is encouraging public submissions to a new inquiry into child custody arrangements in the event of family separation.

The inquiry, by the House of Representatives Family and Community Affairs Committee, was announced by the Prime Minister in the House of Representatives late last month.

Mr Jull is encouraging people to put their views on the matters outlined in the inquiry's terms of reference. These include an examination of the concept of a 'rebuttable presumption' of equal time to be spent by children with each parent in the event of family separation, the child support formula, and grandparents' and others' contact rights.

"As every Member of Parliament knows, this subject is both important and highly emotional," Mr Jull said.

"We are asking for people and organisations with an interest in this matter to make concise written submissions to the Committee by Friday 8 August, after which it is likely the committee will undertake a series of public hearings."

The inquiry is to report by 31 December 2003. Given the tight reporting time, those making submissions are asked to keep their submissions concise. Contributors making submissions are advised to obtain the terms of reference and the guidelines for making a submission from the inquiry website (www.aph.gov.au/house/committee/fca/childcustody/), or from the committee secretariat (tel: (02) 6277 4566, fax 02 6277 4844, or email: fca.reps@aph.gov.au).

They can also be obtained from my office by phoning 3299 11 59 or 1300 301 929.

Submissions should be directed to the following postal address or via email (above):

Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
Canberra ACT 2600
Australia

For further information contact David Jull on 3299 1159 or 1300 301 929