



Edward T. Skuse LL.B - Principal

Mudgeeraba Law Chambers - 20 Robert Street Mudgeeraba

PO Box 331 Mudgeeraba Qld. 4213

Phone: 5530 3588 Fax: 5530 4602 Email: exskuse@austamnet.com.au

ABN 30310 692 734 - a division of Skuse & Co. Solicitors

6 August, 2003

The Committee Secretary
Standing Committee on Family & Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
CANBERRA A.C.T. 2600

House of Representatives Standing Committee on Family and Community Affairs	
Submission No:	1075
Date Received:	15-8-03
Secretary:	

Dear Sir/Madam

re: **PRESUMPTION THAT CHILDREN SHOULD SPEND EQUAL TIME WITH
EACH PARENT**

Where parents are separated a presumption of 50/50 shared parenting is impractical. Which ever way this proposal is examined, it represents a shift from the basic premise that the welfare of the child ought to be paramount.

The proposed presumption, however it is disguised, does not focus on the welfare of the children but is based on a misperception that the system currently unfairly favours mothers over fathers. It ignores many practical considerations, such as a father's role as provider, which necessitates absence from home.

The current wording of Section 60(B)(2) of the Family Law Act adequately covers the rights of children to have full contact with both parents.

"Children have the right to know and be cared for by both their parents and have a right of contact on a regular basis with both their parents and with other people significant to their care, welfare and development"

Section 60(B)(2) fully empowers the Court to consider the matters that your Inquiry seeks to address. The 50/50 parenting presumption will fetter the judiciary, which is a body of highly experienced and skilled men and women who deal every day with the practical results of family breakdown, using their best endeavours to make sound arrangements for the children.

The implementation of the 50/50 presumption would result in uncertainty, increased litigation and an unsettled environment for children. Equally shared parenting is an ideal which is practically achievable in only a very small percentage of families. To enshrine it as a presumption would negatively affect a vast number of families.

Yours faithfully

ROBINA FAMILY LAWYERS

A handwritten signature in dark ink, appearing to read 'E.T. Skuse', is written over the printed name.

E.T. SKUSE

Principal