

that the child live with the mother and spend limited unsupervised time with the father in the short term graduating to overnight time and holiday periods.

#### CHILDREN

- ***Sole parental responsibility preferred to proposed division of responsibilities***

In *Penski & Kocher* [2013] FamCA 255 (17 April 2013) the father sought a division of responsibilities and the wife wanted sole parental responsibility. The parties could not communicate and argued frequently. Cronin J said at paras 71-73:

“Children have the rights that are set out in s 60B ... Those are the responsibilities that parents have for their children. Here, there is

little prospect that those responsibilities could be fulfilled together in any joint sense ... where one parent had the responsibility for one thing and the other for another ... where they were parenting in their own way oblivious to the views of the other, the child must be at risk. If major long term health issues includes psychological assistance, a school welfare counselor might be conflicted if the wife had the health responsibility and the husband the education responsibility. Similarly, if the wife is responsible for the major daily activities of the child, having the husband make long-term decisions in

relation to education, could be problematic if he chose a school that was difficult for the wife to attend ... [other examples given]

[U]ntil such time as the parents can have a modicum of respect for each other and make decisions in a consultative way, the person who has the major responsibility for the daily activities including giving the child a home base, should be the person who has the responsibilities for making those long term decisions. In this case, that is clearly the wife. The husband also sought a variety of other orders and the underlying theme was flexibility. Mr B [the family report writer] balked at such a concept of flexibility and so should this Court.” ●

#### MUSTER ROOM

# Admissions to the Supreme Court of the Northern Territory

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*Thomas Austin, Melissa Bateman, Melanie Blackman, Hugh Bond, Daniel Collins, Anne-Marie Hardwick, Deborah Hewitt, Danielle Hutchison, Simon Lapinski, Thomas Richards, Melissa Schilling,*