



## Family Law Policy

Purpose:	The purpose of this policy is to outline Brisbane Boys' College's response to matters in relation to family law issues.	
Scope:	The policy covers parents/carers, students and staff and describes how BBC responds to requests by parents/carers who have no contractual arrangements with the school for information about, and access to, their child (ren).	
References:	<ul style="list-style-type: none"> <li>• Australian Education Act 2013 (Cth)</li> <li>• Australian Education Regulation 2013(Cth)</li> <li>• Family Law Act 1975 (Cth)</li> <li>• Privacy Act 1988 (Cth)</li> <li>• BBC Privacy Policy</li> <li>• BBC Student Enrolment Contract</li> </ul>	
Authorised by:	BBC Council	Date of Authorisation: 16 <sup>th</sup> November 2016
Review Date:	Every two years, or as appropriate, to take account of new laws, changes to school's operations and practices and to make sure it remains appropriate to the changing environment.	Next Review Date: November 2020
Policy Owner:	Headmaster	

### Amendment Register

Date of Issue	Page Number	Detail of and reason for amendment
16 <sup>th</sup> November 2016	All	New Policy, endorsed by BBC Council
20 <sup>th</sup> November 2018	All	Scheduled Review (no changes made)

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## 1.0 Rationale

1. Schools have contractual obligations to the person who enrolls the child and who is responsible for payment of the fees.
2. Schools have a duty in tort to take reasonable care for the safety of the child.
3. Schools have no way of knowing as a fact who the natural parents of a child are.
4. Schools should not need to determine the current state of orders in a Family Court matter.
5. The Family Court seldom makes an order which a school is directed to obey.

## 2.0 Policy Statement

Except in exceptional circumstance outlined below, the school does not become involved in Family Court matters.

It is the policy of Brisbane Boys' College to provide information about a child and access to the child to those people whom the school believes are the natural parents of the child and to others as per the school's contractual obligation to the enrolling party. Under the *Australian Education Act 2013* and *s59 of the Australian Education Regulation 2013*, the school is required to provide reports to the "persons responsible for students". Brisbane Boys' College will provide school reports to the "persons responsible" as per the definition below.

In all other matters, the school will, unless aware of information to the contrary, follow the directed course of the enrolling party, as per the school's contractual obligations to the enrolling party. If there is a disagreement between the enrolling party and others who believe they have the right of access to information about or access to the child, it is the responsibility of those parties to reach agreement independently from the school, either through consultation or court action. The school will not become involved as the arbiter in disputes of this kind.

### Exceptional Circumstances

The policy is subject to 3 qualifications:

1. Where a court orders otherwise and the order binds the school
2. Where it is reasonably foreseeable that the safety of the child could be jeopardised
3. Where the child objects and the school believes it is in the best interests of the child to heed to the objection

## 3.0 Definitions

**'Parental Responsibility'** In relation to a child, means all the duties, powers, responsibilities and authority which, by law, parents have in relation to children. Each of the parents of a child who is not eighteen (18) has parental responsibility for the child. This is not affected, for example, by the parents becoming separated or by either or both of them marrying or re-marrying. [*Family Law Act 1975 (Cth) s61(B); s61(C)(1)and(2)*]

**'Parent(s)'**: Usually a child's parents are the father whose sperm fertilises the mother's ovum and the mother who conceived and gave birth to the child. These are called the "natural parents". Other circumstances of parenthood include:



- Adoptive parents
- Step-parents may have a duty to maintain a child but only under a court order [Family Law Act 1975 (Cth) s66M]
- Where there has been artificial insemination by a donor
- Where an ovum provided by one woman is fertilised *in vitro* and inserted in another woman
- Where a woman acts as a surrogate and agrees to bear a child for another woman

***'Persons responsible for students'***: The natural parents of a student are legally responsible for the student until the student turns 18 unless a parenting order has been made by the Court removing responsibility from one or both of the natural parents.