



Family Law Policy

Purpose	The purpose of this policy is to outline Brisbane Boys' College's (BBC) 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"> • Australian Education Act 2013 (Cth) • Australian Education Regulation 2013(Cth) • Family Law Act 1975 (Cth) • Privacy Act 1988 (Cth) • BBC Privacy Policy • BBC Student Enrolment Contract
Review Date	Brisbane Boys' College adopts a cyclic review process for policies and procedures taking into account new legislation, changes to the College's operations and practices and other relevant considerations.
Policy Owner	Deputy Headmaster – Head of Senior School and Student Wellbeing

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1.0 Rationale

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

2.0 Policy Statement

Brisbane Boys' College has contractual obligation to the person/s who enrolls a student. All parties that sign the enrolment contract are joint and severally liable for the payment of tuition fees. BBC has a duty in tort to take reasonable care for the safety of the student.

It is the policy of Brisbane Boys' College to provide information about a child and access to the child to those people whom the College believes are the natural parents of the child and to others as per the College's contractual obligation to the enrolling party/ies. Under the Queensland Curriculum, Assessment and Reporting (QCAR) Framework, all students and parents/carers are entitled confidential and formal school reporting. BBC will provide copies of reports to all parties that have signed the enrolment contract. Unless subpoenaed by the Family Court, BBC does not become involved in Family Court matters. If there is a disagreement between the enrolling party/ies 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 College, either through mediation or court action. BBC will not become involved as the arbiter in disputes of this kind.

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 person

'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 Family Court removing responsibility from one or both of the natural parents.

4.0 Review and version control register

Version	Authorising Officer	Approval Date	Effective Date	Change History/Superseded Documents	Next Review Date
1	Headmaster	16/11/2016	1/10/2016	New Policy, endorsed by BBC Council	November 2018
2	Headmaster	20/11/2018	29/11/2018	Scheduled review – no changes	November 2020
3	Headmaster	18/09/2020	01/10/2020	Schedule review – no changes Reformatted to new BBC Policy template	September 2022
4	Deputy Headmaster – Head of Senior School and Student Wellbeing P-12	04/10/2022	04/10/2022	Scheduled review Removed reference to Framework, Australian Education Act 2013 and s59 of the Australian Education Regulation 2013, as these were incorrectly referenced. Replaced with Queensland Curriculum, Assessment and Reporting (QCAR) Framework. Removed 'Exceptional Circumstances' on advice from Independent Schools Qld (ISQ)	September 2024