



ST PATRICK'S COLLEGE  
TOWNSVILLE

## FAMILY LAW POLICY

<b>Purpose:</b>	The purpose of this policy is to outline St Patrick's College Townsville's response to matters in relation to family law issues.	
<b>Scope:</b>	The policy covers parents/guardians, students and staff and describes how the College responds to requests by parents/guardians who have no contractual arrangements with the College for information about, and access to, their child (ren).	
<b>References:</b>	<ul style="list-style-type: none"><li>• Child Protection Policy</li><li>• Enrolment Agreement</li><li>• Privacy Policy</li></ul>	
<b>Authorised by:</b>	Board Chair	<b>Date of Authorisation:</b> October 2019
<b>Review Date:</b>	Every two years or when there are changes to Family Law	<b>Next Review Date:</b> October 2021
<b>Policy Owner:</b>	St Patrick's College Townsville Limited (Governing Body)	

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### 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 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.

### Policy

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

Under s 77(2)(f) of the *Australian Education Act 2013* and r 59 of the *Australian Education Regulation 2013*, the College is required to provide a student report to each "person responsible for students".

Under the *Family Law Act 1975*, the College is required to provide information and reports to a parent with either sole parental responsibility or equal shared parental responsibility.

Subject to any inconsistent court order, it is the policy of St Patrick's College Townsville to provide information and reports about a child and access to the child to those people whom the College believes are the parents of the child and to others as per the College's contractual obligation to the enrolling party.

In all other matters, the College will, unless aware of information to the contrary, follow the directed course of the enrolling party, as per the College'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 College, either through consultation or court action. The College will not become involved as the arbiter in disputes of this kind.

### Exceptional Circumstances

The policy is subject to three qualifications:

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

### Legislation

- *Family Law Act 1975 (Cth)*
- *Australian Education Act 2013 (Cth)*
- *Australian Education Regulation 2013(Cth)*

### 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)*]

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**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:** This term is not defined by the legislation. For the purpose of this policy it means The Parents of a student

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