



# Extra-curricular activities after separation: who makes decisions and who pays?

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Managing a child's schedule after separation can be challenging - especially when it comes to extra-curricular activities like sport, music, or tutoring. Disagreements may arise over who decides what activities your child participates in, who pays, and how these activities fit into each parent's time.

In this article, we break down how children's extra-curricular activities can be managed between separated parents and what you can do if there's a disagreement.

## Are children's extra-curricular activities a family law issue?

Yes, extra-curricular activities can fall under the scope of family law. Under the *Family Law Act*, the court can make parenting orders which deal with "any aspect of the care, welfare or development of [a] child".

However, unless included in a [court order or parenting plan](#), there's no automatic rule about:

- who decides which activities a child does;
- who pays for them;
- who takes a child to or from the activity; or
- whether a parent must take a child to an activity booked by the other parent.

That's why it's helpful to ventilate these issues when negotiating parenting arrangements, and if an agreement is reached, it's important to document it clearly to avoid future conflicts, which can negatively impact your child.

## Who decides which activities the child attends?

In most cases, decisions about a child's involvement in extra-curricular activities should be made in consultation with the other parent. Parents jointly consulting and having a shared goal will almost always be in their child's best interests, and consulting with the other parent promotes the maintenance of a respectful and collaborative co-parenting relationship, which also benefits their child.

However, if the other parent is uninvolved in your child's life, it would be impractical and unnecessary to consult them in relation to extra-curricular activities you intend to enrol your child in.

If you end up litigating parenting arrangements, the court will generally look more favourably upon parents who:

- discuss new commitments together;
- consider the child's interests, routine, and existing arrangements; and
- avoid over-scheduling or creating stress.

## What if I have a court order for shared or sole decision-making responsibility?

Where parents have a court order providing shared decision-making responsibility for all or specified major long-term issues in relation to a child, they are required to consult each other in relation to such decisions and make a genuine effort to reach a joint decision.

Most extra-curricular activities will not be considered "major long-term issues". Therefore, in the majority of cases, even if the parents have an order for joint decision-making responsibility, a parent who does not consult the other about enrolment in an activity is unlikely to be in breach of the order (although you should always seek tailored legal advice about your circumstances if you are unsure).

If there's sole parental responsibility, that parent may be able to make the decision for enrolment in an extra-curricular activity alone.

## Who pays for extra-curricular activities?

There is no fixed rule in Australian law about who pays for a child's activities. It depends on:

- the parents' agreement (informal or in a parenting plan);
- the terms of the child support assessment;

- whether a court order includes provision for such costs.

If you're receiving child support through Services Australia, the standard assessment does not cover extra-curricular expenses. If you are seeking a contribution from the other parents towards these costs, this will usually need to be agreed upon separately.

Options for covering costs include the following:

- Parents split the costs equally (or in other proportions that may reflect a disparity in incomes);
- One parent pays, and the other reimburses;
- Each parent pays for activities occurring during their time;
- Parents alternate who pays for the activity each term, or if there are multiple activities the child attends, they can allocate the costs of certain activities to each parent;
- Court-ordered contributions (in some cases).

Parents can enter into Child Support Agreements, which can set out one or both parents' obligations to cover extracurricular activities.

If one parent enrolls the child in an activity without consent and without any binding agreement or court order regarding these issues, the other parent may refuse to pay.

## Who takes the child to extra-curricular activities?

Generally, the parent with care of the child at the time of the activity would transport and (if necessary) supervise the child at the extra-curricular activity. This works well where both parents have a shared intention for the child to attend. Otherwise, in the absence of any court order requiring a parent to take a child to an extracurricular activity, they have no obligation to do so.

## What happens if the activity falls on the other parent's time?

This is a common issue in shared care arrangements, given that most extracurricular activities require at least weekly attendance.

An advantage of consulting with the other parent before enrolling your child in an activity is that you avoid scheduling conflicts and opposition from the other parent. You are then more likely to receive the other parent's cooperation and agreement to share transport to and from the activity, and to contribute to costs.

If the child's activity is scheduled during the other parent's time, that parent is not legally obliged to take the child unless there's an agreement or court order in place.

To avoid conflict, you should:

- discuss the child's weekly schedule in advance;
- be flexible and child-focused and consider what the child wants;
- put agreements in writing (e.g. parenting plan or consent orders).

If there's ongoing disagreement, you may need to use [family dispute resolution \(FDR\)](#) or apply to the court for a formal decision about the issue.

## Can I attend my child's activity during the other parent's time?

If there's no court order preventing contact, either parent can usually attend the child's event, even if it's not during their parenting time.

However, you should understand that:

- it's respectful to let the other parent know;
- attendance should not cause conflict or stress for the child;
- some orders or plans may restrict unscheduled contact.

If there's tension or an ongoing dispute, it is best to seek legal advice before attending.

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## Can I attend my child's activity if there's an intervention order against me?

If there's an intervention order (IVO) in place that restricts you from being near the other parent or child, you must follow the terms of the order even if the activity is a public event.

This may mean you cannot attend the child's event, even if you have parenting time or want to show support.

Breaching an intervention order is a criminal offence, regardless of whether your intentions are positive.

If you want to attend activities but are subject to IVO restrictions, speak to a lawyer about:

- applying to vary the IVO;
- seeking the other parties' written consent to attend (if the IVO includes an exception for you to have contact with the child pursuant to a written agreement);
- clarifying what is and isn't allowed under the conditions of the IVO.

You may also be able to attend different sessions or view recordings of performances or games, depending on the nature of the activity.

# Resolving disputes about extra-curricular activities

If you can't agree with the other parent, your options include:

## Family Dispute Resolution (FDR)

A mediation service where parents try to resolve issues with the help of a neutral facilitator. Required before most court applications.

## Parenting plan or consent orders

A written agreement that can include:

- who chooses activities;
- cost-sharing arrangements;
- transport responsibilities; and
- conditions for attending events.

## Applying to court

If agreement can't be reached, you may apply to the Federal Circuit and Family Court of Australia for parenting orders. When deciding these issues, the court will consider [what is in the child's best interests](#).

## In summary

- Extracurricular activities are likely to be more easily facilitated where parents jointly consult one another about any proposed enrolment.
- Decisions about extra-curricular activities generally will not require joint agreement, however joint consultation is recommended.
- There is no automatic rule about who pays or who must take the child. This should be agreed on.
- If a parent refuses to support an activity during their time, they may not be legally obliged unless there's a court order.
- Intervention orders override parenting preferences. Breaching them by attending extracurricular activities of your child can lead to criminal charges.
- Formalising arrangements in writing can prevent ongoing conflict and reduce uncertainty.

## Get advice from a family lawyer

Extra-curricular activities can be a great source of growth and confidence for children. While they can become a source of tension after separation, clear communication and well-documented arrangements can help everyone stay focused on what matters most:

nurturing your child's wellbeing, passions and development.

If you're unsure of your rights or want help negotiating parenting arrangements, consider speaking with a family lawyer for advice tailored to your situation.

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