


**FEDERAL CIRCUIT COURT OF AUSTRALIA**  
**SECTION 90 ARRANGEMENT**

1. This arrangement is made between the Honourable James Allsop AO, Chief Justice of the Federal Court of Australia, and William Alstergren, Chief Judge of the Federal Circuit Court of Australia. It takes effect on 1 January 2021 and replaces from that day all existing similar arrangements.
2. Section 90 of the *Federal Circuit Court of Australia Act 1999* provides that the Chief Judge may arrange with the chief judicial officer (however described) of another Australian court for an officer or officers of that court to perform certain functions that are defined in the section on behalf of the Federal Circuit Court of Australia.
3. This arrangement applies to the work of the Federal Circuit Court of Australia that relates to the general federal law jurisdiction it exercises under section 10 of the *Federal Circuit Court of Australia Act 1999*. The general federal law jurisdiction of the Federal Circuit Court of Australia means the jurisdiction it exercises in all matters other than in under:
  - (i) the *Family Law Act 1975*;
  - (ii) the *Child Support (Assessment) Act 1989*;
  - (iii) the *Child Support (Registration and Collection) Act 1988* but excluding in appeals under section 72Q to the Federal Circuit Court of Australia against departure prohibition orders; and
  - (iv) regulations made under any of the Acts mentioned in (i), (ii) and (iii).as well as in all matters in which the Federal Circuit of Australia Court has jurisdiction pursuant to subsection 32AB(8A) of the *Federal Court of Australia Act 1976*.
4. An officer of the Federal Court of Australia is authorised to perform, on behalf of the Federal Circuit Court of Australia, any of the following functions:
  - (a) to provide advice of a routine and procedural nature;
  - (b) to receive fees, provide receipts, and bank all money received (subject to the *Public Governance, Performance and Accountability Act 2013* and relevant rules, determinations, instruments, delegations and authorisations);
  - (c) to pursue debt recovery other than where non-recovery is authorised;
  - (d) to process lodgments and filings in the Federal Circuit Court of Australia case management system, schedule listings and manage electronic files and any records for current matters;
  - (e) to provide inspection and copying services to litigants and non-parties; and
  - (f) to manage (including destroy) files in accordance with any Records Authority agreed to from time to time between the Federal Circuit Court of Australia and the National Archives of Australia.
5. In addition to the functions set out in paragraph 4 above, each officer of the Federal Court of Australia who is authorised under section 37 of the *Federal Court of Australia Act 1976* to issue writs, commissions and process, and is employed in the

Principal or a District Registry of that Court, is authorised to perform, on behalf of the Federal Circuit Court of Australia, any of the following functions:

- (a) to receive documents to be lodged with or filed in the Federal Circuit Court of Australia, including by fax, email or other electronic means;
  - (b) to sign (including by way of an electronic signature) and issue writs, commissions and process for the purposes of a proceeding in the Federal Circuit Court of Australia;
  - (c) to authenticate orders of the Federal Circuit Court of Australia;
  - (d) to administer oaths and affirmations, and to witness affidavits, for the purposes of a proceeding in the Federal Circuit Court of Australia.
6. Further, each officer of the Federal Court of Australia who is authorised under the Federal Court and Federal Circuit Court Regulation 2012 to exercise any of the following functions on behalf of the Federal Court of Australia and is employed in the Principal or a District Registry of that Court, is authorised to perform, on behalf of the Federal Circuit Court of Australia, the equivalent function:
- (a) to accept and approve applications for exemption from paying fees, both general and financial hardship;
  - (b) to accept and approve applications for deferral of payment of fees;
  - (c) to accept and approve applications for refund of fees;
  - (d) to accept and approve applications for paying reduced fee – financial hardship

Dated: 23 December 2020



J L B ALLSOP AO  
Chief Justice  
Federal Court of Australia



WILLIAM ALSTERGREN  
Chief Judge  
Federal Circuit Court of Australia