



FAMILY COURT OF AUSTRALIA

SECTION 38BAA ARRANGEMENT

1. This arrangement is made between the Honourable Diana Bryant AO, Chief Justice of the Family Court of Australia, and John Pascoe AC CVO, Chief Judge of the Federal Circuit Court of Australia. It takes effect on 1 July 2016 and replaces from that day all existing similar arrangements.
2. Section 38BAA of the *Family Law Act 1975* provides that the Chief Justice 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 Family Court of Australia.
3. This arrangement applies to the work of the Family Court of Australia that relates to the jurisdiction it exercises under section 31 of the Family Law Act 1975 in relation to:
 - (a) matters arising under:
 - (i) the *Family Law Act 1975*
 - (ii) the *Child Support (Assessment) Act 1989*
 - (iii) the *Child Support (Registration and Collection) Act 1988*
 - (iv) the *Marriage Act 1961*
 - (v) regulations made under any Acts mentioned in (i), (ii), (iii) and (iv)
 - (vi) the *Family Law Rules 2004*.
 - (vii) such other non-judicial functions as the Chief Justice may authorise from time to time.
 - (b) matters in which the Family Court has jurisdiction pursuant to subsection 33B of the *Family Law Act 1975*.
4. An officer of the Federal Circuit Court of Australia is authorised to perform, on behalf of the Family 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 issue 'first notices' of debt recovery;
 - (d) to enter details of filings in the Family Court case management system and schedule listings;
 - (e) to maintain files held in the registry, with all file documents indexed;
 - (f) to provide photocopy services to litigants;
 - (g) to archive files in accordance with Family Court disposal schedules that have been approved by Australian National Archives.

5. In addition to the functions set out in Paragraph 4 above, each officer of the Federal Circuit Court of Australia who may issue writs, commissions and process under section 34 of the Family Law Act 1975 and who is employed in a Registry of that Court, may:
- (a) receive documents to be lodged with or filed in the Family Court of Australia;
 - (b) sign, seal and issue writs and process for the purposes of proceedings in the Family Court of Australia;
 - (c) authenticate orders of the Family Court of Australia;
 - (d) administer oaths and affirmations, and witness affidavits, for the purposes of proceedings in the Family Court of Australia;
 - (e) receive, consider and approve or refrain from approving applications to defer, waive or refund fees in accordance with the *Family Law (Fees) Regulation 2012*;
 - (f) and any function incidental thereto.

Dated this 1st day of July 2016

[Signed in hard copy]

Diana Bryant AO
Chief Justice
Family Court of Australia

[Signed in hard copy]

John Pascoe AC CVO
Chief Judge
Federal Circuit Court of Australia