 **APPLICATION FOR INDIVIDUAL TRANSFER**

**TO THE HIGHER COURT [COUNTY COURT]**

**(ALL PARTIES CONSENT)**

**Section 17**

***Courts (Case Transfer) Act 1991***

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| IN THE MAGISTRATES’ COURT | | | | | | | | Court Reference: | | |  |
| OF VICTORIA AT | | | | | |  | | | |  | |
|  | | | | | | | | | | | |
| BETWEEN | | | |  | | | | | | | |
| Plaintiff | | | | | | | | | | | |
|  | | | | | | | | | | | |
| And | | | |  | | | | | | | |
| Defendant | | | | | | | | | | | |
|  | | | | | | | | | | | |
| **APPLICATION FOR TRANSFER** | | | | | | | | | | | |
| The [*identify party*] | | | | |  | | | | | | |
| applies for transfer of this proceeding to the County Court of Victoria on the following grounds: | | | | | | | | | | | |
|  | Claim is in excess of the jurisdictional limit of the Magistrates’ Court | | | | | | | | | | |
|  | Claim is (or includes) a claim for which relief is not available in the Magistrates’ Court | | | | | | | | | | |
|  | Other [*provide details*] | | | | | | | | | | |
|  |  | | | | | | | | | | |
|  | | | | | | | | | | | |
| **CONSENT TO TRANSFER** | | | | | | | | | | | |
| The Australian Lawyer for each party must signify their consent to the transfer and waiver of any right to file an objection to transfer pursuant to section 19 of the *Courts (Case Transfer) Act 1991*, by signature below*.* | | | | | | | | | | | |
|  | | | | | | | | | | | |
| Date: | |  | | | | |  | |  | | |
| Name: | | | | | | | | |  | | |
| Australian Lawyer for the [*identify party*]: | | | | | | | | |  | | |
|  | | | | | | | | | | | |
| Date: | |  | | | | |  | |  | | |
| Name: | | | | | | | | |  | | |
| Australian Lawyer for the [*identify party*]: | | | | | | | | |  | | |
|  | | | | | | | | | | | |
| **DETERMINATION OF DESIGNATED JUDICIAL OFFICER OF THE MAGISTRATES’ COURT OF VICTORIA** | | | | | | | | | | | |
| I [*name*] | | |  | | | | | | | | |
| being the Designated Judicial Officer of the Magistrates’ Court of Victoria, having considered the within application, have determined pursuant to section 17(2) of the *Courts (Case Transfer) Act 1991* that this is a suitable case for transfer to the County Court of Victoria. | | | | | | | | | | | |
|  | | | | | | | | | | | |
| Date: | |  | | | | |  | |  | | |
|  | | | | | | | | | Designated Judicial Officer | | |
|  | | | | | | | | | | | |
| **DETERMINATION OF DESIGNATED JUDICIAL OFFICER OF THE COUNTY COURT OF VICTORIA** | | | | | | | | | | | |
| I [*name*] | | |  | | | | | | | | |
| being the Designated Judicial Officer of the County Court of Victoria, having considered the within application, have determined pursuant to section 17(2) of the *Courts (Case Transfer) Act 1991* that this is a suitable case for transfer to the County Court of Victoria. | | | | | | | | | | | |
|  | | | | | | | | | | | |
| Date: | |  | | | | |  | |  | | |
|  | | | | | | | | | Designated Judicial Officer | | |