

**Form 17 – Application for removal**

Note: see rule 26.01.1.

IN THE HIGH COURT OF AUSTRALIA

[ ] REGISTRY

BETWEEN:

AB  
Applicant

and

CD  
Respondent

**APPLICATION FOR REMOVAL**

The applicant applies for an order under section 40 of the *Judiciary Act* 1903 removing [*the whole or part*] of the cause now pending in the [*court in which the cause is pending*] which is proceeding number [*file number of the proceeding in the court in which cause pending*] between [*name all parties to cause pending*].

Special considerations or circumstances

[*Any special considerations or circumstances which may affect the Court’s consideration of the application (for example, the need for expedition; suppression or non-publication orders made below; etc).*]

**Part I:** [*The precise order sought.*]

**Part II:** [*A concise statement of the constitutional or other question.*]

**Part III:** [*A brief statement of the factual background to the application.*]

**Part IV:** [*A brief statement of the applicant’s argument in support of the removal.*]

**Part V:** [*Any reasons why an order for costs should not be made in favour of the respondent in the event that the application is refused.*]

**Part VI:** [*A list of the authorities on which the applicant relies, identifying the paragraphs at which the relevant passages appear.*]

**Part VII:** [*The particular constitutional provisions, statutes and statutory instruments applicable to the questions the subject of the application set out verbatim. If more than one page in length, this Part should be attached as an annexure.*]

Dated [*e.g. 6 October 2022*]

.....(signed).....  
[*Applicant or Legal Practitioner*]

To:           The Respondent  
              [*Firm name (if known) or Respondent is self-represented*]

**TAKE NOTICE:** Before taking any step in the proceedings you must, within **14 DAYS** after service of this application, enter an appearance and serve a copy on the applicant.

The applicant is represented by [*Firm name*].

OR

The applicant is self-represented.