

STATUTORY DECLARATION

Pursuant to Section 71CB(5) of the *Stamp Duties Act 1923*

Transfer of the shared residence or motor vehicle/s between spouses or former spouses or domestic partners or former domestic partners

The transfer of the shared residence must be submitted for the Opinion of the Commissioner of State Taxation if any portion of the land is used for primary production and/or the transfer includes two or more certificate of titles/crown leases

I (1)
(Given Name) (Family Name)

of (1)
in the State/Territory of, do solemnly and sincerely declare the following:

I (1)
(Given Name) (Family Name)

of (2)
in the State/Territory of, do solemnly and sincerely declare the following:

1. (i) We are/were* married to each other
or

(ii) We are/were* living as domestic partners as defined in the *Family Relationships Act 1975*.

and

(ii) Our marriage/relationship* has irretrievably broken down.

2. We are the only parties named in a certain Memorandum of Transfer in respect of an interest in land (shared residence) as detailed hereunder.

i) Date of Transfer.....

ii) Certificate of Title / Crown Lease Register Book*, Volume Folio

iii) Address of shared residence,

and this is / was* our shared residence.

3. If the shared residence is being transferred:

(i) Does this transfer include land that forms part of industrial or commercial premises?.....
If yes, submit for opinion and advise details of the property.

(ii) Does this transfer include two or more Certificate of Titles / Crown Leases?.....
If yes, submit for opinion and advise on which Certificate of Title or Crown Lease the house is situated.

(iii) Is any part of this land used for primary production?.....
If yes, submit for opinion and advise separate values for (a) House and Curtilage and (b) Remaining Area.

4. We are the only parties named in an Application for Transfer of Registration of a Motor Vehicle (i.e. for a currently registered vehicle) as detailed here under:

Description of VehicleRegistration Number:.....

and this vehicle is owned jointly or by one of us.

5. I/We are the only parties named in an Application for Registration and Third Party Insurance, which registration has lapsed.

Description of VehicleRegistration Number (if applicable).....

6. The shared residence described at 2 above is not held for the benefit of any other party (eg. as trustees).

7. The motor vehicle(s) described at 4 and 5 above is / are not held for the benefit of any other party (eg. as trustee).

*Delete as necessary.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act, 1936* as amended.

Declared and subscribed at..... in the State/Territory of

This day of20

Declarant (1)..... Before me.....
(Justice of the Peace or Commissioner for taking Affidavits etc.)

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act, 1936* as amended.

Declared and subscribed at..... in the State/Territory of

This day of20

Declarant (2)..... Before me.....
(Justice of the Peace or Commissioner for taking Affidavits etc.)

A person is, on a certain date, the **domestic partner** of another person if he or she is, on that date, living with that person in a close personal relationship and—

- (a) he or she—
 - (i) has so lived with that other person continually for the period of 3 years immediately preceding that date; or
 - (ii) has during the period of 4 years immediately preceding that date so lived with that other person for periods aggregating not less than 3 years; or
- (b) a child, of whom he or she and the other person are the parents, has been born (whether or not the child is still living at the date).

close personal relationship means the relationship between 2 adult persons (whether or not related by family and irrespective of their gender) who live together as a couple on a genuine domestic basis, but does not include—

- (a) the relationship between a legally married couple; or
- (b) a relationship where 1 of the persons provides the other with domestic support or personal care (or both) for fee or reward, or on behalf of some other person or an organisation of whatever kind.

Note – Two persons may live together as a couple on a genuine domestic basis whether or not a sexual relationship exists, or has ever existed, between them.

shared residence means-

- (a) in relation to spouses or domestic partners – their principal place of residence of which both or either of them is owner;
- (b) in relation to former spouses or domestic partners – their last principal place of residence of which both or either of them was owner,

but does not include premises that form part of industrial or commercial premises.

A person is the **spouse** of another if they are legally married.