

Stamp Duties Act 1923

Statutory Declaration - Pursuant to Section 71CB

This Statutory Declaration is only for the transfer of an interest in the Shared Residence and/or an Application for the Transfer of Registration of Motor Vehicle(s) between:

- spouses;
- former spouses;
- domestic partners; or
- former domestic partners.

If the transaction is pursuant to a Family Law instrument, use the [Section 71CA Statutory Declaration](#) available on the RevenueSA website (www.revenuesa.sa.gov.au).

The transfer of a Shared Residence must be submitted to the Commissioner for Assessment (not self-determined via RevenueSA Online) if:

- there is a family relationship by way of consanguinity (e.g. parent, child, grandparent or siblings) between the transferor and transferee;
- any portion of the land is used for primary production;
- any portion of the land forms part of an industrial or commercial premises; or
- the land includes two or more certificates of title/crown leases.

The exemption does not apply if either the transferor(s) or transferee(s) are holding the relevant land and/or motor vehicle(s) for the benefit of any other party (e.g. as trustee).

This Statutory Declaration can be completed in counter-part (i.e. a separate form by each party).

Definitions

Close personal relationship

The relationship between two (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:

- the relationship between a legally married couple; or
- a relationship where one (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 (2) 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.

Domestic partner

A person is, on a certain date, the domestic partner of another if:

- the person is, on that date, in a registered relationship with the other; or
- the person is, on that date, living with the other in a close personal relationship and the person has so lived with that other continuously for the period of three (3) years immediately preceding that date; or
- the person is, on that date, living with the other in a close personal relationship and the person has during the period of four (4) years immediately preceding that date so lived with the other for periods aggregating not less than 3 years; or

- the person is, on that date, living with the other in a close personal relationship and a child, of whom the two (2) persons are the parents, has been born (whether or not the child is still living at the date).

Registered relationship

A relationship that is registered under the *Relationships Register Act 2016*, and includes a corresponding law registered relationship under that Act

Shared Residence

In relation to spouses or domestic partners - their principal place of residence of which both or either of them is the owner;

In relation to former spouses or domestic partners - their last principal place of residence of which both or either of them was owner.

A shared residence does not include premises that form part of industrial or commercial premises.

Spouse

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

Property being transferred - Pursuant to Section 71CB

NOTE: If insufficient space is available, please photocopy this page as required.

SHARED RESIDENCE

Date of Transfer

Volume

Folio

Certificate of Title/Crown Lease Register Book

Property Address

Transferor

Transferee

☐

The above land is not held for the benefit of any other party (e.g. as trustee/s).

MOTOR VEHICLES

Registration No.

Transferor

Transferee

☐

The above vehicle is not held for the benefit of any other party (e.g. as trustee/s).

Registration No.

Transferor

Transferee

☐

The above vehicle is not held for the benefit of any other party (e.g. as trustee/s).

Declaration

Declarant 1

I

First Name

Middle Name(s)

Surname

of

Address

State

Postcode

Declarant 2

I

First Name

Middle Name(s)

Surname

of

Address

State

Postcode

do solemnly and sincerely declare that we are (tick as appropriate):

☐

Spouses

☐

Former spouses, whose marriage has irretrievably broken down

☐

Domestic Partners, not in a registered relationship

☐

Former domestic partners, not in a registered relationship, whose relationship has irretrievably broken down

☐

Domestic Partners, in a registered relationship

☐

Former domestic partners, in a registered relationship, whose relationship has irretrievably broken down

Declarant 1

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

ofthis day of

..... 20

Signature(s)

Before me

(Justice of the Peace or Commissioner for taking Affidavits etc.)

Declarant 2

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

ofthis day of

..... 20

(Justice of the Peace or Commissioner for taking Affidavits etc.)