

Document Type:	Conveyance of Land
Document Name:	Exemptions
Exemption Provision:	Certified Domestic Partnership Agreement Pursuant to 71CBA

Introduction

This Document Guide Note applies to a Certified Domestic Partnership agreement. Section 71CBA provides an exemption from stamp duty to a Certified Domestic Partnership agreement.

A Certified Domestic Partnership agreement has the same meaning as in the *Domestic Partners Property Act 1996* (the "DPPA"), wherein per Section 3(2):

"For the purposes of [the DPPA], a domestic partnership agreement is a certified domestic partnership agreement if -

(a) the agreement contains a provision (the warranty of asset disclosure) under which each party to the agreement warrants that he or she has disclosed all relevant assets to the other; and

(b) -

(i) the signature of each party to the agreement is attested by a lawyer's certificate; and

(ii) each lawyer's certificate is given by a different lawyer."

"Domestic partnership agreement means an agreement about -

(a) the division of property on the termination of a domestic partnership; or

(b) any other matter (financial or otherwise) related to a domestic partnership."

What documents can I self-determine under this document type?

The document can be in the form of:

- a Certified Domestic Partnership agreement.

The exemption does not apply to the Certified Domestic Partnership agreement if the Certified Domestic Partnership agreement conveys property.

What types of transactions can I self-determine under this document type?

Exemption

A Certified Domestic Partnership agreement is exempt from stamp duty and must be self-determined under this document type.

The exemption does not apply to the Certified Domestic Partnership agreement if the Certified Domestic Partnership agreement conveys property.

The following similar transactions cannot be self-determined under this document type:

If a document conveys land by giving effect to, or consequential on, a Certified Domestic Partnership agreement (or a Property Adjustment order), you will need to refer to the document type:

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A Property Adjustment order means an order of a court under Part 3 or Part 4 of the DPPA.

Note: with effect from 1 July 2010, South Australian legislative power in relation to the making of laws concerning the division of property of *de facto* partners upon their separation was referred to the Commonwealth.

Accordingly, documents based upon or resulting from the *Family Law Act 1975* (Cwlth), such as a Family Law agreement between, or a Family Law order in relation to, the parties of a former *de facto* relationship, may be exempt under Section 71CA. Other Document Guide Notes are available on the RevenueSA in relation to [Section 71CA](#).

What evidence do I need to retain for audit purposes?

For audit purposes, you will need to retain the following documentation either in paper form or electronic form:

- a copy of the documents; and
- brief details of any conveying document(s) related to the Certified Domestic Partnership agreement; and
- evidence that a stamp duty determination has been made (i.e. Certificate of Stamp Duty, Document ID or stamped document).

What Section(s) of the *Stamp Duties Act 1923* applies?

- Section 71CBA

What stamp duty is payable on this document?

The Certified Domestic Partnership agreement is self-determined as **Exempt**.

Version History

Version No.	Release Date
1	May 2018
2	November 2018
3	July 2019 Hyperlinks updated – April 2022