

DECLARED RELATIONSHIPS STATUTORY DECLARATION – NEW SOUTH WALES VERSION

THIS IS AN IMPORTANT LEGAL DOCUMENT

About this document:

This document contains two copies of a model statutory declaration which allows two people to declare they have a relationship pursuant to various Acts of State and Territory parliaments.

Signing a statutory declaration is a method of declaring evidence. Those signing a statutory declaration should be mindful that making a false or misleading declaration is an offence.

Even if you don't make this statutory declaration, you can still claim that you are in a relationship protected by law. You may still be considered in a de facto relationship by virtue of the definitions under the laws of each State and Territory, irrespective of whether you both sign a statutory declaration. This document attempts to make it easier for you to provide evidence of a relationship when asked to by business or government.

If you and your partner sign these statutory declaration documents, the original versions of these declarations should be kept together in a safe place as evidence of your joint agreement that a relationship exists. You may also wish to make notarised copies of the statutory declarations.

If you require more information about statutory declarations or are unsure about the impacts of making one, you are strongly urged to seek independent legal advice.

Other things to consider:

This document contains statutory declarations which attempt to declare a relationship under law. Such a declaration may establish obligations, rights and responsibilities under the laws of various States and Territories.

If you require more information or are unsure about the rights and responsibilities under law that this declaration may impose, you are strongly urged to seek independent legal advice.

Other documents may also help protect your relationship. If you are considering signing a relationship statutory document, then you may wish to consider these other legal documents.

These documents include wills (to determine how you would like your estates to be distributed on your death), formalised property or financial agreements (which may help avoid property or financial disputes if your relationship should end), powers of attorney (which may help one partner manage the financial and legal affairs of the other partner from time to time), and living wills or medical powers of attorney (which may help one partner manage the health affairs of the other partner).

If you require more information about legal documents like wills, agreements, powers of attorney and/or living wills, you are strongly urged to seek independent legal advice.

Legal disclaimer:

The Declared Relationships Project, www.declaredrelationships.info or any other organisations that may disseminate this model statutory declaration are not responsible for the way in which the document is used, or for the results of any actions taken on the basis of information contained within this document.

The contents of this document do not constitute legal advice about individual situations but contains only general information about the law.

No one should rely on this information as legal advice regarding a claim or individual case. There are many differences depending on an individual situation which may affect an individual's rights. The information contained in this document or any associated website is not intended to be a substitute for professional legal advice.

It is strongly urged that people intending to utilise this document seek independent legal advice about their situation before considering declaring their relationship using a legal document like a statutory declaration. Any person or persons who uses the model statutory declaration (either wholly or in part) does so at their own risk.

STATE OF NEW SOUTH WALES
STATUTORY DECLARATION
OATHS ACT (NSW) 1900

I, [Full Name]

of [Address]

in the State of New South Wales, [Occupation]

do solemnly declare and affirm: -

That I am in a relationship with [partner's name]

of [partner's address]

and publicly declare that I intend the relationship and my partner to be recognised as:

- a) a *domestic partner*, *domestic partnership* and *domestic relationship* pursuant to the *Legislation Act (ACT) 2001*, s169 and the *Domestic Relationships Act (ACT) 1994*, s3; and
- b) a *de facto relationship* and a *domestic relationship* pursuant to the *Property (Relationships) Act (NSW) 1984*, s4 and various other Acts operating in New South Wales which define such relationships, including those Acts amended by the *Property (Relationships) Legislation Amendment Act (NSW) 1999*; and
- c) a *de facto relationship* pursuant to the *De Facto Relationships Act (NT) 1991*, s3A; and
- d) a *de facto partner* pursuant to the *Acts Interpretation Act (QLD) 1954*, s32DA; and
- e) a *domestic partner* pursuant to the *De Facto Relationships Act (SA) 1996*, s3; and
- f) a *significant relationship* pursuant to the *Relationship Act (TAS) 2003*, s4; and
- g) a *partner*, *domestic partner* and *domestic relationship* pursuant to the *Property Law Act (VIC) 1958*, s275 and various other Acts amended by the *Statute Law Amendment (Relationships) Act (VIC) 2001* and the *Statute Law Further Amendment (Relationships) Act (VIC) 2001*; and
- h) a *de facto relationship* and a *de facto partner* pursuant to the *Interpretation Act (WA) 1984*, s13A; and
- i) a relationship or partner pursuant to any future Act of a State or Territory Parliament which may recognise and/or regulate de facto relationships, domestic relationships, significant relationships and/or civil unions.

And I make this solemn declaration as to the matter (or matters) aforesaid, according to the law in this behalf made – and subject to the punishment by law provided for any wilfully false statement in any declaration.

..... [Signature of person making the declaration]

Declared at [place] on [day] of [month] 20..... [year]

Before me, [Signature of person before whom the declaration is made]

..... [Full name of witness]

of [Witness' address]

in the State of New South Wales, qualification: [Qualification of witness*]

* see attached list of authorised witnesses for statutory declarations

STATE OF NEW SOUTH WALES
STATUTORY DECLARATION
OATHS ACT (NSW) 1900

I, [Full Name]

of [Address]

in the State of New South Wales, [Occupation]

do solemnly declare and affirm: -

That I am in a relationship with [partner's name]

of [partner's address]

and publicly declare that I intend the relationship and my partner to be recognised as:

- a) a *domestic partner*, *domestic partnership* and *domestic relationship* pursuant to the *Legislation Act (ACT) 2001*, s169 and the *Domestic Relationships Act (ACT) 1994*, s3; and
- b) a *de facto relationship* and a *domestic relationship* pursuant to the *Property (Relationships) Act (NSW) 1984*, s4 and various other Acts operating in New South Wales which define such relationships, including those Acts amended by the *Property (Relationships) Legislation Amendment Act (NSW) 1999*; and
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- e) a *domestic partner* pursuant to the *De Facto Relationships Act (SA) 1996*, s3; and
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And I make this solemn declaration as to the matter (or matters) aforesaid, according to the law in this behalf made – and subject to the punishment by law provided for any wilfully false statement in any declaration.

..... [Signature of person making the declaration]

Declared at [place] on [day] of [month] 20..... [year]

Before me, [Signature of person before whom the declaration is made]

..... [Full name of witness]

of [Witness' address]

in the State of New South Wales, qualification: [Qualification of witness*]

* see attached list of authorised witnesses for statutory declarations

Authorised witnesses for statutory declarations *Oaths Act (NSW) 1900*, Sections 21 and 26:

Justice of the Peace

Notary Public

Commissioner of the court for taking affidavits

Legal practitioner authorised under Section 27(1) of the *Oaths Act (NSW) 1900*

A person authorised to administer an oath outside NSW under Section 26 of the *Oaths Act (NSW) 1900* –

- in any country or place out of the said State before a notary public, or before any person having authority to administer an oath in that country or place
- in any country or place out of the said State before a British Consular Officer or an Australian Consular Officer exercising his or her function in that country or place

Note:

An "Australian Consular Officer" means a person appointed to hold or act in any of the following offices (being an office of the Commonwealth of Australia) in a country or place outside the Commonwealth of Australia, namely Ambassador, High Commissioner, Minister, Head of Mission, Commissioner, Chargé d'Affaires, Counsellor or Secretary at an Embassy, High Commissioner's Office or Legation, Consul-General, Consul, Vice-Consul, Trade Commissioner and Consular Agent and includes a person appointed to hold or act in the office of Counsellor, Official Secretary or Assistant Official Secretary at the Australian Commissioner's Office in Singapore or of Secretary at the Australian Military Mission in Berlin or of Agent-General in London of the State of New South Wales or of Secretary, New South Wales Government Offices, London.

A "British Consular Officer" means a British Ambassador, Envoy, Minister, Chargé d'Affaires, Secretary of Embassy or Legation, Consul-General, Acting Consul-General, Consul, Acting Consul, Vice-Consul, Acting Vice-Consul, Proconsul, Consular Agent and Acting Consular Agent.