

DECLARED RELATIONSHIPS STATUTORY DECLARATION – VICTORIAN 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 VICTORIA
STATUTORY DECLARATION
EVIDENCE ACT 1958

I, [Full Name]

of [Address]

in the State of Victoria, [Occupation]

do solemnly and sincerely declare: -

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.

I acknowledge that this declaration is true and correct, and I make it with the understanding and belief that a person who makes a false declaration is liable to the penalties of perjury.

Declared at [place] in the State of Victoria this

..... [day] day of [month] 20..... [year]

by: [Signature of person making the declaration]

Before me, [Signature of authorised witness]

..... [Name of authorised witness]

of [Witness' address]

..... [Qualification of witness*]

* see attached list of authorised witnesses for statutory declarations

STATE OF VICTORIA
STATUTORY DECLARATION
EVIDENCE ACT 1958

I, [Full Name]

of [Address]

in the State of Victoria, [Occupation]

do solemnly and sincerely declare: -

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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Declared at [place] in the State of Victoria this

..... [day] day of [month] 20..... [year]

by: [Signature of person making the declaration]

Before me, [Signature of authorised witness]

..... [Name of authorised witness]

of [Witness' address]

..... [Qualification of witness*]

* see attached list of authorised witnesses for statutory declarations

Authorised witnesses for statutory declarations – Evidence Act 1958

Justice of the Peace or Bail Justice

Public Notary

Barrister or Solicitor of the Supreme Court, or a clerk to a Barrister or Solicitor of the Supreme Court

Prothonotary or a Deputy Prothonotary of the Supreme Court, the Registrar or Deputy Registrar of the County Court, the Principal Registrar of the Magistrates' Court, or a Registrar or Deputy Registrar of the Magistrates' Court

Registrar of the Probates or an Assistant Registrar of Probates

Associate to a Judge of the Supreme Court or of the County Court

Secretary of a Master of the Supreme Court or of the County Court

Registered Patent Attorney under Part XV of the *Patents Act 1952* of the Commonwealth

Police force member

Sheriff or a deputy sheriff

Member or former member of either House of the Parliament of Victoria

Member or former member of either House of the Parliament of the Commonwealth

Councillor of a municipality

Senior officer of a Council as defined in the *Local Government Act 1989*

Registered medical practitioner within the meaning of the *Medical Practice Act 1994*

Registered dentist within the meaning of the *Dental Practice Act 1999*

Veterinary practitioner

Pharmacist

Principal in the (State of Victoria) teaching service

Manager of an authorised deposit-taking institution

Member of the Institute of Chartered Accountants in Australia or the Australian Society of Accountants or the National Institute of Accountants

Building society secretary

Minister of Religion authorised to celebrate marriages (not a civil celebrant)

A person employed under Part 3 of the *Public Administration Act 2004* with a classification that is prescribed as a classification for statutory declarations or who holds office in a statutory authority with such a classification

A fellow of the Institute of Legal Executives (Victoria)