



Section 55(1) Duties Act 2001

Exemption from duty for transfers to married couples, partners in a significant relationship or caring partners

State Revenue Office

Department of Treasury and Finance

This is a Statutory Declaration

A statutory declaration is a written statement declared to be true in the presence of an authorised witness.

The following people are authorised to witness your signature on a Statutory Declaration:

- Legal practitioner;
- Medical practitioner (Doctor or nurse);
- Bank officer, credit union officer, or finance company officer with five or more years of continuous service;
- Judge or Magistrate of a court;
- Police Officer;
- Teacher employed full-time at a school or tertiary education institution;
- Veterinary surgeon;
- Pharmacist;
- Commissioner for Affidavits and Declarations; and
- Justice of the Peace.

There are many other examples. For the full list, please visit http://www.justice.tas.gov.au/commissionersfordeclarations/list_of_groups

Use of this form

You can use this form to apply for an exemption from duty if you and the other party to the transfer are:

- married;
- in a caring relationship; or
- in a significant relationship.

A **significant relationship** according to section 4 of the *Relationships Act 2003* is a relationship between two adult persons who:

- have a relationship as a couple; and
- are not married to one another or related by family.

In determining whether two persons are in a significant relationship, all the circumstances of the relationship are taken into account.

A **caring partner**, according to section 3 of the *Duties Act 2001*, in relation to a person, means the person who is in a caring relationship with that person, being a caring relationship that:

- Is the subject of a deed of relationship registered under Part 2 of the *Relationships Act 2003*; or
- Is declared to exist by virtue of a declaration of the Supreme Court in force under Part 7 of that Act.

If you have any queries in relation to the determination of a significant relationship or caring partnership, please contact our office on the number on the next page.

A **private dwelling house**, as defined in section 55 of the *Duties Act 2001*, “includes a lot, within the meaning of the *Strata Titles Act 1998*, used as a place of residence.”

How to fill out this form

You can print this form while blank and fill it out by hand, or you can fill it in using Adobe Acrobat (version 8 or later). You may not be able to save the edited document, depending on which version of Acrobat you are using. You will still be able to print the edited document.

The **transferor/vendor** under the transfer must fill out this form.

What you will need to complete this form

The relevant transfer instrument must be submitted with this form.

You will also need to have identifying details of the dutiable property that has been transferred (Volume and folio number for real property and share numbers for share transfers, for example).

For assistance

If you would like help with filling out this form, contact the State Revenue Office on

Phone: (03) 6166 4400 (Option 4, Option 3)

Email: dutyhelp@treasury.tas.gov.au

1. Your details

The vendor/transferor only

Your full name

Your current residential address line 1

Your current residential address line 2

Suburb/Town

State Postcode

2. When did the transfer of property take place?

The date on the transfer

Day / Month / Year

3. What is the nature of your relationship to the other party?

For definitions of significant relationships and caring partners, please refer to the front page of this form.

- Significant relationship (eg de facto)
- Caring partner If applicable provide evidence
- Husband/wife
- In a registered significant relationship If applicable provide evidence

4. Where and when did you:

- get married?
- enter into your significant/caring relationship?
- register your relationship?

Place

Day / Month / Year

Place

Day / Month / Year

Place

5. What is your spouse's/partner's name?

Their full name

6. The property is:

For a definition of a private dwelling house, please refer to the front page of this form.

Land that has a private dwelling house on it that was at the date of the transfer solely or principally used as our principal place of residence ▶Continue to next question

Shares that confer an entitlement to the exclusive possession of a company title dwelling that was at the date of the transfer solely or principally used as our principal place of residence ▶Go to question 8

7. Property details:

Street address line 1	<input type="text"/>	
Street address line 2	<input type="text"/>	
Suburb/Town	<input type="text"/>	
State	<input type="text"/>	Postcode <input type="text"/>
Certificate of Title reference/ Conveyance number	<input type="text"/>	
Property ID number	<input type="text"/>	

8. Share details:

Shares numbered from	<input type="text"/>	to	<input type="text"/>
In the company known as	<input type="text"/>		
Property details of company property that is used as principal residence	<input type="text"/>		

9. Statutory Declaration:

I,

Your full name

of

Your street address

occupation

do solemnly declare that:

- the information in this declaration is true and correct; and
- as a result of the transfer or agreement the dutiable property is or will be held by us as joint tenants or as tenants in common in equal shares.

I make this solemn declaration under the *Oaths Act 2001*.

Declared at

Place

In the state
of

State or Territory

On this day, the of 20

Day

Month

Year

Signed:

Signature of declarant

Before me,

(Justice of the Peace, Commissioner for Declarations, or other authorised person)

WARNING: There may be court-imposed penalties for giving false or misleading information.

How to lodge your form

Fax: (03) 6173 0217

Post: GPO Box 1374, Hobart TAS 7001

or deliver to: Ground floor
Salamanca Building Parliament Square
4 Salamanca Place HOBART TAS 7000
(weekdays, 9:00 am to 5:00 pm)

Personal Information Protection Statement

Personal information will be collected from you by the Commissioner of State Revenue (on the behalf of the State Revenue Office, Department of Treasury and Finance) and will be used for the purpose of administering the *Taxation Administration Act 1997 (TAA)* and other taxation laws as defined under Section 4 of the TAA to include: *Duties Act 2001*, *Land Tax Rating Act 2000*, *Land Tax Act 2000*, *Payroll Tax Act 1971*, and *Payroll Tax Act 2008*.

You are required to provide this information under the relevant provisions of the TAA and other taxation laws and Regulations made under those Acts. A failure to provide this information may result in a penalty being imposed under the TAA or relevant taxation law. Personal information may only be disclosed in