

DECLARED RELATIONSHIPS STATUTORY DECLARATION – WESTERN AUSTRALIAN 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, Equality Rules, www.equalityrules.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 WESTERN AUSTRALIA
STATUTORY DECLARATION

I, [Full Name]
of [Address]
in the State of Western Australia, [Occupation]
sincerely declare as follows: -

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.

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular. This declaration is made pursuant to the *Oaths, Affidavits and Statutory Declarations Act 2005*

At [place] on [day] of [month] 20..... [year]

by: [Signature of person making the declaration]

In the presence of [Signature of authorised witness]

..... [Name of authorised witness]

of [Witness' address]

..... [Qualification as such a witness*]

* see attached list of authorised witnesses for statutory declarations

STATE OF WESTERN AUSTRALIA
STATUTORY DECLARATION

I, [Full Name]
of [Address]
in the State of Western Australia, [Occupation]
sincerely declare as follows: -

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
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by: [Signature of person making the declaration]

In the presence of [Signature of authorised witness]

..... [Name of authorised witness]

of [Witness' address]

..... [Qualification as such a witness*]

* see attached list of authorised witnesses for statutory declarations

Authorised witnesses for statutory declarations *Oaths, Affidavits and Statutory Declarations Act (WA) 2005*

[s 12(6)(a)]

Formal description	Informal description
<p>A member of the academic staff of an institution established under any of the following Acts—</p> <ul style="list-style-type: none"> • <i>Curtin University of Technology Act 1966;</i> • <i>Edith Cowan University Act 1984;</i> • <i>Murdoch University Act 1973;</i> • <i>University of Notre Dame Australia Act 1989;</i> • <i>University of Western Australia Act 1911;</i> • <i>Vocational Education and Training Act 1996</i> 	Academic (post-secondary institution)
<p>A member of any of the following bodies –</p> <ul style="list-style-type: none"> • <i>Association of Taxation and Management Accountants (ACN 002 876 208);</i> • <i>CPA Australia (ACN 008 392 452);</i> • <i>The Institute of Chartered Accountants in Australia (ARBN 084 642 571);</i> • <i>National Institute of Accountants (ACN 004 130 643); National Tax & Accountants;</i> • <i>Association Limited (ACN 057 551 854).</i> 	Accountant
A person who is registered pursuant to the <i>Architects Act 2004</i> .	Architect
An Australian Consular Officer within the meaning of the <i>Consular Fees Act 1955</i> of the Commonwealth.	Australian Consular Officer
An Australian Diplomatic Officer within the meaning of the <i>Consular Fees Act 1955</i> of the Commonwealth.	Australian Diplomatic Officer
A bailiff appointed pursuant to the <i>Civil Judgments Enforcement Act 2004</i> .	Bailiff
A person appointed to be in charge of the head office or any branch office of an authorised deposit-taking institution carrying on business in the State pursuant to the <i>Banking Act 1959</i> of the Commonwealth.	Bank manager
A member of Chartered Secretaries Australia Limited (ACN 008 615 950).	Chartered secretary
A pharmaceutical chemist within the meaning of the <i>Pharmacy Act 1964</i> .	Chemist
A chiropractor within the meaning of the <i>Chiropractors Act 1964</i> .	Chiropractor
A person registered as an auditor or a liquidator pursuant to the <i>Corporations Act 2001</i> of the Commonwealth.	Company auditor or liquidator
A judge, master, magistrate, registrar or clerk, or the chief executive officer, of any court of the State or the Commonwealth.	Court officer
<p>A member of the Australian Defence Force who is –</p> <ul style="list-style-type: none"> • <i>an officer within the meaning of the Defence Force Discipline Act 1982 of the Commonwealth; or</i> • <i>a non-commissioned officer within the meaning of that Act with 5 or more years of continuous service; or</i> • <i>a warrant officer within the meaning of that Act.</i> 	Defence force officer
A dentist within the meaning of the <i>Dental Act 1939</i> .	Dentist
A medical practitioner within the meaning of the <i>Medical Act 1894</i> .	Doctor
A member of the Institution of Engineers, Australia, other than at the grade of student.	Engineer
<p>The secretary of an organisation of employees or employers that is registered under one of the following Acts –</p> <ul style="list-style-type: none"> • <i>Industrial Relations Act 1979;</i> • <i>Workplace Relations Act 1996 of the Commonwealth.</i> 	Industrial organisation secretary
A member of the National Insurance Brokers Association of Australia (ACN 006 093 849).	Insurance broker
A Justice of the Peace.	Justice of the Peace
A legal practitioner within the meaning of the <i>Legal Practice Act 2003</i> .	Lawyer

Formal description	Informal description
The chief executive officer or deputy chief executive officer of a local government.	Local government CEO or deputy CEO
A member of the council of a local government within the meaning of the <i>Local Government Act 1995</i> .	Local government councillor
A member of the Australasian Institute of Chartered Loss Adjusters (ACN 074 804 167).	Loss adjuster
An authorised celebrant within the meaning of the <i>Marriage Act 1961</i> of the Commonwealth	Marriage celebrant
A member of either House of Parliament of the State or of the Commonwealth.	Member of Parliament
A minister of religion registered under Part IV Division 1 of the <i>Marriage Act 1961</i> of the Commonwealth.	Minister of religion
A nurse within the meaning of the <i>Nurses Act 1992</i> .	Nurse
A registered optometrist within the meaning of the <i>Optometrists Act 1940</i> .	Optometrist
A registered patent attorney pursuant to the <i>Patents Act 1990</i> of the Commonwealth.	Patent attorney
A physiotherapist within the meaning of the <i>Physiotherapists Act 1950</i> .	Physiotherapist
A podiatrist within the meaning of the <i>Podiatrists Registration Act 1984</i> .	Podiatrist
A police officer.	Police officer
The person in charge of an office established by, or conducted by an agent of, Australia Post within the meaning of the <i>Australian Postal Corporation Act 1989</i> of the Commonwealth.	Post office manager
A registered psychologist within the meaning of the <i>Psychologists Registration Act 1976</i> .	Psychologist
A public notary within the meaning of the <i>Public Notaries Act 1979</i> .	Public notary
An officer of the Commonwealth public service.	Public servant (Commonwealth)
A person who is employed pursuant to the <i>Public Sector Management Act 1994</i> Part 3.	Public servant (State)
The holder of a licence pursuant to the <i>Real Estate and Business Agents Act 1978</i> .	Real estate agent
The holder of a licence pursuant to the <i>Settlement Agents Act 1981</i> .	Settlement agent
The Sheriff of Western Australia and any deputy sheriff appointed by the Sheriff of Western Australia.	Sheriff or deputy sheriff
A licensed surveyor within the meaning of the <i>Licensed Surveyors Act 1909</i> .	Surveyor
A person employed as a member of the teaching staff within the meaning of the <i>School Education Act 1999</i> or as a teacher of a non-government school within the meaning of that Act.	Teacher
A member, registrar or clerk, or the chief executive officer, of any tribunal of the State or the Commonwealth.	Tribunal officer
A registered veterinary surgeon within the meaning of the <i>Veterinary Surgeons Act 1960</i> .	Veterinary surgeon