

## **112UB. Application of Part IVD**

- (1) Sections 112UC and 112UD do not apply to or in relation to —
  - (a) an order; or
  - (b) a maintenance agreement between parties who are married to each other or have been married to each other,

or in relation to an instrument of conveyance or transfer of property pursuant to such an order or agreement unless the parties referred to in the order or the agreement are separated or divorced from each other.

- (1a) Sections 112UC and 112UD do not apply to or in relation to —
  - (a) an order under Part 5A of the *Family Court Act 1997*; or
  - (b) a maintenance agreement between de facto partners,

or in relation to an instrument of conveyance or transfer of property pursuant to such an order or agreement unless the de facto relationship between the de facto partners that are referred to in the order or agreement has ended.

- (2) Where —
  - (a) one of the parties referred to in a maintenance agreement, an order, or an instrument of conveyance or transfer effected pursuant to a maintenance agreement or order is a person who is not entitled to or liable to provide maintenance under the Family Court Act or the Family Law Act; and
  - (b) the maintenance agreement, order, or instrument of conveyance or transfer in addition to being a maintenance agreement, order, or instrument of conveyance or transfer for the purposes of the Family Court Act or the Family Law Act relates to one or more distinct matters between any party or parties other than a person who is entitled to or liable to provide maintenance under the Family Court Act or the Family Law Act which would otherwise be dutiable under the provisions of this Act other than this Part,

the Commissioner shall assess the maintenance agreement, order, or instrument of conveyance or transfer under such of the provisions of this Act other than this Part as apply in relation to such other matters.

- (3) A statement in a maintenance agreement to the effect that —
  - (a) the parties to a marriage are separated or divorced from each other; or
  - (b) the de facto relationship between de facto partners has ended,

is conclusive evidence of the fact stated, in the absence of evidence to the contrary.

*[Section 112UB inserted by No. 45 of 1982 s. 3; amended by No. 25 of 2002 s. 52.]*