



AUSTRALIAN CUSTOMS NOTICE NO. 2009/15

Amendment to Item 15 By-laws

On 1 April 2009, item 15 of Schedule 4 of the *Customs Tariff Act 1995* (the Customs Tariff) By-law No. 0540001 and 0540002 will be superseded by By-law No. 0906049 (for the passenger concession) and By-law No. 0906051 (for unaccompanied personal effects) following the Australian Human Rights Commission's report "Same-Sex: Same Entitlements". All Commonwealth legislation is progressively being amended to remove discrimination, to enable same-sex couples and their children to be recognised by Commonwealth law.

The definition of "*family*" in the fore-mentioned by-laws did not include same-sex couples and their children, with the result that such couples and children could not access the concessions granted by item 15 of Schedule 4 to the Customs Tariff. The laws will be amended to reflect a broader definition of family.

This extends the previous definitions in By-law No. 0540001 and 0540002 to a person and his or her de facto partner (within the meaning of section 22A of the *Acts Interpretation Act 1901*), and any of their children who are under the age of 18 years. Under the definition of de facto partner in the *Acts Interpretation Act 1901*, a person can be a de facto partner of another person if they are of the same sex as the other person. Therefore, an eligible same-sex couple and any of their children under 18 years will be able to access the concession granted under item 15 from 1 April 2009.

Inquiries concerning this notice may be directed to (Manager, Cargo Clearance) on telephone number (02) 6275 5013 or fax number (02) 6275 6601.

Sarah Major
National Manager
Trade Policy and Regulation Branch
CANBERRA, ACT

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