

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item 15 of Schedule 4 of the *Customs Tariff Act 1995* (the Customs Tariff) By- law No. 0540001 and 0540002 will be superseded by By-law No. 0906049 (for the passenger concession) and By-law No. 0906051 (for unaccompanied personal effects) following the Australian Human Rights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.

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