



# **Maternity Leave (Commonwealth Employees) Act 1973**

**No. 72, 1973**

## **Compilation No. 10**

<b>Compilation date:</b>	1 September 2021
<b>Includes amendments up to:</b>	Act No. 13, 2021
<b>Registered:</b>	10 November 2021

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Maternity Leave (Commonwealth Employees) Act 1973* that shows the text of the law as amended and in force on 1 September 2021 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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# **An Act to make provision for Maternity Leave in respect of Employees of the Commonwealth and certain other Persons, and for other purposes**

## **1 Short title**

This Act may be cited as the *Maternity Leave (Commonwealth Employees) Act 1973*.

## **2 Commencement**

This Act shall come into operation on the day on which it receives the Royal Assent.

## **3 Interpretation**

- (1) In this Act, unless the contrary intention appears:

*Agency Head*, in relation to an employee, means:

- (a) in the case of an employee in an Agency (within the meaning of the *Public Service Act 1999*)—the Agency Head within the meaning of that Act; or
- (b) in the case of an employee in a prescribed authority—the chief executive officer (however described) of the prescribed authority.

*confinement*, in relation to a female employee who has become pregnant, means the birth of a child, or other termination of the pregnancy, that occurs not earlier than twenty weeks before the expected date of birth of the child, and *confined* has a corresponding meaning.

*employee* means a person to and in relation to whom this Act applies by virtue of section 5.

*leave officer*, in relation to an employee, means a person who may, whether in his or her own right or as a delegate of another person, grant leave to that employee on account of illness.

***medical practitioner*** means a person registered or licenced as a medical practitioner under a law of a State or Territory that provides for the registration or licencing of medical practitioners.

***prescribed authority*** means:

- (a) a body corporate (other than an incorporated company, society or association) that is incorporated for a public purpose by a law of the Commonwealth or of a Territory (other than the Northern Territory) and is declared by the regulations to be a body corporate in relation to which this Act applies;
  - (b) an unincorporated body that is established for a public purpose by a law of the Commonwealth or of a Territory (other than the Northern Territory) and is declared by the regulations to be an unincorporated body in relation to which this Act applies; or
  - (c) a company that:
    - (i) is incorporated under a law of the Commonwealth or a law in force in a State or Territory;
    - (ii) is a trading corporation, or a financial corporation, within the meaning of paragraph 51(20) of the Constitution; and
    - (iii) is declared by the regulations to be a body corporate in relation to which this Act applies.
- (2) In this Act, a reference to an unauthorized absence, in relation to an employee or in relation to employees included in a class of employees, shall be read as a reference to an absence that is, under the regulations, an unauthorized absence in relation to that employee or to that class of employees.
- (3) In reckoning, for the purposes of this Act, the number of business days contained in any period relevant to the making of, or dealing with, an application under section 7A by a female employee for permission to resume duty, Saturdays and Sundays and any other days that are public holidays in the place where she would, but for being absent on leave, perform her duties or are public holidays for a class of persons in which she is included shall not be counted as business days, but all other days shall be so counted.

#### 4 Application of Act

This Act applies within and outside Australia and extends to all the Territories.

#### 5 Persons in relation to whom Act applies

- (1) Subject to this section, this Act applies to and in relation to:
  - (a) a person who is employed by the Commonwealth under the *Public Service Act 1999*; and
  - (b) such other persons employed by the Commonwealth, and such persons employed by a prescribed authority, whether so employed under a law of the Commonwealth or of a Territory (other than an enactment as defined by section 3 of the *Australian Capital Territory (Self-Government) Act 1988* or a law of the Northern Territory) or under a contract of service or apprenticeship, as are prescribed.
- (2) Without limiting by implication the generality of subsection (1), but subject to subsection (3):
  - (a) a member of the Australian Federal Police;
  - (b) a person who is the holder of an office that is established by a law of the Commonwealth or of a Territory (other than an enactment as defined by section 3 of the *Australian Capital Territory (Self-Government) Act 1988* or a law of the Northern Territory); and
  - (c) a person who constitutes, or is a member of, a prescribed authority;shall, for the purposes of this Act, be deemed to be employed by the Commonwealth.
- (3) This Act does not apply to or in relation to:
  - (a) a member of the Parliament or a Minister of State;
  - (aa) a person who holds an office defined by section 73 of the *Australian Capital Territory (Self-Government) Act 1988* or an office established by or under an enactment as defined by section 3 of that Act;
  - (b) a person who is a Judge as defined by section 4 of the *Judges' Pensions Act 1968*;

- (ba) a person who is a Judge of the Federal Circuit and Family Court of Australia (Division 2);
- (c) a member of the Defence Force;
- (d) persons appointed or engaged for employment outside Australia only;
- (e) a person who is not entitled, as a condition of her employment, to leave of absence, with pay, on account of illness; or
- (f) a person remunerated by fees, allowances or commission only.

### **5A How Act applies to persons employed in Parliamentary Departments**

- (1) In this section:

**Head**, in relation to a Parliamentary Department, means:

- (a) if the Department is the Department of the Senate—the Clerk of the Senate;
- (b) if the Department is the Department of the House of Representatives—the Clerk of the House; or
- (c) in the case of any other Department—the Secretary of that Department.

**Parliamentary Department** means a Department of the Parliament established under the *Parliamentary Service Act 1999*.

- (2) For the purposes of the application of this Act in relation to a person employed in a Parliamentary Department, the powers conferred on an Agency Head (other than the power of delegation conferred by section 11) are to be exercised, in substitution for the Agency Head, by the Head of the Parliamentary Department concerned.
- (3) The Head of a Parliamentary Department may, by signed writing, delegate to an officer of, or person employed in, the Parliamentary Department any of the Head of the Parliamentary Department's functions or powers under this Act.



- (4) A delegation of a function or power under subsection (3) by the Head of a Parliamentary Department:
  - (a) unless revoked under paragraph (b), continues in force even though the person who gave the delegation has ceased to be the Head of the Parliamentary Department; and
  - (b) may be revoked by writing signed by the person who is for the time being the Head of the Parliamentary Department.
- (5) If the Head of a Parliamentary Department has delegated a function or power under subsection (3), the Head of the Parliamentary Department may issue guidelines to the delegate with respect to the performance of the function or the exercise of the power.

## **6 Absence from duty in relation to childbirth**

- (1) A female employee who has become pregnant (whether before or after being employed by the Commonwealth or a prescribed authority):
  - (a) shall, on application made to a leave officer before she is confined, be granted by the leave officer permission to absent herself from duty during a period not exceeding 52 weeks commencing on the date of commencement of the period during which she is required, in accordance with paragraph (b), to absent herself from duty;
  - (b) shall, subject to section 7, whether or not she has been granted permission under paragraph (a), absent herself from duty during a period that:
    - (i) if she is still pregnant 6 weeks before the expected date of birth of her child—commences 6 weeks before the expected date of birth of her child and continues until the expiration of a period of 6 weeks commencing on the date of her confinement; or
    - (ii) if she is confined earlier than 6 weeks before the expected date of birth of her child—commences on the date of her confinement and continues for 6 weeks; and
  - (c) shall, on application made to a leave officer:
    - (i) while she is, or after she has been, absent from duty in accordance with permission granted under paragraph (a) or under this paragraph; or

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- (ii) if no such permission has been granted—while she is, or after she has been, absent from duty in pursuance of paragraph (b);  
be granted by the leave officer permission to absent herself from duty during a further period ending on or before the expiration of a period of 52 weeks commencing on the date of commencement of the period during which she is or was required, in accordance with paragraph (b), to absent herself from duty.
- (2) Where the pregnancy of a female employee terminates other than by way of a confinement:
  - (a) she shall not, after that termination, be granted permission to be absent from duty in accordance with this section in respect of that pregnancy; and
  - (b) if, before that termination, she has been granted permission to be absent from duty in accordance with this section, that grant shall be cancelled.
- (3) Subject to subsections (4), (4C) and (4F), an employee who has been confined and who has been absent from duty for a period or periods in accordance with this section is entitled to pay:
  - (a) in a case where the period of absence, or the sum of the periods of absence, exceeds 12 weeks—for the first 12 weeks of that absence; and
  - (b) in any other case—for the whole of that absence.
- (4) An employee is not entitled, under subsection (3), to pay in respect of any absence that occurs before the day on which the continuous period, or the last continuous period, during which she is, by virtue of subsection (4A), to be taken to be a person to whom this subsection applies first exceeds 12 months.
- (4A) A person shall be taken to be a person to whom subsection (4) applies by virtue of this subsection:
  - (a) while she is a person to and in relation to whom this Act applies; or
  - (b) while she is employed by a body corporate (not being an incorporated company, society or association), or an unincorporated body, established for a public purpose by a

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law of the Commonwealth or of a Territory other than the Northern Territory but is not a person to and in relation to whom this Act applies.

- (4B) A person shall not be taken to be a person to whom subsection (4) applies by virtue of subsection (4A) during any period during which, by virtue of subsection 5(3), this Act does not apply to or in relation to her.
- (4C) Where an employee is absent from duty on unauthorized absence immediately before the commencement of the period during which, but for the operation of paragraph (a) of this subsection, the employee would be required by paragraph (1)(b) to absent herself from duty in connection with her expected confinement, or with her confinement, as the case may be, unless the Agency Head determines that the unauthorized absence occurs in extenuating circumstances:
- (a) the other provisions of this Act do not apply to her in connection with her expected confinement, or with her confinement, as the case may be;
  - (b) she shall absent herself from duty during that first-mentioned period, but, subject to subsection (4D), is not entitled to pay in respect of the period while she is so absent; and
  - (c) if, upon the expiration of that first-mentioned period, she remains absent from duty on unauthorized absence, her unauthorized absence before the commencement of that period shall be deemed to be continuous with her unauthorized absence after the expiration of that period.
- (4D) Subsection (4C) does not affect an employee's entitlement to pay for any period of long service leave or leave of absence for recreation or on account of illness that is granted to her.
- (4E) Where a female employee who is granted leave of absence without pay has become pregnant before, or becomes pregnant after, the commencement of that leave, her absence from duty in accordance with the grant during any part of the period of 52 weeks commencing 6 weeks before the expected birth of her child or, if she is confined earlier than 6 weeks before the expected birth of her child, commencing on the date of her confinement, shall be deemed, for the purposes of paragraph (1)(c) and subsection (3), to

be absent from duty in accordance with a permission granted under paragraph (1)(a).

(4F) Notwithstanding subsection (4E), where a female employee who is granted leave of absence from her employment without pay for a period (in this subsection referred to as *the relevant period*), being a period exceeding 6 weeks, has become pregnant before, or becomes pregnant after, the commencement of that leave, unless the Agency Head otherwise determines:

- (a) subsection (1) does not authorize a leave officer to grant her permission to absent herself from duty under this Act at any time while she is absent from duty in accordance with that grant; and
- (b) she is not entitled to pay under subsection (3) in respect of that employment for any part of the relevant period.

(4G) Subsection (4F) applies to and in relation to an employee who has been granted leave of absence without pay for a period whether or not she ceases to be absent from duty on leave without pay before the expiration of that period, but does not apply to such an employee unless she is absent on leave without pay in accordance with the grant for a continuous period exceeding 6 weeks.

(5) Where, under subsection (3), an employee is entitled to pay in respect of a period, the pay that the employee is to receive shall be the pay, salary, wage or other payment that the employee would have received if, for that period, she had been granted leave of absence on full pay on account of illness.

(7) Where:

- (a) an employee has, under paragraph (1)(a) or (1)(c), been granted permission to be absent from duty for a period; and
- (b) the employee applies for leave of absence of any kind with pay in respect of the whole or any part of that period, excluding a period in respect of which pay is payable under subsection (3);

that application shall, if the employee is eligible for the leave to which the application relates, be granted.

- (8) The grant of leave of absence of any kind with pay in respect of a period in respect of which pay is payable under subsection (3) is of no effect.
- (9) This section does not relate to absence from duty before the commencement of this Act.

### **7 Employee may continue to perform, or resume, duty in certain circumstances**

- (1) Where a female employee who is pregnant furnishes to the leave officer:
  - (a) not less than 6 weeks before the expected date of birth of her child; or
  - (b) on or before the date until which she has been given, or last been given, permission under this subsection to continue to perform duty;a certificate given by a medical practitioner certifying that, in the opinion of the medical practitioner, she will continue to be fit for duty until a specified date, the leave officer may give her permission, in writing, to continue to perform duty until and including that date.
- (2) Where permission is given under subsection (1) for a female employee to continue to perform duty until and including a date specified in the permission:
  - (a) if she is confined more than 6 weeks before the expected date of birth of her child—the grant of permission so to perform duty is of no effect;
  - (b) if she is confined before the date so specified but not more than 6 weeks before the expected date of birth of her child—subparagraph 6(1)(b)(i) has effect as if the period referred to in that subparagraph commenced on the date of her confinement; or
  - (c) in any other case—subparagraph 6(1)(b)(i) has effect as if the period referred to in that subparagraph commenced on the day next following the date so specified.
- (3) Where, before the expiration of the period during which a female employee who has been confined would, but for this subsection, be

required to absent herself from duty, the employee furnishes to the leave officer a certificate given by a medical practitioner certifying that, in the opinion of the medical practitioner, she will be fit to resume duty on a specified date occurring before the expiration of that period, the leave officer may give her permission, in writing, to resume duty on that date and the period during which she shall, upon permission being so given, be required by paragraph 6(1)(b) to absent herself from duty terminates immediately before that date.

### **7A Other applications to resume duty**

- (1) A female employee who absents herself from duty in accordance with a permission granted under paragraph 6(1)(a) or 6(1)(c) may, at any time after the expiration of the period during which she is required in accordance with paragraph 6(1)(b), to absent herself from duty, make application, in writing, to the leave officer for permission to resume duty on a day specified in the application.
- (2) Where application is made to the leave officer under subsection (1), the leave officer shall, within 7 business days after receipt of the application:
  - (a) subject to subsections (3) and (6), grant or refuse to grant the application; and
  - (b) inform the applicant, in writing, whether he or she has granted or refused to grant the application.
- (3) A leave officer shall not grant an application made to him or her under subsection (1) to resume duty on a day that is less than 7 days after the application is received by him or her unless he or she is satisfied that there are special circumstances justifying his or her granting the application.
- (4) Where a leave officer refuses to grant an application for permission to resume duty made under subsection (1) and the application was received by the leave officer not less than 21 business days before the date on which the applicant wished to resume duty:
  - (a) the leave officer shall furnish to the applicant, when informing the applicant that he or she has refused to grant the application, particulars of the grounds on which it would not,

- in his or her opinion, be in the interests of the Service for her to resume duty on that date; and
- (b) the applicant may, within 7 business days after she has received the particulars referred to in paragraph (a), request the Agency Head, in writing, to review the decision of the leave officer and furnish, with her request, particulars of any matters that she wishes the Agency Head to consider in making the review.
- (5) Where the Agency Head receives a request under subsection (4), the Agency Head shall, within 7 business days after it receives the request:
- (a) subject to subsection (6):
- (i) affirm the decision of the leave officer; or
- (ii) quash the decision of the leave officer and grant the applicant the permission sought in her application; and
- (b) inform the applicant, in writing, of its decision.
- (6) An application under subsection (1) shall be granted by the leave officer to whom the application is made, or by the Agency Head in reviewing a refusal by the leave officer to grant the application, unless the leave officer or the Agency Head, as the case may be, is satisfied that it would not be in the interests of the Service to grant the application.
- (7) Where an applicant is granted, under this section, permission to resume duty before the expiration of a period in respect of which she had been granted permission to absent herself from duty, that period shall be treated as having expired immediately before the date upon which she resumes duty.

### **7B Grant of maternity leave not to affect continuity of service**

- (1) Where an employee is, in accordance with section 6, absent from duty for a period:
- (a) if she has been paid, whether under subsection 6(3) or otherwise, in respect of the period or of a part of the period—the period, or the part of the period, of absence for which she has been so paid forms part of her period of service or

employment for all purposes of this Act, of any other Act and of any Ordinance; and

- (b) subject to subsection (2), if she has not been so paid in respect of the period or of a part of the period—the period, or the part of the period, of absence for which she has not been so paid does not form part of her period of service or employment for the purposes of this Act, or of any other Act or of any Ordinance, but shall not be taken to have broken the continuity of her service or employment.
- (2) Where an employee who is, in accordance with section 6, absent from duty for a period in relation to her expected confinement or her confinement had not, immediately before the commencement of that period, been an employee for a continuous period of 12 months, the period of the absence or the period comprising the first 12 weeks of the period of the absence, whichever is the less, forms part of her period of service or employment for all purposes of this Act, of any other Act and of any Ordinance.

## **8 APS employees on maternity leave**

Section 84 of the *Fair Work Act 2009* applies to a female APS employee if:

- (a) the employee is absent from duty in accordance with section 6; and
- (b) the absence is after her confinement and without pay.

## **9 Temporary employees on maternity leave**

- (1) Notwithstanding anything in any other law, where a woman employed in a temporary capacity is absent from duty in accordance with section 6, her employment shall not terminate, or be terminated, while she is so absent.
- (2) Where:
  - (a) on the return to duty with an authority (including the Commonwealth) of a woman referred to in subsection (1), her employment terminates or is terminated or notice of the termination of her employment is given to her; and



(b) the woman thereupon applies to that authority for employment in a temporary capacity;  
that authority shall give to the woman preference over all other persons (other than other women to whom this subsection applies) for employment on work for which she is qualified.

### **10 No discrimination by reason of pregnancy**

- (1) The possible or actual pregnancy of a woman is not a ground on which the Commonwealth or a prescribed authority may refuse employment to that woman.
- (2) The possible or actual pregnancy of a female employee is not a ground for the dismissal of that employee or for action disadvantageous to that employee in her employment.

### **11 Delegation by Agency Head**

- (1) An Agency Head may, in writing, delegate to another person any of the Agency Head's powers or functions under this Act (other than this section).
- (2) A person (the *first delegate*) to whom powers or functions are delegated under subsection (1) may, in writing, delegate any of those powers or functions to another person (the *second delegate*). However, if the first delegate is subject to directions in relation to the exercise of a power or function delegated under this subsection, the first delegate must give corresponding directions to the second delegate.
- (3) A power or function that is exercised or performed by a person under a delegation under subsection (2) is taken, for the purposes of this Act, to have been exercised or performed by the Agency Head.
- (4) A person exercising powers or functions under a delegation under this section must comply with any directions of the person who delegated the power or function.
- (5) In this section:

*Agency Head* does not include the President of the Senate or the Speaker of the House of Representatives.

## **15 Regulations**

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

## Endnotes

### Endnote 1—About the endnotes

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be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

## Endnote 2—Abbreviation key

**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous (prev...) = previously
def = definition(s)	Pt = Part(s)
Dict = Dictionary	r = regulation(s)/rule(s)
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
ed = editorial change	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislation	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LA = <i>Legislation Act 2003</i>	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md) = misdescribed amendment can be given effect	SR = Statutory Rules
(md not incorp) = misdescribed amendment cannot be given effect	Sub-Ch = Sub-Chapter(s)
mod = modified/modification	SubPt = Subpart(s)
No. = Number(s)	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnotes

### Endnote 3—Legislation history

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#### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent or FRLI registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Maternity Leave (Australian Government Employees) Act 1973	72, 1973	18 June 1973	18 June 1973 (s 2)	
Maternity Leave (Australian Government Employees) Amendment Act 1978	168, 1978	28 Nov 1978	s 7(2): 15 Mar 1981 (s 2(2)) Remainder: 28 Nov 1978 (s 2(1))	s 5(2) and 11
Australian Federal Police (Consequential Amendments) Act 1979	155, 1979	28 Nov 1979	Sch: 19 Oct 1979 (s 2(1))	—
A.C.T. Self-Government (Consequential Provisions) Act 1988	109, 1988	6 Dec 1988	s 24: 11 May 1989 (s 2(3) and gaz 1989, No S164) Sch 5: 1 July 1994 (s 21 of Act No 92, 1994)	s 24
<b>as amended by</b>				
Australian Capital Territory Government Service (Consequential Provisions) Act 1994	92, 1994	29 June 1994	s 21: 1 July 1994 (s 2(1) and gaz 1994, No S256)	—
OTC (Conversion into Public Company) Act 1988	129, 1988	14 Dec 1988	s 24: 14 Dec 1988 (s 2(1))	—
Prime Minister and Cabinet Legislation Amendment Act 1991	199, 1991	18 Dec 1991	Sch 1: 18 Dec 1991 (s 2)	—
Industrial Relations Legislation Amendment Act (No. 2) 1992	215, 1992	24 Dec 1992	s 16–19: 21 Jan 1993 (s 2(3))	—

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent or FRLI registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Industrial Relations and other Legislation Amendment Act 1993	109, 1993	22 Dec 1993	s 24–28: 19 Jan 1994 (s 2(5))	—
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Sch 2 (item 72): 14 Dec 1988 (s 2(2)) Sch 5 (items 80–83): 25 Oct 1996 (s 2(1))	—
Parliamentary Service (Consequential Amendments) Act 1997	189, 1997	7 Dec 1997	Sch 1 (items 8, 9): 5 Dec 1999 (s 2)	—
<b>as amended by</b> Parliamentary Service Act 1999	145, 1999	11 Nov 1999	Sch 1 (item 8): 5 Dec 1999 (s 2)	—
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Sch 1 (items 568–585): 5 Dec 1999 (s 2(1), (2))	—
Federal Magistrates (Consequential Amendments) Act 1999	194, 1999	23 Dec 1999	Sch 19: 23 Dec 1999 (s 2(1))	—
Fair Work (State Referral and Consequential and Other Amendments) Act 2009	54, 2009	25 June 2009	Sch 8 (item 101): 1 July 2009 (s 2(1) item 24)	Sch 8 (item 159A)
<b>as amended by</b> Fair Work (State Referral and Consequential and Other Amendments) Regulations 2009	SLI 2009 No. 165	30 June 2009	1 July 2009 (r 2)	—

*Maternity Leave (Commonwealth Employees) Act 1973*

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Compilation No. 10

Compilation date: 01/09/2021

Registered: 10/11/2021

## Endnotes

### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent or FRLI registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
<b>as amended by</b>				
Fair Work Legislation Amendment Regulations 2009 (No. 2)	SLI 2009 No. 364	16 Dec 2009	Sch 1 (item 5): 1 July 2009 (r 2(a))	—
Federal Circuit Court of Australia Legislation Amendment Act 2012	165, 2012	28 Nov 2012	Sch 1 (item 406): 12 Apr 2013 (s 2(1) item 2)	—
Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021	13, 2021	1 Mar 2021	Sch 2 (item 541): 1 Sept 2021 (s 2(1) item 5)	—
<b>Number and year</b>	<b>FRLI registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>	
2006 No. 50	17 Mar 2006 (F2006L00820)	Sch 7: 27 Mar 2006 (r 2(b))	—	



## Endnote 4—Amendment history

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Provision affected	How affected
Title .....	am. No. 168, 1978
s. 1 .....	rs. No. 168, 1978
s. 3 .....	am. No. 168, 1978; No. 129, 1988; No. 109, 1993; No. 43, 1996; No. 146, 1999
s. 5 .....	am. No. 168, 1978; No. 155, 1979; No. 109, 1988 (as am. by No. 92, 1994); No. 43, 1996; Nos. 146 and 194, 1999; No. 165, 2012; No 13, 2021
s. 5A .....	ad. No. 109, 1993 am. No. 189, 1997 (as am. by No. 145, 1999); No. 146, 1999
s. 6 .....	am. No. 168, 1978; No. 215, 1992; No. 146, 1999
s. 7 .....	rs. No. 168, 1978
s. 7A .....	ad. No. 168, 1978 am. No. 215, 1992; No. 43, 1996; No. 146, 1999
s. 7B .....	ad. No. 168, 1978
s. 8 .....	am. No. 168, 1978; No. 199, 1991; No. 215, 1992; No. 109, 1993 rs. No. 146, 1999 am. SLI 2006 No. 50; No. 54, 2009
s. 11 .....	rs. No. 168, 1978; No. 215, 1992 am. No. 109, 1993 rs. No. 146, 1999
s. 12 .....	rep. No. 168, 1978 ad. No. 215, 1992 am. No. 109, 1993 rep. No. 146, 1999
ss. 13, 14 .....	rep. No. 168, 1978

## Endnotes

### Endnote 5—Miscellaneous

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#### **Endnote 5—Miscellaneous**

This endnote sets out other information relating to the *Maternity Leave (Commonwealth Employees) Act 1973*.

The *Maternity Leave (Commonwealth Employees) Act 1973* is affected by sections 39 and 40 of the *CSL Sale Act 1993* and sections 26–28 of the *Housing Loans Insurance Corporation (Transfer of Assets and Abolition) Act 1996*.