



# **Maternity Leave (Commonwealth Employees) Regulations 2017**

made under the

*Maternity Leave (Commonwealth Employees) Act 1973*

## **Compilation No. 3**

**Compilation date:** 14 October 2024

**Includes amendments:** F2024L01299

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) Regulations 2017* that shows the text of the law as amended and in force on 14 October 2024 (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 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 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 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## Contents

1	Name .....	1
3	Authority .....	1
5	Definitions .....	1
6	Prescribed authorities—bodies corporate.....	1
7	Prescribed authorities—unincorporated bodies .....	1
8	Unauthorised absence.....	2
9	Persons to whom the Act applies .....	2

<b>Schedule 1—Persons to whom the Act applies</b>	<b>3</b>
---	----------

<b>Endnotes</b>	<b>5</b>
-----------------	----------

<b>Endnote 1—About the endnotes</b>	<b>5</b>
-------------------------------------	----------

<b>Endnote 2—Abbreviation key</b>	<b>6</b>
-----------------------------------	----------

<b>Endnote 3—Legislation history</b>	<b>7</b>
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<b>Endnote 4—Amendment history</b>	<b>8</b>
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## 1 Name

This instrument is the *Maternity Leave (Commonwealth Employees) Regulations 2017*.

## 3 Authority

This instrument is made under the *Maternity Leave (Commonwealth Employees) Act 1973*.

## 5 Definitions

In this instrument:

*Act* means the *Maternity Leave (Commonwealth Employees) Act 1973*.

## 6 Prescribed authorities—bodies corporate

For the purposes of paragraph (a) of the definition of ***prescribed authority*** in subsection 3(1) of the Act, each of the following is declared to be a body corporate in relation to which the Act applies:

- (a) the Anindilyakwa Land Council;
- (b) the Australia Council;
- (c) the Australian Broadcasting Corporation;
- (d) the Australian Film, Television and Radio School;
- (e) the Australian Institute of Marine Science;
- (f) the Australian Nuclear Science and Technology Organisation;
- (g) the Australian Postal Corporation;
- (ga) the Australian Securities and Investments Commission;
- (h) the Central Land Council;
- (i) the Commonwealth Scientific and Industrial Research Organisation;
- (j) the Export Finance and Insurance Corporation;
- (k) the National Gallery of Australia;
- (l) the Northern Land Council;
- (m) the Tiwi Land Council;
- (n) the Wreck Bay Aboriginal Community Council;
- (o) Tourism Australia.

## 7 Prescribed authorities—unincorporated bodies

For the purposes of paragraph (b) of the definition of ***prescribed authority*** in subsection 3(1) of the Act, each of the following is declared to be an unincorporated body in relation to which the Act applies:

- (a) the Australian Institute of Criminology;
- (b) the Australian Law Reform Commission;
- (c) the High Court of Australia.

## **8 Unauthorised absence**

For the purposes of subsection 3(2) of the Act, an absence from duty by an employee is an unauthorised absence in relation to that employee if leave for the absence has not been granted in accordance with:

- (a) a law of the Commonwealth or a Territory (other than the Northern Territory); or
- (b) an instrument made under such a law;

that provides for terms and conditions of employment that are applicable to that employee.

## **9 Persons to whom the Act applies**

For the purposes of paragraph 5(1)(b) of the Act, the following persons are prescribed as persons to whom the Act applies:

- (a) an employee of a body corporate referred to in section 6;
- (b) an employee of an unincorporated body referred to in section 7;
- (c) a member of:
  - (i) a body corporate referred to in section 6; or
  - (ii) an unincorporated body referred to in section 7;who is deemed to be employed by the Commonwealth under paragraph 5(2)(c) of the Act;
- (d) a person referred to in Schedule 1.

## Schedule 1—Persons to whom the Act applies

Note: See paragraph 9(d).

Item	Person
1	Supervising Scientist for the Alligator Rivers Region
2	Salaried member (within the meaning of the <i>Administrative Review Tribunal Act 2024</i> ) of the Administrative Review Tribunal
3	Auditor-General for the Commonwealth
4	Australian Statistician
5	AFP employee (within the meaning of the <i>Australian Federal Police Act 1979</i> )
6	ASIO employee (within the meaning of the <i>Australian Security Intelligence Organisation Act 1979</i> )
7	Chief Executive Officer of the Australian Trade and Investment Commission
8	Full-time member (within the meaning of the <i>Commonwealth Grants Commission Act 1973</i> ) of the Commonwealth Grants Commission
9	Electoral officer (within the meaning of Part II of the <i>Commonwealth Electoral Act 1918</i> )
10	Person appointed under section 7 of the <i>Competition and Consumer Act 2010</i>
11	Member (within the meaning of the <i>Defence Force Discipline Appeals Act 1955</i> ) of the Defence Force Discipline Appeal Tribunal
12	FWC Member (within the meaning of the <i>Fair Work Act 2009</i> )
13	Person employed under section 13 of the <i>Governor-General Act 1974</i>
14	Chairperson of the Great Barrier Reef Marine Park Authority
15	Person employed under section 33 of the <i>Intelligence Services Act 2001</i>
16	Solicitor-General of the Commonwealth
17	Person employed under Part III or IV of the <i>Members of Parliament (Staff) Act 1984</i>
18	Director-General of the National Library of Australia
19	Administrator of Norfolk Island
20	Administrator of the Northern Territory
21	Director-General of the Office of National Assessments
22	Commonwealth Ombudsman
23	Deputy Commonwealth Ombudsman
24	First Parliamentary Counsel
25	Second Parliamentary Counsel
26	Member (within the meaning of the <i>Productivity Commission Act 1998</i> ) of the Productivity Commission
27	Race Discrimination Commissioner
28	Person to whom a commission has been issued under the <i>Royal Commissions Act 1902</i>
29	Member (within the meaning of the <i>Safety, Rehabilitation and Compensation Act 1988</i> ) of the Safety, Rehabilitation and Compensation Commission
30	Member (within the meaning of the <i>Screen Australia Act 2008</i> ) of Screen Australia
31	Managing Director of the Special Broadcasting Service Corporation

**Schedule 1** Persons to whom the Act applies

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Item	Person
32	Commissioner of Taxation
33	Second Commissioner of Taxation
34	Commissioner (within the meaning of the <i>Veterans' Entitlements Act 1986</i> ) of the Repatriation Commission
35	Person employed under section 38A of the <i>Intelligence Services Act 2001</i>



## 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 how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

## Endnotes

### Endnote 2—Abbreviation key

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#### 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
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

## Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Maternity Leave (Commonwealth Employees) Regulations 2017	7 Nov 2017 (F2017L01450)	8 Nov 2017 (s 2(1) item 1)	
Maternity Leave (Commonwealth Employees) Amendment Regulations 2018	30 May 2018 (F2018L00679)	1 July 2018 (s 2(1) item 1)	—
Maternity Leave (Commonwealth Employees) Amendment (ASIC) Regulations 2019	1 July 2019 (F2019L00942)	Sch 1: 1 July 2019 (s 2(1) item 2)	—
Administrative Review Tribunal Legislation Consequential Amendments (2024 Measures No. 1) Regulations 2024	14 Oct 2024 (F2024L01299)	Sch 11 (item 2): 14 Oct 2024 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 2.....	rep LA s 48D
s 4.....	rep LA s 48C
s 6.....	am F2019L00942
Schedule 1	
Schedule 1.....	am F2018L00679; F2024L01299
Schedule 2.....	rep LA s 48C