



Maternity Leave (Commonwealth Employees) Regulations 2017

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 02 November 2017

Peter Cosgrove
Governor-General

By His Excellency's Command

Michaelia Cash
Minister Assisting the Prime Minister for the Public Service

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1 Name

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

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	8 November 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

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

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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;

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- (e) the Australian Institute of Marine Science;
- (f) the Australian Nuclear Science and Technology Organisation;
- (g) the Australian Postal Corporation;
- (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	Full-time member (within the meaning of the <i>Administrative Appeals Tribunal Act 1975</i>) of the Administrative Appeals 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
32	Commissioner of Taxation
33	Second Commissioner of Taxation

Schedule 1 Persons to whom the Act applies

Item	Person
34	Commissioner (within the meaning of the <i>Veterans' Entitlements Act 1986</i>) of the Repatriation Commission

Schedule 2—Repeals

Maternity Leave (Commonwealth Employees) Regulations 1982

1 The whole of the instrument

Repeal the instrument.