



Fair Work Amendment (Employee Authorised Deductions) Regulations 2023

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 23 November 2023

David Hurley
Governor-General

By His Excellency's Command

Tony Burke
Minister for Employment and Workplace Relations

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules	1
Schedule 1—Amendments		2

1 Name

This instrument is the *Fair Work Amendment (Employee Authorised Deductions) Regulations 2023*.

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	30 December 2023.	30 December 2023

Note: This table relates only to the provisions of this instrument as originally made.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 *Fair Work Act 2009*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Fair Work Regulations 2009

1 Before regulation 2.12

Insert:

2.12A Employee authorised deductions—authorisation requirements

Deduction for specified amount

- (1) For the purposes of paragraph 324(2)(aa) of the Act, a written authorisation by an employee under subparagraph 324(2)(a)(i) of the Act specifying the amount of a deduction must also include the following:
- (a) the purpose of the deduction;
 - (b) the date on which the deduction is to be made;
 - (c) the name of the person to whom the amount of the deduction is to be given.

Multiple or ongoing deductions

- (2) For the purposes of paragraph 324(2)(aa) of the Act, a written authorisation by an employee under subparagraph 324(2)(a)(ii) of the Act for multiple or ongoing deductions must also include the following:
- (a) the purpose of the deductions;
 - (b) if the deductions are for a specified amount or amounts—those amounts;
 - (c) either:
 - (i) the dates on which the deductions are to be made; or
 - (ii) the date after which, and the frequency with which, the deductions are to be made;
 - (d) the name of the person to whom the amounts of the deductions are to be given.

No application to saved authorisations

- (3) This regulation does not apply in relation to an authorisation covered by clause 90 of Schedule 1 to the Act.

Note: Clause 90 of Schedule 1 to the Act continues the operation of authorisations made before the commencement of Schedule 5 to the *Fair Work Legislation Amendment (Protecting Worker Entitlements) Act 2023*.

2 Regulation 2.12 (heading)

After “reasonable”, insert “and not reasonable”.

3 Regulation 2.12 (after the heading)

Insert:

Reasonable deductions

4 At the end of regulation 2.12

Add:

Deductions not reasonable

- (3) For subsection 326(2) of the Act, and subject to subregulations (1) and (2), a circumstance in which a deduction mentioned in subsection 326(1) of the Act is not reasonable is that the deduction is for an amount that may be varied from time to time.

5 Subregulation 3.46(2)

Repeal the subregulation, substitute:

- (2) If one or more amounts are deducted from the gross amount of the payment under subsection 324(1) of the Act, the pay slip must also include, for each deduction:
- (a) the amount of the deduction; and
 - (b) the name, or the name and number, of the fund or account into which the deduction was paid.