



# **Fair Work Amendment (Employee Authorised Deductions) Regulations 2023**

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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

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## 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.

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| <b>Commencement information</b> |                     |                     |
|---------------------------------|---------------------|---------------------|
| <b>Column 1</b>                 | <b>Column 2</b>     | <b>Column 3</b>     |
| <b>Provisions</b>               | <b>Commencement</b> | <b>Date/Details</b> |
| 1. The whole of this instrument | 30 December 2023.   | 30 December 2023    |

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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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.