



## **Fair Work Amendment (Paid Family and Domestic Violence Leave) 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                    3 February 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 (Paid Family and Domestic Violence Leave) 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	The day after this instrument is registered.	4 February 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Division 3 of Part 3-6 (at the end of the last paragraph of the note to the Division heading)**

Add “Pay slips must also comply with the requirements for reporting paid family and domestic violence leave set out in regulation 3.48.”.

#### **2 Regulation 3.47 (heading)**

After “**information**”, insert “**about paid family and domestic violence leave**”.

#### **3 Regulation 3.47 (note)**

Repeal the note.

#### **4 After regulation 3.47**

Insert:

#### **3.48 Pay slips—requirements for reporting paid family and domestic violence leave**

- (1) This regulation is made for the purposes of paragraph 536(2)(d) of the Act.
- (2) Subject to subregulation (3), an amount paid to an employee for taking a period of paid family and domestic violence leave:
  - (a) must not be reported on a pay slip as an amount paid to the employee for taking a period of leave; and
  - (b) must instead be reported on the pay slip as an amount paid to the employee:
    - (i) for the performance of the employee’s ordinary hours of work; or
    - (ii) as another kind of payment made in relation to the performance of the employee’s work, including (but not limited to) an allowance, bonus or a payment of overtime.
- (3) If the employee has requested the employer to report the amount on the pay slip as an amount paid for taking a period of a particular kind of leave (other than a period of paid family and domestic violence leave), the amount may be reported on the pay slip as an amount paid to the employee for taking a period of that kind of leave.

Note 1: A pay slip is not false or misleading merely because it complies with this regulation: see subsection 536(3A) of the Act.

Note 2: During the grace period of 4 months, this regulation is subject to regulation 7.06.

#### **5 In the appropriate position in Chapter 7**

Insert:

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## Part 7-4—Amendments made by the Fair Work Amendment (Paid Family and Domestic Violence Leave) Regulations 2023

### 7.04 Definitions for this Part

In this Part:

*amending instrument* means the *Fair Work Amendment (Paid Family and Domestic Violence Leave) Regulations 2023*.

*commencement day* means the day on which the amending instrument commences.

*grace period* means the period of 4 months beginning on the commencement day.

### 7.05 Application of amendments

The amendments made by Schedule 1 to the amending instrument apply in relation to pay slips given to employees on or after the commencement day.

### 7.06 Requirements during grace period

For the purposes of paragraph 536(2)(d) of the Act, and despite regulation 3.48, an amount paid to an employee for taking a period of paid family and domestic violence leave may, during the grace period, be reported on a pay slip as an amount paid to the employee for taking a period of leave (other than a period of paid family and domestic violence leave).