



Taxation Administration (Withholding Variation for Occasional Payroll Donations to Deductible Gift Recipients) Legislative Instrument 2024

I, Ben Kelly, Deputy Commissioner of Taxation, make the following legislative instrument.

Dated 22 December 2023

Ben Kelly
Deputy Commissioner of Taxation

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1 Name

This instrument is the *Taxation Administration (Withholding Variation for Occasional Payroll Donations to Deductible Gift Recipients) Legislative Instrument 2024*.

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.	

Note: This table relates only to the provisions of this instrument as originally made.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 section 15-15 in Schedule 1 to the Act.

4 Definitions

Note: A number of expressions used in this instrument have the same meaning as in Schedule 1 to the Act. Expressions in Schedule 1 to the Act have the same meaning as in the *Income Tax Assessment Act 1997* (see section 3AA of the Act). The following expressions are relevantly defined in section 995-1 of the *Income Tax Assessment Act 1997*:

- (a) deductible gift recipient;
- (b) withholding payment.

In this instrument:

Act means the *Taxation Administration Act 1953*.

relevant withholding schedule means a withholding schedule made by legislative instrument under section 15-25 in Schedule 1 to the Act, which specifies the amounts, formulas and procedures to be used for working out the amount required to be withheld from a withholding payment under Subdivision 12-B (payments for work and services) in Schedule 1 to the Act.

occasional giving arrangement means an arrangement for a payer to pay at least one occasional or irregular donation to a deductible gift recipient at the direction of a payee.

5 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.

6 Variation of withholding for certain donations to deductible gift recipients

- (1) The amount that a payer must withhold from a withholding payment to a payee under Subdivision 12-B (payments for work and services) in Schedule 1 to the Act is varied in accordance with subsections (2) and (3), where:
 - (a) all or part of the withholding payment has been made, or will be made, as a donation under an occasional giving arrangement; and
 - (b) the payee has not advised the payer that they do not want a variation to the amount withheld.
- (2) The varied amount that a payer must withhold from a withholding payment covered by subsection (1) is to be worked out using the following method:
 - (a) step 1 – calculate the amount required to be withheld from the withholding payment by using the relevant withholding schedule;
 - (b) step 2 – multiply the amount of the donation to the deductible gift recipient under the occasional giving arrangement by 0.32; and
 - (b) step 3 – subtract the result of step 2 from the result of step 1.
- (3) If the amount calculated under subsection (2) is zero or negative, the amount that a payer must withhold from the payment is varied to nil.

Schedule 1—Repeals

Taxation Administration Act 1953 – Pay as you go withholding – Occasional payroll donations to deductible gift recipients No. 4

1 The whole of the instrument

Repeal the instrument