

## 23 Meaning of *small business employer*

- (1) A national system employer is a *small business employer* at a particular time if the employer employs fewer than 15 employees at that time.
- (2) For the purpose of calculating the number of employees employed by the employer at a particular time:
  - (a) subject to paragraph (b), all employees employed by the employer at that time are to be counted; and
  - (b) a casual employee is not to be counted unless, the employee is a regular casual employee of the employer, he or she has been employed by the employer on a regular and systematic basis.
- (3) For the purpose of calculating the number of employees employed by the employer at a particular time, associated entities are taken to be one entity.
- (4) To avoid doubt, in determining whether a national system employer is a *small business employer* at a particular time in relation to the dismissal of an employee, or termination of an employee's employment, the employees that are to be counted include (subject to paragraph (2)(b)):
  - (a) the employee who is being dismissed or whose employment is being terminated; and
  - (b) any other employee of the employer who is also being dismissed or whose employment is also being terminated.