

In your circumstances, the sub-regulation, which would otherwise render your conduct a serious misconduct, may arguably not apply, and your conduct may not fall into the legal category of serious misconduct.

1.07 Meaning of *serious misconduct*

- (1) For the definition of *serious misconduct* in section 12 of the Act, serious misconduct has its ordinary meaning.
- (3) For subregulation (1), conduct that is serious misconduct includes each of the following:
 - (a) the employee, in the course of the employee's employment, engaging in:
 - (i) theft; or
 - (ii) fraud; or
 - (iii) assault;
 - (b) the employee being intoxicated at work;
 - (c) the employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.
- (4) Subregulation (3) does not apply if the employee is able to show that, in the circumstances, the conduct engaged in by the employee was not conduct that made employment in the period of notice unreasonable.