

## **123 Limits on scope of this Division**

### *Employees not covered by this Division*

- (1) This Division does not apply to any of the following employees:
  - (a) an employee employed for a specified period of time, for a specified task, or for the duration of a specified season;
  - (b) an employee whose employment is terminated because of serious misconduct;
  - (c) a casual employee;
  - (d) an employee (other than an apprentice) to whom a training arrangement applies and whose employment is for a specified period of time or is, for any reason, limited to the duration of the training arrangement;
  - (e) an employee prescribed by the regulations as an employee to whom this Division does not apply.
- (2) Paragraph (1)(a) does not prevent this Division from applying to an employee if a substantial reason for employing the employee as described in that paragraph was to avoid the application of this Division.

### *Other employees not covered by notice of termination provisions*

- (3) Subdivision A does not apply to:
  - (b) a daily hire employee working in the building and construction industry (including working in connection with the erection, repair, renovation, maintenance, ornamentation or demolition of buildings or structures); or
  - (c) a daily hire employee working in the meat industry in connection with the slaughter of livestock; or
  - (d) a weekly hire employee working in connection with the meat industry and whose termination of employment is determined solely by seasonal factors; or
  - (e) an employee prescribed by the regulations as an employee to whom that Subdivision does not apply.

### *Other employees not covered by redundancy pay provisions*

- (4) Subdivision B does not apply to:
  - (a) an employee who is an apprentice; or
  - (b) an employee to whom an industry-specific redundancy scheme in a modern award applies; or
  - (c) an employee to whom a redundancy scheme in an enterprise agreement applies if:
    - (i) the scheme is an industry-specific redundancy scheme that is incorporated by reference (and as in force from time to time) into the enterprise agreement from a modern award that is in operation; and
    - (ii) the employee is covered by the industry-specific redundancy scheme in the modern award; or
  - (d) an employee prescribed by the regulations as an employee to whom that Subdivision does not apply.

