



Circular 10/2018 – Minimum Notice of Termination Provisions

1. Minimum notice of termination provisions under section 117 of the *Fair Work Act 2009* (Cth) (FW Act) have application to the Western Australian public sector.
2. The following minimum periods of notice, or payment in lieu of notice, are to be observed by public sector employers when terminating any employee:

Employee's period of continuous service with the employer at the end of the day the notice is given	Period
Not more than 1 year	1 week
More than 1 year but not more than 3 years	2 weeks
More than 3 years but not more than 5 years	3 weeks
More than 5 years	4 weeks

3. The notice period is increased by one week if the employee is over 45 years old and has completed at least two years' continuous service with the employer at the end of the day the notice is given.
4. Section 117 of the FW Act overrides the provisions of any public sector industrial instrument that contains a lesser entitlement.
5. Civil penalties under the FW Act apply for failure to comply with section 117.
6. Public Sector Labour Relations is reviewing industrial instruments to ensure consistency with the FW Act requirements.

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