

# Redundancy Payment Approved Worker Entitlement Fund 1

## Determination by Trustee pursuant to Clauses 5.1 and 9.10 of the Deed of Trust as amended and dated 31 October 2014

1. The Trustee has, under clauses 5.1 and 9.10 of the Deed of Trust, power to lay down and determine terms and conditions governing the making of redundancy pay contributions, where the Redundancy Pay Agreement does not deal with, or in the opinion of the Trustee, adequately deal with a particular matter.

2. The Trustee further has, under clause 9.10 the power to

*at any time or times lay down and determine further or other terms and conditions consistent or inconsistent with the terms and conditions of this Clause 9 as to the entitlement of particular workers or of particular categories of workers to benefits.*

*In making a determination...the Trustee is at liberty to have regard to such matters as it considers to be in the best interest of workers and members.*

3. In this Determination capitalised expressions not defined have the same meaning as in the Deed of Trust.

4. The Victorian and Tasmanian commercial building and construction industry is threatened by the COVID-19 pandemic. Public policy responses are being imposed to ensure the safety and welfare of industry participants, in particular Members and Workers. Workers' financial security is an important consideration under these circumstances and the Trustee is desirous of ensuring Members and Workers are responsibly looked after.

5. The Trustee has resolved to exercise its power under clauses 5.1 and 9.10 of the Deed of Trust and HEREBY DETERMINES and LAYS DOWN the following:

*"Where, as a consequence of the COVID-19 pandemic or equivalent the Member ceases operations and the Worker's employment is, suspended or adversely affected such that the Worker is not receiving any wages from the Worker's employer as a consequence of:*

*a) the previously outlined circumstances of the Member of that Worker; or*

*b) the Worker is not able to attend the workplace to carry out his/her duties due to the enactment of public policy measures preventing the Worker from working or seeking employment (if initially terminated under the circumstances described above)*

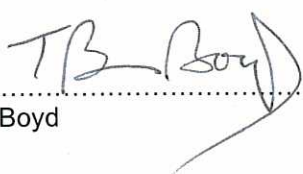
*the Trustee may at its discretion make payment from the balance of that Worker's account an amount and for such period as the Trustee reasonably determines from time to time having regard to the Worker's personal circumstances.*

*The Trustee may in its absolute discretion withhold such sums as it may determine from time to time in order to comply with any obligations under tax legislation or the Trustee's tax obligations. The decision of the Trustee is final and the Worker has no right of appeal.*

*The Trustee may take reasonable measures such as by way of offsets against future contributions should the Worker's circumstances change so as to protect the future balance of the Worker's account."*

6. The Trustee has further resolved to notify any member to which this Determination relates of the Determination.

Signed as a true record of the resolution of the directors of the Trustee passed at a meeting of the directors held on 15 April 2020.

  
.....  
B Boyd