

**TRANSPORT EMPLOYEES RETIREMENT BENEFITS (FURTHER
AMENDMENT) ACT 1985 No. 180**

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

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Act No. 180, 1985

An Act to amend the Transport Employees Retirement Benefits Act 1967
in relation to certain payments on death. [Assented to, 4th December,
1985.]

Transport Employees Retirement Benefits (Further Amendment) 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Transport Employees Retirement Benefits (Further Amendment) Act 1985".

Amendment of Act No. 96, 1967

2. The Transport Employees Retirement Benefits Act 1967 is amended by omitting section 58 (1) and by inserting instead the following subsections:

(1) Where a contributor dies and—

- (a) a benefit thereby becomes payable from the Fund;
- (b) production to the Board of probate of the will, or letters of administration of the estate, of the deceased has not been arranged; and
- (c) the Board has not, within the period of 3 months that next succeeds the death of the contributor, received notice of intention to apply for a grant of probate of the will, or letters of administration of the estate, of the deceased,

the Board may, if it so decides, make a payment of the whole or a part of the benefit in accordance with subsection (1A), being a payment that does not exceed \$10,000 or, where some other amount is prescribed for the purposes of this section, that other amount.

(1A) Where the Board makes a decision under subsection (1), the Board may—

- (a) pay the whole or any part of the amount of the benefit to an eligible person within the meaning of the Family Provision Act 1982;
- (b) after paying the funeral expenses of the deceased or reimbursing a person who has paid those expenses—pay the whole or any part of the balance to a person referred to in paragraph (a); or

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- (c) in special circumstances—pay the whole or any part of the amount of the benefit, or the balance referred to in paragraph (b), to some other person.
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