

1963

VICTORIA.



ANNO DUODECIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 7024.

An Act to validate a Poll taken upon a Proposal to constitute portion of the Shire of Fern Tree Gully a Shire.

[26th September, 1963.]

Preamble. **W**HEREAS on the twenty-eighth day of March One thousand nine hundred and sixty-three a request was made to the Governor in Council pursuant to sub-section (2) of section thirty-six of the *Local Government Act* 1958 setting out a proposal to constitute a portion of the Shire of Fern Tree Gully a shire under the name of the Shire of Knox :

And whereas the said proposal was submitted to a poll of ratepayers on the twenty-fourth day of August One thousand nine hundred and sixty-three :

And whereas it is provided by sub-paragraph (ii) of paragraph (i) of the said sub-section (2) that notice of the taking of a poll under that sub-section shall be given not less than fourteen and not more than twenty-one clear days before the taking of the poll by advertisement published in a newspaper generally circulating in the municipal district but the council of the Shire of Fern Tree Gully gave notice of the taking of the poll by advertisement published in a newspaper as aforesaid dated the fifteenth and twenty-second days of August One thousand nine hundred and sixty-three.

And.

And whereas the said proposal was carried at the said poll by a large majority :

And whereas by reason of the failure of the said council to give notice within the time provided by the said sub-paragraph (ii) of the taking of the poll doubts have arisen as to the validity of the poll and it is expedient to remove such doubts :

Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. (1) This Act may be cited as the *Local Government (Shire of Fern Tree Gully) Act 1963*. Short title.

2. The poll of the ratepayers of portion of the Shire of Fern Tree Gully taken on the twenty-fourth day of August One thousand nine hundred and sixty-three on the proposal set out in the hereinbefore recited request to the Governor in Council for the constitution of that portion of the said Shire as a new shire under the name of the Shire of Knox shall, notwithstanding any defect error omission or invalidity in any step taken or required to be taken or in any act done or performed or required to be done or performed in or in relation to the procedure for the taking of a poll and, in particular, notwithstanding the failure of the council of the Shire of Fern Tree Gully to give notice of the taking of the poll within the time provided by sub-paragraph (ii) of paragraph (i) of sub-section (2) of section thirty-six of the *Local Government Act 1958*, be deemed to have been properly taken and to be valid for all purposes and the Governor in Council may make an Order exercising in relation to the said request any power which he may exercise pursuant to sub-section (2) of section thirty-five of the said Act in relation to a request. Validation of poll on proposal to constitute a shire.

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