

LOCAL GOVERNMENT

LG301

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (ELECTIONS — OWNERS AND OCCUPIERS ROLL) REGULATIONS 1996

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Local Government (Elections — Owners and Occupiers Roll) Regulations 1996*.

Forms

2. In these regulations a reference to a Form followed by a designation is a reference to the form so designated in Schedule 1.

Nomination of co-owners or co-occupiers — s. 4.31

3. (1) A nomination under section 4.31 (1) (e), (f) or (g) of the Act is to be made in writing and —

- (a) in the case of a nomination by a body corporate, be signed by an officer of the body corporate; or
- (b) in any other case, be signed by all or a majority of the owners or occupiers of the property.

(2) A nomination for the purposes of section 4.31 (1) of the Act remains in force until —

- (a) if the nomination is expressed to be for a limited period, the end of that period;
- (b) an enrolment eligibility claim made by the nominee expires or is rejected;
- (c) the CEO is notified in writing that the body corporate has, or all or a majority of the owners or occupiers of the property have, cancelled the nomination; or
- (d) the nominee ceases to be eligible to be nominated.

Enrolment eligibility claim — s. 4.32 (1)

4. An enrolment eligibility claim under section 4.32 (1) of the Act is to be made in the form of Form 1.

Register — s. 4.32 (6)

5. The register referred to in section 4.32 (6) of the Act is to be kept in the form and manner determined by the CEO.

Notice of acceptance or rejection of enrolment eligibility claim — s. 4.32 (6)

6. A notice given under section 4.32 (6) of the Act is to be —
- (a) if the enrolment eligibility claim is accepted, in the form of Form 2; or
 - (b) if the enrolment eligibility claim is rejected, in the form of Form 3.

Appeal to Electoral Commissioner — s. 4.32 (8) and 4.35 (4)

7. An appeal under section 4.32 (8) or 4.35 (4) of the Act is to be made in the form and manner determined by the Electoral Commissioner.

Confidentiality

8. Details of a person's date of birth and telephone number provided in an enrolment eligibility claim are confidential and the CEO, and any person to whom that information is disclosed in accordance with this regulation, must ensure that those details are not used or disclosed to any person other than for the purpose of preparing electoral rolls for the relevant district or ward or as otherwise required or permitted by law.

Delivery of documents

9. (1) Where a person is required by these regulations to give a document to another person the document may be delivered, posted, faxed or sent by any other electronic means (so long as it is capable of being printed in its entirety, including a signature) to that other person.

(2) If a document is faxed it is taken to have been received when the fax machine of the person to whom it was sent generates a paper copy of the document.

(3) If a document is sent by other electronic means it is taken to have been received when the person to whom it was sent causes a paper copy of the document to be generated.

Retention of documents

10. A local government must keep —
- (a) an enrolment eligibility claim form —
 - (i) if the claim is accepted, for 2 years after the claim expires; or
 - (ii) if the claim is rejected, for 2 years after it is rejected;
 - (b) a copy of a notice of acceptance for 2 years after the enrolment eligibility claim to which it relates expires; and
 - (c) a copy of a notice of rejection for 2 years after the claim was rejected.

SCHEDULE 1 — FORMS

Local Government Act 1995
Local Government (Election — Owners and Occupiers Roll) Regulations 1996

Form 1
Regulation 4

Owners and Occupiers Roll ENROLMENT ELIGIBILITY CLAIM

See back for notes on when⁽¹⁾ and how to complete this form.

Person making claim⁽²⁾ <small>[If you own or occupy more than one property in the electorate, give details of all of them. Add additional pages if necessary]</small>	Family name:				
	Other names:			Date of birth:	
	Postal address:	Street:	No.:	Name:	
		Suburb:			Postcode:
	Phone numbers (H):		(W):		
Rateable property in respect of which this claim is made:	Street:	No.:	Name:		
	Suburb:			Postcode:	
	Lot/location No. (if known)				
Local government <small>[In this form the ward, or if no ward is applicable the district, is referred to as "the electorate"]</small>	Name of local government:				
	Name of ward (if any) ⁽⁴⁾ :				
Entitlement to be enrolled <small>[Tick one box]</small>	I am: <ul style="list-style-type: none"> <input type="checkbox"/> on the State or Commonwealth electoral roll in respect of a residence outside the electorate. My address shown on that roll is: <input type="checkbox"/> not on the State or Commonwealth electoral roll but I am qualified as an elector under clause 12 of Schedule 9.3 of the <i>Local Government Act 1995</i>⁽⁵⁾. 				
Details of ownership or occupation⁽³⁾ <small>[Tick one box]</small> <small>[* Delete whichever does not apply]</small>	In relation to the rateable property described above I am: <ul style="list-style-type: none"> <input type="checkbox"/> the sole owner/occupier* of that property. <input type="checkbox"/> one of 2 co-owners/occupiers* of that property. <input type="checkbox"/> one of 3 or more co-owners/occupiers* of that property and I have been nominated⁽⁶⁾ by all or a majority of those owners/occupiers* for the purpose of being an elector. <input type="checkbox"/> the nominee⁽⁶⁾ of a body corporate that owns/occupies* that property. 				
<small>[For occupiers only]</small> <small>[Tick one box]</small>	I (or the body corporate that nominated me): <input type="checkbox"/> do <input type="checkbox"/> do not have a right, under a lease, tenancy agreement or other legal instrument, to be in continuous occupation of the property for at least the next 3 months.				
Declaration <small>[Note: Making a false declaration is an offence]</small>	I declare that all of the details set out above are true and correct.				
	Signature:			Date:	

Notes		Back of Form 1
(1) When to use this form	You may make a claim for eligibility using this form at any time. However if you want to be on the roll for a particular election you must give your claim form to the local government more than 50 days before the election date.	
(2) Who should fill in this form	<p>This form is for people who —</p> <ul style="list-style-type: none"> • who own or occupy⁽³⁾ rateable property in a district but who are not on the residents roll for that district; or • who qualify under clause 12 of Schedule 9.3 to the <i>Local Government Act 1995</i>⁽³⁾, <p>and who want to be able to vote at local government elections for that district.</p>	
(3) Who is an occupier	<p>To qualify as an occupier a person must have a right, under a lease, tenancy agreement or other legal instrument, to be in continuous occupation of the property for at least the next 3 months.</p> <p>When the Chief Executive Officer of the local government is considering your claim, he or she may ask you for a copy of your lease or tenancy agreement to support your claim. You do not need to provide a copy unless asked.</p>	
(4) Which ward	If the property in respect of which this claim is made is partly in one ward and partly in another you may chose which of those wards you want your claim to apply to. If you leave this box blank the Chief Executive Officer of the local government will decide which ward the claim is to apply to.	
(5) Qualification under clause 12	<p>To qualify under clause 12 of Schedule 9.3 to the <i>Local Government Act 1995</i> a person must —</p> <ul style="list-style-type: none"> • own or occupy rateable property in the electorate; • have been on the last electoral roll prepared under the <i>Local Government Act 1960</i> for that electorate; and • have owned or occupied rateable property in the electorate continuously since that roll was prepared. 	
(6) Nominations	<p>A nomination must be made in writing and be signed by all or a majority of the owners or occupiers of the property (or if the owner or occupier is a body corporate, be signed by an officer of the body corporate) in accordance with the <i>Local Government (Elections — Owners and Occupiers Roll) Regulations 1996</i>.</p> <p>If you are a nominee you must give the nomination to the local government with this form.</p>	
Duration of enrolment	If your enrolment eligibility claim is accepted it will remain valid for the next 2 (or in limited circumstances, next 3) ordinary elections held for your electorate. If you wish to continue to qualify as an elector after that, you will need to make another enrolment eligibility claim.	
Confidentiality	Your date of birth and telephone numbers supplied in this form will be kept confidential and will be used only by the local government and the Western Australian Electoral Commission for the purpose of preparing local government electoral rolls.	
Where to send your form	When you have completed and signed this form, send it to the Chief Executive Officer of your local government. You may send it by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including a signature. If you send it by fax or electronically you should check that it has been received.	

Local Government Act 1995
Local Government (Election — Owners and Occupiers Roll) Regulations 1996

Form 2
Regulation 6 (a)

Owners and Occupiers Roll NOTICE OF ACCEPTANCE OF ENROLMENT ELIGIBILITY CLAIM

To	Name of claimant:
	Address:

Electorate	Name of local government:
	Name of ward:

On the basis of the information set out in your eligibility enrolment claim form, your claim has been accepted and you are now qualified as an elector for your electorate.

Electoral roll	When an election is due in your electorate the Chief Executive Officer of the local government will prepare an electoral roll. Your name will automatically be included on that roll and you will be able to vote at that election.
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Duration of enrolment	Your enrolment eligibility claim remains valid for the next 2 ⁽¹⁾ ordinary elections held for your electorate. If you wish to continue to qualify as an elector after that, you will need to make another enrolment eligibility claim.
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You should keep this notice as evidence of your qualification as an elector.

Chief Executive Officer	Name:	
	Signature:	Date:

Note:

(1) If section 4.33 (2) of the Act applies, insert "3" in place of "2".

Local Government Act 1995
Local Government (Election — Owners and Occupiers Roll) Regulations 1996

Form 3
Regulation 6 (b)

Owners and Occupiers Roll NOTICE OF REJECTION OF ENROLMENT ELIGIBILITY CLAIM

To	Name of claimant:	
	Address:	
Electorate	Name of local government:	
	Name of ward:	
Rejection of claim	Your enrolment eligibility claim has been rejected because	
Appeal	If you are dissatisfied with the decision to reject your enrolment eligibility claim you may appeal to the Electoral Commissioner. Details on how to make an appeal are available from the Western Australian Electoral Commission.	
Chief Executive Officer	Name:	
	Signature:	Date:

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.