

## CLAIM FOR INCLUSION IN THE ROLL OF NON-RESIDENTIAL OWNERS OF RATEABLE LAND OR THE ROLL OF OCCUPIERS AND RATEPAYING LESSEES

### APPLICANT'S CLAIM FOR ENROLMENT

I; First name(s) \_\_\_\_\_ Surname \_\_\_\_\_ Date of Birth \_\_\_/\_\_\_/\_\_\_

of residential address \_\_\_\_\_

hereby claim the inclusion of my name in the roll of ♦non-resident owners/♦the roll of occupiers and ratepaying lessees for the election (♦delete one)

in \_\_\_\_\_ Ward of \_\_\_\_\_ Council.

I am entitled to be enrolled as an elector under the Local Government Act 1993 and to vote at an election of members of the Legislative Assembly or the Commonwealth House of Representatives.

I am ♦the owner/♦the nominated owner/♦the lessee of rateable Crown land/♦the occupier/♦ratepaying lessee/♦nominated occupier/♦nominated ratepaying lessee of the rateable land situated at (♦delete those that do not apply)

Property Address: \_\_\_\_\_ in the \_\_\_\_\_ ward of the abovementioned Council. (Verify ward boundaries at [www.votensw.info](http://www.votensw.info) , [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au) or relevant council websites)

I am not enrolled in any other ward of the abovementioned Council and declare that all the information I have given on this form is true and complete.

Applicant's Signature \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_

### NOMINATION OF ELECTOR

If you are being nominated as the elector the section below MUST BE COMPLETED:

- (i) in the case of the roll of owners of rateable land, by either:  
the other joint owner or a majority of the several owners of the rateable land; or the corporation or the trustees owning the rateable land.
- (ii) in the case of the roll of occupiers and ratepaying lessees, by either:  
the only other occupier or ratepaying lessee; or the majority of all the occupiers or ratepaying lessees; or the corporation or the trustee which is the occupier or ratepaying lessee.

I/We being the ♦owner(s)/ ♦occupier(s)/ ♦ratepaying lessee(s) of the rateable land situated at (Insert Address as in Applicant's Claim)

In \_\_\_\_\_ ward of \_\_\_\_\_ Council

Hereby nominate (Full Name) \_\_\_\_\_ of (Residential Address) \_\_\_\_\_ with the Date of Birth \_\_\_/\_\_\_/\_\_\_ as an elector of the ward.

♦ As occupier, I/we have a legally enforceable right to continuous occupation of the above rateable land until \_\_\_\_\_

♦ As ratepaying lessee, I am/we are liable to pay the whole or any part of the rates in respect of the above rateable land until \_\_\_\_\_ (♦delete those that do not apply)

Signed/Sealed \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_

### STATEMENT OF WITNESS

I, a person of or above the age of 18 years, certify that I saw the applicant sign this claim and I believe, to the best of my knowledge, that the statements in the claim are true.

Witness Name \_\_\_\_\_ Witness Signature \_\_\_\_\_

Witness Address \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_

Send completed form to:

The General Manager for Kyogle Council

By post: PO Box 11 Kyogle NSW 2474; by hand to 1 Stratheden Street Kyogle; by fax to 02 6632 2228; by email [council@kyogle.nsw.gov.au](mailto:council@kyogle.nsw.gov.au)

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## QUALIFICATION FOR ENROLMENT AS A NON-RESIDENT ELECTOR

In order to qualify for enrolment on the non-residential roll as a non-resident owner, a person must be an owner or nominated by the owner or owners of rateable land in a ward of the area. Rateable land means land that is rateable to an ordinary rate or a special rate, or both.

A person is not an owner of rateable land if the land is a lot in a strata plan that is registered under the Strata Titles (Freehold Development) Act, 1973 or the Strata Titles (Leasehold Development) Act 1986 and is provided only for the purpose of parking a motor vehicle.

Under section 281(3) of the Local Government (General) Regulations 1995 a statement and signature of an eligible witness is required.

### Who is an "owner of rateable land"? (Refer to Section 270 of the Local Government Act 1993)

A person is the owner of rateable land if:-

- (a) the person is not a corporation, is the sole owner of the rateable land and does not own it as trustee; or
- (b) the person is not a corporation, is a joint or several owner of the rateable land and is nominated in writing as an elector by the only other owner of the land, or by a majority of all the owners of the land; or
- (c) the person is not a corporation, is not a nominee under paragraph (b) and is nominated in writing as an elector by a corporation which is the owner, or by trustees who are the owners, of the land; or
- (d) the person is a lessee of the land from the Crown and the land is rateable Crown land.

If more than one person is the owner of the same parcel of rateable land, only one of those persons is entitled to be enrolled as an elector for a ward.

If a corporation or trustees or joint or several owners own more than one parcel of land in an area, it or they can nominate a person as the owner of rateable land in respect of one of those parcels only.

If two or more persons apply to be enrolled as an elector for a ward as owners of the same parcel of rateable land, and they do not nominate one of their number to be so enrolled, the General Manager of the Council may nominate one of them as an elector.

### Who is an "occupier" or "ratepaying lessee"? (Refer to Section 271 of the Local Government Act 1993)

A person is an occupier of rateable land if the person has a legally enforceable right to continuous occupation of rateable land (jointly or severally, but not as owner or ratepaying lessee) for not less than 3 years following the **relevant date**.

A person is a ratepaying lessee of rateable land if the person is jointly or severally liable, under a lease in writing or other document of title relating to the land, to pay to any person the whole or any part of any rates that may, during the 3 years following the relevant date, be made or levied in respect of the land.

If there is more than one occupier or ratepaying lessee of the same parcel of rateable land, only one of them is entitled to be enrolled as an elector for a ward.

If a corporation is or trustees are, or joint or several occupiers or ratepaying lessees are, occupiers or ratepaying lessees of more than one parcel of land in an area it or they can nominate a person as the occupier or ratepaying lessee in respect of only one of those parcels.

### Relevant Date (refer to Section 271(5) of the Local Government Act 1993)

If the claim is for inclusion on the roll, the relevant date is the date on which the claim for enrolment is made.

### Roll of non-resident owners of rateable land or the roll of occupiers and ratepaying lessees (refer to Sections 299 and 300 of the Local Government Act 1993)

The roll of non-resident owners of rateable land and the roll of occupiers and ratepaying lessees lapses after the election for which it is prepared as it consists only of the names of those non resident owners of rateable land or those occupiers and ratepaying lessees who have applied for the inclusion of their names for the purpose of the relevant election.

### Enrolment if qualified in more than one respect (Refer to Sections 268 and 304 of the Local Government Act 1993)

A person may not, in respect of the same ward, be enrolled more than once in a roll of electors.

A person who is qualified for enrolment in respect of more than one ward of an area may be enrolled only in respect of the ward for which the person is qualified as a resident or, if the person is not so qualified:

- (a) the ward specified in a notice given by the person to the General Manager before the closing date for the election; or
- (b) if no such notice is given, a ward chosen by the General Manager.

Overall a person cannot vote more than once in any Local Government Area.

**Claims for enrolment as an owner, ratepaying lessee or occupier of rateable land in Kyogle Council must be received by the General Manager at the council's administration centre, 1 Stratheden Street, Kyogle on or before 6pm (EST) Monday, 30 July 2012. They must be lodged by one of the following:**

**by post: PO Box 11 Kyogle NSW 2474**

**by hand: 1 Stratheden Street Kyogle**

**by fax: 02 6632 2228**

**by email: council@kyogle.nsw.gov.au**