Elections: Owner & Occupier Eligibility Claims

Legislation/local law requirement

Local Government Act 1996 Section 4,41

The purpose of this document is to identify person(s) that are eligible to vote in the Local Government election.

How are the City's Elections Held?

Local Government ordinary elections occur every two years and are generally held on the third Saturday in October.

Voting in a Local Government election is not compulsory in Western Australia however, all electors are strongly encouraged to vote.

There are two types of Local Government elections - postal elections and voting in person elections. Postal electors are sent an election package which includes the ballot papers and may then vote at home and post the completed papers. At a voting in person election, electors may vote early or by post but most choose to vote in person on election day at a polling place within the district.

Postal election

All eligible electors will receive a postal voting package around three weeks prior to polling day. The package will include a list of candidates, ballot papers, instructions on how to vote and a declaration. To vote, follow the instructions included in the package. Your postal voting package must be received before 5:00pm on polling day. If you do not think that your postal voting package can be returned by post in time, you can deliver it by hand to a polling official.

Enrol to Vote

Am I enrolled to vote

If you live within the City of Stirling, and you are already enrolled as an elector on the Commonwealth or State Electoral Roll for your residential address, you will automatically be enrolled for Local Government elections.

To check if you are on the Commonwealth or State electoral roll, visit the below websites:

- Commonwealth Roll – Australian Electoral Commission - check.aec.gov.au
- WA State Roll – Western Australian Electoral Commission - www.elections.wa.gov.au/oes#/oec

If you have recently moved house or changed your name, you will need to update your details

Visit the WAEC website to:

- Update your enrolment - www.elections.wa.gov.au/update

Eligibility criteria

In order to be eligible to vote, you must:

- Be an Australian Citizen
- Be 18 years of age or older
- Have lived at your present address for at least one month prior to the close of enrolments

In addition, you need to be either

A resident within the City of Stirling (your normal place of residence is within the City of Stirling), and you appear on the State electoral roll (i.e. you are enrolled to vote at elections).

OR

A non-resident or occupier provided:

- You are on the State or Commonwealth electoral rolls for your normal place of residence outside the City of Stirling
- You own or occupy rateable property in the City of Stirling (e.g. commercial premises by way of legal instrument like a lease for a minimum three month term)
- You have made a successful eligibility claim (see enrolment eligibility form) with the City's rates department that is still current
- Special Eligibility Criteria

Special Eligibility Criteria

In rare instances, even if you do not appear on the State or Commonwealth Electoral Roll but own or occupy a rateable property in the City of Stirling you may still be eligible to vote.

To qualify under Clause 12, an elector must:

- Own or occupy rateable property within the electorate
- Have been listed on the last electoral roll prepared under the Local Government Act 1960 for that electorate
- Have continuously owned or occupied rateable property in the electorate since that roll was prepared

Clause 12 of Schedule 9.3 was repealed by the *Local Government Amendment Act 2024*, persons who are enrolled relying on this provision can remain enrolled until their enrolment would have otherwise ended, however no new or renewed enrolments may be made relying on this provision.

Non-resident owner

If you are a non-resident owner of rateable property in the City of Stirling and are on the State or Commonwealth Electoral Roll, you are eligible to enrol to vote.

Owners of land who were on the last roll continue to retain that status until they cease to own the rateable property to which the enrolment relates to.

Occupier

If you are an occupier of rateable property in City of Stirling and are on the State or Commonwealth Electoral Roll, you are eligible to enrol to vote in certain situations.

To be eligible to enrol as an occupier, you will need to have held a right, under lease, tenancy agreement or other legal instrument, to be in continuous occupation of a rateable property within the City of Stirling for at least the last twelve months and have a right, under lease, tenancy agreement or other legal instrument, to be in continuous occupation of the property for at least the next three months following the date of the claim to enrol.

The Election Regulations set out a series of requirements for a person to be enrolled as an occupier including that they must:

- Have quiet enjoyment (exclusive occupation) of their occupied property
- Be able to secure their occupied property from intruders
- Genuinely operate or intend to operate their business from that property
- Lease at least 10m2 of property, subject to a series of exclusions
- Pay a minimum amount of rent for the property.

If you wish to check your enrolment on the City of Stirling Owners and Occupiers Roll, please contact the rates department by emailing rates@stirling.wa.gov.au

Applying as a non-resident owner/occupier

To apply as a non-resident owner/occupier you will need to complete and submit an Enrolment Eligibility Claim Form. Please visit the Enrolment to Vote on the City of Stirling website

www.stirling.wa.gov.au/your-city/about-council/council-elections/enrolment-to-vote

- Owners and occupiers
- Multi-owners
- Body Corporates

Enrolment Eligibility Claim Forms must be received by the Chief Executive Officer during an election year and prior to the close of the roll, 50th day before Election Day. A person must submit a claim to the City by the close of the roll at 5:00pm on Friday 22 August 2025. If any information provided on the claim form is incorrect or missing documents to complete the claim by 5:00pm on the closing date, the City will reject your claim, and you will lose your eligibility to vote in the upcoming election

Joint owners/occupiers

If a rateable property is owned or occupied by more than two people, a majority of the owners/occupiers may nominate two persons. A written nomination must be signed by the majority of the joint owners/occupiers.

Body Corporations

A body corporate that owns or occupies rateable property in the City of Stirling may nominate two people as nominees on the City of Stirling Owners and Occupiers Roll.

The appointment of a body corporate's nominee must be evidenced by a letter on company letterhead or by email from the company's email address which has been signed by an officer of the body corporate. An officer of a body corporate may include the CEO, a Director, Company Secretary, Treasurer or the Chief Financial Officer.

If one of up to two nominees of a body corporate have held a right, under lease, tenancy agreement or other legal instrument, to be in continuous occupation of a rateable property within the City of Stirling for at least the last twelve months and have a right, under lease, tenancy agreement or other legal instrument, to be in continuous occupation of the property for at least the next three months, a copy of the lease is required to support your enrolment claim.

What if I am not enrolled to vote?

If you are a non-resident owner or occupier of the City of Stirling and not already enrolled to vote, you may make a claim to be included on the Owners and Occupiers Roll.

You can complete one of the Enrolment Eligibility Claim forms found on the City of Stirling website under enrolment to vote or visit:

www.stirling.wa.gov.au/your-city/about-council/council-elections/enrolment-to-vote

Which form should I complete

- **Non-Resident Owner (Complete form 2)**
  Owns rateable property in the electorate as a sole owner, or one of two co-owners.

- **Occupier (Complete form 2A)**
  Has held a right of occupation to a rateable property in the City of Stirling for at least twelve months and has a right to continuous occupation of rateable property in the electorate under a lease, tenancy agreement or other legal instrument for a period of at least three months, as sole occupier or one of two occupiers of the property.

- **Co-Owner Nominee (Complete form 2B)**
  Owns rateable property in the electorate as one of more than two co-owners; and is one of up to two nominees, nominated by all or a majority of the co-owners.

- **Co-Occupier Nominee (Complete form 2B)**
  Has held a right of occupation to a rateable property in the City of Stirling for at least twelve months and has a right to continuous occupation of rateable property in the electorate under a lease, tenancy agreement or other legal instrument for a period of at least three months, in conjunction with two or more other people and is one of up to two nominees, nominated by all or a majority of the occupiers.

- **Body Corporate Owner / Occupier Nominee (Complete form 2C)**
  Is one of up to two nominees of a body corporate that owns or has held a right of occupation to a rateable property in the City of Stirling for at least twelve months and has a right to continuous occupation of rateable property in the electorate under a lease, tenancy agreement or other legal instrument for a period of at least three months.

Duration of enrolment

If you are an occupier or a nominee and your Enrolment Eligibility Claim is accepted, it will expire six months after the next two (or in limited circumstances, next three) ordinary elections held for the City of Stirling, (in accordance with section 4.33 of the *Local Government Act 1995*).

If you wish to continue to qualify as an elector after that, you will need to make a new Enrolment Eligibility Claim.

Rejected claims

If any information provided on the form is incorrect or missing by 5:00pm on the closing date, the City will reject your claim, and you will lose your eligibility to vote in the upcoming election.

Further information

For more information about Council elections please visit the City of Stirling's website under Council Elections.

www.stirling.wa.gov.au/your-city/about-council/council-elections