

**Electoral structure review - Horsham Rural City Council - Response Submission**  
**Peter Jenkin - Horsham - 01 July 2023, 05:26 pm**

To the Electoral Representation Advisory Panel.

Because of the nature of the Horsham Rural City Council, the focus of by way of population, is going to be Horsham City. The options proposed tend to confirm that by virtue of the fact that the majority of wards will be in Horsham, and even the outlying wards will include areas of that city. As requested in the Submission Guide, I will address the options presented.

Option 1: As above, the wards are predominately Horsham based. Interestingly, a section of Haven is included in part of the Pine Lake ward which means that if there was a Haven representative elected, it would preclude any representation from 33.20% of the electorate being the rest of the Pine Lake ward. Similarly, with the Lake Wyn Wyn ward, another person in the Haven area if elected would preclude the balance of that ward from representation which is another 66.35%. So 2 people from Haven, which is basically a part of Horsham, would stop 99.55% of the electorate by area from having representation.

Option 2: Similar to the case with Option 1, the wards are predominately Horsham based, and simply reduce the options for candidates in an election. 99.51% of the electorate by area can only possibly field 2 candidates and those candidates could possibly effectively be Horsham residents. In the case of the Wyn Wyn ward, the townships of Natimuk and Pimpinio could be represented by a councillor from Dadswells Bridge, some 55 km away, and in a vastly different locality.

Option 3: As with the first two proposals, the wards are still Horsham based, although there is more possibility of some rural representation. It does however bring into the realms of possibility that all councillors could be elected from a rural area and have no Horsham representation. I will admit that it is unlikely, but it is possible. It is also possible with the current unsubdivided structure, but there is more flexibility due to the fact that two 'ideal' candidates who simply happen to live near each other could potentially still be elected rather than one eliminating the other.

In summary, I can't see that any of the proposed options are any better than the current unsubdivided structure. There is an old saying "if it aint broke, don't fix it", and I think that this is applicable to this review. My arguments for that follow.

From the 2015-16 Council Representation Reviews:

7 Councillors - (Same as current.)

16,048 Voters - (295 less than current. So effectively the same)

4,262 Sq Km Area - (Same as current)

Preferred option

"After careful consideration, the VEC put forward the following preferred option:

Horsham Rural City Council consist of seven councillors elected from an unsubdivided municipality."

(See attachment 1 for further quotes from that review.)

Why Can't it remain as it is?

The Local council electoral structure review – Preliminary report – Horsham Rural City Council states that under the changes to the Act (Victoria's Local Government Act 2020) all Metropolitan, Regional Interface and Regional City Councils must now have single councillor ward structures. But is that so?

The title "Horsham Rural City Council" - would indicate that Horsham is a rural city, however it is listed as a Regional City Council. Having said that, it is by far the smallest of the listed councils by any of the people measures (population, voters, voters per councillor) on the 2023–24 Local council

electoral structure reviews – Submission guide – Round 2, but is the largest in area excluding Mildura Rural City. This obviously creates the problem of trying to make effective single councilor wards given that the City of Horsham contributes over 72% of the population, but only 0.45% of the area.

Does it have to change under the Act?

Under the Act, section 13 Constitution of a council, subsection 6, says "For the avoidance of doubt, a Council constituted before the commencement of this Act is not required to be constituted in accordance with this section unless the electoral structure of the Council is altered in accordance with section 15." (Attachment 2) Now I am not a constitutional lawyer, but that would appear to me to say that if there is an existing structure in place, it can remain.

If that is not the case, there are a number of other ifs, buts, and wherefores that the Governor in Council, on the recommendation of the Minister may make various changes to the structure of a council.

I would suggest that there are ways, subject to the will of the review panel that the current structure could be left in place.

\*\*\*\*\*My Submission\*\*\*\*\*

I believe that the current structure of the Horsham Rural City Council should be left as it is, an unsubdivided electorate, given that there is not, in my opinion, any problem to overcome with the current structure. Any creation of wards is a torturing of common sense boundaries to fill some ideological goal and satisfy some Bureaucrats. In a climate where wastage and expense are supposed to be minimised, the proposal of this review is exactly the opposite.

The review of the Horsham Rural City Council conducted in 2015 found that basically the change to a ward structure would not work for numerous reasons. The Proportional Representation Society of Australia (PRSA) praised the preferred option because it would keep Horsham invulnerable to stalemates; ensure that a maximum number of votes would continue to elect a candidate; avoid uncontested elections; ensure that an absolute majority of votes would elect a majority of councilors; avoid arbitrary positioning of ward boundaries; and save the cost of ward boundary reviews." (Full review in attachment 1) As I said above - nothing has fundamentally changed since that review.

Lets save the hassle, stress, drama and cost of introducing an unworkable system that will have to be modified as population changes occur, and just leave things as they are.

An unsubdivided electorate for Horsham Rural City Council is the only way to go.

Attachment 1

Quotes from the 2015 Horsham Rural City Council Electoral Representation Review

“The unsubdivided structure appears to have been working as it should in relation to the operation of the Council. The Council submission stated that ‘One of the strengths of the Horsham Rural City Council has been the ability of the Councillors to come to the Council table representing the whole of the community and focussing on the best benefits for the municipality overall’. Because each councillor is responsible to all of the voters, residents can speak to any one of them.” (P16)

“Electoral structure

The social geography of a municipality shapes the possible electoral structures. The key feature of the Rural City of Horsham is its focus on Horsham itself. The town includes 73 per cent of the municipality’s voters. The road pattern radiates out from Horsham, and no part of the municipality is more than 70 kilometres from the town. Residents from all over the municipality travel to Horsham for services and the town has close links with its hinterland. There are many localities in the municipality, each with their own characteristics, but the only other urban area is Natimuk, which has only 409 residents (as at the 2011 census) compared to Horsham’s 15,894. All these features indicate that the municipality forms a single, interconnected community of interest. As such, it is well suited to an unsubdivided electoral structure.

Nevertheless, the distinction between urban and rural areas is a fundamental one. The VEC modelled a subdivided structure that would guarantee geographic representation for the urban and rural parts of the municipality, comprising a five-councillor urban ward and two single-councillor rural wards.

There were a number of problems with this model, which rendered it unsuitable to present as an option in the preliminary report:

- the rural wards had to include semi-urban areas just outside Horsham, which meant that they were not fully rural;
- the rural wards were not really based on communities of interest, but were rather collections of individual localities;
- there was a strong possibility of uncontested elections for the rural wards, which would have reduced the choice for voters; and
- this model would have guaranteed a strong majority of urban-based councillors, which could have produced divisions and bloc voting.

The strongest argument against a subdivided model is that it is a solution to a non-existent problem. Past election results suggest that Horsham Rural City Council voters do not vote on where candidates come from, but on their views of who would make the best councillors. Diagram 1 shows the locations of the councillors elected in 2012. Five of the councillors come from rural areas—some from very small localities. There was a similar spread of councillors at the 2008 election. The Council’s submission stated, ‘There has been no concern raised at a Council or a community level in relation to under or over-representation of geographic areas of the community’.” (P15}

“Preferred option

After careful consideration, the VEC put forward the following preferred option: Horsham Rural City Council consist of seven councillors elected from an unsubdivided municipality.” (P17)

“The PRSA praised the preferred option because it would keep Horsham invulnerable to stalemates; ensure that a maximum number of votes would continue to elect a candidate; avoid uncontested elections; ensure that an absolute majority of votes would elect a majority of councillors; avoid arbitrary positioning of ward boundaries; and save the cost of ward boundary reviews.” (P18)

**13 Constitution of a Council**

- (1) A Council must consist of not fewer than 5 Councillors and not more than 12 Councillors.
- (2) The Mayor and Deputy Mayor are Councillors of the Council.
- (3) The number of Councillors of a Council for the purposes of subsection (1) is to be determined in accordance with the criteria prescribed by the regulations.
- (4) A Council may be constituted so that it consists of—
  - (a) subject to subsection (5), all Councillors elected to represent the municipal district as a whole; or
  - (b) all Councillors elected to represent single member wards into which the municipal district is divided; or
  - (c) subject to subsection (5A), an equal number of Councillors elected to represent each ward into which the municipal district is divided.
- (5) A Council must not be constituted in accordance with subsection (4)(a) unless, by notice published in the Government Gazette, the Minister specifies that the Council, or a Council that is a specific type of Council, may be an un-subdivided municipal district.
- (5A) A Council must not be constituted in accordance with subsection (4)(c) unless, by notice published in the Government Gazette, the Minister specifies that the Council, or a Council that is a specific type of Council, may be constituted in accordance with subsection (4)(c).
- (6) For the avoidance of doubt, a Council constituted before the commencement of this Act is not required to be constituted in accordance with this section unless the electoral structure of the Council is altered in accordance with section 15.