

Local Council Representation Review

Final Report

**COLAC OTWAY
SHIRE COUNCIL**

May 2019

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Recommendation

The Victorian Electoral Commission recommends that Colac Otway Shire Council consist of seven councillors elected from three wards (two three-councillor wards and one single-councillor ward).

This recommendation is submitted to the Minister for Local Government as required by the *Local Government Act 1989*.

Please see Appendix 2 for a detailed map of this recommended structure.

Executive summary

The *Local Government Act 1989* (the Act) requires the Victorian Electoral Commission (VEC) to conduct an electoral representation review of each municipality in Victoria before every third council general election.

The purpose of an electoral representation review is to recommend an electoral structure that provides fair and equitable representation for people who are entitled to vote at a general election of the council. The matters considered by a review are:

- the number of councillors
- the electoral structure of the council (whether the council should be unsubdivided or divided into wards and, if subdivided, the ward boundaries and the number of councillors per ward).

The VEC conducts all reviews based on three main principles:

1. taking a consistent, State-wide approach to the total number of councillors
2. if subdivided, ensuring the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council
3. ensuring communities of interest are as fairly represented as possible.

Current electoral structure

Colac Otway Shire currently comprises seven councillors elected from an unsubdivided electoral structure. Prior to the last representation review in 2007, Colac Otway Shire Council was comprised of seven councillors elected from one three-councillor ward, one two-councillor ward, and two single-councillor wards.

Visit the VEC website at vec.vic.gov.au to access a copy of the 2007 review final report.

Preliminary submissions

Preliminary submissions opened at the commencement of the current review on Wednesday 30 January 2019. The VEC received 44 submissions for the representation review of Colac Otway Shire Council by the deadline at 5.00 pm on Wednesday 27 February 2019.

Preliminary report

A preliminary report was released on Wednesday 27 March 2019 with the following options for consideration:

- Option A (preferred option)

Colac Otway Shire Council consist of seven councillors elected from an unsubdivided electoral structure.

- Option B (alternative option)

Colac Otway Shire Council consist of seven councillors elected from three wards (two three-councillor wards and one single-councillor ward).

- Option C (alternative option)

Colac Otway Shire Council consist of nine councillors elected from four wards (one four-councillor ward, one three-councillor ward and two single-councillor wards).

Response submissions

The VEC received 99 submissions responding to the preliminary report by the deadline at 5.00 pm on Wednesday 24 April 2019.

Public hearing

The VEC conducted a public hearing for those wishing to speak about their response submission at 4.00 pm on Tuesday 30 April 2019. Seven people spoke at the hearing.

Recommendation

The Victorian Electoral Commission recommends that Colac Otway Shire Council consist of seven councillors elected from three wards (two three-councillor wards and one single-councillor ward).

This electoral structure was designated as Option B in the preliminary report. Please see Appendix 2 for a detailed map of this recommended structure.

Background

Legislative basis

The Act requires the VEC to conduct a representation review of each local council in Victoria before every third general council election, or earlier if gazetted by the Minister for Local Government.

The Act states that the purpose of a representation review is to recommend the number of councillors and the electoral structure that provides 'fair and equitable representation for the people who are entitled to vote at a general election of the Council.'¹

The Act requires the VEC to consider:

- the number of councillors in a local council
- whether a local council should be unsubdivided or subdivided.

If a local council is subdivided, the VEC must ensure that the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council.² On this basis, the review must consider the:

- number of wards
- ward boundaries
- number of councillors that should be elected for each ward.

Public engagement

Public information program

The VEC conducted a public information program to inform the community of the representation review, including:

- public notices printed in local and state-wide papers
- public information sessions to outline the review process and respond to questions from the community
- media releases announcing the commencement of the review and the release of the preliminary report
- a submission guide to explain the review process and provide background information on the scope of the review

¹ Section 219D of the *Local Government Act 1989*.

² *ibid*.

- an information email campaign targeted at known community groups and communities of interest in the local council area
- sponsored social media advertising geo-targeted to users within the local council area
- ongoing information updates and publication of submissions on the VEC website.

More information on the VEC's public information program for the representation review of Colac Otway Shire Council can be found at Appendix 3.

Public consultation

Public input was accepted by the VEC via:

- preliminary submissions at the start of the review
- response submissions to the preliminary report
- a public hearing that provided an opportunity for people who had made a response submission to expand on their submission.

Public submissions are an important part of the review process but are not the only consideration. The VEC ensures its recommendations comply with the Act and are formed through careful consideration of public submissions, independent research, and analysis of all relevant factors.

The VEC's principles

Three main principles underlie all the VEC's work on representation reviews:

1. Taking a consistent, State-wide approach to the total number of councillors.

The VEC is guided by its comparisons of local councils of a similar size and category to the council under review. The VEC also considers any special circumstances that may warrant the local council having more or fewer councillors than similar local councils.

2. If subdivided, ensuring the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council.

This is the principle of 'one vote, one value', which is enshrined in the Act. This means that every person's vote counts equally.

3. Ensuring communities of interest are as fairly represented as possible.

Each local council contains a number of communities of interest. Where practicable, the electoral structure should be designed to ensure they are fairly represented, and that geographic communities of interest are not split by ward boundaries. This allows elected

councillors to be more effective representatives of the people and interests in their particular local council or ward.

Developing recommendations

The VEC bases its recommendations for particular electoral structures on the following information:

- internal research specifically relating to the local council under review, including data from the Australian Bureau of Statistics and .id³; voter statistics from the Victorian electoral roll; and other State and local government data sets
- the VEC's experience conducting previous electoral representation reviews of local councils and similar reviews for State elections
- the VEC's expertise in mapping, demography and local government
- careful consideration of all input from the public in written submissions received during the review and via oral submissions at the public hearing
- advice from consultants with extensive experience in local government.

Deciding on the number of councillors

The Act allows for a local council to have between five and 12 councillors but does not specify how to decide the appropriate number.⁴ In considering the number of councillors for a local council, the VEC is guided by the Victorian Parliament's intention for fairness and equity in the local representation of voters under the Act.

The starting point in deciding the appropriate number of councillors for a local council is comparing the local council under review to other local councils of a similar size and type (Principle 1). Generally, local councils that have a larger number of voters will have a higher number of councillors. Often, large populations are more likely to be diverse, both in the nature and number of their communities of interest and the issues of representation.

However, the VEC also considers the particular circumstances of each local council which could justify fewer or more councillors, such as:

- the nature and complexity of services provided by the Council
- geographic size and topography
- population growth or decline
- the social diversity of the local council.

³ .id is a consulting company specialising in population and demographic analysis and prediction information products in most jurisdictions in Australia and New Zealand.

⁴ Section 5B(1) of the *Local Government Act 1989*.

Deciding the electoral structure

The Act allows for a local council ward structure to be unsubdivided—with all councillors elected ‘at-large’ by all voters—or subdivided into a number of wards.

If the local council is to be subdivided into wards, there are three options available:

1. single-councillor wards
2. multi-councillor wards
3. a combination of single-councillor and multi-councillor wards.

A subdivided electoral structure must have internal ward boundaries that provide for a fair and equitable division of the local council.

The Act allows for wards with different numbers of councillors, as long as the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council (Principle 2). For example, a local council may have one three-councillor ward with 15,000 voters and two single-councillor wards each with 5,000 voters. In this case, the average number of voters per councillor would be 5,000.

Over time, population changes can lead to some wards in subdivided local councils having larger or smaller numbers of voters. As part of the review, the VEC corrects any imbalances and considers likely population changes to ensure ward boundaries provide equitable representation for as long as possible.

In considering which electoral structure is most appropriate, the VEC considers the following matters:

- the VEC’s recommendation at the previous representation review and the reasons for that recommendation
- the longevity of the structure, with the aim of keeping voter numbers per councillor within the 10% tolerance for as long as possible (Principle 2)
- communities of interest, consisting of people who share a range of common concerns, such as geographic, economic or cultural associations (Principle 3)
- the number of candidates in previous elections, as large numbers of candidates can lead to an increase in the number of informal (invalid) votes
- geographic factors, such as size and topography
- clear ward boundaries.

Colac Otway Shire Council representation review

Profile of Colac Otway Shire Council

Colac Otway Shire Council is located along Victoria's south-west coast between the regional centres of Geelong and Warrnambool. The Shire includes coastal towns, a major inland urban centre and farming communities. Its natural features include the coastline of the Great Ocean Road, the forested Otway Ranges, and volcanic lakes, craters and plains.

The traditional custodians of the area include the Gulidjan and Gadubanud people of the Eastern Maar Nation.

The Shire's largest town is Colac, with a population of 9,048 at the 2016 Census. The town of Elliminyt adjoining Colac has grown in recent years to a population of 2,900. Apollo Bay is the next largest town in the Shire with a population of 1,598, which reportedly swells to 15,000 in summer due to it being a major tourism centre.⁵ The Shire's total population was 20,972 in 2016 and it is forecast to experience slow to modest growth at an average annual rate of 0.9% to the year 2041.⁶

Colac Otway Shire has a diverse economy built on dairy, beef, food processing and timber, as well as a growing hospitality and tourism industry. According to the 2016 Census, the main employment sectors were manufacturing (employing approximately 13.5% of the Shire's workforce), health care and social assistance (12.7%), agriculture, forestry and fishing (12.5%), retail trade (9.1%), and accommodation and food services (8.8%).

The largest demographic group in the Shire are people aged 0-24 years (29.3%), followed by those aged 45-64 years (28%), 25-44 years (21.9%) and then people aged 65 years and above (20.9%). Population forecasts to 2036 indicate that the retirement age population will represent the greatest increase in the Shire, reflecting the situation across most rural areas in Victoria, where the older demographic is growing while younger residents are moving out to city centres. Notably, while Colac and Elliminyt residents have a median age of 43 and 40 years respectively, the average age for the more permanent population in Apollo Bay is 50 years.

Overall, the median weekly household income in Colac Otway Shire at \$1,057 is lower than the average median weekly household income across rural and regional Victoria at \$1,124. The unemployment rate for Colac Otway Shire overall is 4% which is lower than the average unemployment rate for rural and regional Victoria at 6%.

⁵ Demographic data compiled from Australian Bureau of Statistics (ABS), 'Quickstats 2016' and ABS 2016 Census.

⁶ .id., 'Colac Otway Shire: population summary', .id., accessed 11 April 2019, <https://forecast.id.com.au/colac-otway/population-summary>.

Colac Otway Shire's population is largely culturally and linguistically homogenous with a high percentage of its population born in Australia. Approximately 4% of the Shire's residents speak a language other than English at home. A greater proportion of the population in Apollo Bay speak a language other than English at home, at 7.9%. Across the Shire, the Indigenous population comprise 1.2% of the population, which is close to the average for rural and regional Victoria.

Current electoral structure

Colac Otway Shire Council currently comprises seven councillors elected from an unsubdivided electoral structure. Prior to the last representation review in 2007, Colac Otway Shire Council comprised of seven councillors elected from four wards (one three-councillor ward, one two-councillor ward, and two single-councillor wards).

Visit the VEC website at vec.vic.gov.au to access a copy of the 2007 review final report.

Preliminary submissions

At the close of submission on Wednesday 27 February 2019, the VEC received 44 submissions for the representation review of Colac Otway Shire Council. A list of people who made a preliminary submission can be found in Appendix 1.

Submissions were received from a range of stakeholders including individuals as well as several organisations such as the Apollo Bay Chamber of Commerce, Colac Otway Ratepayers and Residents Association and Great Ocean Road Escapes (a property management service). Colac Otway Shire Council did not make a submission. However, Councillor Stephen Hart made a personal submission to the review. Most submissions were from Apollo Bay and the coastal area.

The submissions were made available on the VEC website.

Number of councillors

Most preliminary submitters focused their comments on the electoral structure and did not comment on the number of councillors. Fifteen submitters who did comment on the number of councillors supported continuing with seven councillors.

While one organisation stated their support for a smaller number of five councillors, other individual submitters supported more councillors, with eight or a number between 10 and 12 councillors proposed. Of these submissions, a more substantial number (six submissions) advocated for nine councillors.

Electoral structure

Most submissions (39 out of 44) expressed a desire to return to a subdivided electoral structure. These submissions commonly proposed a combination of multi-councillor and single-councillor wards, and specifically a ward that would encompass Apollo Bay and the smaller coastal towns

to ensure dedicated representation for these communities. These submissions presented a range of proposals for a subdivided electoral structure. The most common model described was for seven councillors elected from three wards (10 submissions). This was followed by seven councillors elected from four wards. A smaller number of submitters preferred nine councillors elected from four, six or seven wards.

Out of the 44 submissions, three submitters preferred the current unsubdivided electoral structure. One of these submitters provided details for his support of the current structure. He was critical of the many submissions complaining about the lack of councillors from Apollo Bay and the coastal towns. According to this submitter, Apollo Bay did not have an elected representative from the town because voters had not supported a local representative. He considered that it was not the current unsubdivided electoral structure that had led to the lack of councillors elected from Apollo Bay but other factors such as the high number of non-resident voters in Apollo Bay.

Preliminary report

A preliminary report was released on Wednesday 27 March 2019. The VEC considered public submissions and research findings when formulating the options presented in the preliminary report.

Number of councillors

When determining the appropriate number of councillors for a municipality, the VEC assesses and compares the size of the population and enrolment as well as other factors which may warrant an increase or decrease in the number of councillors, such as projected population growth or special circumstances relating to distinct communities of interest.

Relevant demographic data indicates that Colac Otway Shire has been growing slowly. Current population projections indicate that the Shire will continue to experience slow to modest population growth until the next scheduled representation review in 2031. On balance, the VEC considered seven councillors to be appropriate for Colac Otway Shire Council but the VEC also acknowledged that there were some justifications for nine councillors.

When compared to other local council areas in rural Victoria, Colac Otway Shire sits at the top of the seven-councillor range. Preliminary submissions frequently commented on the diverse geographic communities of interest in the Shire. Several preliminary submissions also noted the potential for accelerated population growth in the Shire as it is within the Geelong Regional Alliance (G21), a formal alliance of the government, business and community sectors in the region aimed at improving quality of life, developing the region's economy and supporting

population growth in the region.⁷ For these reasons, the VEC developed both seven- and nine-councillor options for the community to consider.

Electoral structure

The VEC noted that most submissions were from Apollo Bay and the coastal area, and submitters were almost unanimous in their view that there should be wards and there should be a ward encompassing Apollo Bay, the coastal towns and the Otway Ranges. While the preliminary submissions overwhelmingly supported returning to a subdivided electoral structure, the VEC considered that there remained significant arguments to warrant further consultation in relation to the current electoral structure.

Option A: an unsubdivided electoral structure

Revisiting the previous representation review, the VEC found most submissions had supported changing from a subdivided to an unsubdivided electoral structure. Submissions in the previous review and the VEC's research had indicated that there were broadly dispersed communities of interest, such as those associated with tourism, forestry, farming and retail, in addition to geographically compact communities of interest in the Shire.

The VEC also considered the general merits of an unsubdivided electoral structure. An unsubdivided electoral structure can foster a 'whole-of-shire' approach to representation and community identity. It can also ensure the representation of both non-geographic and geographic communities of interest. In this review, the VEC further noted that since becoming unsubdivided, the number of candidates in the Shire has been greater than when the Shire had wards, increasing the choice for voters. For these reasons, the VEC considered an unsubdivided electoral structure a suitable model for Colac Otway Shire and it was presented as Option A in the preliminary report.

However, the VEC recognised that the preliminary submissions in this representation review demonstrated a strong desire to return to a subdivided electoral structure. The VEC commonly heard that Colac Otway Shire Council is dominated by councillors from Colac and surrounds, and at present, there are no elected representatives from the town of Apollo Bay. The VEC considered relevant election data from the past three general elections and observed that over these elections, there has only been one councillor elected from Apollo Bay and generally three councillors for the urban centre of Colac, and councillors located in the towns close to Colac. The VEC therefore also considered it appropriate to develop two subdivided electoral structures for further consideration by the Shire's community.

⁷ G21, 'About G21', <http://www.g21.com.au/about-g21>, accessed 7 May 2019.

Options B: seven councillors elected from three wards (two three-councillor wards and one single-councillor ward)

The most common model put forward by submitters in the present review proposed a model of seven councillors elected from three wards. This model consisted of two three-councillor wards and a single-councillor ward. One of the three-councillor wards would include Colac and surrounds, while the second three-councillor ward would encompass the Otway Ranges, Apollo Bay and the coastal area. The single-councillor ward in the northern part of the Shire would represent the major farming communities in this area. This option presented several positive features for the VEC. It would enable the different interests of the coastal, urban and farming communities to be represented and ensure that Apollo Bay and the coastal towns that share common interests would have a ward. The equitable allocation of councillors for the two larger wards would balance the different interests from Colac and Apollo Bay while providing for a dedicated representative for the north. This model became Option B in the preliminary report.

Option C: nine councillors elected from four wards (one four-councillor ward, one three-councillor ward and two single-councillor wards)

The VEC also assessed several four-ward models based on comments made in the preliminary submissions and the four-ward structure that had existed before 2007. Following detailed analysis of these proposed structures, the VEC developed a viable model consisting of nine councillors elected from four wards. The model would include a four-councillor ward for Colac and surrounds; a three-councillor ward for the Otway Ranges, Apollo Bay and the coastal towns; a single-councillor ward for the central area south of Colac; and a single-councillor ward for the northern part of the Shire.

All options developed by the VEC were considered fair and equitable as they have been developed to meet the requirements in the Act and the VEC's principles. Each model, however, had certain advantages and disadvantages. In developing Option C, the VEC found possible drawbacks. For example, it was unclear whether the additional central ward in Option C constituted a strong community of interest. It was also unclear whether the Shire warranted more councillors because of the modest forecast growth. For these reasons, this model was presented as the third option in the preliminary report for further consideration by the community.

Options

After careful consideration, the VEC put forward the following options:

- Option A (preferred option)
Colac Otway Shire Council consist of seven councillors elected from an unsubdivided electoral structure.
- Option B (alternative option)
Colac Otway Shire Council consist of seven councillors elected from three wards (two three-councillor wards and one single-councillor ward).
- Option C (alternative option)
Colac Otway Shire Council consist of nine councillors elected from four wards (one four-councillor ward, one three-councillor ward and two single-councillor wards).

Public response

Response submissions

The VEC accepted submissions responding to the preliminary report from Wednesday 27 March 2019 until 5.00 pm on Wednesday 24 April 2019. The VEC received 99 response submissions. These submissions were mainly from residents and ratepayers within the Shire. Several organisations also submitted: the Apollo Bay Chamber of Commerce, Beeac Progress Association, Kennett River Association, Skenes Creek Advancement Association Inc., and the United Dairy Farmers (Colac Branch). Councillor Stephen Hart provided a personal response submission. Similar to the preliminary submissions for this review, Colac Otway Shire Council did not make a response submission.⁸

The VEC also received two submissions from outside the Shire, from the Proportional Representation Society of Australia (Victoria-Tasmania) (PRSA) and from Chris Curtis. The PRSA submitted in support of proportional representation and strongly recommended the retention of Colac Otway Shire Council as an unsubdivided electoral structure (VEC Option A). Mr Curtis also submitted in favour of Option A because of the advantages he perceived with proportional representation.

A list of people who made a response submission can be found in Appendix 1. Table 1 indicates the level of support for each option.

Table 1: Preferences expressed in response submissions

Option A	Option B	Option C	Other
12	76*	13*	2

*Includes four submissions that supported either B or C

Number of councillors

While the preliminary submissions had demonstrated a slightly broader mix of views on what the appropriate number of councillors for the Shire should be, most response submissions supported continuing with seven councillors. Nine submitters clearly supported Option C which has nine councillors. They reasoned that the Shire is large and diverse enough in terms of area, population and communities to warrant more councillors. Most submissions, however, did not support more councillors as they felt it would lead to greater cost and they considered increasing the number of councillors to be unwarranted for now, based on the size of the Shire's population.

⁸ The Mayor of Colac Otway Shire Council expressed support for the current unsubdivided electoral structure during the review. See, 'Mayor Not Keen On Wards', *Colac Herald*, April 3 2019.

Electoral structure

Most submitters were satisfied with the VEC's options. As outlined in Table 1, 76 submissions supported Option B which consists of seven councillors elected from three wards. A smaller number of submitters (12) supported the VEC's Option A.

A few of the response submissions also suggested alternative electoral structures, which the VEC considered. These included a three three-councillor ward model; a model of seven councillors elected from two wards (north and south); and a proposal to alter Option C by combining its two single-councillor wards to one two-councillor ward. The VEC modelled these options but did not consider them to be viable. The first of these proposals would not meet the legislated requirement of voter-to-councillor ratios. The VEC considered the second proposal to not be in the best interest of the Shire as it could exacerbate any perceived or real existing divide between the north and south and was not more advantageous than the existing options. The third proposal to alter Option C would create a 'doughnut' ward around the Colac Ward, which was not considered viable as an electoral structure. The VEC generally considers creating a circular ward as an odd electoral arrangement that is to be avoided because the doughnut ward tends not to have its own community of interest but simply to be a rural area surrounding the town. In this case, the suggested ward surrounding the proposed Colac Ward would not reflect the distinct identity the VEC commonly heard, exists in the northern part of the Shire.

Support for Option A

Twelve submitters supported the current unsubdivided electoral structure. The main reason submitters opposed subdivided electoral structures was that residents from one part of the Shire are not able to vote for candidates in other wards thus limiting choice for voters. They also argued that the representatives of smaller groups in the Shire that might have found representation in an unsubdivided structure are less likely to gain the same support in a subdivided electoral structure. These submitters also considered that Options B and C could lead to 'parochial interests' dominating council.

The VEC received four response submissions from the towns of Beeac, Alvie and Weering, which supported Option A. These submitters valued the current structure as it encouraged councillors to represent the entire Shire. They also commented that the proposed single-councillor ward in the north in Option B would place 'undue pressure' on their elected councillor in relation to their own constituents and the two large centres of Colac and Apollo Bay. The Beeac Progress Association noted that their towns and the dairy farming community in the Shire have had 'excellent support' from the current Council and expressed concern that they would not receive the same support with the other options.

Submitters that supported Option A did recognise the large number of submissions from Apollo Bay and they argued that the lack of local representatives from Apollo Bay may have more to do

with the 'quality' of their candidates in the past elections. A couple from Apollo Bay that supported Option A stated that they did not vote for their local candidates at the previous election as they felt these candidates were 'too narrow in their focus'. This couple observed that the current councillors living in Colac had taken a 'proactive approach' to addressing the needs of communities outside of Colac.

The PRSA and Mr Curtis supported Option A because the structure allows for the proportional representation system to apply 'in a symmetrical even-handed manner' with all candidates needing to reach the same quota of votes to be elected. The PRSA has argued that the proportional representation system is the fairest system as it maximises the number of effective votes in a local council area.

Support for Option B

Of the 76 submissions received in favour of Option B, most of the submissions supported Option B for reasons that reiterated the key themes in the preliminary submissions.

A larger number of preliminary submissions had raised concerns that Apollo Bay and the coastal towns of Skenes Creek, Marengo, Wongarra, Wye River and Kennett River were not being represented in an unsubdivided electoral structure as there are currently no representatives elected from Apollo Bay or the coastal area. Most of the response submissions in support of Option B reiterated this sentiment, commenting that in an unsubdivided electoral structure, candidates and councillors have predominantly been from the urban centre of Colac and from the towns nearby. The response submissions commonly focused on the revenue of rates paid by ratepayers in Apollo Bay and the other coastal towns. Submitters often commented that despite the coastal towns contributing a greater proportion of revenue to council, there has been limited council expenditure on the coastal area. Submitters cited a growing need to manage issues specific to these towns due to increased tourism and environmental issues such as coastal erosion.

Also reiterating the preliminary submissions, most submitters argued that Colac Otway Shire has three distinct geographic communities of interest which are best represented by Option B. These communities of interest centred on tourism-focused Apollo Bay, the urban centre of Colac/Elliminyt and the farming communities in the north. Many submissions stated that subdivision into two multi-councillor wards and a single-councillor ward would be preferable as it would represent these three geographic communities of interest, increase the chance of a candidate from Apollo Bay getting elected in the next election, and ensure that there are local councillors who are accountable to the towns along the coast.

Support for Option C

Nine submissions supported Option C for similar reasons. However, supporters of Option C thought this option could provide 'fairer and more democratic distribution and representation' across the Shire. Two submitters who supported Option C stated that they favoured the grouping of communities of interest in Option C. One of these submitters thought there was not much community of interest between towns like Birregurra in the north-east of the proposed 'Otway Ward' in Option B with towns in the southern Otways. Some submitters who supported Option C considered the distribution of voters in each ward to be fairer in Option C compared to Option B.

Option C supporters generally commented that Colac Otway Shire is a large and diverse shire that warrants nine councillors. They also argued that the additional single-councillor ward in Option C could reduce the likelihood of the 'kingmaker' scenario presented in Option B.

Public hearing

The VEC conducted a public hearing for those wishing to speak about their response submission at 4.00 pm on Tuesday 30 April at COPACC, 95 - 97 Gellibrand Street, Colac. Seven speakers attended the public hearing, including one by tele-conference. A list of people who spoke at the hearing can be found in Appendix 1.

One speaker spoke in favour of Option A, and six speakers in support of Option B.

Support for Option A: unsubdivided electoral structure

Representing the Colac Branch of the United Dairy Farmers, one speaker outlined his reasons for not supporting Options B and C. He stated that these options would disenfranchise dairy farmers in the Shire, local councillors would be elected on parochial issues at the expense of whole-of-shire decision-making – and with three councillors from the coastal area and three councillors for the Colac area, there could be less representation for the communities in the north. He also commented on the location of dairy farming communities in the Shire and stated that Options B and C would split the dairy farming community of interest and that it would be difficult for a farmer to be elected in the proposed Otway Ward in Option B. This speaker supported the current structure and commented that the issues of the coast are issues that are under the purview of the state government rather than local government. He believed that 'seven good councillors' who are committed to the Shire are needed over the proposed ward structures in Options B and C.

On the rates issue raised by the many submissions from Apollo Bay, this speaker felt that it may not be a genuine issue for the coastal communities given that an earlier inquiry into a differential rates strategy for the Shire had only received three submissions and they were all from the farming communities.

Support for Option B: two three-councillor wards and one single-councillor ward

In contrast, there were six speakers from the south of the Shire at the public hearing that supported Option B. All except one were from Apollo Bay and the nearby coastal towns. Speakers in support of Option B generally focused on the benefits of the three-ward electoral structure over the current unsubdivided structure and outlined their reasons for supporting Option B over C.

Lack of attention to Apollo Bay and the coastal area

Speakers in support of Option B expanded on their response submissions by focusing on the proportion of council expenditure on Apollo Bay and the coastal area in the Shire, stating that while they paid significant rates, the amount spent on their area was lower than for Colac, indicating, in their view, council's bias towards Colac. They also focused on the lack of attention from council towards Apollo Bay and the coastal area despite the growing number of tourists, the impact of environmental issues such as coastal erosion, and the need for better infrastructure and management of traffic and facilities. One speaker who lived in Apollo Bay for 40 years commented on the poor condition of its roads and the lack of reasonable rejuvenation of the town over the years. This speaker noted that the older population in Apollo Bay found the lack of repairs and rejuvenation of streets particularly challenging.

Wards will encourage candidates to nominate

It was commonly noted by speakers who supported Option B that six out of seven councillors are from Colac and surrounds. Some of these speakers including a speaker representing the Apollo Bay Chamber of Commerce and other speakers from Apollo Bay and Skenes Creek commented that candidates from the coastal towns often felt that they did not have a chance of being elected in the current electoral structure and they were therefore not nominating at elections. One speaker from Skenes Creek noted that people in the coastal towns have been discouraged as they do not feel they have a realistic chance of succeeding as preferences are going to candidates from the main population centre where candidates are known. The VEC heard that wards would encourage candidates in the coastal area to nominate. In response to a question from the VEC about the possibility that in the Otway Ward there could still be no councillors elected from Apollo Bay, speakers in support of Option B commonly stated that Options B or C would ensure that there are representatives that are accountable to Apollo Bay, which is missing in the current council.

Recognised communities of interest

The VEC commonly heard that the inland communities in the Shire are significantly different in industry, lifestyle and outlook to the communities in the south from the Otway Ranges to the coast. Several speakers noted that the forested Otway Ranges present a natural boundary between the coastal towns in the south and the north of the Shire. Responding to questions from

the VEC about the grouping of communities proposed in Options B and C, one speaker representing the Apollo Bay Chamber of Commerce stated a preference for Option B, as small rural towns such as Birregurra have increasingly turned to food, wine and tourism and share a community of interest with Apollo Bay and the Otway Ranges. Another speaker from Apollo Bay considered that there was less community of interest between Apollo Bay and Birregurra; this speaker still supported Option B as broadly defining the key geographic communities of interest in the Shire. Councillor Hart also commented on the common tourism-focus for Birregurra and towns in the Otway Ranges. Another speaker considered that residents in Birregurra had more in common with Colac as they tended to go there for services.

Increase diversity among councillors

Councillor Hart extended on his preliminary and response submissions by addressing one of the VEC's key concerns about Option B that there could be a split along geographic lines in a structure with three councillors each for Colac and Apollo Bay, and that this could lead to a 'king maker' scenario in which the single-councillor in the north would have the decisive vote.

Councillor Hart commented that the current council is already divided into two groups with a deciding vote often cast by the same independent Councillor. He noted that instead of creating two voting blocs, it was more likely that the multi-councillor wards in Option B would promote diversity of representation on council, as voters in each ward could support candidates representing various interests including farming interests, under the proportional representation system.

Number of councillors

All speakers at the public hearing expressed a preference to continue with seven councillors rather than nine. The speaker in support of Option A did not support Option C because he thought nine councillors was unnecessary and would lead to greater cost and possibly time wasted in council on extended debates. Speakers in support of Option B also commonly felt that nine councillors were not justified for the Shire. They also commented that Option C with more councillors would 'dilute' their representation further. The speaker from Skenes Creek noted that it is easier to communicate issues to seven rather than nine councillors.

In relation to the number of councillors, Councillor Hart argued that single-councillor wards were generally less favourable as there is the increased possibility of there being less candidates in these wards and so he supported Option B over Option C. Potential candidates can also be discouraged from standing in single-councillor wards as it can seem as though an incumbent councillor owns the seat.

Findings and recommendation

The VEC's findings

The VEC considered the key themes expressed in the submissions as well as internal research and analysis to develop its final recommendation. Its recommendation complies with the legislative equality requirement and acknowledges communities of interest. The VEC recommends that Colac Otway Shire Council change from an unsubdivided electoral structure to consist of seven councillors elected from three wards (two three-councillor wards and one single-councillor ward). This was Option B in the VEC's preliminary report.

Number of councillors

In its preliminary report, the VEC noted that Colac Otway Shire is at the top of comparable seven-councillor rural local council areas in Victoria. The VEC acknowledged that there were arguments for continuing with seven councillors or increasing to nine councillors. On balance, the VEC considered the arguments for continuing with seven councillors to be stronger.

Based on .id's projections, the Shire's population is forecast to grow at an average annual rate of 0.9% to reach 26,756 by the year 2041.⁹ This represents approximately 23% growth over 22 years, which is modest among comparable local councils. The VEC also considered the local council areas adjoining Colac Otway Shire. Sharing an eastern border with Colac Otway Shire, the Surf Coast Shire (which also adjoins the major regional centre of Greater Geelong) is forecast to grow by approximately 40% from 2019 to 2036. At the other end, Corangamite Shire, which shares a west-facing border with Colac Otway Shire is forecast to grow by approximately 2% from 2019 to 2036. Forecasts for Colac Otway Shire indicates low population growth compared to its neighbouring local council areas.

Although Colac Otway Shire is at the top of the seven-councillor band of rural Victorian councils, its slow population growth suggested to the VEC that now is not the time to increase the number of councillors. Therefore, the VEC decided against Option C, which provides for nine councillors.

Electoral structure

In the present review, the VEC has heard that the current unsubdivided electoral structure has several merits. It has provided the greatest choice of candidates to voters, allowing the Shire's voters to support their preferred candidates based on shared values rather than location. The VEC also noted that the number of candidates in Colac Otway Shire over the past three general elections has not been unmanageable. Some submitters also noted that the current electoral structure encourages councillors to take a whole-of-shire approach and that crucially on the

⁹ .id., 'Colac Otway Shire: population summary', .id., accessed 11 April 2019, <https://forecast.id.com.au/colac-otway/population-summary>.

'headline' issues, the Council has generally taken a shire-wide approach to representing its constituents. Council has also provided good support to dairy farmers and the north of the Shire.

While the majority of submitters supported Option B, the VEC did not base its recommendation on numbers alone. Colac Otway Shire's landscape is diverse with volcanic plains in the north, and farming country in the northern and some of the central areas of the Shire. There is also the heavily forested Otway Ranges in the southern part of the Shire and coastal towns along the Great Ocean Road in the south. The VEC consistently heard that the Otway Ranges presents a natural divide that separates Colac and the farming communities in the north from the coastal towns in the south. The VEC considered Option B to be the most appropriate electoral structure as it would reflect the three geographic communities of interest identified in the Shire.

Although the VEC recognises council commitment to the whole shire as an important feature promoted by the current electoral structure, many submitters in this review have commented on the lack of local representation for Apollo Bay and the coastal area. In the present review, the VEC has also found that the main industries in the Otway Ranges and Apollo Bay have shifted to include a greater emphasis on hospitality and tourism, increasing the differences between the south, and Colac and the north. The VEC now considers that a subdivided electoral structure is preferable because a structure with internal wards is more likely to recognise the geographic communities of interest in the Shire as well as ensure a spread of representatives from across the Shire.

Moreover, considering the past three general elections (2008, 2012 and 2016) the VEC found that representation has been consistent for the Colac/Elliminyt area while it has been less so for the coastal area, which has seen a decreasing number of candidates from Apollo Bay. Currently, as many submitters pointed out, there are no councillors from any of the coastal towns and just one councillor from the southern part of the Shire, from Lavers Hill in the Otway Ranges.

At the public hearing, the VEC had commented on the proposed Otway Ward in Option B and raised the possibility that all candidates could be elected from the towns closer to Colac in this ward such as Barongarook, Gerangamete or Birregurra. Speakers in support of Option B acknowledged that this might be the case but noted that wards would at least ensure that there are representatives accountable to the southern part of the Shire and their towns.

One of the VEC's main concerns in this review was to ensure fair and equitable representation for the distinct geographic communities of interest in the Shire. In Option B, the centres of Colac and Apollo Bay would have three councillors each. In its preliminary report, the VEC outlined its concern that Option B could lead to the single-councillor in the northern ward having the decisive vote if the two larger wards were split along geographic lines.

At the public hearing, Councillor Hart provided evidence of the council being presently divided into two voting blocs, with an independent councillor often casting the decisive vote. Councillor

Hart reasoned that the two multi-councillor wards in Option B are unlikely to have councillors of one view and are more likely with proportional representation to return councillors representing diverse interests in these wards. He argued that a change to Option B is likely to provide benefits by promoting a more diverse Council. Regardless of whether the council is divided into two voting blocs, the VEC notes that proportional representation is likely to return candidates representing diverse interests within the proposed Otway and Colac wards.

The VEC acknowledges that Option B is likely to split some of the farming interest in the Shire. At the public hearing, a representative of the dairy farming community stated that there is some dairy farming in the south towards Gellibrand. However, the VEC also heard that most of the farming interest in the Shire is in the north towards the town of Alvie and that farming communities in the north receive support from councillors in Colac. The VEC considered that the single councillor in the proposed Northern Ward in Option B is likely to be supported by councillors in Colac, also given the proximity of the predominantly northern rural towns with Colac.

On balance, the VEC decided that the subdivided electoral structure in Option B would be the best option going forward for Colac Otway Shire. This electoral structure represents the major communities of interest in the Shire; is more likely to guarantee representation for the coastal towns; and provides for diverse representatives in council as all but one ward would use proportional representation.

Ward names

Although ward names are not the VEC's major focus for representation reviews, they are important to be able to clearly identify wards and to provide local meaning and relevance for constituents. In considering the ward names in Option B, the VEC did not vary the names of the three wards recommended in the preliminary report.

The VEC received comments from submitters regarding ward names, which focused on the ward names in Option C. Most submitters were however reasonably satisfied with the ward names in Option B proposed by the VEC ('Otway Ranges', 'Colac' and 'Northern' wards).

If the Colac Otway Shire community is minded to prefer alternative ward names, the Act provides for ward names to be altered by an Order in Council.

The VEC's recommendation

The Victorian Electoral Commission recommends that Colac Otway Shire Council consist of seven councillors elected from three wards (two three-councillor wards and one single-councillor ward).

This recommendation is submitted to the Minister for Local Government as required by the *Local Government Act 1989*. The model was designated as Option B in the preliminary report. Please see Appendix 2 for a detailed map of this recommended structure.

Appendix 1: Public involvement

Preliminary submissions

Preliminary submissions were received from:

Apollo Bay Chamber of Commerce	Lawson, Margaret
Black, Jan	Leorke, Andrew
Cannon, Sally	Levay, Veronica
Cobb, Tim	Marriner, Catherine
Colac Otway Ratepayers and Residents Association	McCarthy, Bill
Costin, Graham	McFarlane, Paul
Deppeler, Lisa	Nolle, Pauline
Fisher, Abbey	O'Carroll, Brendan
Flitton, Valma	Poole, Roderick
Georgakis, John	Proportional Representation Society of Australia (Victoria - Tasmania) Inc.
Gorman, John	Robertson, Pete
Great Ocean Road Escapes	Sande, Anna
Gross, Bill	Sas, Karlijn
Harkin, Christopher	Stahl, Brendon
Hart, Stephen Leslie	Tucker, Jen
Healey, Lisa	Tucker, John
Hill, Graham	Tucker, Libby
Holmes, Jennifer	Webber, Tony
Jevons, Colin	Williams, Karen
Judd, James	Williams, Mark
Knowles, Robert	Wilmink, Carol
Kotb, Nasser	Wren, Caroline

Response submissions

Response submissions were received from:

Angel, John	Gagiero, Alan
Apollo Bay Chamber of Commerce	Gardiner, Beth
Armstrong, Matt	Geekie, Peter
Bawden, Valda	Goodlet, Trish
Beeac Progress Association	Graham, Susan
Bell, Christopher	Gray, Robyn
Birkett, Barbara	Gross, Bill
Cannon, Paul	Gross, Jane
Chant, Debra	Hagan, Peter
Cobb, Tim	Harkin, Chris
Coleman, Colin and Janice	Hart, Stephen Leslie
Costin, Graham	Healey, Lisa
Crump, Ian	Heland, Michael
Curtis, Chris	Hokin, Allen and Patricia
Deppeler, Lisa	Howlett, Victoria
Dichiera, Corrina	Hurley, Kelly
Diffey, Susan	Jacobs, Peter
Diffey, Wayne	Jevons, Colin
Donovan, Cathy	Judd, James
Fillmore, Peter and Michelle	Kennett River Association
Flanagan, Margaret	Kiellerup, Alster
Flitton, Valma	Kiellerup, Jennis
Foot, Warwick	Kininmonth, Mark
Forrest, Joanne	Knowles, Robert
Fox, Stephen	Kotb, Nasser
Francis, Yvonne	Langdon, Phil

Lawson, Jodie	Rose, Glenys
Lear, Charles	Russell, Lyn
Lewis, Janette	Ruth, Denise
Lugg, Margaret	Sas, Karlijn
Magrin, Steven	Shipham, Diana
Marriner, Christine	Skenes Creek Advancement Association Inc.
Marriner, John	
McCarthy, Bill	Stahl, Maureen
McFarlane, Paul	Steward, Andrew
McLoughlin, Beth	Stone, Richard
Millar, Angelika	Stone, Sally
Millar, Joan	Stuckey, Edward
Missen, Robert	Stuckey, Mrs Ray
Mitchell, Joy	Talihmanidis, Philip
Mohr, Malcolm	Thomas, Robyn
Morrow, Virgil	Tucker, Jen
Nolle, Markus	Tucker, Libby
Nolle, Pauline	United Dairy Farmers Colac Branch
Piera, Richard	Webber, Tony
Polgeest, Nick and Cheryle	White, Christopher and Rita
Proportional Representation Society of Australia (Victoria –Tasmania) Inc.	Williams, Mark
Rainbow, Fern	Wilmink, Carol
Ras, Stephan	Wren, Caroline
Rees, David	
Rink, Nereda	

Public hearing

The following individuals spoke at the public hearing:

Cobb, Tim

Delahunty, Peter for United Dairy Farmers Colac Branch

Francis, Yvonne

Gorman, John for Apollo Bay Chamber of Commerce

Hart, Stephen Leslie (Cr)

Hokin, Allen

Talihmanidis, Philip

Appendix 2: Map

The map is provided on the next page.

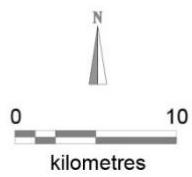
Colac Otway Shire Council

Map of Recommended Option
Seven Councillors, Three Wards



Legend

- Recommended Boundary
- Existing Wards**
- Unsubdivided
- Map Symbols**
- Freeway
- Main Road
- Collector Road
- Road
- Unsealed Road
- Railway Line
- River/Creek
- Park/Reserve
- Lake
- Locality Boundary



Ward	Councillors	Electors*	Deviation	Area sq km
Colac	3	9,523	+7.09%	31.13
Northern	1	2,767	-6.66%	1,255.47
Otway	3	8,460	-4.87%	2,148.3
Total	7	20,750	-6.66% - +7.09	3,434.9
Average		2,964		1,144.97

*Elector numbers at 19th Nov 2018

Map prepared by:



Data use:



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Appendix 3: Public information program

Advertising

In accordance with the Act, public notices of the review and the release of the preliminary report were placed in the following newspapers:

Newspaper	Notice of review	Notice of preliminary report
<i>Herald Sun</i>	Thursday 17 January	Wednesday 20 March
<i>Apollo Bay Newsheet</i>	Wednesday 23 January	Thursday 21 March
<i>Colac Herald</i>	Thursday 24 January	Wednesday 27 March

Media releases

A media release was prepared and distributed to local media to promote the commencement of the review on Wednesday 30 January 2019. A further release was distributed with the publication of the preliminary report on Wednesday 27 March 2019. A final media advisory was circulated on the publication date of this final report.

Public information sessions

Public information sessions for people interested in the review process were held on:

- Tuesday 29 January 2019 at COPACC, 95 - 97 Gellibrand Street, Colac
- Thursday 31 January 2019 at the Apollo Bay Senior Citizens' Centre, 4 Whelan Street, Apollo Bay.

Submissions guide

A submission guide was developed and made available on the VEC website, or in hardcopy on request, throughout the review timeline. The submission guide provided information about the review, the review timeline and how to make submissions to the review.

Online submission tool

An online submission tool was developed and made available during the submission periods of the review. The tool allowed people to make a submission from the VEC website. During the preliminary submission stage, users also had the opportunity to map out their preferred subdivisions through the online submission tool using Boundary Builder. Boundary Builder included real elector numbers so that users could see if their preferred structures and numbers of councillors met the plus-or-minus 10% rule.

VEC website

The VEC website delivered up-to-date information to provide transparency and facilitate public participation during the review process. All public submissions were published on the website.

Email and social media engagement

The VEC delivered an information email campaign targeted at known community groups and communities of interest in the local council area. This included a reminder email at each milestone of the representation review process.

The VEC also published sponsored social media advertising that was geo-targeted to users within the local council area. This included advertising at both the preliminary submission and response submission stages. The total reach of these posts was 5,335 during preliminary submission stage and 3,694 during the response submission stage.

Council communication resources

The VEC provided the Council with a communication pack that included information on the review in various formats. While the council is encouraged to distribute this information and raise awareness about the review, the VEC is an independent reviewer and all communications resources include reference and links to the VEC website and core materials.

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2019