

Actions do speak louder in legitimising local government within the Australian federation

Introduction

After decades of local government reforms and several attempts to possibly amend the Australian constitution and at least to mention the lowest level of government, the legitimate role of local councils remains contested (*see* Expert Panel Secretariat 2011). Within the federal political system, local authorities are under the purview of state government, despite the financially powerful federal government encroaching at times. Debates about constitutional recognition of local government can often be reduced to a means and ends type of argument. The local government sector generally sees formal status and accompanying esteem, along with more direct means for federal government funding as crucial to improving services and administration, professionalising, and enhancing citizen engagement through clearer accountability lines (Brown 2007; Brown 2008). During the last major debate about possible constitutional change, 440 of the 560 local councils expressed support for financial recognition (Expert Panel Secretariat 2011). State governments argue that local government performance is the real key, and that improving efficiency and efficiency will elevate the standing of local government (Twomey 2012).

A paradox becomes apparent; as Bailey and Elliott (2009) argue that constitutional recognition is more likely when local government performs a significant role in democratic life, which requires greater autonomy. Yet if local government already had such autonomy then the need for constitutional recognition diminishes, as the legitimacy of local government in such circumstances would shield it from potential interference from higher government and the need for constitutional protection. If local governments were reformed and became stronger, more democratic, and higher performing, would there be a need constitutional recognition (Brown 2008)? Generally, many Australians are critical of the effectiveness of local government, which undermines support for constitutional recognition and creates a ‘chicken and egg’ dilemma (Brown 2008). Which should come first, better performance—which would also confer greater legitimacy—or greater legitimacy in the form of constitutional changes—which would likely also enhance roles, responsibilities, and resources that could improve performance?

This study considers a slightly different question to move beyond this theoretical paradox: what *does* come first, better performance or constitutional change? By using the same jurisdiction with several local authorities that similar groups of people move between on a daily basis, there can be some empirical controls for variation, although proxies for both the aforementioned better performance and constitutional change variables are needed. In this study we interrogate the relationship between citizen-perceived effectiveness of local government and levels of support for various forms of constitutional recognition. We find that a correlation does exist, and as this can be observed in the same jurisdiction with similar local authorities, we argue that it is possible to improve performance within existing institutional and financial constraints while also increasing support for constitutional change. This is especially relevant in the Australian context as popular support is required to change the constitution.

The structure of the paper is as follows. Firstly, Australian local government is compared to similar countries and is shown to be less prominent but subject to

comprehensive reforms except in relation to the constitution. Secondly, the novel approach based on theories of good governance and democratic legitimacy to rethink this paradox is detailed. The data collection centres on a citizen survey, and its design, constructed indices and statistical models are explained in the third section. In the fourth section the data is presented and analysed, prior to returning and responding to the issues and questions raised in this introduction in the final section.

Comparing and distinguishing Australian local government

Contrasting northern Anglophone countries, Australian local government has always been relatively weak, developing after and subservient to centralised colonial/state governments (Brown 2008). Australia has a dualist federal system where the constitution divides power between the Commonwealth and the states, and local authorities are regarded as delegated bodies of the state government, which is not dissimilar to other federations such as Canada and the United States (Gibbins 2001; Twomey 2012). However, local government own-purpose public expenditure is three times higher in Canada compared to Australia, and four times higher in the United States (Brown 2008). Furthermore, unlike countries such as the United Kingdom and the United States the autonomy of local government in Australia as set against higher government oversight has received less political attention (Grant and Dollery 2012).

Non-Anglophone federations tend to constitutionally recognise local self-government, including Austria, Belgium, Germany, Mexico, and Switzerland (OECD 2019). For example, in Germany article 28 of its Basic Law guarantees local municipality autonomy to regulate its own affairs based on democratic principles and financial sustainability (Gibbins 2001). Many unitary countries also recognise municipal authorities, and across the OECD local government is often afforded with greater responsibilities in comparison to Australia (Aulich and Pietsch 2002; Dollery, Kortt, and de Souza 2015; OECD 2019). There have been attempts to recast the status of Australian local government through constitutional change, as the written constitution was intended to articulate how the federal system would operate. However, any changes need popular support expressed through referenda, which have always failed when it concerns local government. The most recent attempt in the 2010s never even made it to a referendum. Clearly local government does exist, operate, and interact with the federal government without constitutional recognition. However, direct federal funding to local government is curtailed, and generally must go through the states as the administering entity.

In the second-largest state by population—Victoria—and focus of this study, the budgets of all local government are about one-seventh the size of the state government budget (Victorian Auditor-General's Office, 2021). In the 1990s Victorian local governments were undemocratically forced to consolidate based on the rhetoric of efficiency, with the number of councils drastically reduced by almost two-thirds and the number of representatives cut by almost three-quarters (Marshall, Witherby, and Dollery 1999; Marshall 2008). While other Australian states have since embarked on similar reforms, the cuts in Victoria were relatively more pronounced and most smaller states have as many or more councils than Victoria (*see* Alexander 2013). The average number of residents per Victorian local government area is 87,000, which is relatively high in comparison to both the Australian national average of 43,568 and the OECD average of just 9,693 (OECD 2018; State of Victoria 2019).

Many local authorities have reported administrative problems with state governments and less collaborative relationships, and have concerns that the federal government will be less likely to continue indirect funding through the states as the political ‘credit’ for the federal government is less obvious (Expert Panel Secretariat 2011). Victorians are most critical of local government performance compared to respondents in other states (Brown 2008). Respondents in previous surveys who perceive local government to be the least effective level of government cited issues with governance quality and capacity, as well as concerns about the integrity of officials, inexperience and incompetence, and poor resourcing (Brown 2008). Herein the paradox again comes to the fore as direct federal government funding is viewed as part of a reform process to improve local government effectiveness.

The Victorian state government mandates the most comprehensive performance reporting framework for local government in Australia, with a wide range of benchmarking measures including community satisfaction surveys. Victoria has also been at the forefront of accountability reforms introducing a new *Local Government Act 2020* aimed at improved community engagement, strategic planning, financial management, public transparency, and service performance. There is some more recent survey evidence that Victorians are more enthusiastic and proactive in driving community engagement by local councils compared to citizens in other states (Christensen and McQuestin 2019). As in Europe and North America, performance is often reduced to issues of efficiency and justifications for privatisation as funding from higher levels of government becomes constrained (Narbón-Perpiñá, Balaguer-Coll, and Tortosa-Ausina 2019). Local government has also become (or in some countries has long been) a partisan arena, and consequently funding arrangements and service delivery choices have become ideologically influenced (Baekgaard and Kjaergaard 2015; Bel and Fageda 2017).

Empirically comprehending the local government legitimacy paradox

Unsurprisingly there is a substantial literature and scholarly debate about how to conceptualise good governance, its underlying principles, as well as the character of democratic institutions, processes, and performance (*e.g.*, Grindle 2017; Rose-Ackerman 2017; Rothstein and Teorell 2008). Similarly, there are differing views on what is and is not effectiveness and whether it is distinguishable from efficiency and responsiveness, among many other terms and related ideas (*see* Shah 2005; La Porta et al. 1999; Rothstein and Teorell 2008). This is not the focus here, however, to clarify how we are conceiving and situating legitimacy and effectiveness in this broader field. It is often argued implicitly—albeit while using the terms synonymously—that the core ideas legitimacy and effectiveness represent a dichotomy, with more recent studies offering more precision by distinguishing between ‘input legitimacy’ (citizen consent to being governed) and ‘output legitimacy’ (benefits of policy) (*e.g.*, Scharpf 1999; Frey and Stutzer 2000; Pierre and Peters 2000; Anderson and Tverdova 2003; Helliwell 2003; Vabo and Aars 2013; Evans 2014).

The relative importance of these different sources of legitimacy in sustaining democracy is contested, along the other complications and interactions with more recent understandings of a third source. ‘Throughput legitimacy’ covers the quality of governance processes, measured by practices of accountability, transparency, inclusiveness and openness to interest consultation (*e.g.* Schmidt 2013), which often

involves media and sound communication (Korthagen and Van Meerkerk 2014). Internationally there is been concern for input legitimacy given low voter turnouts, which tend to be even lower than already declining national election participation levels (Evans 2014). While compulsory voting in Australia raises turnout, voting in local government elections is often still lower than for the other tiers of government, for downtown local authorities, such as Melbourne, property-based franchise still exists. Furthermore, ongoing citizen participation is also crucial in sustaining democratic legitimacy (Michels and De Graaf 2017).

There is also a commonly held view that output legitimacy cannot completely compensate for input legitimacy (Sternberg 2015; *c.f.* Scharpf 1999; *throughput legitimacy see* Schmidt 2013). That is, citizens' demand for input (as well as throughput legitimacy) is not necessarily affected by higher levels of output legitimacy (Strebel et al. 2019; *c.f.* Hibbing and Theiss-Morse 2002). For example, pro-Brexit supporters were likely not influenced by cost-benefit arguments but rather issues related to representation and 'democratic' input (note that the terms inputs and outputs are also used in budgeting to mean costs and benefits and for determining efficiency, Narbón-Perpiñá, Balaguer-Coll, and Tortosa-Ausina 2019). Finally, there is concern that there is an increasing disconnect between input and output legitimacy that is causing a loss of trust in the entire democratic system (expectations not met with delivered results) (Walter et al. 2020). Throughput legitimacy may be the disconnect, and Schmidt (2013) claims that nothing can compensate for weak throughput legitimacy.

Therefore, while clearly input, output, and now often throughout legitimacy are crucial and attempting to establish which has the greatest effect is not possible here, our aim is more modest. We hypothesise that more positive perceptions of local government effectiveness (throughputs and outputs) assist in strengthening support for constitutional recognition (inputs). Although this may appear to be a straightforward proposition, although at first illogically structured, it does at least seek to address the chicken/egg paradox empirically. The assumption here is that constitutional recognition will not be forthcoming based on past experience, and therefore focusing on other measures to improve the standing of local government may be the best strategy. If this is the case then advocates for constitutional recognition in the long term can try and progress other conducive reforms in the interim.

As briefly noted here, albeit explored further in several studies of Scandinavian local government (a region where trust in public authorities is generally very high), both input and output legitimacy could be interacting with or moderating or moderated by throughputs and particularly trust in the system. However, given that constitutional recognition is as positioned as the end 'goal' in a sense in this study, and correlations rather than cause and effects are being tested, higher levels of trust in the system of local government, the quality of its processes and support for the public provision of services is expected to also assist in strengthening support for constitutional recognition. This is the tentative second hypothesis.

The final hypothesis is concerned with where the bases of support for constitutional recognition of local government, in whatever form that may be. Other studies of support political and institutional reform, and particular the conferral of rights or democratic recognition through the constitution, often identify younger, more educated, finally secure, and left-leaning voters as the most open to such change (*e.g.*, Davidson 2006; Erdos 2008; Levy and McAllister 2022). There are also some international studies of relationships between ageing populations and local government

performance (e.g. Ferreira, Caldas, Marques 2021), while local community attachment and political participation can become stronger as citizens age, although not in a linear way (de Mello 2021). In terms of gender, previous studies have shown that Australian women tend to be more supportive of decentralisation and legal diversity in different parts of the country (Brown 2012). On the substantive issues of the role of local government and appropriate levels of autonomy, the educational background and ideological alignment of citizens can mediate attitudes towards local autonomy (Breton, Lucas, and Taylor 2022). Finding empirical evidence in relation to this particular issue might assist local government advocates in tailoring their message to different parts of the community

To reiterate, the hypotheses are as follows:

- H₁: More positive perceptions of local government effectiveness will be associated with higher levels of support for constitutional change to recognise local government;*
- H₂: Higher levels of trust in the system of local government and support for the public provision of services will be associated with higher levels of support for constitutional change to recognise local government; and*
- H₃: Younger, more educated, finally secure, and left-leaning voters will be the most receptive to support constitutional change to recognise local government.*

Methods and data

A survey was developed and distributed to a representative sample of Victorian residents. Many of the survey items about local government quality and performance were derived from surveys designed by Røiseland, Pierre, and colleagues, which were the basis of several studies on Scandinavian local government (*see* Gustavsen, Røiseland, and Pierre 2014; Pierre, Røiseland, Peters, and Gustavsen 2015; Røiseland, Pierre, and Gustavsen 2015; Pierre and Røiseland 2016; Gustavsen, Pierre, and Røiseland 2017). These studies identified three of the most important functions of local government in Norway and Sweden, which have been changes to suit the Australian context. Dollery, Wallis, and Allan (2006) previously observed an expansion of Australian local government roles, firstly in relation to social issues and areas such as improved planning and accessible transport, and secondly in terms of the application and monitoring of regulation, such as environmental management. For example, local government environment spending is greater than state and national government spending as local environmental responsibilities have steadily increased (Thomas 2010; Kennedy, Stocker, and Burke 2010). In the present study there, the respondents are asked to separately think about local transport, local environmental management, and building and planning, and to evaluate the level of service provided by their local government (again on a 11-point scale with higher values associated with more positive evaluations).

The survey questions also attempt to incorporate aspects of ongoing international debates. There are many common and contentious local government reform proposals across OECD countries, including: merging or amalgamating local governments into single larger authorities based on debates about efficiency (Jacobsen and Kjaer 2016; Swianiewicz 2018; Drew, Razin and Andrews 2019; Strebel 2019;

Alfonso and Venâncio 2020; Yamada and Arai 2021); relatedly, economies of scale and the attractiveness of outsourcing to market operators, as well as correcting deficiencies of New Public Management (Wollmann 2016; Bel and Fageda 2017; Moldenæs and Torsteinsen 2017; Bel and Gradus 2018; Lindholst, Petersen, and Houlberg 2018); levels of autonomy and appropriate roles and responsibilities (Keuffer and Horber-Papazian 2020); and more effective forms of citizen consultation and participation at the local level (Baltz 2022; Karv, Backström, and Strandberg 2022; for co-production, Agger and Tortzen 2022).

A small range of quality of democratic governance indicators were adapted from major international social surveys, such as the World Values Survey and Bertelsmann Stiftung's Sustainable Governance Indicators. Respondents in the present study were asked: where would you place your local government on that scale in terms of citizen influence on decisions (11-point scale from no influence to the most influence); how easy is it for citizens obtain official information from your local government (11-point scale from not easy at all to extremely easy); how effectively does your local government consult with different groups, including interest groups and experts as well as different communities (11-point scale from not effective at all to extremely effective); how effectively does your local government communicate with residents (same as previous scale); and how well is your local government held to account by other bodies, including other governments and oversight agencies (same as previous scale).

The earlier Scandinavian studies also identified trust variables, given the importance of trust in instilling legitimacy. This study adapts three of these variables: perceived level of corruption in your local government (11-point scale from no corruption at all to the most corrupt government in the world); preferred balance between government control and private involvement in service delivery to ensure that people trust local administration (on a 11-point scale from lowest possible private involvement and highest possible government control to highest possible private involvement and lowest possible government control); and opinions about how much local autonomy compared to state government control is ideal to ensure that people trust local administration (on a 11-point scale from lowest possible local autonomy and highest possible state government control to highest possible local autonomy and lowest possible state government control).

Opinions about various forms of possible constitutional recognition have been adapted from one of Brown's previous research, particularly his 2008 study. Brown is one of the most prolific Australian federalism scholars in addition to leading opinion polling into local government Constitutional recognition. The relevant questions were: 'If there was a referendum/vote to change the Constitution, are you for or against the following proposals: make it harder to amalgamate local governments or change their boundaries; give local government more roles and responsibilities; guarantee that there must always be a system of local government in Australia; set rules and standards of accountability for local government; and guarantee a reasonable level of funding for local government'. Responses are based on a five-point Likert scale (1 = strongly against; 2 = against; 3 = neither for nor against; 4 = somewhat in favour; 5 = strongly in favour).

Finally, respondents were asked about the ideological orientation, using an item adapted from the Australian Election Study based on an 11-point scale, with 'left' at the lower end and 'right' at the higher end. The results from the sample were broadly in line

with the typical results from the Australian Election Studies, with approximately half identifying on the left part of the scale and approximately half on the right, albeit with most people clustering in the middle.

Participants were recruited via social media accounts of a large university in Melbourne as well as their electronic information services accessible by the wider university community, with their currently enrolled students not eligible to take part. All Victorian local councils were also contracted and asked to publicise the survey link in the newsletters and related email communications. Participants were offered a film ticket as a token of appreciation for completing all questions, with IP tracking to prevent multiple submissions from the same participant.

Of the 390 complete responses, 257 were from self-identified women, 131 were from self-identified men, and two respondents did not identify as a woman or a man. Overrepresentation of women is common in survey samples, and younger people can also be more inclined to participation (*see, e.g.*, Curtin, Presser, and Singer 2000; Singer, van Hoewyk, and Maher 2000; Moore and Tarnai 2002; Lyness and Kropf 2007). In terms of age ranges, 155 were aged between 18 and 34 years, 130 were aged between 35 and 49 years, 83 were aged between 50 and 64, and 22 were aged at least 65 years. Therefore the sample was not perfectly representative of the population. At the more recent 2016 Census, approximately three-quarters of Victorians lived in greater Melbourne, which was also evident in the sample. Participants were also asked about their highest level of education and training and income level, with the sample skewed towards higher levels of education compared to the general population, which is probably reflective of the recruitment channels. There was the full range of income levels represented in the sample although not matching the distribution observed in the general population.

To test the preliminary hypothesis that positive perceptions of local government performance are associated with increased support for constitutional recognition, two index variables were created (*Performance* and *Constitutionalising*, respectively). Eight relevant survey items using an 11-point scale were identified for inclusion in the *Performance* index. As can be seen in Table 1 and Table 2, the items are correlated with each other such there are none that are too highly correlated as to be redundant, while also showing enough correlation as to warrant inclusion with the same measure, the alpha coefficient for the index is very high ($\alpha = 0.88$) and would only minimally increase with the exclusion of *transport* ($\alpha = 0.00$), which is therefore retained. Further, given that this item's correlation with the rest of the index ($r = 0.40$)—despite its clear relative weakness—it is still moderate and therefore remains within the index. Thus the *Performance* predictor variable includes:

- evaluation of local transport services (*transport*);
- evaluation of local environmental management (*environment*);
- evaluation of building and planning regulation (*planning*);
- perceived level of citizen influence on decisions (*influence*);
- perceived level of ease for citizens to obtain government information (*inform*);
- perceived effectiveness of consultation (*consult*);
- perceived effectiveness of government communication with residents (communicate); and
- perceived level of accountability of and oversight over local government (accountable).

TABLE 1 ABOUT HERE

The means and standard deviations for each of these survey items are presented in Table 2.

TABLE 2 ABOUT HERE

The second hypothesis that higher levels of trust in the system of local government and support for the public provision of services will be associated with higher levels of support for constitutional change to recognise local government, involves another variable. Three survey questions ask designed to evaluate existing confidence in the integrity and capability of local government: perceived level of corruption (reversed-scored so higher scores represent less corruption and renamed *integrity*); preferred balance between government control and private involvement in service delivery (*control*); and how much local autonomy compared to state government control is ideal (*autonomy*). However, the intended *Trust* index has problems. There is little to no correlation between the items along with a very low alpha coefficient of only 0.16. The item correlations with the *Performance* index as well as each of its items is also weak, and thus is little *prima facie* evidence indicating that any of the proposed *Trust* items could be related to *Performance*. Of the three items *integrity* appears to be the most correlated, and while theoretically is part of and affects performance, it is also distinct in that it can be considered as an combined input, throughput, and output, rather than principally as a throughput. Therefore *integrity* retained as a separate predictor. *Control* and *autonomy* are arguably more overarching or constant, referring to ideals or ideologically informed, rather than necessarily evaluations of current performance.

The outcome variable is *Constitutionalising*, which is a new index variable from 1 to 5, consisting of five proposals to change the constitution to:

- make it harder to amalgamate local governments or change their boundaries (*territory*);
- guarantee that there must always be a system of local government in Australia (*existence*);
- give local government more roles and responsibilities (*competences*);
- set rules and standards of accountability for local government (*accountability*); and
- and guarantee a reasonable level of funding for local government (*funding*).

Most of these items are at least weakly, if not moderately, correlated with most of the other items. The overall alpha coefficient is reasonable ($\alpha = 0.70$), with only the exclusion of *territory* showing a very small increase ($\alpha = 0.72$). *Territory*'s correlation with the rest of the index is weak but still potentially adds to the reliability of the index, so is retained at this point, along with *accountability* ($\alpha = 0.69$; $r = 0.33$). However, it is worth also modelling these items separately and comparing to the index. *Autonomy*, from the flawed *Trust* index, has some correlations with these items, but not enough to be included in the *Constitutionalising* index, aside from the original survey question making no reference to constitutional recognition. However, as with *integrity*, *autonomy*

is plausibly related to both *Performance* (weakly correlated) and *Constitutionalising*, and therefore is separately retained in the model as an outcome variable.

The third hypothesis is that younger, more educated, finally secure, and left-leaning voters will be the most receptive to support constitutional change to recognise local government. Therefore, other predictors in the model include the demographic and socioeconomic status variables of gender (dummy variables *Women* and *Men*), age group (*Age*), income level (*Income*), and education level (*Education*), as well as ideological orientation (*Ideology: left to right*).

Standard OLS-regression models are used with the basic model taking the form of:

$$Y = \beta_0 + \beta_1 * X_1 + \dots \beta_k * X_k + e$$

Further control variables are then added to the multivariate analysis, with all models have been checked for multicollinearity.

Results

FIGURE 1 ABOUT HERE

Figure 1 shows a clear bivariate relationship between *Performance* and *Constitutionalising*, with a modest positive slope. Generally, respondents who evaluated the performance of their local government in terms of higher levels of effectiveness were also more supportive of changing the constitution to specify how local government should be regarded and optimally function within the Australian federation. Table 2 details the results for model 1, where *Performance* = 0.06 and significant ($p < 0.01$).

TABLE 2 ABOUT HERE

In model 2 the *corruption* variable is added and the interrelationships are depicted in Figure 2. The lines of best fit at different values for *integrity* suggest a more complicated picture. Some immediately noticeable aspects include the likely intersections of the lines where respondents with unfavourable perceptions of performance as well as lower support for constitutionalising, there were different perceptions of integrity. The gradient seems to be flattest when respondents have the most favourable perceptions of integrity, indicating that with more favourable perceptions of performance support for constitutionalising is not only comparatively lower, but also is comparatively at more similar levels even as perceptions of performance change. This is most pronounced when respondents express that their local government is corrupt, but more favourable perceptions of performance are associated with comparatively higher levels of support for constitutionalising and a clearer distinction as each improves. The results for model 2 in Table 1 show that *Performance* increases slightly to 0.07 and is significant ($p < 0.01$), while *Integrity* is -0.04 at a reduced level of confidence ($p < 0.05$).

FIGURE 2 ABOUT HERE

In model 3 demographic variables and socioeconomic status are introduced. The coefficient for *Performance* remains at 0.07 ($p < 0.01$), and the coefficient is *integrity* also unchanged at -0.04 ($p < 0.05$). The dummy variable *Women* is positive and significant ($\beta = 0.26$, $p < 0.01$), while the *Income* variable is negative and significant ($\beta = -0.14$, $p < 0.01$). *Age* and *Education* are not significant.

Model 4 includes *Ideology: left to right*, which is significant (although $p < 0.05$) and negative with a coefficient of -0.04. In this model the coefficients and levels of confidence for *Performance* and *integrity* remain unchanged, while the coefficient for *Women* drops to 0.23, and a negligible decrease for *Income* to -0.13 (both $p < 0.01$).

Finally, model 5 is identical to model 4, except that the *Women* dummy variable (woman = 1, not woman = 0) is replaced by the *Men* dummy variable (man = 1, not man = 0). This is to check the effects given there are two respondents in the sample who do not identify as a woman nor a man and cannot simply be grouped in these terms (nor in sufficient numbers to form another group). The coefficients of the significant variables ($p < 0.01$, or $p < 0.05$ for *integrity* and *Ideology*) are the same, although expectedly the *Men* coefficient is negative ($\beta = -0.23$).

Therefore model 4 is the focus, because even though the coefficients for *Women* and *Income* are not largest compared to model 3. The goodness of fit is between as model 4 explains 13 percent of the variance compared to model 3's 12 percent. To further assess support for the specific proposals to change the constitution, model 4 is analysed according to each of the five variables within the *Constitutionalising* index, and finally *autonomy* is added in the final model. These findings are summarised in Table 3.

TABLE 3 ABOUT HERE

Of the six models included in Table 2, *Performance* has a clear and significant positive effect in models 7, 8 and 11, and a significant negative effect in model 9 (in model 10 the coefficient is small and only significant at a 90% level of confidence). Better perceptions of performance are associated with stronger support for guaranteeing that there must always be a system of local government (*Performance* = 0.17, $p < 0.01$), for giving local government more roles and responsibilities (*Performance* = 0.16, $p < 0.01$), and for maximising local government autonomy (*Performance* = 0.33, $p < 0.01$), but positive perceptions weaken support for setting rules and standards of accountability (*Performance* = -0.06, $p < 0.01$). Favourable perceptions of performance are associated with lower levels of support for constitutionally guaranteeing a reasonable level of funding for local government (*Performance* = 0.05, $p < 0.1$).

Integrity only has small and negative effects in model 6 and model 8, with 90 percent levels of confidence. Favourable perceptions of *integrity* are associated with less support for constraining local government amalgamations or boundary changes (*Integrity* = -0.05, $p < 0.1$), and for giving local government more roles and responsibilities (*Integrity* = -0.05, $p < 0.1$).

In relation to the demographic variables, some of the clearest positive effects can be seen with *Women* and support for guaranteeing that there must always be a system of local government (*Integrity* = 0.45, $p < 0.01$), and for guaranteeing a reasonable level of funding (*Integrity* = 0.32, $p < 0.01$). Support for setting rules and standards of accountability is also significant but with a coefficient of 0.13 and only 90 percent confidence. While *Age* effects were not apparent in relation to the index variable in

earlier models, in model 9 there is a clear and significant positive effect in model 9 (*Integrity* = 0.16, $p < 0.01$). Older age groups are generally more supportive of setting rules and standards of accountability.

Socioeconomic status, particularly *Income*, has some marked negative effects, as is evident in models 7 and 8. Higher incomes are associated with diminishing support for guaranteeing that there must always be a system of local government (*Income* = -0.21, $p < 0.01$), and for giving local government more roles and responsibilities (*Income* = -0.28, $p < 0.01$). *Education* also has a clear negative effect but in a different model and with less confidence (model 10: *Education* = -0.12, $p < 0.1$). Higher levels of education are associated with lower levels of support for constitutionally guaranteeing a reasonable level of funding for local government.

Finally, *Ideology: left to right* reveals a slightly negative but significant association in model 10 in the last three models. A voter who is more right-wing tends to also be less supportive of guaranteeing a reasonable level of funding (*Ideology* = -0.09, $p < 0.01$).

Discussion

Returning to our initial hypotheses, we find some evidence to support the first hypothesis. The second hypothesis had to be discarded, and instead perceived *integrity* became a predictor, which provided some limited insights. The third hypothesis is not completely supported, there are specific parts and relationships with *Performance* that warrant attention.

More positive perceptions of local government effectiveness are associated with higher levels of support for support constitutional change to recognise local government (H_1), but the coefficient is quite small. Yet this can still be a focus by advocates of local government constitutional recognition (leaving aside the importance of improving effectiveness anyway), as the descriptive statistics indicate that certain variables within the *Performance* index have both lower means and relatively stronger correlations with *Constitutionalising*. That is, they are lowering perceptions of overall performance but are still associated with support for constitutionalising the status of local government. Specifically, perceived levels of accountability and oversight ($M = 5.790$, $r = 0.12$), evaluations of building and planning ($M = 5.965$, $r = 0.10$), and perceived effectiveness of government communication with residents ($M = 6.270$, $r = 0.14$) should be of most concern.

Whether local government can unilaterally improve accountability and oversight structures needs further consideration, but increasing transparency is within its purview. Similarly, residents' evaluations of building and planning are likely affected by decisions made by the Victorian state government, which is often criticised for acting in the interests of developers rather than local residents (*see* Newton & Thomson 2017; Engels 2019; Dallas & Gibson 2021). Similarly, local government planning approvals can not only be overridden by the state government but also by the quasi-judicial Victorian Civil and Administrative Tribunal, in a process where residents need time and some resources to meaningfully participate. However, improving communication with residents is relatively straightforward and possible, providing it is not viewed as a marketing exercise or to provide public notice as required by law, as can often be the case.

Whether levels of trust in the system of local government and support for the public provision of services are related to levels of support for constitutional change to recognise local government (H_2), could not be tested at this point. Instead, the inclusion of *corruption* as a predictor provides greater context as the association between *Performance* and *Constitutionalising* is generally stronger when local government is seen to be corrupt. Furthermore, perceptions of corruption appear to improve support for *Constitutionalising*. This is not something that advocates for constitutional recognition could or should engineer, but there are two possible implications. Even when local government lacks integrity, provided that ‘everyday/ordinary’ tasks and services are perceived as well-performing, support for constitutional recognition can develop. Further, when local government is perceived to have integrity, it seems that the case for constitutional recognition is less persuasive (possibly because ‘*if it ain’t broke, don’t fix it*’), while corruption plausibly provokes support for stronger institutional or constitutional safeguards.

Women with lower levels of income and who are left-wing, appear to be more receptive to supporting constitutional change to recognise local government (partially H_3). While the effects of the variables were controlled for, there is an overrepresentation of women in the sample and there is a wide gender pay gap in society (WGEA 2022). In recent years a gender gap in voting has also been observed, where women as a group of voters marginally favour left or centre parties or candidates compared to men (*see* Gauja, Sawyer & Simms 2019). Even with these caveats in mind it is widely accepted that women and lower-income earners tend to be more dependent on public services (Hall et al. 2017; Elson 2004; Philipps 2006; Pérez Frago & Rodríguez Enríquez, 2016), and therefore constitutional recognition could be conceived as a protection mechanism against funding cuts or other cut-cutting reforms. Local government also provides employment opportunities and political representation, and these lower-profile fora may be more attractive for groups of people who are underrepresented at higher levels of government and administration.

Conversely, higher-income and/or right-wing respondents may object to or be sceptical of local government taxes, subsidies, and even this ‘additional’ tier of government in general, as inefficient and unnecessary. More conservative respondents within this group may hold philosophical unease towards any constitutional change (similar to the idea ‘*if it ain’t broke, don’t fix it*’), while more liberal respondents may see constitutional entrenchment as impeding future ‘modernising’ reforms.

(Non-) associations with age groups and levels of education, while unexpected, are not entirely unsurprising as local government recognition is not a ‘progressive’ reform in the same way as recognising First Nations, becoming a republic, or enshrining human rights. Alternatively, it is not necessarily linear where each generation becomes more progressive with social change, or that each generation has a similar experience with local government. For example, a retired voter may value local government given their role in providing some aged care support and community connectedness services, or at the other end of the spectrum may find property taxes too burdensome and that their concerns are not policy priorities. Younger voters are the least likely to pay property taxes or are possibly not as aware of core services like refuse collection. In short, the explanatory value of age for this form of constitutional change is perhaps more complicated compared to the aforementioned proposals.

Education, specifically, higher education, is also producing less predictable effects, including in studies of voting behaviour more broadly. Given that higher

education is often correlated with higher incomes (and access to higher education generally easier for students from wealthier families), historically that major centre-right party has been the most popular party among degree-holders (Gethin 2021). In recent years, and especially in Melbourne, the major centre-left has become the most popular along. Often another left-wing ‘minor’ obtains greater support than the major centre-right party, socially progressive independent candidates have also become more attractive. The opposite seems to be occurred with voters with less educational qualification. Thus within each educational category, a balance between older highly educated right-leaning respondents and younger highly educated left-leaning respondents, for example, would negate expected effects of the *Education* variable.

Of the different types of proposed change, make it harder to amalgamate local governments or change their boundaries is perhaps too rigid to include in a constitution, and is not something that is logically associated with performance or integrity. Similarly, setting rules and standards of accountability would require quite detailed clauses to be meaningful, and these also evolve over time and arguably are best upheld by independent institutions, such as Supreme Audit Institutions (SAIs) and preventive anti-corruption bodies. Of all the types of change, these two are more appropriately addressed within state constitutions rather than the federal constitution.

Technically, all these issues fall under state jurisdiction, however providing an additional safeguard that there must always be a system of local government in the federal constitution has merit, given that state constitutions are easier to change. This also could be the concern of parts of the community most dependent on local government services, such as women and lower-income earners as discussed earlier. When local government is performing well its relevance and thus case for constitutional recognition is understandably enhanced. Including local government competences in the federal constitution also has a more obvious logic, as division of powers between the federal and state governments is a major focus. While the general gender difference on this issue is not significant, it resonates clearly with lower-income earners. The case for giving well-performing local authorities distinct and protected roles and responsible is also more straightforward.

Guaranteeing a reasonable level of funding is particularly interesting as no other tier of government has such a guarantee, and must tax and spend appropriately. However, local government does not control its tax base, and constitutional recognition would give the federal government the power to direct fund local governments, rather than needing to provide such funding through the states, as is the current situation. Yet for women (again likely for reasons previously discussed), and perhaps less surprisingly left-leaning voters (likely interested in reasonable funding for public services in general), this is issue of possible constitutional significance. Yet, why respondents with less educational qualifications split with respondents with more educational qualifications on this particular issue alone is curious. Possibly, awareness that funding is other subject to other factors makes a difference, albeit based on a stereotyped assumption of formal education. Finally, *autonomy* does have a comparatively strong association with *Performance*, but there are many caveats that have already been identified.

Conclusion

This study aimed to progress the debate about whether improving local government performance is the first step towards constitutional recognition or whether legitimising local government with constitutional recognition is an important step to secure the resources to be able to improve their performance. Given that local government is not currently recognised in the federal constitution, it is not possible to compare the opinions of citizens living in constitutionally recognised local government areas and citizens who are not, let alone establishing an ordinal scales of levels of constitutional recognition. What is possible to assess different levels of local government performance, and whether the different levels are associated with different levels of *support* for constitutional recognition, which this study has found. For defenders of local government in Australia, elevating the esteem this lowest tier of government is best pursued through service improvements and taking advantage of being the government 'closest to the people' by improvements relationships with citizens.

This paper has traced the institutional development of Australian local government, which has struggled to be acknowledged and empowered in the same ways as many comparable liberal democracies. The constitutional architecture has exacerbated this sense of diminished legitimacy, while Victorian state governments have engaged in perpetual reforms in treating local government as a problem (while state and federal governments have largely been immune from reforms themselves). This paper also elucidated why the issue of constitutional recognition has never been or been considered to be resolved, and will likely continue to resurface in the future. The methodology has differed from previous studies and the understandable tendency to report descriptive survey results based on state differences, while retaining demographic and socio-economic variables. The use of OLS-regression models has enabled new lines of inquiry, without completely impeding the possibility of observing whether trends or predictions from previous studies are apparent.

Overall, the results were generally not as initially expected, but there is enough evidence to argue that improving the effectiveness of local government, even in its current form, could bolster the case for constitutional recognition in the future. However, it will likely be a longer-term strategy rather than reappearing on the national agenda in the shorter term, not only because constitutional change stalled only a decade ago, but also because the recognition of First Nations and enshrining their right for a 'Voice' to parliament will take precedence and the sole focus of any constitutional change. Similarly, whether to become a republic will likely then be the next issue, although the most basic acknowledgement that local government is part of the federal system could concurrently be put to a referendum, without detracting from that. Thus, further research could develop and better encapsulate the dimensions and operationalisations of performance and local government effectiveness, trust and integrity, and constitutionalising. In terms of constitutionalising, additional forms rather than only those previously identified, and forms that are compatible with a possible republic. Surveys of citizens have been the primary data source, but big data analytical techniques and simple AI could draw upon volumes or performance audits, publicly available citizen feedback and submissions to parliamentary committees and expert panels, to list just a few. Just as political parties have compiled extensive databases to try and predict voting behaviour, it should be possible to construct a similar predictive model.

Fundamentally, this study has shown that opinions about the future constitutional status of local government is not an end in and of itself. More complete

understandings of what citizens expect of government and the governance system, and whether those expectations are being satisfied through actual delivery should be the focus as legitimacy follows.

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Table 1: Item analysis

	<i>M</i>	<i>SD</i>	<i>a</i>	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)
<i>Performance (1)</i>	6.372	1.737	0.88	1	.56	0.73	0.68	0.71	0.79	0.84	0.83	0.83	0.46	0.35	0.23	0.28	0.06	-.09	0.05	0.04	-0.01	0.73	0.68	0.71	0.79	0.84	0.83
<i>transport (2)</i>	6.514	2.569	0.90	0.56	1	0.37	0.37	0.24	0.28	0.31	0.31	0.34	0.23	0.14	0.22	0.04	0.01	-.17	0.04	0.01	0.01	0.09	0.06	0.08	0.17	-0.10	0.03
<i>environment (3)</i>	6.980	2.395	0.88	0.73	0.37	1	0.50	0.41	0.48	0.50	0.52	0.55	0.35	0.27	0.17	0.21	-0.02	-.06	0.11	0.03	0.02	0.09	0.08	0.12	0.10	-0.10	0.05
<i>planning (4)</i>	5.965	2.574	0.87	0.68	0.37	0.50	1	0.40	0.40	0.43	0.43	0.48	0.38	0.31	0.20	0.20	0.05	-.17	-.02	-0.04	0.004	0.10	0.05	0.16	0.22	-0.24	0.05
<i>influence (5)</i>	6.348	2.001	0.87	0.71	0.24	0.41	0.40	1	0.59	0.60	0.53	0.59	0.29	0.25	0.07	0.24	0.09	-.09	-.05	0.01	-0.10	0.09	0.0003	0.22	0.11	-0.13	0.03
<i>inform (6)</i>	6.679	2.252	0.86	0.79	0.28	0.48	0.40	0.59	1	0.72	0.69	0.65	0.35	0.25	0.12	0.30	0.03	-.03	0.07	0.07	-0.05	0.10	0.02	0.19	0.14	-0.11	0.03
<i>consult (7)</i>	6.402	2.226	0.86	0.84	0.31	0.50	0.43	0.60	0.72	1	0.79	0.71	0.34	0.27	0.17	0.20	0.06	-.03	0.05	0.09	0.0001	0.12	-0.002	0.22	0.16	-0.11	0.07
<i>communicate (8)</i>	6.270	2.399	0.86	0.83	0.31	0.52	0.43	0.53	0.69	0.79	1	0.70	0.40	0.30	0.17	0.29	0.09	0.01	0.06	0.06	0.02	0.14	0.02	0.22	0.15	-0.09	0.11
<i>accountable (9)</i>	5.790	2.257	0.86	0.83	0.34	0.55	0.48	0.59	0.65	0.71	0.70	1	0.40	0.30	0.21	0.22	0.06	0.03	0.03	0.03	0.04	0.12	0.01	0.24	0.17	-0.18	0.05
<i>Trust (10)</i>	6.246	1.409	0.16	0.46	0.23	0.35	0.38	0.29	0.35	0.34	0.40	0.40	1	0.55	0.70	0.58	0.002	-.05	0.03	-0.09	0.08	0.08	-0.01	0.14	0.15	-0.13	0.04
<i>corrupt (11)</i>	6.278	2.216	0.24	0.35	0.14	0.27	0.31	0.25	0.25	0.27	0.30	0.30	0.55	1	0.002	0.05	0.01	-.06	0.02	0.02	-0.02	-.06	-0.08	0.02	0.01	-0.14	-.03
<i>control (12)</i>	5.318	2.623	0.08	0.23	0.22	0.17	0.20	0.07	0.12	0.17	0.17	0.21	0.70	0.002	1	0.15	-0.06	0.02	0.05	-0.17	0.20	-.06	-0.04	-.02	0.04	-0.12	-.10
<i>autonomy (13)</i>	7.049	1.917	0.00	0.28	0.04	0.21	0.20	0.24	0.30	0.20	0.29	0.22	0.58	0.05	0.15	1	0.07	-.05	-.04	0.02	-0.08	0.32	0.14	0.30	0.30	0.05	0.26
<i>Women (14)</i>	0.673	0.470		0.06	0.01	-.02	0.05	0.09	0.03	0.06	0.09	0.06	0.002	0.01	-0.06	0.07	1	0.03	-.16	0.08	-0.18	0.22	0.04	0.24	0.13	0.10	0.21
<i>Age (15)</i>	1.904	0.885		0.09	0.17	0.06	-0.17	-0.09	-.03	-0.03	0.01	0.03	-0.05	-0.06	0.02	-.05	0.03	1	0.03	-0.03	0.13	0.03	0.02	-.03	0.08	0.21	0.05
<i>Income (16)</i>	3.130	0.876		0.05	0.04	0.11	-0.02	-0.05	0.07	0.05	0.06	0.03	0.03	0.02	0.05	-.04	-0.16	0.03	1	0.33	0.01	-.21	-0.08	-.21	-.21	-0.06	-.13
<i>Education (17)</i>	4.347	0.834		0.04	0.01	0.03	-0.04	0.01	0.07	0.09	0.06	0.03	-0.09	0.02	-0.17	0.02	0.08	-.03	0.33	1	-0.23	-.08	-0.08	-.08	0.03	0.002	-.07
<i>Ideology (18)</i>	4.740	1.983		0.01	0.01	0.02	0.004	-0.10	-.05	0.0001	0.02	0.04	0.08	-0.02	0.20	-.08	-0.18	0.13	0.01	-0.23	1	-.13	0.02	-.09	-.10	-0.07	-.19
<i>Constitutionalising (19)</i>	3.781	0.670	0.70	0.14	0.09	0.09	0.10	0.09	0.10	0.12	0.14	0.12	0.08	-0.06	-0.06	0.32	0.22	0.03	-.21	-0.08	-0.13	1	0.56	0.79	0.71	0.52	0.79
<i>territory (20)</i>	3.115	1.014	0.72	0.04	0.06	0.08	0.05	0.0003	0.02	-0.002	0.02	0.01	-0.01	-0.08	-0.04	0.14	0.04	0.02	-.08	-0.08	0.02	0.56	1	0.23	0.23	0.16	0.25
<i>existence (21)</i>	3.792	1.109	0.57	0.24	0.08	0.12	0.16	0.22	0.19	0.22	0.22	0.24	0.14	0.02	-0.02	0.30	0.24	-.03	-.21	-0.08	-0.09	0.79	0.23	1	0.50	0.26	0.60
<i>competences (22)</i>	3.226	1.670	0.65	0.21	0.17	0.10	0.22	0.11	0.14	0.16	0.15	0.17	0.15	-0.01	0.04	0.30	0.13	-.08	-.21	-0.03	-0.10	0.71	0.23	0.50	1	0.09	0.39
<i>accountability (23)</i>	4.518	0.730	0.69	-.18	-.10	-.10	-0.24	-0.13	-.11	-0.11	-.09	-.18	-0.13	-0.14	-0.12	0.05	0.10	0.21	-.06	0.002	-0.07	0.52	0.16	0.26	0.09	1	0.50
<i>funding (24)</i>	4.254	0.901	0.57	0.07	0.03	0.05	0.05	0.03	0.03	0.07	0.11	0.05	0.04	-0.03	-0.10	0.26	0.21	0.05	-.13	-0.07	-0.19	0.79	0.25	0.60	0.39	0.50	1

Table 2: Regression models

	<i>Dependent variable:</i>				
	Support for constitutionalising				
	(1)	(2)	(3)	(4)	(5)
Perceptions of performance	0.06*** (0.02)	0.05** (0.02)	0.05** (0.02)	0.05** (0.02)	0.05** (0.02)
Perceived integrity		0.01 (0.03)	0.01 (0.03)	0.01 (0.03)	0.01 (0.03)
Women			0.26*** (0.07)	0.23*** (0.07)	
Age			0.03 (0.04)	0.04 (0.04)	0.04 (0.04)

Income			-0.14*** (0.04)	-0.13*** (0.04)	-0.13*** (0.04)
Education			-0.03 (0.04)	-0.05 (0.04)	-0.05 (0.04)
Ideology: left to right				-0.04** (0.02)	-0.04** (0.02)
Men					-0.23*** (0.07)
Constant	3.42*** (0.13)	3.38*** (0.17)	3.72*** (0.26)	3.96*** (0.28)	4.17*** (0.28)
Observations	390	390	386	386	386
R ²	0.02	0.02	0.10	0.12	0.12
Adjusted R ²	0.02	0.02	0.09	0.10	0.10
Residual Std. Error	0.66 (df = 388)	0.66 (df = 387)	0.64 (df = 379)	0.64 (df = 378)	0.64 (df = 378)
F Statistic	8.74*** (df = 1; 388)	4.42** (df = 2; 387)	7.34*** (df = 6; 379)	7.11*** (df = 7; 378)	7.12*** (df = 7; 378)
<i>Note:</i>	p<0.1; **p<0.05; ***p<0.01 Standard errors in parentheses				

Table 3: Regression models focusing on forms of constitutionalising

	<i>Dependent variable:</i>					
	Territory (6)	Existence (7)	Competences (8)	Accountability (9)	Funding (10)	Autonomy (11)
Perceptions of performance	0.05 (0.03)	0.17*** (0.03)	0.16*** (0.03)	-0.06*** (0.02)	0.05* (0.03)	0.33*** (0.06)
Perceived integrity	-0.05* (0.02)	-0.03 (0.03)	-0.05* (0.03)	-0.03 (0.02)	-0.02 (0.02)	-0.05 (0.05)
Women	0.07 (0.11)	0.45*** (0.11)	0.17 (0.12)	0.13* (0.08)	0.32*** (0.10)	0.15 (0.21)
Age	0.03	-0.002	-0.06	0.16***	0.07	-0.04

	(0.06)	(0.06)	(0.06)	(0.04)	(0.05)	(0.11)
Income	-0.06 (0.06)	-0.21*** (0.06)	-0.28*** (0.07)	-0.03 (0.04)	-0.07 (0.05)	-0.10 (0.12)
Education	-0.09 (0.07)	-0.09 (0.07)	0.01 (0.07)	0.003 (0.05)	-0.12** (0.06)	0.0002 (0.12)
Ideology: left to right	0.001 (0.03)	-0.04 (0.03)	-0.04 (0.03)	-0.03 (0.02)	-0.09*** (0.02)	-0.07 (0.05)
Constant	3.55*** (0.42)	3.88*** (0.42)	3.55*** (0.46)	4.89*** (0.29)	4.87*** (0.36)	5.91*** (0.76)

Observations	386	386	386	386	386	386
R ²	0.02	0.16	0.11	0.09	0.10	0.09
Adjusted R ²	0.01	0.14	0.10	0.08	0.08	0.08
Residual Std. Error (df = 378)	1.01	1.03	1.11	0.70	0.86	1.84
F Statistic (df = 7; 378)	1.30	10.00***	6.95***	5.64***	5.97***	5.53***

Note:

*p<0.1; **p<0.05; ***p<0.01
Standard errors in parentheses

Figure 1

Figure: Relationship between local performance and positive to constitutional recognition

