

Chapter 2

Origins and Development of Local Government Systems in Australia: An Overview

Abstract This chapter provides an overview of the origins and development of Australia's different local government systems. It documents and compares key milestones in this development, including dates when Indigenous peoples were first dispossessed of their land by European settlers, the granting of the status as colonies independent from NSW, the introduction of representative and responsible government, and the introduction of permissive and comprehensive systems of incorporation. We draw upon an earlier generation of scholars, arguing that the history of local government in Australia can be viewed as the tension between “constitutionalist” and “State-interventionist” systems, and trace this tension through the development of the individual jurisdictions. We also argue that what we are portraying as “the history wars” in Australian local government studies reflects the central question of local government, namely: Is local government self-government, or is it a creature of state? Conceived of as such, our understanding of local government shifts from one grounded in administrative practice to one that views local government principally as a political institution.

Keywords Australian local government • Constitutionalist and State-interventionist systems • Local government studies

2.1 Introduction

The Commonwealth of Australia came into being following the Parliament of the United Kingdom at Westminster approving the *Commonwealth of Australia Constitution Act 1900* (Parliament of Australia 2016). This Bill then received the Royal Commission of Assent—the Monarch and Ruler, Queen Victoria, signed the document—on 9 July 1900 (Museum of Australian Democracy, n.d.f). Much debated before its final drafting (see Aulich and Pietsch 2002), it came into force at 1.25 p.m. on 1 January 1901 (Maddox 1996, p. 136). The Commonwealth was initially formed by five colonial governments—New South Wales (NSW), Victoria, Queensland, South Australia and Tasmania—with Western Australia agreeing to

join following a referendum held on 31 July 1900 (for a discussion, see Musgrave 2003). These colonies had been granted status as independent colonies incrementally from 1788 to 1859 (see Table 2.1).

In any discussion of the origins and development of the local government systems of Australia it is worth emphasising that the separation of Australia from the Parliament and Monarch of Britain has been by no means clean-cut. It might be well understood that Queen Elizabeth II is the current head of the Commonwealth of Australia. However, arguably less well known is the centrality of the Crown in the operation of not merely the Australian Government under §61 “Executive Power” of the Commonwealth Constitution (Maddox 1996, pp. 214–215; Parliament of Australia 2016) but also in the six sovereign governments comprising the federation. Clune and Turner (2009, p. 12) remind us that the act of federation itself did not release the Commonwealth, or the states, from their dominion status under the Crown and the British Parliament. Rather, it was only after the *Statute of Westminster 1931 (UK)* was assented to following the Imperial Conferences of 1926 and 1930 and the *Statute of Westminster Adoption Act 1942 (Cth)* was assented to by the Australian Parliament that Australia was “transformed ... to equality with the United Kingdom as autonomous” (Clune and Turner 2009, p. 12; see also Museum of Australian Democracy, n.d.g). Moreover, “[t]he *Statute of Westminster* did not affect the position of the States: These remained ‘self-governing colonial dependencies’ of the Crown until the *Australia Acts 1986*” (Clune and Turner 2009, p. 12; see also Museum of Australian Democracy, n.d.a; Twomey 1986, 2006). It was only with the *Australia Acts 1986* that “Australian law was independent of British parliaments and courts” (Museum of Australian Democracy, n.d.a). This reminds us of the persistent, if gradually waning, force that both the Crown and the British Parliament and its administrative arms, in particular the Colonial Office (by one account at least, a rather shambolic and uninterested affair at times—see Clune and Turner (2009, p. 6), had in the individual jurisdictions both prior to and after federation, but particularly prior to that time.

For our purposes this is important, because it is within the historical development of these colonies that the origins and history of the local government systems of Australia resides. It has to be recognised as well that this development was inextricably related to the quest—by some, but by no means all—for increased measures of political autonomy from both the British Parliament and the Crown (see, for example, Roe 1965; Townsley 1951; Twomey 2006, pp. 1–16). Thus, while for the sake of convenience we might speak of “Australian local government” (see, for example, Dollery and Tiley 2015; Grant et al. 2011a, b; Sansom 2012), the foundations and development of the individual local government systems in law was distinct. According to Chapman and Wood (1984, p. 24):

These differences are significant in relation to the subsequent history of local government in each state. It is not satisfactory to dismiss them as so many commentators do by referring to the ‘Australian local government system’. There is indeed no such thing; there are six [now seven] dissimilar local government arrangements despite their formal appearance.

Table 2.1 Australia: Milestones in colonial and local government

	NSW	Vic.	Qld.	WA	SA	Tas.	NT
1. First dispossession/settlement	1788	1803/1836/37 ¹	1824	1829	1836	1803	1824 ⁶ /1869
2. Granting of separate colony/territory	1788	1851	1859	1829	1836	1825	1911
3. Representative government	1842	1851	1859	1870	1851	1851	1947
4. Responsible government	1856	1856	1860	1890	1857	1856	1974
5. First incorporation/Town trust[s]	1841 ²	1840 ³	1858 ³	1838	1840/1843 ³	1852	1874/1915/1957 ⁸
6. First municipal incorporation	1842 ⁴	1842 ⁵	1858 ⁵	1858	1840	1852	1874/1915/1957 ⁹
7. Permissive system	1858/67	1854	1864	1900	1849	1858	1874/1957 1978 ¹⁰
8. Compulsory system	1905	N/A	1878/9	1919	1887	1906	2008 ¹¹
9. Early, major consolidations of legislation ⁷	1905/06 1919	1874 1901	1902 1925 1936	1919 1919 1960	1917 1934	1906	2008 ¹¹
10. Recent modernisation of legislation	1993	1989	2009	1995	1999	1993	2008

Sources Adapted from Bowman (1981), Chapman (1981), DEWR (2013a, b, c, d, e, f, g), Gray (2004, p. 20), Government of South Australia (1999), Halligan and Wettenhall (1989), Larcombe et al. (1981), Northern Territory Government (2008), NSW Government (1993), Powell (1988), Power et al. (1981), Queensland Government (2009), Robbins (1981), Tasmanian Government (2005), Tucker (1981), Victorian Government (1989), Western Australian Government (1995), Wood (1981)

Notes 1–11 for Table 2.1 are contained in Appendix 1

As such, in order to inquire into what Stewart (2000) refers to as the “nature” of local government—indeed, to even assert that such a course of action is a worthwhile endeavour—it has to be recognised that to speak of “Australian local government” before 1901 is incorrect and to speak of it after that date is at least problematical.¹ This is especially the case if one adopts the broad methodological stance that underscores this book, namely an “institutional approach”, whereby legislatively-based definitions of institutional forms constitute the principal perspective for inquiry. Otherwise stated, while it is readily conceded that “political institutions do not determine the behaviour of political actors”, equally there is a broad recognition that they “shape political behaviour by providing a relatively systematic and stable set of opportunities and constraints”, or “enforced prescriptions of behaviour” (Lowndes and Leach 2004, p. 560; see also Grant et al. 2011a, p. 55). Over time, these practices and beliefs, while fluid, form the *constitution*—understood in the broad (i.e., written and unwritten) sense—of any particular polity (see, for example, Maddox 1996, pp. 137–138).

Arguably, the telling of Australian history has not been dominated by this particular mode of inquiry focused on local government and both colonial-local and state-local relations, particularly recently. As pointed out by Grant and Ryan (2015, p. 3), since approximately the mid-1980s the important work of revisionist historians has emphasised the history of colonial Australia as at once salacious, racist, class-based, sectarian and horrifying (see, for example, Birmingham 2000; Hughes 1987; Turbet 2011; Turnbull 1999). These accounts stand in stark contrast to the history and iconography that, for the most part, has been inscribed since the time of European settlement (see, for example, State Library of NSW 2007). The revisionist accounts, if not dialogically opposed to previously dominant understandings, nevertheless tell distinctly different stories of precisely the same events (see, for example, Hughes 1987, pp. 88–89) and of horrific events subsequently in the colonies (see, for example, Reynolds 2012).

It is extremely important to remember this because, when we come to examine the histories of Australia’s local government systems from which our account below is principally derived, descriptions of the events documented by the recent

¹To this stipulation various objections can be advanced. For instance, as we have already noted, one might well respond by asserting “everyone *knows* that they are different, it’s just a matter of convenience that we say ‘Australian local government’”. Further, a *de jure* objection is encountered in that, even though local governments, except in the Northern Territory, are constituted under state law, federal law (initially the Constitution and in all laws thereafter) overrides state law unless otherwise stated in the Constitution and as such local governments are, at their base, “Australian”.

Moreover, it is certainly the case that the Australian federation has undergone an *overall* process of centralisation, both administratively and fiscally, and that local governments have been the subject of federal oversight, or at least engagement, that has waxed and waned but generally increased. Thus, for example, it makes more sense to talk of “Australian local government” than it does of “US local government” (Svara and Hoene 2008, p. 136). However, in this context it is worth underscoring that, at the very least, the phrase “Australian local government” is contestable, if not a *de jure* misnomer.

revisionist history (and indeed elsewhere) are unnervingly absent, as if they happened in a parallel universe. Clearly they did not. The question of the extent to which local laws encouraged or were at least complicit in the prosecution of (for example) Indigenous peoples across the jurisdictions as they developed, as they were (for example) in the United States regarding the African-American population (see, for example, Dattel 2009, pp. 283–290), is one that we place to one side in the present discussion.

Our central concern in this chapter is with the origins and development of local government in Australia's colonies and states. We admit that any attempt to tell a *comprehensive* story of the origins and development of all Australian local government jurisdictions in one volume (let alone one chapter) would be a flawed goal. Indeed, as we noted in Chap. 1, at least two accounts of single jurisdictions are multi-volume affairs (see Larcombe 1973, 1976, 1978; Tucker et al. 1981, 1982, 1983). However, this fact ought not to proscribe us from providing an *overview* of the origins and development of the local government systems in Australia in order to inform our further discussion and invite more scholarship in the field. To achieve this we draw extensively (although by no means exclusively) from the contributions to the Australian Council for Intergovernmental Relations (ACIR) Information Paper No. 7 (Power et al. 1981).

This chapter is divided into ten main parts. Section 2.2 provides an overview of the development of the individual colonies/states and the Northern Territory from the original date of the dispossession of Indigenous peoples of their lands and settlement of Europeans through to the founding of responsible government. Section 2.3 introduces the concept of “the history wars” in the telling of local government history in the Australian context, asserting that it is a useful heuristic through which to consider these developments. Sections 2.4–2.9 provide a synoptic account of this development in the individual colonies and states, incorporating the initiation of the first local governments, through to the operation of permissive and comprehensive systems, alongside other principal points of interest until approximately 1980.² Section 2.10 examines the general observations drawn by the ACIR paper at the time (Power et al. 1981, pp. 96–113). The chapter concludes in Sect. 2.11 with some reflections on the implications for public policy.

2.2 Placing Colonial, State and Local Governments

In order to examine the development of local government in Australia, (Power et al. 1981, p. 8) Table 2.1 depicts the significant milestones in the development of the colonies, states, the Northern Territory and for local government. Examining

²Our account of the development of local government in the Northern Territory is confined to Sect. 2.2 of this chapter. Local government in the Northern Territory is discussed extensively in Part III “Policy” Chaps. 5–8 as an element to Australia's modern local government systems.

Table 2.1, it must be underscored that distilling such a complex history into a series of equivalent historical markers has required significant qualification (see Appendix 1). Further, we have chosen to record the information for the states and the Northern Territory following the order in which it is presented in contemporary government artefacts (see, for example, DIRD 2015), which does not coincide with the historical development of the jurisdictions or their relative importance over time. Nevertheless, rows 1–4 in the table take their categories from Power et al. (1981, p. 8) as the development of the colonies by four “milestones” (see also Grant et al. 2016). We discuss these “milestones” in turn.

The first of these milestones Power et al. (1981, p. 8) describe as “First European settlement”. Following the contribution of the revisionist history mentioned in our Introduction and profound alterations in law (see, for example, Bohill 1997) we have denoted this milestone as “First dispossession/settlement”. These dates mark the first *official* settlements, later recognised as dispossessions of Indigenous people of their land (see Bohill 1997), in what were to become the individual colonies that then became states and the Northern Territory. It is important to underscore that we are denoting official settlement only. Even a cursory survey of Australia’s colonial history reveals that there was plenty of other activity by Europeans besides that sanctioned by the British Crown, both before and particularly after the establishment of the first colony (see, for example, Crowley and de Garis 1969, pp. 9–10; Turner 1973, pp. 27–46). Notable is that the date of 1803 for Victoria in Table 2.1 marks the instigation and failure of the first settlement at Sorrento under Governor David Collins in the same year (see Quick and Garran 1995, p. 51; Turner 1973, pp. 27–46). Notable also is that the date of 1824 for the Northern Territory in Table 2.1 marks the first of four failed attempts at dispossession and settlement sanctioned by the crown prior to the foundation of Palmerston in 1869 which was renamed the Port of Darwin in 1911 (see Powell 1988).

Notwithstanding these caveats, Row 1 in Table 2.1 gives the date of the first official dispossession and settlement by the British Crown. The original colony of NSW was established in 1788 at the present site of Port Jackson, Sydney (DEEWR 2013a). The boundaries of the colony were established in the letters patent and the commission issued to the colony’s first appointed Governor and Vice-Admiral, Arthur Phillip, dated 2 April 1787 (Quick and Garran 1995, p. 35). These boundaries extended north to the tip of Cape York, south to include Van Diemen’s Land, westward to 135° east longitude (i.e.: cutting through what is now South Australia) and east to incorporate the adjacent islands in the Pacific, with the westward boundary being extended in 1827 to the 129th meridian, the contemporary boundary of South Australia and Western Australia (Quick and Garran 1995, p. 35; see also Brown 2004, p. 13).

Defined as such, initially NSW administered the settlements that were subsequently established on the eastern seaboard, including the territorial divisions within these that constituted the first attempt at instituting a local government system for the colony in 1825 (see, for example, Larcombe et al. 1981, p. 130). Examining Row 1 in Table 2.1, it is evident that the settlements were established quickly given the distances involved and (in many, but not all, instances) the

resistance encountered. Thus, Van Diemen's Land was officially settled in 1803 and 1804 at the contemporary locations of Hobart and Launceston (DEEWR 2013e; Quick and Garran 1995, pp. 58–59); Moreton Bay District to the north on the east coast parallel to what is now Brisbane, capital city of Queensland, followed in 1824 (DEEWR 2013c; Quick and Garran 1995, p. 72); Swan River settlement at what is now Perth, capital of Western Australia, followed in 1829 (DEEWR 2013g; Quick and Garran 1995, p. 67). Although initially surveyed in 1827–8 from the eastern colony in response to the perception that the French were attempting to annex unoccupied territories of the continent (Quick and Garran 1995, p. 67). Swan River was not part of the eastern colony founded in 1788 and was administered separately under an act of British Parliament from 1829 (Quick and Garran 1995, p. 68). Port Phillip District, now Melbourne, capital of Victoria, followed in 1836/37, with the initial European population arriving from Northern Tasmania as free settlers (Bowman 1981, p. 235; DEEWR 2013f; Quick and Garran 1995, p. 52). Adelaide was also officially settled in 1836, again by free persons commensurate with the *South Australia Act 1834* being assented to by the British Parliament (DEEWR 2013d) which established South Australia as a British province (Quick and Garran 1995, p. 63). Finally, as we have noted, following four failed attempts at colonial settlement in the area of what is now the Northern Territory (see Powell 1988, pp. 48–84), Darwin was settled as Palmerston on 5 February 1869 following the annexation of what is now Northern Territory (then part of NSW) by South Australia on 6 July 1863 (Museum of Australian Democracy, n.d.c; Quick and Garran 1995, p. 62).

The settlements were overseen by individuals appointed by the Crown both before and after achieving status as separate colonies: governors in NSW and South Australia, and initially subordinate ranks in the cases of Van Diemen's Land, Moreton Bay District and the Swan River Settlement. In Melbourne, Charles La Trobe was appointed as the First Superintendent in 1839 (see Bowman 1981, p. 236; Quick and Garran 1995, p. 53). Before the establishment of individual colonies in (consecutively) Van Diemen's Land, Victoria and Queensland, those appointed were responsible to the governor in NSW. Following the proclamation of individual colonies, discussed directly below, governors were responsible to the British Government. The original head of the settlement of Palmerston was the (then) Surveyor-General of South Australia (see Powell 1988, pp. 81–82).

Initially these governors “ruled according to their Commissions, Letters Patent, Royal Instructions and directions from the Secretary of State for the Colonies” with “wide-ranging autocratic authority [inclusive of] complete legislative and executive power” (Clune and Turner 2009, p. 6). However, while they exercised considerable (although varying) authority, Maddox (1996, p. 201) points out that this authority did not entail that they could do anything they liked: their competence was “*de-fined*” and “[t]he common law of England was transferred to the colonies with the migration of British subjects”, although the legal basis of this authority has been questioned (see Quick and Garran 1995, pp. 35–36).

The second phase, delineated in Row 2 of Table 2.1, marks the transition of the settlements to separate colonies. This transition occurred for Van Diemen's Land in

1825 following the combining of the southern and northern settlements in 1812 (DEEWR 2013e; Quick and Garran 1995, p. 59). As we have seen, Western Australia was administered as a separate colony from 1829 (DEEWR 2013g) and South Australia was established as a separate colony in 1836 (DEEWR 2013d). Port Phillip District, including the cities of Melbourne and Geelong (which were initially incorporated under NSW legislation) became the separate colony of Victoria in 1851 (DEEWR 2013f; Quick and Garran 1995, p. 53), with Moreton Bay District following suit in 1859, whereupon it was renamed Queensland (DEEWR 2013c). Quick and Garran (1995, p. 73) note that prior to separation, as a district of NSW Moreton Bay returned nine members to the NSW Legislative Assembly of NSW in 1856, with agitation for separation commencing “as early as the year 1851”.

Status as a separate colony was achieved by a grant of the British Parliament and the Crown following partitioning by the inhabitants of the area, after which a proclamation was made at the site of the colony. Alongside seeing the appointment of a governor independent of NSW, independence also entailed the establishment of a rudimentary judiciary separate from that of NSW and the formation of a Legislative Council—a small, *appointed* body acting in an advisory role to the governor (see, for example, DEEWR 2013a, b, c, d, e, f, g; Maddox 1996, p. 211). In the Northern Territory, the area was taken under the control of the Commonwealth in 1911 following the assent of both the *Northern Territory Surrender Act 1908* (SA) and the *Northern Territory Acceptance Act 1910* (Cth) (Museum of Australian Democracy, n.d.d, n.d.e).³

The third stage, denoted by Row 3 in Table 2.1, marks the *commencement* of representative government. This stage was incrementally introduced across the colonies between 1842 in NSW⁴ and 1870 in Western Australia. It saw the expansion of the colonies’ legislative councils to include individuals elected from what were initially very exclusive and varied franchises. For example, in NSW the Legislative Council initially, from 1825, consisted of seven appointed members; by 1842 it had increased to 36, with 24 elected members (including six from Port Phillip District) serving five-year terms (Maddox 1996, p. 211; see also Quick and Garran 1995, p. 39). This year also saw the enacting of the first *New South Wales Constitution Act 1842* by the British Parliament (Parliament of NSW 2016). Representative government frequently followed from the introduction of trial by jury in the individual colonies, which was seen commensurate with some modest

³For our purposes two points are noteworthy at this stage in our narrative. First, “one of the conditions of the transfer [in 1911] was that such of the laws of South Australia as were applicable to the Territory ... were to continue in force until such time as they were altered or repealed by the ... the Commonwealth” (LA NT 2003, p. 1). Second, the *Northern Australia Act 1926* divided the Territory into two north-south parts at the 20th parallel. However, this Act was repealed in 1931 (LA NT 2003, p. 1). From the *Northern Territory (Administration Act) 1947* (Cth) the Territory moved through progressive stages of responsible government (DEEWR 2013b), although not without intervention by the Commonwealth on a number of issues (see, for example, LA NT 2003; Michel 2015).

⁴Quick and Garran (1995, p. 38) note that: “The Legislative Councils established by previous Acts were purely nominee and *irresponsible* bodies” (emphasis added).

form of representation (Maddox 1996, p. 211; see also Carney 2006, pp. 35–57; DEEWR 2013a, b, c, d, e, f, g; Quick and Garran 1995, pp. 35–78).

Similar forms of limited representation were introduced in quick succession in the other colonies (see, for example, Carney 2006, pp. 35–57; DEEWR 2013b, c, d, e, f, g; Quick and Garran 1995, pp. 35–78). According to the Museum of Australian Democracy (n.d.b), the *Australian Constitutions Act 1850 (UK)* was significant for establishment of representative government for several reasons: it allowed the separation of Victoria from NSW the following year; in NSW it “empowered the Governor and the Legislative Council, with Britain’s approval, to establish a Parliament of two houses”, thereby requiring a significant extension of the franchise and introducing responsible government (discussed below) to the original colony and in Tasmania it allowed for the extension of the proportion of elected members of the Legislative Council to increase to two-thirds (DEEWR 2013e). Victoria established its own Legislative Council of 20 members, ten of whom were elected, in 1851 (DEEWR 2013f). The Legislative Council was similarly expanded in South Australia in 1851 (DEEWR 2013d), and in Queensland in 1859 (DEEWR 2013c). Representative government was established in Western Australia in 1870, with the Legislative Council then consisting of 18 members, 12 of whom were elected property owners (DEEWR 2013g). A Legislative Council was appointed for the Northern Territory in 1974 following the *Northern Territory (Administration) Act 1974 (Cth)*; originally consisting of 13 members, it was modelled along colonial lines with a mixture of appointed and elected members (LA NT 2003, p. 1).

Row 4 of Table 2.1 contains the fourth milestone, the introduction of responsible government. As Twomey (2006, p. 3) notes, what this actually entailed was a vexed issue in the colonies at the time. In this context it is worth offering a definition. For their part, Radbone and Robbins (1980, p. 204) identify three possible meanings: first, “that of an administration guided by public demands rather than its own dictates”; second, “that of a government which acts prudently and consistently”; and third, “that of a government that is held accountable for its actions—either to its citizens or to its representatives”. It is this third definition—denoting the responsibility of the executive to the people or their representatives (a parliament)—that (arguably) is most useful and generally put forward (see, for example, Maddox 1996, pp. 125–126).

In this form responsible government was introduced in NSW, Victoria and Van Diemen’s Land in 1855–6 with the latter colony being renamed Tasmania in 1856 (DEEWR 2013a, e, f; Parliament of Victoria 2011); in South Australia in 1857 (DEEWR 2013d); in Queensland in 1860 (DEEWR 2013c); in Western Australia in 1890 (DEEWR 2013g); and in the Northern Territory in 1974 (DEEWR 2013b; LA NT 2003, p. 1). It is important to note that the introduction of responsible government followed agitation for greater representation, or what Quick and Garran (1995, p. 41) label as the “demand” for responsible government in the case of NSW, across the colonies, although to varying degrees (see, for example, Roe 1965; Turner 1973). For the colonies, representative government involved re-drafting their constitution acts to provide for legislatures on the basis of an expanded (although varied) franchise and granting authority for parliaments to alter

their own constitutions, subject to Royal assent (Twomey 2006, p. 4).⁵ These acts were then sent to the British Parliament for approval, subject to amendments (DEEWR 2013a, b, c, d, e, f, g; see, for example, Parliament of NSW 2016). For the Northern Territory, the Commonwealth replaced the (then) Legislative Council with a “fully elected 19 Member Legislative Assembly” in 1974 (LA NT 2003, p. 1).

Table 2.1 rows 5–9 denote, respectively, the dates of the first incorporations in the colonies, the first legislation for a city or town corporation, the introduction of permissive systems of local government, the introduction of comprehensive systems of local government and the consolidation of legislation such that local government was drawn under one act and/or significantly modernised. These developments were by no means even across the colonies. Examining row five, in NSW, Victoria and Western Australia the first incorporations were achieved under legislation for road trusts and pre-dated the first municipal incorporations. The first incorporation in what is now the Northern Territory occurred in 1874 under the South Australian *District Councils Act 1858*, while the first under Commonwealth legislation was that of the Darwin Town Council in 1915 (Museum of Australian Democracy, n.d.c). Examining rows five and six, the first incorporations of both Sydney and Adelaide were short-lived before their re-establishment in 1857 and 1852 respectively (see explanatory notes #3 and 4 Appendix 1). The first municipal incorporations in Victoria and Queensland (Melbourne and Geelong in 1842 and Brisbane in 1859) were enabled under NSW legislation (see Larcombe 1973, pp. 130–197).

Examining rows seven and eight denoting the introduction of permissive (or voluntary) systems incorporation and compulsory systems of same, again the histories of the jurisdictions are variable. Thus, in Victoria the introduction of a comprehensive system *resulted from* the introduction of legislation enabling voluntary incorporation (see, for example, Bowman 1981). However, in the majority of jurisdictions comprehensive systems came about with the introduction of legislation requiring incorporation *after* voluntary systems had failed to achieve a level of incorporation deemed satisfactory by the respective governments (for an exposition, see Sects. 2.4–2.9).

As we have already seen, the case of the Northern Territory is quite distinct and, at this level of analysis, can be rendered more concisely than those of the other jurisdictions detailed in the discussion below. According to Sanders (2006, p. 1) prior to the commencement of self-government in 1978 the Northern Territory “had just four local governments in its major urban areas: Darwin, Alice Springs, Katherine and Tennant Creek”, all of which were constituted under the *Local Government Ordinance 1957*, which itself was a form of permissive legislation enacted by the Northern Territory Council and subject to amendment multiple times before self-government was achieved in 1978 (Museum of Australian Democracy,

⁵For their part, Quick and Garra (1995, pp. 44–45) note the scant attention paid to the concept of responsible government in the re-drafting of the constitutions across several of the colonies and the controversy that surrounded these constitutions on this basis at the time.

n.d.c). With the advent of self-government in 1978 the *Local Government Act 1978 (NT)* introduced the Northern Territory's own permissive system of incorporation. This specified "two types of local government ... municipal councils and community government councils", the latter of which allowed for a variety of governing arrangements, all of which "were intended for smaller communities in outlying areas" (Sanders 2006, pp. 1–3). From 1978 to 2006 a variety of ad hoc arrangements for local government were introduced by both Country Liberal Party and Labor Party governments, inclusive of some new councils, single episodes of amalgamation and attempts at regionalisation (see Sanders 2006, p. 3).

Row 9 of Table 2.1 marks the initial major modernisations of the acts *and* the merging of two or more acts so that authority for local government fell under one act, with the exceptions of separate legislation for capital and major cities in NSW, Victoria, South Australia and Queensland. As such, "consolidation" generally refers to the merging of legislative provisions for municipalities on the one hand and shires on the other hand; although within the literature the term "consolidation" also refers to the gradual introduction of the broader stabilisation of local government within a particular jurisdiction (for details, see explanatory note #7 in Appendix 1). Arguably, it was only with the introduction of the *Local Government Act 2008 (NT)* (see Northern Territory Government 2008a, b) that a compulsory and consolidated system of local government was introduced. Most strikingly, this entailed a "sweeping regionalisation" wherein "53 community councils were forcibly amalgamated into eight regional shires" (Michel 2015, p. 102; see also Chaps. 5, 6 and 10 of this book). Again, details for the consolidation of local governments in the other jurisdictions are provided in Sects. 2.4–2.9 below. Row 10 of Table 2.1 marks the most recent comprehensive revision of legislation (in essence, the introduction of new local government acts) in all jurisdictions. Part III of this book is devoted to examining public policy of contemporary local government in Australia after the modernisation of local government systems under these acts and ensuing legislation.

Having set out this disaggregated history of the jurisdictions, in this immediate context it is important to make two points. First, as already noted, the *Constitution Act 1842 (NSW)*, which introduced responsible government for NSW and representative government for the colonies generally, also provided for a local government system for the eastern seaboard *writ large*:

[A] scheme for the division of the colony into districts, each of which was to have its own council to make by-laws; to build and maintain roads, bridges and public buildings; to establish and support schools; and to defray expenses connected with the administration of justice and the police. The governor was empowered to incorporate districts compulsorily and to fix the boundaries (Power et al. 1981, pp. 7–8).

The extended quote above demonstrates the broad remits of these district councils as they were originally conceived, including schools and the police. At the time Governor Gipps proclaimed 28 such districts on the basis of extant police districts. However, the system was not taken up by the then colony and simply lapsed (Power et al. 1981, p. 8; see also Halligan and Wettenhall 1989, p. 77).

Second, all of the town centres of the colonies that were to become cities (Sydney, Melbourne and Geelong in Port Phillip District, Hobart and Launceston in Van Diemen's Land, Adelaide in South Australia, Perth in Western Australia and in 1874 the District of Palmerston, later Darwin, under South Australian legislation) were incorporated under their own legislation, as were many other centres in due course. However, several of these incorporations (notably Adelaide, Sydney and the Perth Town Trust) initially failed and were revived several years later (Power et al. 1981, p. 10).

2.3 Constitutional and State-Interventionist Systems: The History Wars in Australian Local Government Studies

The above distinction between “permissive” and “compulsory” systems of incorporation introduces us to the central tension in the *telling* of the history of the origins and development of the local government systems of Australia, namely the extent to which they are the result of legislative action by the colonial governments on the one hand, or if they came about because of the wishes and actions of citizens on the other. In the words of Power et al. (1981, p. 21):

Two polar types that emphasise quite different features of local government are offered here as a means of depicting the major distinctions between the local government systems. We call these types *constitutionalist* for the stably structured systems which have developed in response to local demand, and *State-interventionist* for those that are malleable and have been imposed from above.

Of course, to introduce “types” into a telling of history (in particular types that are dialogically opposed, as indeed these two are) is inevitably followed by qualifications to these types and a blurring of the lines between the two. In fact, as we shall see immediately below, historians of Australia's local government systems engage in precisely these kinds of qualifications. Notably, however, several of these historians have a lot to say about the “constitutionalist” or “state-interventionist” nature of the jurisdictions they study, and in some instances provide a defence of the jurisdictions they discuss (see, in particular, Atkins 1959; Bowman 1981; Power 1980; Robbins 1981, pp. 575–578; Wood 1981).

In effect, we are suggesting that there exists an identifiable “history wars”⁶ in the telling of local government history in Australia. On the one hand there are those who emphasise the dominance of colonial and state governments in the fashioning

⁶In using this phrase as we do in this context we are, decidedly, not implying that the “history wars” in Australian local government studies has the same profundity as other conflicts that the phrase is applied to, both in the Australian context (see, for example, Moses 2008) and elsewhere (see, for example, Linethal and Elgelhardt 1996). However, we are suggesting that the conflict has a very similar shape.

of the local government systems in Australia *writ large*; on the other hand there are those who emphasise the contribution of voluntarism to the constitution of the systems. Further, we suggest that these opinions, as quietly impassioned as they are, indicate to us that there is more at stake than local government conceived as *mere* public administration. On the contrary: the local government “history wars” alert us to the fact that the debate about the history of local government in Australia is far more normatively derived. Arguably, behind these histories resides the question: “Is local government self-government, or is it a creature of the state?” (Wickwar 1970, p. 1). We return to this question in our conclusion to this chapter and throughout this book. We now turn to the individual jurisdictions to examine how this question plays out in the telling of these histories.

2.4 Overview of Local Government in New South Wales 1788–1980

NSW falls firmly in the “State-interventionist” camp of “the history wars” in Australian local government studies, with its main scribes (see Atkins 1959, 1979; Larcombe et al. 1981) attracting some criticism (rightly or wrongly) for promulgating this view as more, rather than less, applicable to all Australian jurisdictions (see, for example, Power et al. 1981, p. 20; Robbins 1981, p. 575; Wood 1981, p. 651). The account rendered here clearly indicates that identifiable “constitutionalist” tendencies have been part of the historical development of the jurisdiction. However, in seeking measures of political autonomy, initially the colonists were concerned with achieving greater authority for their Parliament when set against that of Britain (see, for example, Twomey 2006, pp. 1–16) rather than with local government.

2.4.1 Early Development 1788–1858⁷

In their account of the first half century of the history of local government in NSW, Larcombe et al. (1981, p. 129) state: “New South Wales began as a military penal colony and no effective government decentralisation began until the 1830s” (see also Larcombe 1973, p. 5). For his part, Maiden (1966, p. 5) suggests that, for the first 25 years, “[m]uch voluntary work was undoubtedly done individually and

⁷The primary source for this account of the origins and development of local government in NSW is Malcolm A. Bains and N.T.G. Miles’s entry in the collection edited by Power et al. (1981). However, in their first footnote to the entry the authors noted: “The late F.A. Larcombe wrote the historical section for this report drawing on his recently published three volume work *A History of Local Government in New South Wales*” (see Larcombe 1973, 1976, 1978). As such we have denoted the source as Larcombe et al. (1981).

collectively on the initiative of the settlers themselves”, before asserting that “[t]he issuing of Government Orders became the medium of civil government administration”. In fact, it was 70 years from the time of initial dispossession and settlement until the first act for general purpose municipalities, the *Municipalities Act 1858 (NSW)* (NSW Government 1858; discussed below) was assented to.

As we have already seen, the length of time that lapsed between the initial dispossession and settlement and the *Municipalities Act 1858 (NSW)* by no means entails that the British Parliament and the Colonial Office did not envisage a local government system developing in the colony; on the contrary, this was clearly the case (see, for example, Clune and Turner 2009, p. 7). Rather, it indicates that the early attempts to introduce such a system faltered. Thus, in 1825 the Colonial Office ordered the whole of the then colony (including Van Diemen’s Land) to be divided into counties, hundreds and parishes; however, “no local government significance was ever given to them” (Larcombe et al. 1981, p. 130). Similarly, the eighth Governor of NSW, Sir Richard Bourke (see Bongiorno 2010, p. 167), who held this office from 1831 to 1837, made a suggestion for local government in 1832. According to Larcombe et al. (p. 29), the Governor had decided “that the time had arrived when the citizens of Sydney could be expected to administer to their own affairs”. Yet the proposal was essentially ignored.

The ninth governor, Sir George Gipps (see Ventress 2010), introduced both the “Municipal Corporation Bill” in 1840, which provided for the voluntary incorporation of towns, and the “Police and Public Works Bill” in 1842, which envisioned “a body of elected commissioners to undertake local functions” (Larcombe et al. 1981, p. 129; see also Maiden 1966, pp. 44–49). Again, both measures failed (Larcombe et al. 1981, p. 129), with Maiden (p. 48) citing the *Sydney Morning Herald* of 25 June 1824 to the effect that, while the colonists understood the worth of good government, they were not prepared to “defray the expenses of coercing the British convicts”. Subsequently, under the *New South Wales Constitution Act 1842* (Parliament of NSW 2016), Gipps proclaimed 28 district councils that were delegated to provide half the cost of the upkeep of the police and infrastructure. The proposed system was “a complete failure”, as was the original Sydney Corporation (Larcombe et al. 1981, p. 130). Governor Gipps’s *Parish Roads Trust Act 1840* witnessed only a few incorporations (Larcombe et al., p. 130). In the meantime, basic services were provided under a series of earlier acts, including the *Sydney Police Act 1833*, the *Sydney Water Supply Act 1833* and the *Roads and Streets Act 1833* (for a concise list, see Maiden 1966, pp. 32–35).

Yet the initial multiple failures of top-down designed proposals does not mean that the nascent colony was devoid of civic spirit. Larcombe et al. (1981, p. 129) document that “[t]he first moves from Sydney’s inhabitants to establish municipal institutions were made in 1835 when a group of householders and landowners presented a petition for a general system of elected commissioners”. Further, the authors inform us that one “Civis” actually devised a “scheme” for municipal government, from which the “Sydney Town Improvement Bill” was drawn; yet this scheme was rejected principally because it did not include powers of local taxation. Moreover, following the extension of the *Police Act 1833* to the outer towns such as Parramatta and

Windsor in 1838 “demands for locally elected councils led to movements to establish councils in Parramatta, West Maitland and Newcastle” with citizens keeping an eye on the development of municipal institutions around Port Phillip Bay (discussed below) (Larcombe et al., p. 129). Additionally, the special incorporations introduced in 1842 under Gipps and inspired by the granting of charters to the Canadian cities of Montreal and Quebec saw the successful incorporation of the cities of Melbourne and Geelong, with Larcombe (1973, p. 80) expressing regret that legislation did not provide for general incorporations. However, the Sydney Corporation initiated by the *Sydney City Incorporation Act 1842* assented to on 20 July of that year (Larcombe 1973, p. 87) had faltered by 1850 and was subject to the *Sydney Corporation Regulation Act 1850* (Larcombe 1973, p. 110).

The key tension was that, while the colonial office had a clear idea as to how self-government in the colonies ought to develop (see, for example, Clune and Turner 2009, p. 7), and there was certainly demand for local services, citizens were not prepared to pay for the provision of services through local taxes (principally land rates) when the colonial government had been providing services for free and, as we have seen, they regarded such taxes as subsidising the convict system (see, in particular, Maiden 1966, pp. 51–52 for an account of the lack of support for the District Councils). This recalcitrance, along with the main efforts for autonomy being directed at the Legislative Council (the Governor, acting for the Crown, controlled revenue from the sale of land) alongside other grievances (see Twomey 2006, pp. 2–3), combined to form what Larcombe (1973, pp. 5–13) refers to as “factors of retardation” in the development of local government.

Larcombe’s (1972, pp. 79–109) account reveals what in essence was a conflict between the legislature, backed by powerful members of the Squattocracy (John MacArthur in particular) and a town that was in dire need of basic services. There were a series of sophisticated arguments in the politicking around the issue of the Sydney Corporation, including whether or not an unrepresentative legislature had the right to award powers of taxation to an ancillary body (Larcombe 1972, p. 82), and the argument that municipal corporations themselves were historically moribund compared with service provision by commission (Larcombe, pp. 107–109). After being abolished and replaced with an appointed three-man commission in 1853 (Larcombe 1972, p. 129; see also City of Sydney, n.d., p. 2), the council was finally restored by the Legislative Assembly in 1856 (City of Sydney, n.d., p. 2). Nevertheless, overall the account of this initial period provided by Larcombe et al. (1981, pp. 129–130) and Larcombe (1973, pp. 1–178) is one of the top-down-inspired plans for local government that faltered (see also Maiden 1966, pp. 41–65).

2.4.2 *Permissive to Comprehensive System 1858–1906*

A permissive (or voluntary) system of incorporation was eventually introduced under the *Municipalities Act 1858* (NSW Government 1858; see Larcombe et al. 1981, p. 131). The first revision to the legislation was enacted under the

Municipalities Act 1867 (NSW Government 1867; see Larcombe et al. 1981, p. 131). Areas were incorporated under these systems, which allowed as much with petitions of only 50 householders under the 1858 legislation, then 50 ratepayers under that of 1867. However, “[t]he overall result was the creation of an *intensive* rather than *extensive* system” (Larcombe et al. 1981, p. 132; emphasis added). Otherwise stated, many very small incorporated areas came into being (initial incorporations numbered 38 municipalities, including Brisbane; by 1906 the number was 196) but the proportion of the population under these incorporations, and indeed the area incorporated, was very small.⁸

Instead of local services (particularly roads and bridges) being provided by local communities, with or without a grant from government, citizens simply lobbied members of the legislature, to the extent that “an aspiring premier” would make promises to provide particular areas with infrastructure needs, and many small ad hoc boards (often with elected members) were formed, thus delaying the need for local councils (Larcombe et al. 1981, p. 132).

The overall impression of the permissive system gained from Larcombe (1973) and Larcombe et al. (1981) is of uneven and undirected development that continued into the next century—over 40 years—in which time “the best known of the New South Wales statesmen [had] wrestled with the problem of the form of which compulsion could best be introduced” (Larcombe et al. 1981, p. 132). Notably, a “dual system” had also emerged, with road trusts initially incorporated under Gipps’s legislation in 1840 and 1842 developing into shires under the *Shires Act 1905* (NSW Government 1905) standing alongside the municipalities. The *Shires Act 1905* nevertheless gave state government the power to “initiate” new local government areas, and saw the overwhelming majority of the state’s population at that time divided into 134 shires covering 60% of the area (Larcombe et al. 1981, p. 132). The *Local Government Extension Act 1906* allowed municipalities (in essence town councils) to be drawn from the shires, and later that year the legislation was consolidated into the *Local Government Act 1906* (NSW Government 1906), which, according to Larcombe et al. (1981, p. 133), provided the basis of “the balanced and comprehensive system of local government ... under the *Local Government Act 1919*” (see NSW Government 1919).

Larcombe et al. (1981, p. 133) note that in 1928 other incorporations occurred around the Murrumbidgee Irrigation Area under the *Irrigation Act 1912*, and between 1954 and 1959 parts of the Western Division were also incorporated. In a coda to their account of the eventual introduction of the comprehensive system in 1906 followed by the 1919 Act, these venerable local government historians reserve particular venom for what they labelled “an insidious invasion into local government arenas of ad hoc authorities” from as early as 1873, citing the example of the City of Sydney, which “since 1973 [has] lost its vehicle licensing powers, water supply, drainage, saleyards, electricity, fish and produce markets and the

⁸The areas incorporated were nevertheless geographically widespread, including “Albury, Camperdown, Cudgegong, Goulbourn, Kiama and Orange” (Maiden 1966, p. 83).

redevelopment of parts of its area such as the Rocks” (Larcombe et al., p. 133). Thus, despite noting that local government initially gained considerable assets with the introduction of comprehensive incorporation, the revenue that could—indeed ought to be—derived from these services was deprived of local government through the gradual introduction of more and more ad hoc authorities (Larcombe et al., p. 133). As we shall see, this is a continuing theme throughout the accounts presented below.

2.4.3 *Twentieth Century: Regionalising and Greater City Movements*

Perhaps of most interest for contemporary readers are the observations by Larcombe et al. (1981, pp. 133–136) about regionalising movements, both as an element of local government development in NSW and as greater city movements. It is at these points that the topic of local government becomes one of government at the regional level conceived not merely from the perspective of NSW but also from the federal tier. We examine the latter in some depth in Chap. 3, which delves into regionalism as an element to Australia’s federalism. In this immediate context it serves our purposes to place these concerns into historical perspective.

Commenting upon regionalising movements generally, Larcombe et al. (1981, pp. 133–136) examine three phenomena: first, new states movements, second, provision for joint authorities and third, federal schemes for regionalisation. Remarking upon new states movements in NSW, Larcombe et al. (p. 133) concisely observe:

The new States movement is an aspect of *decentralisation* designed by its promoters to overcome the *excessive State centralism* and the dominance of the capital cities and as a means of bringing the people *closer to the seat of government* through a revision of state boundaries (emphasis added).

All of these points are reaffirmed elsewhere in the literature, in particular in the tract by Ellis (1933), *New Australian States*, written in the author’s capacity as Secretary to the Leader of the Federal Country Party and Director appointed to prepare the Case for Riverina separation. Placing to one side aspirations for regionalism based on the grounds of autonomy understood politically, it is important to grasp that the impetus for decentralisation entailed in the new States movement was based on very pragmatic grounds: both the Riverina and New England areas in NSW were several hundred miles away from their administrative, political and judicial centres; there was considerable repulsion against what Ellis (1933, p. 57) labelled “Sydney intrigue”; and there were fears (or at least political rhetoric) that, unless decentralisation was enacted, the federation would be unbalanced and under threat (Ellis 1933, pp. 9–11). Here, the concept of local government, understood as “home rule”, takes on a far more profound meaning.

The demand for these new states was strong. Agitation for a province to the north based around Grafton in 1915 and to the south centred on the Riverina in 1922 led to the 1924 Cohen Royal Commission into the matter, “which concluded that new States were ‘neither practical nor desirable’” (Cohen Royal Commission, cited in Larcombe et al. 1981, p. 134). Instead the Royal Commission recommended a district council system based upon the county council system in England (and in fact initially proposed by the (then) Local Government Association; see Larcombe et al. 1981, p. 134). Despite meeting with “the full approval of local government authorities” the system was never implemented (Larcombe et al. 1981, p. 134).

Two Commonwealth Royal Commissions were conducted examining the introduction of new states between the wars: Pedan in 1929 (discussed in Chap. 3) and Nicholas in 1935. While both broadly approved of the idea of new states, “neither offered any recommendations for strengthening local government” (Larcombe et al. 1981, p. 134). Politically the issue peaked in 1967 with a constitutional referendum for the separation of New England and, while the issue of new states has been the subject of academic inquiry (see, for example, Blainey 2004), it has not been forcefully politically pursued since. Yet for our purposes it is important to see that the issues of local government, regional government and new states are linked and perennial over this extended period.

Commenting upon the second manifestation of regionalism in NSW, namely the provision of joint authorities (what in today’s parlance are labelled “shared services” (see Dollery et al. 2012)), Larcombe et al. (1981, p. 134) note the growth in county councils, for which councils could delegate full authority (i.e., including taxation) for particular services such as abattoirs, water supply and weed control. Larcombe et al. (pp. 134–135) register significant praise of “the county system”, the reasons for which reflect contemporary justifications—both theoretical and public policy-centred—for joint action. Thus:

The county system has a lot to recommend it *from a local government point of view* ... [i]t permits the advantages of specialisation and economies of large-scale operation... it retains local control for local government major functions in danger of being lost to boards *which do not always provide for local representation* (Larcombe et al. 1981, pp. 134–135; emphasis added).

Yet there was also recognition of the disadvantages of ceding authority for potentially profit-raising amenities (Larcombe et al. 1981, p. 135; for a discussion in the contemporary context, see Dollery et al. 2014).

The third impulse toward regional arrangements, namely regionalising schemes from the federal tier, occurred during the latter part of WWII and was premised upon the federal desire to understand the potential of regional areas for reasons of national security and economic development. Again we discuss these processes at greater length in Chap. 3; however, in this immediate context it is important to underscore that this *federal* impulse for regionalism—resulting in inter alia 20 regions being identified in NSW that were controlled by committees (the membership of which was required to comprise half local government representatives)—was, ultimately,

viewed unfavourably by local government. This reluctance to embrace regional structures initiated by the federal government was not so much (as Larcombe et al. 1981, p. 135 note) that the boards were *appointed* and, as such, did not provide for popular participation. Rather, it was that ultimately the local government sector felt threatened by appointed regional bodies *despite* local government *officials* being generally in favour of regionalism (see, for example, Larcombe et al., p. 136; see also Kelly et al. 2009). This added to the suspicion the state governments have traditionally held toward regionalism. For instance, commenting upon the revival of the idea of popularly elected regional councils in the 1950s advocated by Professor F.A. Bland, Larcombe et al. (p. 136) state: “It is doubtful whether the States would countenance a strong regional level of local government. Their Governments are very sensitive of their position at a mid-level, subject to expendability”.

Turning to greater city movements in NSW, as we shall see in our discussion below, the issue of the relationship of local governments to arrangements for metropolitan governance recurs in the sections discussing Victoria, Queensland, Western Australia and Tasmania. In this context it is useful to provide an account of the *types* of movements that have attempted—and occasionally succeeded—in achieving forms of metropolitan governance in NSW.

Larcombe et al. (1981, p. 136) identify three *types* of movements for city governance arrangements. The first is very familiar in the contemporary context, namely attempts to form larger governments through programs of amalgamation, justified “on grounds of economy *or political motives*” (emphasis added); second, county councils based “on the English model”; third, attempts to create “a single metropolitan authority” (p. 136; emphasis added). Notably, Larcombe et al. (p. 136) are directing our attention to the fact that *political* reasons can be offered, or indeed deduced, as justifications for reform, not just arguments about achieving scale and scope economies or arguments pointing to an appropriate scale of control for governing cities. It is also important to note that these three types of reform may or may not involve a variety of democratic arrangements, both representative and participatory (or indeed none at all). In the contemporary context we label those that place *more* rather than *less* emphasis on democratic arrangements as metropolitan *governments*, while those that place *less* on democratic arrangements we label institutions metropolitan *governance*.

According to Larcombe et al. (p. 136), of the three types of regionalising movements (i.e., larger councils; county councils; attempts as instituting a greater metropolitan authority) it was only the third that at that time “was of any significance”. As a way of historically contextualising the discussion of contemporary attempts at metropolitan reform in Sydney provided in Chaps. 10 and 11 it is useful to provide a brief account of the five attempts at reforming Sydney from 1898 to 1931 as discussed by Larcombe et al. (1981, pp. 136–137).

The first of these attempts occurred between 1898 and 1900, wherein “schemes were drafted at the city and suburban council level to amalgamate Sydney [i.e., the Municipality of Sydney] with contiguous suburbs” (Larcombe et al. 1981, p. 136). Competing plans were drafted by both city aldermen and by aldermen in the

adjacent suburbs, inclusive of a two-tier (or federal) system; however no agreement could be reached, with Larcombe et al. (1981, p. 136) commenting: “The supporters of the plans were so opposed in principle that the movement was quickly deadlocked”.

The second attempt was grounded in the idea of overcoming the impasse about the design of the new system by holding a popularly-elected convention to draw up a plan. Larcombe et al. (1981, p. 136) state: “A Bill [i.e., The Greater Sydney Convention Bill] for this purpose was introduced by the McGowen Labor Government in 1912”, but it was rejected by the Legislative Assembly after amendments by the Legislative Council, principally on the grounds that the convention would only consider proposals for a unitary system and that the delegates for the convention were to be drawn from a parliamentary, rather than municipal franchise (Larcombe et al. 1981, p. 136).

The third attempt followed the next year—1913—wherein a Royal Commission was appointed (again by a Labor government) which “recommended a bi-zonal or hybrid unitary-federal scheme embracing fifty-three local units”, with an “inner-zone” comprising the City of Sydney and 23 other municipalities being unified, and the outer zone “federated until such a time that they were suited to inclusion in the inner zone” (Larcombe et al. 1981, p. 137). The plan was to see a Greater Sydney Council undertake metropolitan-wide functions, and a Greater Sydney Bill was introduced in 1915, “but was never earnestly considered because of the seriousness of the war situation and the division of the Labor Party over the conscription issue” (Larcombe et al. 1981, p. 137).

Fourth, in 1931 the Lang Labor Government introduced a Bill for a federated structure “covering the whole of the Cumberland County” (discussed below) which would have seen 69 councils amalgamating to 28 and a Greater Sydney Council as the federal authority (Larcombe et al. 1981, p. 137). However, according to Larcombe et al. (1981, p. 137) “[a]gain a crisis intervened—the Governor’s dismissal of the Lang Government—and no further action was taken”.

Fifth, Larcombe et al. (1981, p. 137) inform us that the *Local Government Areas Act 1948* achieved a reduction in councils from 66 to 39 municipalities, “but that no attempt was made to undertake setting up of a metropolitan authority”, with the authors arguing that the serial failure of reform attempts could be explained by “city-suburban disagreement on a suitable form, the intrusion of party politics at a State level and the crises of war and the Depression”.

By their own account, it is difficult to concur with Larcombe et al. (1981) that these attempts at metropolitan-wide reform were more significant than the perennial bouts of amalgamation experienced in the Sydney metropolitan region discussed immediately above (although for greater context and detail see, for example, Lawrie 2017). However, what the conclusion of Larcombe et al. (1981) perhaps does indicate is the extent to which these authors, along with contemporary scholars (see, for example, Tomlinson 2016) value the idea of metropolitan-wide reform over and above other types of reform, a point we return to in Chap. 11 of our discussion.

2.4.4 *Assessing Attempts at Reforming the System*

Surveying the summation by Larcombe et al. (1981) of attempts to reform NSW local government up until that time, one is struck by the comparative *lack* of major review and reform processes from the inception of local government in the state, compared with the unrelenting avalanche of processes of inquiry in the state since 2011. These processes have included (most saliently) the work of the Independent Local Government Review Panel (ILGRP) and the attempts at reform under the current Baird Coalition Government’s “Fit for the Future” program, the details of which form some of the discussion in Part III of our book across a range of public policy areas (see also, for example, Drew et al. 2016a, b; Grant et al. 2015). Larcombe et al. (1981, p. 137) note that with the repealing of the *Municipalities Act 1858* in 1867 some reforms were introduced, including the division of municipalities into boroughs and districts, the introduction of a plural franchise and some new functions (including libraries) being placed in the hands of councils. However, the *Municipalities Act 1897* that reformed the 1858 legislation did not introduce any structural changes (Larcombe et al., p. 137).

Nevertheless, several historical periods of active reform are identified. Principal of these commenced with the introduction of the *Local Government Act 1906*, which (as we have seen) “provided for compulsory incorporation, retirement of council members [implying that prior to this they did not have to retire], an extension of the franchise to an occupier of rateable property, UCV (unimproved capital value) rating [the subject of some discussion in Chap. 12] and permanent government aid” (Larcombe et al. 1981, p. 138). The *Local Government Act 1919* provided for county councils and various amendments to this act (for a concise discussion, see Maiden 1966, pp. 128–173) which were still in place in 1981, including (but not limited to) further extensions to the franchise and the option for directly electing chairmen of shire councils. In fact, Larcombe et al. (p. 138) are slightly scornful of the law at that time, commenting: “There has been no subsequent change to the legislation, which makes it extremely difficult for the interested observer to discover the present state of local government law”.

Surveying the salient themes in reform, amalgamation forms, to deploy Vince’s (1997, p. 151) phrase, “a thread which runs through [NSW] local government” for the remainder of the 20th century. Thus, there were a series of boundary inquiries, including inter alia the one examining Newcastle that led to its consolidation into a metropolitan form under the *City of Newcastle Act 1937* (NSW Government 1937) alongside the formation of larger councils, including Wollongong to the immediate south of Sydney and Shoalhaven on the South Coast, as well as the creation of the greater cities of Cessnock in 1956 and Lithgow in 1977 (Larcombe et al. 1981, p. 138). According to Larcombe et al. (1981, p. 138) the County of Cumberland (discussed below) also underwent significant amalgamation under the *Local Government (Areas) Act 1956* with all the other amalgamations being processed through the (then) extant legislation.

Also of note is that toward the end of WWII, and in line with the general atmosphere of planning in Australia at that time (see Kelly et al. 2009), the County of Cumberland Planning Scheme was initiated. Cumberland had been one of the original electorates for the extended franchise of the Legislative Council (see Maiden 1966, p. 51). Under ministerial discretion it was the name given to the County Council constituted for planning purposes on 27 July 1945 and tasked with developing a planning scheme for Greater Sydney over a three-year period. The scheme was finalised and adopted by the Council in March 2008 (see Maiden 1966, pp. 267–271) and, while principally a planning instrument, Maiden (p. 272) informs us that, when read in the Parliament by subsequent Premier John Cahill, it was hailed as a “triumph for local government” in collaboratively producing a comprehensive statutory regional planning scheme (see Maiden 1966, pp. 269–281 for a concise account of Cumberland County Council and other regional planning schemes at the time).

For their part, Larcombe et al. (1981, p. 138) inform us that following WWII “the need for rationalisation of areas became very apparent” but was politically problematic to the extent that the procedure for review, which then centred on the Department of Local Government and the Minister, followed by a proclamation of the new local government area by the governor, was overhauled. It was the *Boundaries Commission Amendment Act 1963* (NSW Government 1963) that introduced that body, which replaced the Department in the process of review, followed by ministerial approval, with “[p]rovision made for the hearing of public objections to the recommendations” (Larcombe et al. 1981, p. 138). Still, the problem of amalgamation continued to be a vexed issue, with the Barnett Committee of 1973 recommending a “drastic reduction” from 223 to 97 councils and the government refusing to grasp the nettle.

Pointing to public disquiet arising from putative amalgamations, Larcombe et al. (1981, p. 138) note that the number of councils decreased significantly over the century, with the number of municipalities falling from 191 to 92 and the number of shires falling from 134 to 133 from 1906 to 1963, then under the Boundaries Commission to “79 cities and municipalities and 121 shires”—suggesting amalgamating regional councils was impractical and politically toxic. Larcombe et al. (p. 138) then state:

At the time of going to press, proposals had been recently announced for a dramatic reduction in the numbers of local authorities. Since the situation is so fluid, we have not attempted to update all of the data which were current when the paper was written. At the time (mid 1979) there were 205 local authorities.

Indeed it stands as a testament to Vince’s (1997, p. 151) thesis that we can say *precisely the same thing* some 37 years later. We take up the issue of amalgamation of local government in Australia generally, and the current reform process in NSW in particular, in Chap. 10.

Larcombe et al. (1981, p. 139) note that other salient inquiries have occurred in NSW, including a Select Parliamentary Committee on the Workings of

Municipalities in 1874, (which “considered that municipalities should be maintained on a healthy financial basis ... but it had little to recommend to achieve that desirable state of affairs and no improvements eventuated”) (again, these events are documented at length in Chap. 11; for a critical discussion of the place of inquiries in local government reform, in particular the role of commissioners, see Grant et al. 2015). Further, a 1967 Royal Commission on Finance and Valuation, which *inter alia* examined rating and recommended the introduction of a poll tax, nevertheless saw the state government move from paying rates to its local governments to making contributions of a similar amount to an “Assistance Fund” for local government administered by the Grants Commission, which it could “distribute for any purpose for the benefit of local government” (Larcombe et al. 1981, p. 139). Finally, several other inquiries—the Brown Committee Report on rationalising the county council system for electricity supply, and the aforementioned proposals for radical amalgamation put forward by the Barnett Committee, for example—saw most of the recommendations shelved (Larcombe et al., p. 139).

Returning to what we have styled as “the history wars” in Australian local government studies, Larcombe et al. (1981, p. 139) note that the municipal associations in NSW were at that point both long lived and strong: the Municipal Conference, which was the precursor to the Municipal Association, commenced in 1856, transforming into the latter in 1883, then becoming the Local Government Association in 1906 following the reforms of that year. The shires formed their own association that same year. Larcombe et al. (p. 198) somewhat wryly inform us that “[in] 1922, on the death of the Secretary of the Shires Association, the two associations hit upon the present harmonious compromise of remaining separate entities, but with the same secretariat”. The associations eventually merged on 1 March 2013 (LG NSW, n.d).

However, notwithstanding our caveats to the idea that we introduced earlier in Sect. 2.2—i.e., “Civis” et al.—the impression left by Larcombe et al. (1981) and other sources (see, in particular, Maiden 1966) is one that places NSW squarely in the “State-interventionist” camp. Indeed, historically it would seem that the greatest peak of “constitutionalist” action occurred with the New State movements stretching from the early 1900s through to the 1960s. We next turn to the jurisdiction that contrasts most starkly with NSW, particularly in “the history wars”: Victoria.

2.5 Overview of Local Government in Victoria 1833–1980

The origins and development of local government in Victoria are usually labelled “constitutionalist”, yet this label is not applied without significant qualification. Again, our account is derived principally from the entry for the ACIR paper (Power et al. 1981) written by Bowman (1981, see also 1972, 1976).

2.5.1 *Early Settlement, Colonial and Local Government in Victoria 1833–1874*

Bowman (1981, p. 235) argues that the initial trajectory of the development of local government in Victoria was subject to three main influences: the incorporation and development of the town of Melbourne in 1842; the influence of the road trust legislation under the *Parish Roads Trust Act 1840 (NSW)* that then applied to what became Victoria in 1851 and was to engender the development of the shires in that colony; and (least successfully), “the more grandiose and ideological scheme of the British Government to create (ultimately) a colony-wide system of local self-government” that we have already discussed in our consideration of the origins and development of local government in NSW.

Before examining these in turn we ought to be cognisant of the political and economic backdrop upon which these events unfolded. Following the failed attempt at establishing a penal settlement at Sorrento on the Mornington Peninsula in 1803 (see Turner 1973, pp. 27–46⁹) “Batman’s ‘village’ on the Yarra”, now Melbourne, was originally settled from Northern Tasmania in 1835 on behalf of the Port Phillip Association, who were seeking pastoral lands (see City of Melbourne 1997, p. 8). The population grew very rapidly: one year after its founding the European population was 224; by 1851 after the discovery of gold (and, coincidentally, the initiation of the separate colony—see Table 2.1) the population totalled 77,345 (Bowman 1981, p. 235), with 100,000 people arriving in 1852 alone (Bowman, p. 240). While it is tempting to explain this growth by pointing to the discovery of gold in 1851, it is also inaccurate. Pastoralism had expanded significantly. For instance, Blainey (2013, p. 36) claims that by 1851 the sheep in the Port Phillip District “numbered 6,600,000”. It was a burgeoning settlement, and the colonial government in NSW was reaping financial benefit. Bowman (1981, p. 235) informs us that as early as 1839 £35,000 was directed to Sydney and New Zealand above what was being spent on local amenities. In that year the citizens, supported by an active press, were petitioning the British Government for local representation on the Legislative Council of NSW and some measure of self-government. This was initially granted in the form of the appointment of the District’s first Superintendent (La Trobe) but, according to Bowman (p. 236), it was soon realised that he was serving the interests of his masters in Sydney and significant discontent remained (see, for example, Turner 1973, pp. 278–303).

The prosperity of the district was attracting the interest of the Governors based in Sydney. Bourke visited in March 1837 (Parliament of Victoria n.d.) and when the

⁹For his part, Turner (1973, p. 27) evinces significant pride—and relief—in the non-penal origins of Victoria, opining that it was fortunate that the original settlement failed, otherwise “the actual history of Victoria, dating a generation further back, would have been developed out of those unwholesome surroundings of felony that make the early annals of New South Wales and Tasmania such painful reading, and that, disguise it as we may, have undoubtedly affected prejudicially their development”.

reforming Gipps visited in 1841 he was presented with a “Bill of Wants” by the Melbourne Chamber of Commerce (Bowman 1981, p. 236). Gipps decided that incorporation of the town was the solution to the ongoing problem of representation (incorporation would see the burgeoning centre stay in NSW) and accordingly Melbourne Town Council was constituted in 1842 under *Act 6 Victoria*No. 7 (NSW) (see City of Melbourne 1997, p. 14), comprising 12 councillors, three each from four wards, and four aldermen (Bowman 1981, p. 236). According to Bowman (p. 237), what we will describe as glamorous amenities were provided (the roads were “metaled”, gas lighting provided, the Princess Bridge opened in 1850, for example). However, the council suffered from the “farming out” (Bowman, p. 237) of specific amenities. Thus, as early as 1856 a Gas Company was incorporated and a Commission of Sewerage and Water formed to service Melbourne (Bowman, p. 237). As such, the problem of service provision (and potential income that could be derived therefrom) being gradually hived off from the representative institutions was initiated in Victoria and was to continue (more on this below).

While Melbourne and the problem of representation were perhaps the central issues,¹⁰ the second lasting influence on the development of local government was that of the *Parish Roads Trust Act 1840* (NSW) which, as we have seen in our account of NSW, formed the basis of a rudimentary, single-purpose authority that could levy rates. Bowman (1981, p. 237) notes that initially only one such trust was constituted in the Port Phillip District; the populace did not prove keen on paying the cost and the option for incorporation wasn’t widely adopted. However, the idea of roads trusts formed the basis of the District system of road maintenance and construction, as recommended by a committee constituted by the new colonial government in 1851 (Bowman, p. 238). In this iteration the boards could charge the *government* for their services and (unsurprisingly) they were a success, such that they were “given wider powers” then renamed shires under the *Local Government Act 1863* (Victoria) (Bowman, p. 238). By 1869 “there were 106 shires or roads districts” (Bowman, pp. 238–239). Compared with NSW, this permissive (voluntary) system was proving a success in the newly independent colony.

The third—and least successful—influence upon the early development of local government in Victoria was the aforementioned “grand and ideological scheme” for a system of local government. Under the *Land Act 1869* (Victoria) decentralisation proceeded around miners’ rights in the goldfields (Bowman 1981, p. 239): in essence, miners “transitioned” (our phrase) to becoming small landholders and police services were also decentralised. However, the development of town councils was less successful. With so many people arriving in Melbourne with the discovery of gold (as we have already noted, 100,000 in 1852 alone) the boundaries of

¹⁰For a concise account of the struggle for separation inclusive of inter alia the process of petitioning the Crown, see Turner (1973, pp. 278–303). Of particular interest is the fact that the first Superintendent, La Trobe, who advised against responsible government in the event that separation was achieved, was appointed first Lieutenant Governor of the new colony (see Turner 1973, pp. 291–303).

Melbourne were extended in 1844 (Bowman, p. 240) but this reform had relatively little impact.

Following this lack of traction, the *Municipalities Institutions Act 1854* (Victoria) was successfully introduced and suburban Melbourne was divided up on the basis of a pre-determined formula in order to address the problems of basic service provision (Bowman 1981, p. 244). This—and the fact that the newly-constituted Parliament of Victoria did not want to see the City of Melbourne develop into a rival power base—engendered what Bowman (p. 240) describes as “the suburbanisation and fragmentation of local government” in the city. This suburbanisation was sponsored by Parliament in the form of one-off grants (diminishing over time) for newly established municipalities, both in and beyond Melbourne. Under this *permissive* system, by 1857 there were 17 municipalities, only seven of which were “suburban” (Bowman, p. 241). As such, as with several other jurisdictions (NSW, Queensland and Western Australia), Victorian local government initially developed with dual systems (shires, municipalities), with the latter being somewhat ineffective in basic service provision. The 1862 *Report on the Royal Commission of Inquiry into Municipalities and Charitable Institutions* generally approved of the system but recommended that both policing and education functions be removed from councils (Bowman, p. 242). Here (again) local government functions developed to cover a smaller range of functions than their English counterparts.

Thus this early development was characterised by what Bowman (1981, p. 242) decried as “crippling and persistent suburbanisation” that, in modern parlance, weakened the financial capacity of local government, such that deferral to ad hoc statutory authorities for basic service provision became inevitable: a Board of Land and Works administered the *Land Act 1869*; the Melbourne Harbour Trust was formed in 1876 and a Fire Brigade and Tramways Board in 1890 (Bowman, p. 244). Only two of these burgeoning authorities—at the time labelled “state socialist enterprises”—were in any way representative, namely the Melbourne and Metropolitan Board of Works constituted in 1890 (discussed below), which comprised commissioners appointed by the (then) 39 councils within the metropolitan area, and the Board of Public Health constituted under the 1889 *Health Act* (Victoria), which included seven elected members from local government (Bowman, p. 245). Commensurately, a range of specific functions (waterworks and water reservations, vermin control, for example) continued to be handed over, in some cases to ad hoc elected bodies which were answerable to state government departments, rather than local councils.

2.5.2 Local Government in Victoria 1874–1901

For our purposes it is significant that Bowman (1981, p. 243) puts forward a firm “constitutionalist” perspective regarding local government in Victoria by 1874, based on the success of the comprehensive system:

The rapid spread of Roads Boards throughout the colony and the steady increase in the number of municipalities testifies to a robust willingness by the settlers to accept responsibility for managing local affairs. By 1874 there were 10 cities and towns, 50 boroughs, 98 shires and 12 districts, a total of 170 local government authorities covering in all ... 209,476 square kilometres and serving a total population of 790,492.

Beyond this portrait of the period leading to the turn of the 20th century, Bowman (1981, pp. 243–246) notes three significant developments. First, the *Local Government Act 1874 (Victoria)* consolidated the shires and municipalities under one act, with Bowman commenting “this has remained the shape of the local government structure” and again underlining the tendency for the creation of ad hoc authorities, or “the development of what Eggleston [1932] has called state socialism” which diminished the “power” of local governments. Second, the aforementioned “Melbourne and Metropolitan Board of Works (MMBW)”, created in 1890, which was “largely self-financing”, thus acting as a restraint on pressure for forced amalgamation. Third, the reaffirmation in 1890 of the property-owning, plural franchise initiated in 1863, with the result that “[a]s local government was designed to provide services primarily to property, it was likely that it would attract to its service men of property rather than village Hampdens”. Describing the “typical local councillor”, she quoted “Q” from the *Australasian*:

He is, of course, intensely narrow-minded ... He is solemn-looking, and it is only when he begins to speak that you find out about his intellectual incapacity ... He is wealthy, or at least independent, and has perhaps been a grocer, or a soap boiler or a turkey merchant ... He is bland, pious, is known in popular circles by some Honest-prefixed abbreviation of his baptismal name, and when he dies his executors discover that he has been living comfortably upon appointed trust monies for the last ten years of his highly respected life (Bowman 1981, p. 254).

Alongside offering this portrait, and noting that women were ineligible to vote or to stand for election until 1914, Bowman (1981, p. 246) surmises that “by the turn of the century, local government was everywhere well established”. Importantly as well, while police districts developed wholly independently of local governments, local councils were also “local boards of health”. This manifested itself in the requirement for the regulation of buildings as fit for purpose of human habitation, rather than health services conceived in the provision of hospitals and clinics; and was a retro-active concern that played second-fiddle to the representation of local interests that were conceived generally in a framework where “councils aimed to socialise their costs and capitalise any profit to be gained from government grants” (Bowman, p. 246).

2.5.3 *Local Government in Victoria 1901–1945*

Bowman’s (1981) account of Victorian local government from 1901 to 1945 can be distilled into five main elements. First was an overall lack of reform, explained at least partially by the economic downturns of the 1890s, and later in 1915 when the

effects of WWI were beginning to be felt. This was despite “bottom-up” pressure for better services (health, welfare and town planning) at the beginning of the century that coincided with a municipal reform movement to counter the now well-established trend of designating specific functions to special-purpose statutory authorities. Bowman (p. 246) described this municipal reform movement as “radical”, yet it failed to achieve any major reform.

Second, the trend of passing responsibility for basic services to statutory authorities continued: 1905 saw the creation of a three-person State Rivers and Water Supply Commission under the *Water Act 1905*; in 1912 the Country Roads Board was established; in 1919 both the State Electricity Commission (SEC) and the Metropolitan Tramways Board were enacted; and in 1930 the Housing Commission of Victoria was created after local governments refused to accept responsibility for addressing the problem of urban slums, despite specifically being given powers to do so *Workers Dwelling Act 1914*. The creation of many of these authorities was frequently accompanied with the ostensible goal of taking the politics out of basic services. Yet the result, according to Bowman (1981, p. 249) was the creation of “a number of independent *principalities* ... within State public administration which, throughout the years, were able to go their own ways independent of ministerial control” (emphasis added). While this might have been the case, it is worth keeping in mind that the centralisation of services to the state level could well have been given impetus by the depressed economic conditions of the time, as noted by Maiden (1966, p. 128).

Third, alongside the construction of this raft of statutory authorities, particular councils were taking on greater roles in health and welfare in what Bowman (1981, p. 249) described as “an increasing ‘feminisation’ ... of the municipal agenda”, with the Baby Health Care Association formed in 1917 (eight centres were established in that year followed by two more for the City of Melbourne in 1918) and an incremental rollout of home care, all centred around the problem of infant mortality, in the immediate post WWI years. Intriguingly, Bowman (p. 250) also notes that it was in the 1920s that several municipalities mobilised to advocate for the inception of Swinburne Technical College, alongside developing “pick-and-shovel” jobs centred on municipal facilities in order to cater for the needs of the unemployed. In these reforms the general tenor of Victorian local government as a provider of health and welfare services that is seen today (see, for example, Grant et al. 2011b) is clearly evident. The provision of welfare services was matched with a drive to implement broader planning powers across municipalities: a conference convened in 1929 by Melbourne City Council resolved to form a city planning commission that the next year saw the (then) government introduce a Town Planning Bill, which was debated once in Parliament and never heard of again.

The fourth trend identified by Bowman (1981, p. 250) during this period was the move toward local government reforms for the City of Melbourne. Opinion was split between two main camps, federalist and unificationist. Labor, represented by the Australian Natives Association at the turn of the century, favoured a single metropolitan authority for Melbourne (as it had repeatedly done for Sydney in NSW

and would achieve for Brisbane in Queensland in 1924), alongside achieving the political goal of universal suffrage. Alternatively, the Municipal Association of Victoria (MAV) argued for a federal (or two-tier) scheme, which was popular up until 1950 and, according to Bowman (1981, p. 251) “was almost carried [presumably in state parliament] in 1913, 1917 and again in 1935”. However, again the habit of ceding more power to a statutory authority prevailed, with the Board of Works willingly accepting an extension of its powers despite a *Metropolitan Council Bill 1913* being narrowly lost and—akin to the situation in NSW—the mood for reform dissipating.

Bowman (1981, p. 252) appears slightly remorseful about the failure of the federal scheme in 1913 that was embodied in the *Metropolitan Council Bill 1913*, which would have seen a directly elected tier of approximately 30–40 members (where councils would be grouped together to form electorates) to be responsible for all major services (water works, all water and garden amenities, electric and gas power and carriage licencing, for example), and the failure of similar schemes in 1922 and 1936. Rather, an alternative route to representation—namely increased demand for representation of suburban interests on the Board of Works—was taken.

The fifth major trend prior to WWII identified by Bowman (1981, p. 252) was that reform schemes—however fraught with a distinct lack of success—were concentrated on Melbourne rather than in the major provincial centres such as Ballarat, Bendigo and Geelong, all of which “continued to suffer the ill-effects of municipal suburbanisation”. In her account Bowman (p. 251) is quite scathing of councils’ inability to agree to amalgamate, echoing sentiments—and reasons—concerning this precise issue that are astonishingly familiar to any contemporary observer:

But it appears that a fairly narrow calculation of self-interest has characterised local government: all councillors share a disinclination to lose office; and no resident expects any enlarged council to take care of its own neighbourhood as well as a smaller council does. No significant numbers have shown an enthusiasm for equality if they have to pay for it—and in local government the calculation of costs and benefits has been precise and limited to dollars paid and personal benefits gained. The reluctance of [state] governments to risk the political costs of enforced amalgamation speaks of a high degree of parochial self-interest on the part of elected representatives. *It is unlikely that the ordinary taxpayer has ever cared very much one way or another* (emphasis added; on this point see Ryan et al. 2015).

Despite this assessment, Bowman (1981, p. 252) is appreciative of “some (metropolitan) councils and a handful of distinguished councillors ... pressing for and helping to implement new services and functions”. Again, these observations could equally be made of several jurisdictions contemporaneously.

2.5.4 Local Government in Victoria 1945–1980

Bowman’s (1981, pp. 252–253) account of Victorian local government from 1945 notes that by 1947 local government in Victoria comprised “35 cities, six towns and 137 shires” with an increase in both the number and size of cities commensurate

with rapid industrialisation and the post-WWII intake of migrants. Again, the emphasis on welfare services was salient through this period, with Bowman (p. 253) commenting that the new “suburban cities” had become “large enough and rich enough ... to afford to move strongly into the welfare field”. Alongside the previous emphasis on childcare came increased attention to aged care, with the Old People’s Welfare Council established in 1951 focussing on pressuring the state government for home care services (“meals on wheels, friendly visitors and home helps”) as well as social clubs and an emergency scheme all introduced by 1955. For his part, Mithen (1964, p. 165) notes the cost-shifting involved from state to local governments in providing these services.

Bowman (1981, p. 253) also notes a significant regional component to the delivery of these services in the immediate post-WWII period, due to the rapid suburbanisation of the population generally. The Victorian branch of the Australian Association of Social Workers commissioned an inquiry in 1963 which concluded that all services ought to be geographically close to the end-users and thus decentralisation was necessary. Following this, policy impetus from the Victorian Council of Social Service (VCSS) saw councils grasp the nettle of providing multiple health and welfare services, such that “[b]y 1967 at least eight councils had established welfare departments” (Bowman 1981, p. 254), with the VCSS then securing federal funding for council-based services in 1971, despite trenchant opposition from the Victorian Government, such that by 1975 at the termination of the Whitlam federal Labor Government “all 201 municipal authorities provided infant welfare centres and elderly citizen clubs, 150 provided meals on wheels, 90 provided home help and 57 all these services through a welfare department” (Bowman 1981, p. 254; see also Mithen 1964, pp. 155–156).

Alongside this remarkable emphasis on health and welfare, Bowman (1981, p. 255) argues that the second salient feature of Victorian local government in the immediate post-WWII era was an emphasis on planning, which flowed from the wartime Chifley Labor Government’s emphasis on same. The *Town and Country Planning Act 1944* passed to this effect saw a central board overseeing and guiding the writing of statutory plans by all local governments, alongside the development of some regional plans in particular areas (the Upper Yarra Valley Authority, for example). However, this act did not cover Melbourne; the task for planning the city was eventually designated to the Board of Works in 1949 and by 1953 the plan was released, with Bowman (p. 255) describing it as “a plan to control essentially broad-acre development by the private sector” wherein “local authorities [were awarded] discretionary power in administering local schemes within the metropolitan plan”.

Bowman (1981, pp. 255–256) notes that the issue of metropolitan reform was again perennial in the immediate post-WWII era, including one plan for a unitary Greater Melbourne Council that would have included 30 municipalities, 24 of which were to be directly converted to wards, with each ward represented by three councillors and a directly-elected mayor enjoying a term of three years subsuming the responsibilities of the Board of Works. In 1951 this plan was defeated by a single vote, with the issue of amalgamation rearing up at various times in the

ensuing decade. For instance, a proposal to merge Melbourne City Council with eight adjoining councils was perceived by the lesser councils as a “starkly political move by the oldest, richest and most prestigious of Melbourne’s councils to take over the resources of its neighbours and use them primarily for the benefit of the central business district” (Bowman, p. 256). Yet this reform, alongside others for amalgamation in regional centres, was unsuccessful during the immediate post-WWII period. In situations where authorities with a greater geographical focus were required (for the purposes of regional planning, for example) the habit of creating ad hoc statutory authorities continued.

Bowman (1981, p. 256) notes that the penchant for regionalism that had been salient under the Curtin and Chifley Labor governments from 1944, and was restated under Whitlam in the early 1970s with an emphasis on equity of service provision to suburban, regional and rural communities, was matched by a similar focus on service delivery on a regional basis by particular service providers (health services around base hospitals, for example). Yet Bowman (p. 256) is insistent that the impetus for regionalism from different tiers of the Australian federation “did not mesh” with what is a familiar refrain for coordination of service delivery between the tiers of the Australian federation becoming familiar at that time.

In summarising this period of Victorian local government, Bowman (1981, p. 256) is concise, anthropocentric and gendered, commenting: “In Victoria, local government has been remarkably conservative in *structure*” (emphasis added) noting also, however, that “at the same time, [it] has found sufficient room within its statutory framework so that at least some councils in some circumstances have been able to adapt to new demands, and to set new directions”. Further, echoing the observations of Mithen (1964), she states:

Like a housewife, local government is commonly under-esteemed, but has a compelling claim to respect as the provider and manager of marvellously varied and disparate services without which our daily round would be much less safe, comfortable, enjoyable and effective.

While one might find this gender essentialism of this last characterisation irksome, surely we can forgive Margaret Bowman and pause to reflect on the import of this description. Certainly it is more humble a portrayal than some put forward from the municipal sector itself (see, for example, Ellery et al. 1888). We now turn to Queensland.

2.6 Overview of Local Government in Queensland 1824–1980

Tucker (1981, p. 379) asserts that “[l]ittle of importance to local government occurred before Queensland separated from New South Wales in 1859”. Nevertheless, in this context it would be remiss not to provide a brief account of the time prior to separation. Contemporary accounts of the historical development of

Queensland have been principally concerned with two themes. First, the development of the colony's political economy and society conceived of as largely devoid of an account of local government structures (see, for example, Fitzgerald et al. 2009); second, the conflict between Europeans and Indigenous people and the complexities of these relationships (see, in particular, Johnston 1988, pp. 69–105).

The original Moreton Bay District penal colony was established on the coast at Redcliffe in September 1824 (see Table 2.1) by John Oxley who, in mid-1825, moved the settlement approximately 27 km inland along the Brisbane River (Oxley named it after the then Governor of NSW) at the site of contemporary Brisbane City (Fitzgerald et al. 2009, pp. 12–13). Established as a convict station, it nevertheless served this function only until 1842, with a mere 2250 convicts serving time there and most of them being removed in May 1839 (Fitzgerald et al. 2009, p. 13). Free settlement was permitted after 10 February 1842 and, by 1846, despite the European settlement comprising only 1000 people, like the Port Phillip District to the south of Sydney the settlement was expanding rapidly. Fitzgerald et al. (pp. 14–15) observe that 340,000 sheep were thought to be present in the District by 1846, coalmining commenced in Ipswich in 1843 and a railway connecting Brisbane and Ipswich was completed by 1876. The general impression gained from these historical accounts is one of a burgeoning economy and a relatively egalitarian polity, “such that a humble baker ... could become a popular member of the Queensland Legislative Assembly by the 1860s”, set against a backdrop of conflict with Indigenous people (Fitzgerald et al. 2009, p. 17).

The initial argument for separation from NSW was that Sydney was neglecting the settlement. In 1851 only four of 26 seats on the Legislative Council were designated for Moreton Bay District. While there was some discrepancy as to the ideal boundary of the colony, the Colonial Office in London (to which partitions for separation had been consistently presented since the early 1840s) decided to include the Darling Downs but not New England, and settled on the 28th parallel. Queensland achieved separation from NSW on 10 December 1859, following a reading of the proclamation of separation on that day. The Letters Patent required to form the colony had been signed by Queen Victoria on 6 June 1859 (Fitzgerald et al. 2009, pp. 16–17).

Fitzgerald et al. (2009, p. 17) also note that under the *New South Wales Constitution Act 1855* the “governmental framework” for the new colony had to mirror that of NSW, including an elected Legislative Assembly and an appointed Legislative Council (the latter of which were initially appointed for five years, but thereafter served for life). Queensland initially had a limited property franchise, with universal manhood suffrage not introduced until 1 January 1873 (Fitzgerald et al., p. 17).

2.6.1 *Voluntarism 1859–1878*

Turning to local government, specifically the “history wars” identified in Sect. 2.2, Queensland falls firmly in the “State-interventionist” camp. Thus, Laverly et al.

(1981, pp. 75–76) underscore what they term the “miserable failure” of the attempt at establishing district councils under the *Constitutions Act 1842* prior to separation, noting the reluctance of colonists “to assume the direct responsibility for, and costs of, local works and services” under Governor Gipps’s plan (including half the cost of police and gaols). The permissive system introduced under the *Municipalities Act 1858* (NSW) fared marginally better, with colonists of the District again being enticed “by the provision of rate revenues from the colonial secretary” (Lavery et al., p. 75). Lavery et al. (pp. 76–77) also note that Brisbane was the first town incorporated under the *Municipalities Act 1858*(NSW), followed by “the other major towns of Queensland”: Ipswich, Toowoomba and Rockhampton (1860), Maryborough and Warwick (1861), and Dalby, Gladstone and Bowen (1863). Further encouragement was given through the allocation of one-third of the proceeds of all land sales being allocated to the voluntarily incorporated municipalities. Thus these major centres were all first incorporated under NSW legislation, despite separation in 1859, demonstrating the rapid rate at which these regional centres were developing and perhaps the expedience with which incorporation was treated. The goal here was to get citizens to provide for themselves (even if only partially, and even if subsidised for a period of 15 years) rather than rely upon the colonial administration.

It was not until five years later that the extant NSW legislation was replaced by Queensland’s own *Municipal Institutions Act 1864* that again encouraged voluntary incorporation through financial incentive—a 15-year “sliding” subsidy—that was increased in 1876 to twice the rateable revenue for the first five years after incorporation (Lavery et al. 1981, p. 76). Under this system many more towns in regional Queensland incorporated (Townsville, Cooktown and Charters Towers, for example). However, rural communities did not. The reluctance toward incorporation resulted in the *Provincial Councils Act 1864* (Qld.), under which only one was formed, resulting in the legislation quickly becoming “defunct” (Lavery et al., p. 77).

Importantly for our purposes there were two early voluntarist (or “constitutionalist”) proposals for regionalism in Queensland. First was a plan by one John Douglas to divide the state into three large “provinces” based on the New Zealand model (Lavery et al. 1981, p. 77). This plan was not supported, with Lavery et al. (p. 77) arguing that they “looked too much like new states for the project to secure strong parliamentary support”. Second was a proposal in 1869 by the (then) Premier Charles Lindley to divide the state into 17 provinces “with wide powers including prisons, mining leases, hospitals, licences, police, education, posts and irrigation”(Lavery et al., p. 77). This proposal was “narrowly defeated” in 1869. For his part, Tucker (1981, p. 380) labels Premier Lilley’s 1869 proposal as “a shrewd legislative response” from which a “nervous Legislative Assembly backed away”.

Overall, the “weak response to the permissive system” (Tucker 1981, p. 380) saw only 18 incorporations during the period, with the attendant growth in special-purpose bodies seen in the other colonies replicated. Thus, the Brisbane water supply, cemetery management and fire-fighting were all “vested” in

authorities in 1863, 1865 and 1876, respectively, with an accompanying “tradition [that] quickly took root that the local MLA [Member of the Legislative Assembly] should be the provider of local works and services by getting their fair share from the pork barrel in Brisbane” (Tucker, p. 380). For our purposes it is significant that Tucker (p. 380) states that “the ambivalent attitudes towards local government so characteristic of Queensland State government were born in this period of anxieties about succession movements”.

2.6.2 Foundations 1878–1902

Tucker (1981, pp. 381–382) labels the second stage as “Laying the foundations of the present system 1878–1902”, about which he made four primary observations. First, legislation for a system of compulsory incorporation was introduced. By the late 1870s there was a broad recognition that the voluntary system had failed to provide the services (roads, bridges, for example) that the colony’s communities needed. Tucker (1981, p. 381) emphasises that this failure was manifesting in MLAs spending an inordinate amount of their time allocating funds, and “too little time on policy”. As such, it is possible to infer that with the development of the colony the Parliament had bigger fish to fry than merely getting the best they could for their local areas. As a consequence, both the *Local Government Act 1878* and the *Divisional Boards Act 1879* were introduced, the former by Attorney-General Samul Griffith, the latter by the incoming Premier Thomas McIlwraith.

Second, the result was “parallel streams of local government” (see also Lavery et al. 1981, pp. 79–80): one system for municipalities and one for rural areas, which operated alongside one another for approximately 15 years. Both Tucker (1981, p. 381) and Lavery et al. (1981, p. 381) emphasise the authority of the Government-in-Council to proclaim areas as incorporated and the speed with which these incorporations were achieved. In essence, the *Divisional Boards Act 1879* was deployed by the government to incorporate “virtually the whole” of Queensland in the few months following the passing of the act: “Indeed on 11 November 1879 no fewer than sixty five divisions were constituted” (Tucker 1981, p. 381) with the boards themselves being appointed, not elected. In the closer towns, “[o]nce citizens realised that they would be governed by a local authority of some kind [there was] an avalanche of petitions for incorporation” (Tucker, p. 381). The operation of the two acts resulted in 34 divisions and 114 divisions (respectively) by 1896 (Tucker, p. 381).

Third, running almost parallel with these processes was the realisation that the system of local government was too fragmented, such that “[b]y the early 1890s, a belief was growing that a general review of local government was needed” (Tucker 1981, p. 381). Events overseas, particularly the instituting of the London County Council and the consolidation of that city’s lower tier of local government, as well as “progress towards [the] creation of a Greater City of New York” stirred the government to appoint a Royal Commission in 1896. According to Tucker (p. 381) the Commission, consisting of “twenty one knowledgeable persons”, “wasted little

time collecting evidence” and pointed to the “Balkanisation of local government”. It recommended that “a detailed review of the territorial structure of local government be undertaken to ascertain whether amalgamation might be effective” (Tucker, p. 381).

Fourth, the Commission’s recommendation that the original two acts be combined was followed, such that the *Local Authorities Act 1902*, legislating for three types of LGAs (cities, towns and shires) was introduced. Significantly, this was the piece of legislation that remained in place at the time of the accounts of both Tucker (1981) and Lavery et al. (1981). The foundations were then set. Lavery et al. (pp. 80–81) note that several pieces of legislation were introduced between 1880 and 1902 to reform the finance and valuation systems of local government. These included the *Valuation Act 1887* and the *Valuation and Rating Act 1890*, the latter of which significantly (although not evenly) increased rating powers of both divisions and municipalities, and the *Divisional Boards Endowment Act 1884*, the *Local Government Act Amendments Act 1881*, the *Health Act Amendment Act 1886* and the *Local Government Endowment Act 1890*, all of which tinkered with the continuing endowments to LGAs on the basis of incorporation. These endowments were significantly diminished in response to the depression of 1889–1893 and were discontinued altogether by 1904 (Lavery et al., p. 81).

2.6.3 *Democratisation and the Greater City Movement 1902–1925*

Tucker (1981, pp. 382–384) demarcated the third identifiable period as “Democratisation and the greater city movement 1902–1925”, encompassing these two areas of reform. We will also add that Queensland dispensing with *ultra vires* during this period (discussed below) must surely be counted as a third significant watershed in the development of local government in Australia *writ large*.

Commenting upon the impetus for democratisation, Tucker (1981, p. 382) notes that from 1902 to 1912 provision was made for local polls (a participatory mechanism), specifically for loan-raising proposals. *Prima facie* this mechanism seems logical—if a council wished to go into debt, it had the option to ask the community—however, the introduction of a recall provision in 1910 stultified these new arrangements for municipal self-financing. All the while, the number of LGAs in Queensland continued to increase, reaching 186 by 1916 (Tucker, p. 382).

The program of electoral reform of local government pursued by the Labor Party at the state level proved far more progressive and significant. Three reforms—dispensing with the ratepayer franchise and plural voting (i.e., multiple votes being allocated to particular citizens) in favour of single-vote adult franchise; triennial elections; and the election of mayors at large—were all enacted by the Ryan Government in 1920 after initially being rejected by the Legislative Council in 1915. According to Tucker (1981, p. 382), “[t]he reforms also created the

conditions necessary for Queensland's long-standing high-profile mayor (chairman) tradition, mayors having developed an executive role during the voluntary period".

Arguably, for Tucker (1981, pp. 382–383) the greater city movement is equally significant. The same Ryan Labor Government extended ("by executive action") the boundaries of several provincial cities (Ipswich, Toowoomba, Maryborough, Bundaberg, Rockhampton, Townsville and Charters Towers), thereby reducing the total number of LGAs in the state from 186 to 171. Following two failed attempts at introducing a Bill for the Greater Brisbane Scheme in 1917 and 1923, in 1924 a shorter bill was successfully introduced, "which in revolutionary fashion swept away 50 separate government bodies" (councils and ad hoc utilities) replacing them with "Greater Brisbane Council comprising twenty-one aldermen, including the mayor" (Tucker, p. 383), all of whom were directly elected by the citizens.

The third significant development of this period was contained in the Greater Brisbane legislation and was, in essence, jurisprudential—and ingenious. There was a general recognition that governing under local law underlain by the principle of *ultra vires* (Tucker 1981, p. 383)—in essence, where a local authority was not permitted to act beyond the powers specifically designated for it—was cumbersome (for his part, Tucker (p. 383) emphasises that "Queensland's general purpose local government authorities were governing in rapidly changing circumstances"). According to Tucker (p. 383), it took one "remarkable administrator", namely Charles Chuter, to deduce in the face of this awkwardness that the 1920 reforms, for the single universal franchise and the direct election of mayors, had introduced a qualitative distinction between councils and other statutory bodies in that councils were "directly accountable to the citizens" and, as such, the "stringent judicial supervision" of state government could be relaxed and they could be granted "a *general power to govern*—a general competence power". This legislation was initially introduced to Brisbane and then extended to other local governments.

2.6.4 *Queensland Local Government 1925–1980*

Tucker's (1981, p. 384) fourth stage he denotes as "Developments since 1925", which can be distilled into six principal observations. First, with the implementation of the Greater Brisbane scheme the government was resolved to reforming local government elsewhere in the state, which found form in a belated response to the 1896 Royal Commission in 1927. A three-man Royal Commission was appointed¹¹ to examine Local Authorities' Boundaries. Tucker (p. 384) notes that this second Royal Commission was a far more substantive affair than the previous one, delivering a 30-page report the following year (a veritable minnow by today's

¹¹Indeed, the habit of conducting what might be termed "inquiries on inquiries" concerning the difficult issue of structural reform has been an enduring one in the history of Australian local government (see, for instance, our discussion of recent reform processes in Sydney in Chap. 11).

standards—see, for example, IPART 2015) with an accompanying “minority report” by Commissioner Charles Chuter.

Examining Tucker’s (1981, p. 384) account, it is clear that the Commission was inquisitorial, finding inter alia that small local authorities expended an inordinate amount of their rate monies on salaries, many anomalies in boundarydrawing, investigating the “desirability of extending the general competence power to all local authorities”, the possibilities of regional headquarters for statutory authorities (what in today’s parlance might be deemed shared service centres) and for indirectly elected mayors. The recommendations are essentially portrayed as a series of amalgamations, with the number of cities to decrease from eleven to nine, towns reducing from 17 to three, and shires from 124 to 74 (the minority report penned by Chuter recommending that the latter be further reduced to 67). Of the reception of the recommendations, Tucker(p. 384) states: “[T]he major proposals aroused such a storm of protest from local authority members and officers that [it] was pigeon-holed and largely forgotten”. Nevertheless the point in this context is that the impetus for reform from state government was clearly evident—and the opposition from the sector also.

Second, despite this remonstrance against reform, in 1936 the government introduced a Bill to replace the *Local Authorities Act 1902* (much amended as it then was) which extended the power of general competence to all councils. To this second reform Tucker (p. 385) evinces a quiet pride. Third, there were also significant developments to the oversight of local governments at the state level. In 1942 the Act was amended to provide for a Director of Local Government, then within the Public Works Department, which was renamed the Department of Local Government in 1957, with the Director being awarded “full permanent head status in 1963” (Tucker, p. 285). Fourth, 1957 also saw the granting of authority for water to local government (the 1942 legislation had repealed the *Water Utilities Act 1891*). As such, local government was in charge of water, land use and sewerage, which Tucker (p. 386) argues was a far broader remit than previously.

Fifth, the period also witnessed some skirmishes over the issue of regionalisation. As we saw in our account on NSW in Sect. 2.4 (above), during and following WWII the Labor Commonwealth Government was giving impetus to regionalism *writ large* and a three-man committee was appointed to investigate the issue of regional planning and development for Queensland in 1945. Its report recommended the creation of 25 regions, with extant LGAs gradually amalgamating into 25 regional authorities. Somewhat predictably local government hostility to the proposal saw it shelved (Tucker, p. 385). In 1971 the state government initiated “regional coordination councils”, upon which local government was “exclusively represented”; yet with the election of the Whitlam Labor Government in 1972, the ghost of succession on the basis of regionalism and (we suggest) the holding on to a “State’s rights” line of defence against a regionalising federal government, these councils were dissolved in 1977, with amending legislation introduced in 1978 deleting “all reference to regional coordination in the principal Act” (Tucker 1981, p. 386).

Sixth (and evidencing some annoyance) Tucker (p. 386) notes the tendency of state government to interfere with the activities of Brisbane City Council. Yet for our distinguished local government historian the key lasting impacts of this long period were both the granting of general competence and the handing of the control of water to local government. Commenting upon the latter, Tucker (p. 387) also notes that, at that time, “[a]lone amongst the states, Queensland has no large, centralised, State government town planning bureaucracy”—although contemporaneously it is now firmly in step with the other jurisdictions (see DILGP 2016). In his final summation of the history of local government in Queensland until that time, Tucker (p. 387) laments the lack of structural change in the face of significant population increases, noting that, by contrast, “powers and functions are easy to alter”.

In sum, the accounts of Lavery et al. (1981) and Tucker (1981) portray Queensland as falling squarely in the “State-interventionist” camp. With the enactment of both the *Local Government Act 1878* and the *Divisional Boards Act 1879* the permissive system was decisively dismissed, and further action by (in particular) Labor state governments saw the introduction of reforms that were radical compared with the other jurisdictions, including those resulting in Greater Brisbane and the introduction of general competence powers. The account also suggests that the “constitutionalist” impulses were directed at regionalising new state movements rather than at the local government level. The reforms introduced in the modern era in Queensland with the introduction of the *Local Government Act 2008 (Qld.)* are discussed in Part III of this book.

2.7 Overview of Local Government in Western Australia 1829–1980

Wood (1981, pp. 651–661) divides the history of local government in Western Australia into seven parts. For our purposes these can be condensed into three historical periods: “Events Prior to the *Municipal Corporations Act, 1906*”, “Metropolitan Regionalism and Consolidation” and “Continuing Evidence for Voluntarism”. We turn to a discussion of these categories directly; however, it is worth underlining that throughout his account, Wood (pp. 651–661) is at pains to emphasise two overarching issues: first, the influence that developments in “British political institutions” had on the development of local government in Western Australia and, second, that Western Australia ought to be viewed as falling into the “constitutionalist” rather than the “State-interventionist” type of local government system. Commenting upon the former, Wood (p. 651) asserts that the advent of the 19th century “heralded reforms of corrupt British institutions”. Citing the *Reform Act 1832 (UK)*, the *Municipal Corporations Act 1835 (UK)* and the Northcote-Trevelyan Report of 1854, he asserts that “[e]ach of these reforms was to eventually influence colonial administrators”, the first two encouraging the

expansion of the franchise, and the third laying “the foundation for rebuilding the civil service, based on intellectual excellence, and free from patronage and nepotism”. Commenting upon the latter issue, Wood accuses several writers (Larcombe among them) of promulgating the notions, first, that the development of local government in Australia *writ large* has been a top-down affair; and, second, that the English experience is generally incomparable to the Australian experience (Wood 1981, p. 651). He cites South Australia (discussed in Sect. 2.5 below) as evidence to the contrary and suggests that the “State-interventionist” type is “an inadequate and misleading explanation of the establishment of local government in Western Australia” (p. 651).

Again, our point in this context is decidedly not whether the Western Australian experience is best described as one type or the other. Rather, it is that the matter of interpretation is of some political importance for our protagonist. Clearly, the way that we interpret empirical events of the origins and development of local government in Western Australia is a political one. Again, however, we emphasise that the consequences of this interpretation spill over into our interpretation of politics *writ large* in Australia. For his part, Wood (1981) seems to think that it is acceptable—indeed, desirable—that the development of local government was an antipodean simulacrum of England. To others this will seem both highly unlikely and a trifle offensive. But our point is that it’s veritably dripping with politics.

2.7.1 *Events Prior to the Municipal Corporations Act 1906*

Matters of interpretation aside, conforming to the experience of the other colonies, the development of local government at Swan River was by no means linear. As we noted in Sect. 2.2 (above) following the initiation of the settlement in 1829, the first town trusts at Swan River were established under the *Towns Improvement Act 1838* and included Perth Town Trust. The first roads trusts (or “general trusts”) were initiated under the *General Road Trust Act 1841* (Wood, 1981, p. 652). Wood (p. 652) grounds their initiations in a narrative of voluntarism on the part of the settlers. The fact that these same settlers petitioned the colonial administration to assume responsibility for the Perth Town Trust in 1838 and again in 1856 is attributed to financial difficulties, “because of the small population and subsistence economy of the early economy”. However, it is true that the colonists could—and did—petition the colonial administration to “take over administration of the trust’s affairs” (Atkins, cited in Wood 1981, p. 652).

Perth “automatically” became a city on 23 September 1856 by virtue of being declared a Bishop’s see by Queen Victoria (City of Perth 2016). Perth City Council was established on 10 December 1858 with seven persons, including a chair “annually elected by ratepayers” (Wood 1981, p. 652). With the arrival of the next Governor, Weld (1869–1875), who was formerly Premier of New Zealand, a system of roads boards were legislated for in 1868 (Wood 1981, p. 652). Wood (p. 653) insists that inaugural meetings for these roads boards were well attended.

These arrangements formed the “springboard for expansion” that had its legislative base in the *District Boards Act (1871)* and the *Municipal Institutions Act (1871)* (Wood 1981, p. 653). Nevertheless, at that point the power to create municipalities (and to alter their boundaries) still rested with the Governor. §25–26 of the ensuing *Municipal Institutions Act 1900 (WA)* imitated the legislation in Victoria, thereby allowing citizens to partition for incorporation. It was under these acts that the partitioning of extant areas—both in and beyond Perth—continued apace. The continuing financial difficulties of both types of entities prompted the colonial government to initiate central boards (for health, for example, that was initiated by a Royal Commission in 1884) (Wood, p. 654). However, Wood (p. 655), following Clapham (1949) asserts that councils generally disliked the idea of ceding control. Responsibility for health was handed back to local boards (that had contained one elected local government official) with a central board performing an oversight role. According to Clapham (cited in Wood 1981, p. 655) these central boards “tended to assume the character of general departments”. Following this initial phase and the incorporation of approximately 26 municipalities, the *Municipalities Act 1871* was replaced by the *Municipal Corporations Act 1906* (again modelled heavily on the Victorian legislation). This Act and the *Roads District Act 1919* were consolidated in the *Local Government Act 1960 (WA)* (see §6 of the *Local Government Act 1960 (WA)*)—that is, far later than the other jurisdictions in Australia.

2.7.2 *Metropolitan Regionalism and Consolidation*

Commensurate with the rapid expansion of the colonies generally after 1900, Wood (1981, p. 655) notes that the population of Perth increased from 36,274 to 270,000 between 1900 and 1944. It was during this period that, from our perspective at least, events in Western Australia begin to look similar to those in NSW, Queensland and Victoria occurring at the same time, particularly with respect to the push for a metropolitan governing authority, and the conflict between progress toward achieving this goal on the one hand and the state government wanting to retain control by way of an expanded suite of statutory authorities. These responsibilities included electricity, transport, town planning and road development. Wood (p. 655) informs us that a leading protagonist in these conflicts was one W.E. Bold, who was Town Clerk of Perth City Council from 1900 to 1944.

In the contemporary context where (arguably) so much emphasis is being placed on great civic leaders (see, for example, Sansom 2012), it is interesting to peruse the career of W.E. Bold as recorded by Robertson (1971) and discussed by Wood (1981). Wood (1981, p. 655) informs us that “[m]uch of Bold’s involvement in public life stemmed from his interest in the Greater Perth Movement” and that inter alia in 1907 he was appointed secretary to a committee of metropolitan councils that was then seeking to own the private tramways of the city; that he was “secretary of a Standing Committee of the Metropolitan Municipal Conference during 1910–11”

and in 1917 “Honorary Convenor ... of the Western Australian Town Planning Association”.

For those who have observed the recent failed attempt at the amalgamation of Perth councils (for an account, see Goode 2015) the history of the Greater Perth Movement holds some interest. Wood (1981, p. 665) notes that “[t]he Greater Perth Movement began in 1910”, with a Report by the University of Western Australia’s Department of Economics observing that the reasons given for expanding the city to neighbouring councils “included the unity of economic and social interest ... the lower administrative costs ... and the need to standardise local services and by-laws” (Johns, in Wood 1981, p. 655). Wood (p. 656) goes on to observe that, while several councils (Leederville and North Perth in 1914; Victoria Park in 1917), together with familiar resistance by some members of the Legislative Council, “negated Bold’s master plan”, by 1911 the state government had control of metropolitan water, cemeteries and trams. Intriguingly also, and akin to at least one key player in the current movement for metropolitan regional governance in Sydney (see Williams 2015), in 1914 Bold took inspiration from travelling overseas, stating:

So far as our local expansion is concerned it is of the utmost importance that the municipal boundaries be extended, either on the basis of a unified Greater Perth Council... or on the basis of a federal council which would affect a wide area, leaving small subsidiary [sic] councils to purely control local matters (Bold, in Wood 1981, p. 656).

Wood (1981, pp. 656–657) makes no bones about the fact that Bold was a municipal socialist, taking inspiration from inter alia Joseph Chamberlin’s efforts at Birmingham Town Council and advocating public (i.e., greater metropolitan authority) ownership of key infrastructure and services, clashing on many occasions with particular figures in the state government over various issues. Further, Wood (p. 656) also notes that “an administrative structure akin to Bold’s suggestion was to evolve in the 1950s for the specific purposes of planning”. This structure—the Metropolitan Region Planning Authority—was established in 1959 following a Royal Commission on planning that reported in 1952, and at the time of Wood’s (p. 657) account appeared to still be in operation, with “[e]ach of the 26 councils in the Metropolitan area contributing to the management of the [authority] through a system of district committees which first operated in the 1930s”. This structure entailed four area-based committees, including state officials and local councils and with Perth City Council “itself [being] a fifth district committee”. In essence, these arrangements appear to be uncannily similar to the structure of the newly formed Greater Sydney Commission (see GSC 2015; see also Chap. 11 of this book).

Alongside the skirmishing—and reforms—for the major metropolitan region of the state, in the post-war period up until 1980 local government was “subject to no less than five boundary inquiries” (Wood 1981, p. 657) each of which recommended a reduction in the number of councils for reasons that, in the contemporary context, are wholly familiar, as are the reasons for rejecting such proposals:

The assumption implicit within their terms of reference, and the way in which these were interpreted, is that the size of local authorities is the major determinant of economy and

efficiency. This assumption ... fails to recognise that any assessment of the issues involved requires a comprehensive analysis of all facets of a local government area including area, population, finance, administration, staffing, functions, the place of local government in the total system of government and the political arena in which it operates (Rawlinson, in Wood 1981, p. 658).

In the event, some amalgamations did take place; Wood (1981, p. 658) lists several metropolitan and rural examples. However, in general, amalgamation has not been forcefully legislated for in Western Australia, although it has been encouraged recently (see Goode 2015).

2.7.3 *Continuing Evidence for Voluntarism*

In line with the other contributions for specific jurisdictions in Power et al. (1981), and commensurate with his pursuit of an overall aura of voluntarism as characteristic of local government in Western Australia historically, Wood (1981, pp. 658–671) emphasises the longevity of the various municipal associations in the state. In Western Australia these voluntary associations were initiated extremely early, with the Municipal Association being established in 1894, the Roads Board Association in 1898 and the Country Town Councils' Association in 1931. Wood (p. 658) suggests that a major impetus for these was “the suspicion of State government domination of many small councils and financially precarious councils”. The Municipal Association, established first, was the “precursor” (Wood, p. 658) of the Local Government Association established in 1924, while the Roads Board Association evolved into the Country Shire Councils Association, and (again, like their counterparts in NSW for many years) were housed in the same building in the city. Wood (p. 659) also notes that the Shires' Association was divided into wards (11 in all) “eight of which have two members on the executive” while the remote shires (e.g., the Kimberley) had one representative each. At the time, the Country Town Councils' Association had a membership of only six, yet a joint liaison committee of all three was formed in 1969 and enjoyed considerable ministerial contact.

In reflecting back upon “the influence of the English experiences” for Western Australia, Wood (1981, pp. 659–660) notes that between 1834 and 1894 local government in England experienced a great period of democratisation, such that “it is unlikely, therefore, that the first town trusts in Western Australia or the larger municipalities and Roads Boards were based upon stable and widely accepted models of English government”. Further, Wood (p. 660) cites the normative justifications for local government offered by J.S. Mill in *Considerations on Representative Government*—that it supports representative government generally, that it is a “training ground” for higher tiers of government and that it is intrinsically valuable in its own right, as citizens have control over their own affairs (discussed extensively in Chaps. 4 and 5 of this book)—but warns against the transposition of these ideas to the modern context, arguing that local government is significantly

more complex and that intergovernmental relations in a federal context had eroded the relevance of arguments for local government advanced by J.S. Mill (see Mill 1972).

Wood's (1981, pp. 659–660) late circumspection about his own simulacrum thesis reflects general views of the Western Australian experience regarding our local government “history wars”, particularly if we take into account broader elements of the composition and development of the colony. Representative government and responsible government were both introduced much later than in the other jurisdictions (see Table 2.1) and in some respects the colony was far more provincial. For instance, Governor Stirling (he was promoted from Lieutenant Governor in 1832) led an “official” expedition “which shot and killed about a dozen Aborigines” (Crowley and de Garis 1969, p. 17). Arguably, this type of action by a governor would have been inconceivable in the other colonies. Of the other “stain”, namely convicts, it is worth remembering that Swan River willingly played host to 10,000 convicts from 1850 (see Davis 2012, p. 59).

2.8 Overview of Local Government in South Australia 1837–1980

The account of the historical development of local government in South Australia in Power et al. (1981) was penned by J.R. Robbins and is significantly more concise than those of the other jurisdictions provided in the same volume. Nevertheless, perusing the related literature (see, for example, Jaensch 1977; Marsden 2012; Mathews 1986; Price 1924; Robbins 1978; Shephard 1939), it is clear that Robbins's (1981) concise observations are sage. Robbins (1981, p. 575) commences his entry with “the history wars”, noting that, while it is “commonplace” to view local government in NSW being “foisted on a reluctant and resistant population”, alternatively it was wholeheartedly embraced in the “radical” and “utopian” colony of South Australia (Robbins 1981, p. 575; see also Pike 1967; Shephard 1939, p. 76). Yet he questions this dichotomous reading of “constitutionalist” and “State-interventionist” jurisdictions on the basis that, at the time of his account, South Australia was “the least developed” local government system in the federation (Robbins 1981, p. 575).

We are by no means suggesting that this backwardness is currently the case. As we shall see in the ensuing chapters in Part III of this book, across a range of areas, including the distinctiveness of governance arrangements for the capital city and (in particular) the prominent role of the Local Government Association of South Australia (LGASA), which has included documenting the history of local government in that state (see Marsden 2012), it is possible to argue that local government in that state is now in many ways comparatively advanced. This comparative level of maturity was perhaps most palpably evidenced in the voluntary amalgamation process in 1996–1997 that reduced the number of councils from

118 to 72, whereby the state lost 31% of its local representatives (Marshall 2008, p. 18). As we shall see in Chaps. 5 and 9 of this book in particular, in no other Australian local government jurisdiction have state-local relations reached this level of cooperation. Further, Wettenhall (1988) argues that local government in South Australia ought to be viewed as innovative. Nevertheless, it is the historical development of local government in South Australia, set against the tension between the two ideal types in “the history wars”, that is of interest in this immediate context.

2.8.1 *Early Period: 1840–1878*

There are significant histories of South Australia (see, for example, Jaensch 1977; Price 1924), in particular accounts that detail the relationship of the settlement to England, discussing the themes of religion, economy, political thinking (Pike 1967), and indeed family (Hamilton 2010). Again, however, local government is only of marginal concern in these accounts and we are obliged to turn to the work of ACIR (Robbins 1981) and a clutch of others (Jaensch 1977; Marsden 2012) for specific information about local government. Of the period 1840–1878, Robbins (1981) makes four principal observations. First, South Australia was not only a free colony, it was also “radical and utopian in its aspirations” (p. 575). This status was reflected in the provision for local government in its original laws, one result of which was the Municipal Corporation of Adelaide, formed in 1840, “only four years after the foundation of the colony” (p. 575). However, while it initially thrived, Robbins (p. 575) informs us that it quickly “ran into financial troubles” and “went out of existence in 1843”, overseen by the autocratic second Governor, Grey (see also DEEWR 2013d).

Second, Robbins (1981, p. 575) notes that it was Governor Young who enacted the *Municipal Corporation Ordinance 1849 (SA)*, which provided for the revival of the Adelaide Corporation with a petition of 400 signatures. It was re-established in 1852, just after the instalment of South Australia’s first Legislative Council (Robbins, p. 575). On the basis of the 1849 ordinance, several other municipalities, including Kensington, Norwood, Glenelg and Port Adelaide, were also formed, with a revision of the provisions for incorporation in the *Municipal Corporations Act 1861* leading to the founding of others, such that by 1887 (i.e., 50 years after the foundation of the colony) there were 30 municipalities (Robbins, p. 575). It was also under the 1861 Act that “women became the first in Australia eligible to vote in local government elections, well before they could vote in parliamentary elections” (Marsden 2012, p. 3). However, it was only in 1919 that the first woman was voted onto office: one Grace Benny, to Brighton Council (Marsden 2012, p. 3).

Third, Robbins (1981, p. 575) notes that, unlike the majority of other Australian jurisdictions, single-purpose district roads boards, for which an ordinance was passed in 1949, did not flourish to become the basis of shire councils (as they had, for example, in NSW, Victoria and Western Australia). Rather, in South

Australia the *District Councils Act 1852* allowed residents to petition for general-purpose local authorities, with the support of two-fifths of the potential ratepayers being required. It was on this basis that by 1856, the year that South Australia achieved responsible government, the colony had 42 District Councils (Robbins, p. 575). Thus South Australia, similar to NSW, Victoria, Queensland, Western Australia and Tasmania (discussed below), initially developed with two types of local authorities, despite the fact that the rural councils, like those in Queensland, were initially multi-purpose authorities.

Fourth, Robbins (1981, p. 576) notes that, on this basis, local government continued to expand rapidly: by 1878 there was one city, 19 towns, and 103 districts—123 municipal entities in total, which followed the expansion of the colony both along the coast and inland along the Murray River (see also Marsden 2012, p. 3). However, this fact ought not to lead us to conclude that incorporation was not controversial and uncontested during this period of expansion. For, while residents might be drawn to the power to tax to provide for services, they were also wary of the responsibility this power entailed. Shephard (1939, p. 77) recounts a scene of incorporation for the District Council of West Torrens:

It was on Good Friday, the 25th of March 1853, that a number of residents met at what is now the Hilton Hotel for the purpose of discussing the advisability or otherwise of approaching the Governor with the request that the area be formed into a district council. As a result of this meeting it was decided to approach His Excellency Sir Henry Edward Fox Young who was the Governor of the state at the time ... and in due course a petition signed by 115 residents was presented to his Excellency. All the residents, however, were apparently not in complete agreement with the proposal, for almost immediately a counter-petition signed by 55 inhabitants was presented protesting that the meeting held on the Good Friday was very hurriedly arranged ... [further] the district was too sparsely settled, the administrative expense would be too high... [etc.].

The Governor, or his advisors, however, apparently thought otherwise, for on the 7th of July, 1853, the Council came into being. The establishment of the district was assisted financially by a grant from the Treasurer....

The above extended quote is useful for a number of reasons. Portraying the ambience at the Hilton Hotel that Good Friday in 1853 is one of them; however, note also the deference with which the Governor was regarded (or indeed otherwise) and his central place in the achievement of a local government area. But the main point is that some residents did, and some residents didn't, want to be incorporated—and that the Governor was willing to side with voluntarism, and (as was the case in several other jurisdictions) happy to part with a sum to do so.

2.8.2 *Later Period: 1879–1978*

Robbins (1981) derives four main points from the history of local government in South Australia from 1879 to 1978. First, despite the comparative voluntarism that had until 1879 characterised the jurisdiction, some areas of the rapidly expanding

colony were not petitioning for incorporation, while others were deemed too small. As a result, in 1887 the *District Councils Act 1887 (Act 419)* was introduced to force both incorporation and amalgamation of some smaller authorities (Robbins 1981, p. 576; see also Marsden 2012, p. 4). Second, the Local Government Royal Commission, which was appointed at the behest of the *Local Government Re-arrangement Act 1929*, reduced the number of councils from 196 in 1930 to 142 by the end of the decade (Robbins, p. 576).

Third, the same Royal Commission introduced the voluminous *Local Government Act 1934*, which saw the legislative bases for corporations and districts consolidated (Robbins 1981, p. 576; Marsden 2012, p. 5). Robbins (p. 576) asserts that a “relatively quiescent period” descended on local government in South Australia from the passing of the 1934 Act until the 1960s, wherein the Local Government Act Revision Committee was instituted, delivering its “voluminous report” in 1970, with Robbins (p. 576) commenting that at the time it was “still not acted upon” despite a “battery of amendments” to the original legislation.

Fourth, Robbins (1981, p. 576) notes that, some three years after the Local Government Act Revision Committee had delivered its report, a second Royal Commission into Local Government Areas was constituted, “charged with the rationalisation of local government boundaries” and recommending a decrease from 137 to 72 bodies. However, as we have seen in our history of several other jurisdictions in Australia—and we will see in some detail in our discussion of “Sydney global city” in Chap. 11—this reform encountered vigorous opposition at the level of state parliament, which formed a Parliamentary Select Committee “to consider the situation” and which recommended “that the Royal Commission should proceed by persuasion and advice rather than by statutory compulsion” (Robbins, pp. 576–577). Robbins (p. 577) notes that in this guise the number of local governments was then reduced to 129.

In his overall observations Robbins (1981, p. 557) returns to “the history wars”, suggesting that within the political development of South Australia—and particularly in the pursuance of responsible government—“there was a clear recognition of the place of local government”, and that this recognition was informed by both the reforms occurring in England at the time and developments in Canada. However, Robbins (p. 577) also cautions against accepting that the “Constitutionalist” approach was overwhelmingly dominant in South Australia, stating: “South Australians suffered most of the same flaws and faults of their compatriots”, and asking: “If South Australians did have a ‘sense of difference’ ... by what process was the system rendered inconsequential?”

To this rhetorical question he suggests that we need only dig a little deeper to find that the attitude to incorporation “on the ground” (our phrase) was far more ambivalent: for instance, most petitions for incorporation were opposed by petitions against—our example from the Hilton Hotel in West Torrens in 1853 (Shephard 1939, p. 77) was by no means unusual. For Robbins (1981, p. 578) voluntarism won the day—just—partly for political and ideological reasons. Yet Robbins (p. 577) also points out that there were more pragmatic reasons. Akin with other jurisdictions, financial incentives were attached to the early incorporations, and

(again as with several other jurisdictions) it was easier to lobby the legislature as an extant and identifiable body for the services required. Further, Robbins (p. 577) notes that there had been “the massive, enforced incorporation of 1877” and, at that time (i.e., 1981), local government had not embraced functional expansion. Thus, Robbins (p. 578) concludes that “South Australian local government developed along somewhat ambivalent lines”.

2.9 Overview of Local Government in Tasmania 1803–1980

Another venerable scholar of local government in Australia, Wensing (1981, p. 711; see also Wensing 1997) commences his entry in the ACIR volume by noting that the two initial centres of local government, Hobart Town on the Derwent, settled in 1803, and Port Dalrymple (now Launceston) on the Tamar River, settled in 1804, were initially administered as separate dependencies of NSW, with the northern settlement falling under the County of Cornwall and the southern the County of Buckinghamshire in the legislation of NSW. These were then “drawn together” when Van Diemen’s Land became “constitutionally distinct” in 1825, which also saw the appointment of Governor George Arthur (Wensing 1981, p. 711; see Table 2.1).

At that time, and “on the instructions of the Secretary of State for the Colonies”, Arthur ordered the surveying of the colony with a view to implementing the English parish system (i.e., one composed of “counties, hundreds and parishes” (Wensing 1981, p. 711). While this survey was completed by 1831 and the scheme—“for 11 counties, 31 hundreds and 124 parishes”—was implemented, it never resulted in local governments as such, and the scheme was principally used to allocate land grants (p. 712). Wensing (p. 712) informs us that the real administrative work was done by Arthur’s “famous” police districts, implemented in 1827, which collected fees of varying kinds and for which an official was appointed “who acted as [a] magistrate”. Wensing (p. 712) also informs us that “an elective road board system was set up after 1840” for “secondary roads and by-roads” but it was not extensively used.

2.9.1 Early Development of Hobart and Launceston

Against the salience of its convict past, it is important to convey the point that Van Diemen’s Land was not *merely* a gaol: from the 1840s there was significant agitation for self-government arising from the fact that the colony was “‘caste in more aristocratic shape’” than the other colonies (Dilke, cited in Reynolds 1969, p. 61; see also Roe 1965, p. 47) and, in any event, it “‘was never a poor man’s colony’”

(Fitzpatrick in Reynolds 1969, p. 62). Perhaps in line with this aristocratic tone, the *Hobart Town Commissioner's Act 1846* had created a “court” of 15 elected commissioners but, as noted by Wensing (1981, p. 713), this body had no rate collecting power “and was dissolved within a year”. The *Hobart Town and Launceston Municipal Corporations Act* was enacted in 1852; this Act designated “a seven-member elected council for each centre”, responsible for various day-to-day activities (trading licences, street markets), and was reaffirmed with the transition to responsible government in 1856 (see Table 2.1) and the centres’ incorporation under two separate acts, the *Hobart Town Corporation Act 1857* and the *Launceston Corporation Act 1858*. In fact, several other acts had designated improvements to Hobart prior to its incorporation (see von Stieglitz 1958, pp. 54–56)—in essence, the authority to get on with the administration of the towns.

In his first entry on what we are labelling as “the history wars” of Australia’s local government systems, Wensing (1981, p. 713) states:

The ambivalence of Australian attitudes towards local government is clearly shown by the experience of the two original Tasmanian cities. On the one hand, quite substantial powers were delegated to their councils. On the other, the Acts under which they operated made the exercise of many of these powers subject to colonial (State) government approval. The impression is strong that the main thrust of the creation of the councils was simply government’s desire to pass the burden of collecting revenue to bodies other than itself.

According to Wensing (1981, p. 713) this buck-passing attitude was reflected in the *Constitution Act 1854 (Tas)* “implemented in 1856, and most recently consolidated in 1934” which did not provide for local government at all, such that at that time (i.e., 1981) local government still stood merely on an act of Parliament. While this has now changed substantially—and we document these changes extensively in Chap. 5—Wensing (p. 713) also comments that “Tasmania went further than any other colony at that time when it gave local government wide powers [yet] many of these have since been handed back or taken back by central government”. For his part, von Stieglitz (1958, p. 59) is more specific and lists six reasons for this: a feeling of inadequacy amongst those elected—simply (for example) in the time they could devote to civic matters; “an anxiety to relieve ratepayers of further expense”; a sentiment that difficult matters were best left to government; imitating reforms in other jurisdictions; “[a] mildly socialistic feeling that the chosen representatives [i.e., in state parliament] should shoulder ... responsibilities”; and the fact that being a councillor was entirely unremunerated. Ambivalence seems to be an accurate way to characterise the attitude to local government at the time.

2.9.2 *Beyond the Cities and a Comprehensive System*

Outside the two main cities, the portrait provided by Wensing (1981, p. 714) is one of “petty ad hoc authorities which were to become a feature of the Tasmanian

administrative scene in the later nineteenth century”. This ad hoc characteristic prevailed despite the enactment of the *Rural Municipalities Act 1858*, which allowed for a petitioning procedure—of only 50 qualified landholders (the same as initially in NSW)—being initially met with some enthusiasm, with 19 municipalities incorporated from 1860 to 1866. However, after that time, “the partitioning procedure fell into disuse” (Wettenhall, in Wensing 1981, p. 714). A new act, the *Rural Municipalities Act 1865* divided the remainder of the island into 11 nominated districts (and declared those already incorporated voluntarily as districts), but incorporation was still not taken up.

According to Wensing (1981, p. 714), to this lack of enthusiasm “the Tasmanian polity responded in three ways”. First, the ad hoc bodies were allowed to flourish; second, a new act, the *Town Board Act 1884*, made some distinctions between rural and town areas, including that towns could be declared (on approval of a petition) within existing rural municipalities; and third, from 1888 several attempts were made to enforce a total system, yet these attempted reforms were all unsuccessful.

At this part of Wensing’s (1981, pp. 715–716) narrative—i.e., toward the end of the 19th century—several civic leaders assert themselves, both elected and appointed. Chief among these was Dr. J. McCall, then Chief Secretary of a joint parliamentary committee examining local government, who, along with many others in state parliament, lamented the inefficiency of so many small ad hoc authorities. According to Wensing (p. 714), it was he who “almost singlehanded” led to the passing of the *Local Government Reform Act 1906*, along with initiating the Boundary Commission set up the following year, which engendered “as comprehensive and rational [a system] as its most ardent supporters could have hoped for”, noting further that “the boundaries fixed by the 1907 Commission remain in place”. Here again we see yet another example of the introduction of a system that was to last from an earlier period of reform well into the late 20th century, with 47 general-purpose councils and the city councils of Hobart and Launceston being the result (a concise account of the effect of the Act is provided by von Stieglitz 1958, pp. 98–118; see also LGD [Tas], n.d.).

Further to this watershed, Wensing (1981, p. 716) notes several other developments, including a consolidation of the Act in 1962 and significant attempts at amalgamation, “always at the instigation of central Government, always resisted strongly by local administrators and always unsuccessful”. For instance, a Municipal Commission that was initiated with the revised legislation of 1962 “proposed two greater metropolitan authorities and eighteen municipalities”, but to no avail (p. 716). For his part, Wensing (p. 717) is critical of the stasis, noting at the time that the multitude of small local governments suffer from “lack of resources” and cannot address “the need for service coordination over wider areas”, and have been “overwhelmed by events” leading to the creation of single-purpose bodies for various functions (water supply, transport, hospitals, land use planning) such that councils “are less and less the self-governing areas that the legislators intended them to be in 1906”.

Back to our self-styled “history wars”, Wensing (1981, p. 718) firmly argues that the Tasmanian experience “is a mixed case, sharing many of the features of the constitutionalist states like Victoria, SA or WA but having other elements of the State-interventionist type”. In particular, he argues that the idea of “forced growth” of the local government system is somewhat inaccurate and that foisting the label of “State-interventionist” on the Tasmanian experience fails to take into account the extent to which inhabitants of the two cities saw local government as entwined with the dual issues of self-government and ending transportation. Further, drawing on Reynolds (1969) Wensing argues that many of the early “rural gentry” embraced incorporation with the passing of the *Rural Municipalities Act 1858*—as we saw, 19 shires were incorporated by partition. We return to the “history wars” in Sect. 2.11 (below). In the immediate context we consider what Power et al. (1981) have to say in their general survey of the entries for the ACIR Information Paper No. 7.

2.10 Assessment by Power et al. (1981): Toward a Normative Theory of Australian Local Government?

In their overview of the individual contributions for the states at that time, Power et al. (1981, pp. 96–113) make a series of observations concerned with no less than nine areas, as well as offering a “concluding note”. Revisiting these observations serves the rather obvious purpose of examining their views with the benefit of some hindsight. Further, despite the authors expressly indicating that “[t]his is not the place for an essay on the general theory of local government” (Power et al., p. 96), in our view they come extraordinarily close to providing just such a theory. Their profound reflection upon the local government systems in Australia *writ large* at the time has significant implications for the remainder of our discussion in this book, in particular Part IV Chap. 12 “The future of local government in Australia: maximising service delivery with political voice”.

With respect to what they refer to as *municipal values, policies and reform* Power et al. (1981, pp. 96–98) make six points. First, they posit an optimal, “three-fold role for municipal institutions” generally. Citing Lord Redcliffe Maude from 1974, Power et al. (p. 96) assert that “there has long been recognition” that “municipal institutions serve both as providers of services to local government communities and as instruments of democratic self-government”. Indeed, these dual roles are recognised in the contemporary literature to the extent that, following Aulich (1999, 2005), it is broadly recognised that they are in tension with one another (see, for example, Dollery and Grant 2010; Grant et al. 2011a; Grant and Dollery 2014; see also Chap. 4 of this book). However, Power et al. (p. 96) *also* assert that a third role, namely “that of local government as the developer of resources in the broad sense”, ought to be recognised and that “any discussion of specific functions should take place within this general framework”. This argument

by our venerable authors clearly signals a broad role of local government, not merely in service delivery but also economic development, implying significant capacity for local governments to do so, and reflecting views of what recent research has suggested citizens think ought to be the role of local government, particularly in non-metropolitan areas (see, for example, Hastings et al. 2016; Walsh 2015).

Second, against the idea that local government ought to be conceived of as merely the management of functions, Power et al. (1981, p. 97) cite the work of Stewart (1974)—whom we encountered in the introduction to this chapter—arguing that “democratic self-government” requires the capacity for elected representatives “to make meaningful choices between alternative policies”. As such, local government ought to involve a “concern for place” counteracting a focus on mere functions wherein “*places require to be governed*” (Power et al. 1981, p. 97). Again, we take up these themes in Chap. 4 of this book. Third, Power et al. stress that “it is the elected government at community level which offers such capacity” warning their audience off the promise of “ad hoc boards, statutory corporations, central departments and regional manifestations of central government” (p. 97). Power et al. might be disconcerted with the current context where at state level statutory authorities are very much present in local planning and development processes (see Chap. 11 of this book).

Fourth, Power et al. stress the contribution of “values of participation, accountability and democratic representation” in the governing of place, arguing that “the basic regulatory functions have been overtaken and overwhelmed by service functions” (Power et al. 1981, p. 98). Fifth, commenting upon “government overload” associated with heightened service responsibilities Power et al. (p. 98) presage the (then) gathering impetus for “privatisation” and the minimum state more broadly. However, they assert that in these contexts “*since local government is the least overloaded level of government* it is in a good position to take advantage of such opportunities”. Sixth, Power et al. (p. 98) assert that decentralisation (as opposed to privatisation) offers promise in this regard and that “it is relevant to point out that there are effectively functioning federal systems in which decentralisation of this kind is effectively practiced”, citing Germany as an example.

Reflecting upon this sixth point, one may be tempted to assert that the authors are merely presaging the shift from “government” to “governance” (that we critically examine in Chaps. 4 and 6 of this book; see also Stoker 1998). However, pointing to the “overload” of government is hardly the domain of only local government specialists; in fact, one could argue that they came to the point late in the piece (see, for example, Habermas 1975). Further, the *moral legitimacy* of democratically elected local government, conceived as a single, multi-purpose authority (i.e.: inclusive of those functions that have been hived off to statutory authorities) is clearly important for Power et al. (1981). This is a significant departure from the more contemporary endorsement of governance (again, see for example, Stoker 1998, 2006), and we take this up at some length in Chap. 6 and again in Chap. 12.

Turning to address what they label as the impact of “*historical legacy and political culture*”, Power et al. (1981, pp. 99–100) make no less than nine observations. First, they point to what we now label “path-dependency” (see, for example, Kay 2005) as a constraint upon possible reforms. Second, they caution against what we will label as a “State-interventionist” mindset in viewing the development of local governments in Australia, but still argue “that the scattered inhabitants of the [then] unincorporated areas were able to ride on the financial backs of the more populated, incorporated areas” and that the rural areas taking advantage of their metropolitan counterparts in this way “is a reflection of the strength of the rural lobby in the colonial legislatures” (p. 99). Third, Power et al. (p. 99) emphasise that in some jurisdictions “[t]he MP was first seen as the ‘roads and bridges’ member who, in the absence of municipal institutions, had to wrest concessions for his area from the centre”, in particular in NSW and Queensland, and that this perception lasted well into the 20th century.

Fourth, they point to the lack of capacity for significant decision-making at the local level as characteristic of the Australian jurisdictions generally. Fifth, they do not spare the rod on the upper houses of the state legislatures, arguing (p. 99) that “[t]he over-representation of rural MPs in the state legislatures upper houses placed them ... in a commanding position to influence the passage of many Bills of great significance to the evolution of local government”. In essence, it served the interests of these conservative MPs (and, we would add, their politics) that local government was essentially hamstrung. Arguably, this political dynamic has remained in place, at least in some instances, and we discuss the contemporary activities of the Upper House in NSW in this regard in Chap. 11 examining “Sydney global city”.

Sixth, Power et al. argue (p. 99) that “[n]aturally the state interventionist systems have been more amenable to change than the constitutionalist systems”, despite the fact that Queensland at that time had not undergone significant reform and that the conservative approach to reform in the “constitutionalist” jurisdictions seemed likely to continue. We take up this issue in Sect. 2.11 (below). Seventh, they point to the culpability of local government in the hiving off of services to ad hoc boards and instead suggest the potential for shared services, stating: “[t]he potential of local government for the delivery of local services has yet to be realised in Australia” (Power et al., p. 99; for the contemporary context, see Dollery et al. 2012). Eighth, they assert that “for all the formidable historical constraints, local government has begun to reassert itself as a sphere of government in the federal system”, citing the reforms under the Whitlam Government and beyond (we discuss these at some length in Chap. 3). Ninth, they assert that, while local government does display promise, “there are many observers who still see local government as “stodgy and unenterprising” and as such encourage the trend to centralisation (p. 100).

Power et al. (1981, pp. 100–103) explore what they refer to as *system reform* along several lines. Commenting upon statutory reform they argue that the (then) acts require consolidation and that this ought to be undertaken periodically, as well as pointing to the desirability for general competence powers (which have subsequently been introduced; see Chap. 5 of this book). Commenting upon

amalgamations, they argue that “in themselves amalgamations have no intrinsic merit” and that they must be seen in a broader framework for reform (p. 101). Nevertheless, they suggest the potential for amalgamations, noting “the desirability of emphasising close links between the cities and their suburbs and between cities/towns and their contiguous regions”, asserting that “there is much value in the notion of [a] city region” (p. 101), and pointing to the value in “cooperative arrangements” rather than “forcing the issue of amalgamation (p. 101).

Commenting upon *localisation of service provision* Power et al. (1981, p. 101) argue that “it should be possible for the several governmental systems to move toward a more decentralised structure in administration” and that two principal benefits would derive from this reform. First, the roles for both state and federal governments would be able to become more “strategic” (our word); second, such a move would accrue the benefits of “subsidiarity” (again, our word) and that the benefits of broader participation in decision-making could be encouraged. Further, they point to an expansion of “personal services” (what in modern parlance we refer to as “services to people”—see Dollery et al. 2006), pointing to the experience in Victoria as an exemplar, as well as pushing utilities back to local governments, while at the same time emphasising the need for flexibility in the face of broader changes, both functionally and organisationally. Thus:

For example, it is in the realm of the feasible that local government generally may become a leading force, for the well-being of the whole community, working towards the integrated planning of, and the co-ordination of physical development and personal service delivery over, whole urban areas and over regions away from the cities. In doing so, it may harness the energies of citizens in ways that more remote levels of government are unable to do, and so provide a vehicle for participation to which most of us give lip service and which must strengthen the working of democratic institutions (Power et al. 1981, p. 103).

Further:

For local government, failure will mean at best the continuation of the present patchy arrangements, and at worst the transfer of more powers and functions from democratically elected councils and their administrations.

In setting down this “maximalist” (Dollery et al. 2006) role for local government, Power et al. (1981) articulate a model of *regional government* that we find a lot of evidence for throughout the course of this book, and re-articulate in Chap. 12.

Discussing *local democracy*, Power et al. (1981, pp. 103–106) lament the (then) dearth of research in the area (arguably the comparative lack of research is still evident; see for example, Dollery and Grant 2010). Nevertheless, they assert that “[t]he basic rationale for local government has always involved the elective character of the decision-makers”, pointing to the validity of the universal franchise (and implying the validity of compulsion in this regard) when set against the institutional arrangements at the time (which have still to be achieved in local government universally in Australia; see Christensen and Grant 2016; Hearfield and Dollery 2009; Ng et al. 2016). Further, while pointing toward a general need for the modernisation of voting systems, Power et al. also emphasise the distinct nature of local democracy across several fronts. Thus: “Highly competitive elections for

metropolitan councils often may not be beneficial” due to the difference between candidates not being clear and the antagonism following contestants into the chamber (p. 104). Further: “Many Australians see great virtue in keeping councils free of the dialectics of national party politics”, yet this renders it “difficult for electors to know just what they are voting for” (p. 105). They also point to the promising potential of “[t]he co-option of citizens working with councillors” and “open government” (p. 106) as further increasing accountability.

Discussing “*internal organisational systems*”, Power et al. (1981, p. 107) are adamant that “the accountability of municipal staff is to the elected council of the authority they serve” and champion the need for education and training, even advocating “scholarships by central government” to investigate the issue. Further, while underlining the desirability of defined professional career paths in local government they also assert that “[t]he policy problem confronting all spheres of government is that of opening up traditional and by now restrictive systems [of education and training] without weakening the centres of educational and research skills” (p. 108). Arguably, inroads in education generally have been made (see, for example, ACELG 2014); however, the extent to which these inroads have been fully incorporated into local government is questionable (see, for example, Smith-Ruig et al. 2015).

Discussing what they label “*the diffusion of innovation*”, Power et al. (1981, p. 108) emphasise the (then) perceived desirability of a national approach, citing the example of the German Institute for Local Government Management Studies, controlled by an elected General Assembly and an elected board. They also emphasise that, in the training programs undertaken by this body, “[w]hat emerges from this process is a finding *proved by practice*” (p. 109). Arguably, there have been some sporadic attempts at such institutions in the Australian context (see, for example, ACELG 2015). However, as we shall in Chap. 3, these efforts have been the subject of party-political largesse rather than a sustained element at public administration professional development.

In their discussion of “*finance*”, Power et al. (1981, p. 110) make four general points. First, financial arrangements for local government cannot be considered in isolation. Second, there exists a high degree of variability between types of councils (urban and regional in particular), and shared services (see Dollery et al. 2012) could be appropriate for some rural councils. Third, greater flexibility for own-source revenue (see, for example, Dollery et al. 2013) would be optimal. Fourth, “a fully-fledged system of local government needs to be relatively autonomous in its revenue-raising ability” (p. 111), underlining the centrality of federal funding in the future. We take up this seemingly contradictory proposition in Chap. 12. Commenting upon state-local government relations, Power et al. (p. 111) point to the desirability of greater resourcing for research at the level of state government and for what they describe as “mechanisms of policy analysis, research and co-ordination”, urging the ACIR to pursue such an approach.

Finally, in surveying the entries for the individual jurisdictions, Power et al. (1981, pp. 112–113) observe what they described as “six major themes”: [i] “the unwillingness of State departments and instrumentalities to consult local

authorities”; [ii] “Rigid [although variable] controls imposed by State departments”; [iii] “public apathy and low esteem for local government and its leaders”; [iv] “the need for local government to improve its intelligence gathering and policy development capabilities”; [v] “funding inadequacies”; and [vi] “the need for local government to train its officers more effectively”. Reflecting upon these last six observations, it is interesting to note that they are all limitations to the operations of local government and (arguably) how similar sentiments could be expressed contemporaneously. However, rather than dwell on these laments, it is possible to extract from the observations of Power et al. (1981, pp. 69–113) a prescriptive theory of local government in Australia composed of three main elements.

The first of these elements envisions local government as *the local state*. As we have noted above, contrary to some contemporary theory that endorses the shift from “government” to “governance”, Power et al. (1981) explicitly endorse local government as not “first among equals” but clearly normatively distinct from other elements of society, including other tiers of government. This endorsement is most evidently witnessed in the disdain they—along with (in particular) Larcombe et al. (1981), Bowman (1981) and Tucker (1981)—exhibit, not to ad hoc authorities themselves, but to the way that ad hoc authorities erode the capacity of local governments for not merely service provision but as a “developer of resources”. Further, their stirring endorsement of the *governance of place* denotes that the optimal role of local government is not merely with service provision or as a node for preference allocation, but is involved in developing *and defining* said place.

Second, this local developmental state is *powerfully democratic*. This perspective is clearly evident in the authors’ endorsement of “democratic self-government”, requiring the universal franchise and (very strongly implied, at least) a compulsory franchise. The goal here is legitimacy through accountability, and (again more expansively) the engagement of citizens with the processes of the state, not merely electoral mechanisms. Interestingly, of all the points that they make in their observations, Power et al. (1981) do not express a preference for stronger leadership arrangements—of which directly elected mayors are the most salient example.

Third, this local government is clearly *developmental and expansive*. It is developmental not merely acting upon its local area but as an organisation itself, fostering cooperation with other local *governments* and diffusing innovation. Further, as much as local governments in this guise are “place-based”, they are also clearly regionally orientated. This role is evidenced in their clear endorsement of city-regions and their acknowledgement that amalgamations and shared services both have a role to play. It is also evidenced in the disdain that Power et al. (1981, p. 99) hold for “rural MPs” protecting parochial interests. In fact, there is a strong intimation on the part of our protagonists that arrangements for regional governance already ought to be in place. We return to these themes in Chap. 12 in particular, but also throughout the book. As we have seen, Power et al. (1981) see two other major impediments to this local regionalism: finance, namely the need to reconfigure state-federal financial relations, and what we have labelled the

“path-dependency” of the individual jurisdictions. It is to the latter of these, and the “the history wars” in particular that we now turn.

2.11 Observations

Chapter 1 described how de Tocqueville (1972, p. 59) observed that, in a quest to understand a federal government, it makes more sense to commence with an examination of the components rather than to start (as it were) with, in our case, the place of local government in Australia’s federal system. It strikes us that this is particularly the case if our central concern is local government itself—or at least Australia’s political economics viewed from the perspective of local government. Again, while we freely admit, following Maddox (1996, p. 213) that we have undertaken the task “briefly and unsatisfactorily”, we assert that it is one that ought to be undertaken in order to commence and invite an understanding of the *constitutions* of the local government systems in Australia.

Reflecting back on our account of the jurisdictions organised around the contributions from the ACIR paper (Power et al. 1981), it is possible to imagine a ledger which places the jurisdictions (say) on the left if they conform to the “State-interventionist” type on the one hand, and (say) on the right if they conform to the “constitutionalist” type on the other hand. Envisioned as such, the contributors to Power et al. (1981) suggest that two of the states—NSW (Larcombe et al. 1981) and Queensland (Tucker 1981)—should be placed to the left, and that three—Western Australia (Wood 1981), Victoria (Bowman 1981) and South Australia (Robbins 1981)—should be placed on the right, with Tasmania (Wensing 1981) having a foot in both camps. Further, the Northern Territory would fall on the left, first by virtue of being a creature of the Commonwealth, and on account of recent reforms in that jurisdiction (see Michel 2015).

However, to organise the jurisdictions in this way by no means implies *either* that these classifications are unequivocal *or* that the jurisdictions haven’t changed since that time. For instance, Aulich (1999) clearly asserts that, if we choose to examine *reform processes*, the classifications were significantly disrupted at that time. Thus, despite the traditionally “constitutionalist” systems having “developed under long periods of conservative governments ... [that] tended to accord lighter responsibilities to local government, but leave it largely alone in the discharge of its responsibilities” (Aulich 1999, p. 20), this overall historical pattern was ruptured by (for example) the radical amalgamation program in Victoria undertaken by the Kennett Government in 1993 (see, for example, Kortt and Wallis 2015). Similarly, Aulich (1999, p. 21) argues that, at that time, “[i]t has been the interventionist states of New South Wales and Queensland and, lately, of Western Australia, where the local democracy and political approaches to reform [have been] dominant”. However, in their account, Grant and Dollery (2014, p. 77) argue that subsequently Queensland has (as it were) reverted to type in the forced amalgamation process of 2007–2008. Further, following the forced amalgamation program currently being

undertaken in NSW (see, for example, NSW Government, n.d.) one would have to argue that this jurisdiction has now reverted to its “State-interventionist” type also.

The point here is—decidedly—not *merely* whether the jurisdictions conform to their specific types over time. Rather, it is that the two ideal-types afford us the capacity of understanding the origins and development of the local government systems—and of comparing them—wherein local government is conceived as principally political. This broad heuristic focuses upon state-local relations but also offers a broader politics of local government, of which public administration is a part of, but by no means the complete, picture. This broad heuristic is reflected in our subsequent discussions in this book, in particular in Chap. 5, examining autonomy and Australian local government systems, and Chap. 12, discussing the future of local government in Australia.

Our first general point is that local government is both a legitimate and an important unit of historical and political inquiry. To local government specialists this assertion might seem *prima facie* obvious. However, within mainstream political studies in Australia this is (arguably) *not* the case. This has recently been borne out in what was, at the time of writing, the most recent volume of *Australian Journal of Political Science*, a “Special Issue: Taking Stock: 50 years of research in the *Australian Journal of Political Science*” edited by Marian Simms and Geoffrey Stokes. In this review issue, matters of local government are discussed by Halligan (2015). Local government is afforded approximately one page of text under the sub-title “Local and regional governance”, wherein Halligan (p. 711) comments that in the 50 years of the journal, “[l]ocal government has been a constant ... The politics of local government system [sic] (as opposed to the operations of municipalities) pervades the articles”. Our comment to this observation is that this is to be expected—not only are we talking about a political science journal, we are also reviewing local government (and regional governance) as a subject in that journal. We believe that local government should be conceived as being more than mere “administrative practice”. Rather, a broader conception would view local government as a critical element to the history and future of Australian politics. The associated point is that, just because telling a history of local government in Australia intrinsically involves an examination of colonial and state governments—and, as we see in the chapter immediately to follow, arrangements for regional governance and government conceived from the federal tier—it does not render the focus on local government in itself any less legitimate.

Second, the idea that the creation, maintenance and reform of local government ought to be understood as more than merely administration is reinforced when we consider what we have labelled “the history wars” of Australian local government studies. The conflict in interpretation between the “constitutionalist” and “State-interventionist” categorisations of local government systems underscores the fact that in discussing local government in Australia some extremely foundational issues in politics—for instance, those around representative and responsible government, about political communities (and as such who *isn't* included as well as who is) and, crucially, notions of identity that are inextricably bound up with place—are necessarily an element of these discussions.

Arguably, viewed through the lens of “the history wars” we are alerted to some profound differences, and similarities, across the jurisdictions that in everyday parlance are very casually remarked upon, yet form important elements of the constitutions—again, broadly understood—of these individual systems. Part III of this book reflects upon these differences and similarities framed by the broad themes of autonomy, community, economics and finance, leadership and ethical issues in local government. In Chap. 3 we turn our attention to how these similarities and differences have been brought together and viewed from the federal arena of politics. Yet it is important to emphasise that this is not merely an exercise in history as we discuss it in this book, nor of issues of public policy as discussed in Chaps. 5–11. It is also, pressingly, an issue of the future of local government in Australia, discussed in Chap. 12. For now, however, we turn to local government as an element of the federation.

Appendix 1

Notes for Table 2.1 Australia: Placing Colonial, State and Local Governments.

¹The settlement at Sorrento under Lieutenant George Collins in 1803 was abandoned in that year (see Turner 1973, pp. 24–76). The date for the ensuing settlement is marked as 1836/37 due to the fact that the colonial government in Sydney named Port Phillip District in 1836 (DEEWR 2013f) while the first Resident Magistrate was appointed 29 September 1837 (Quick and Garran 1995, p. 52).

²1841 marks the election of the Botany Road Trust on 28 January of that year under the *Parish Road Trusts 1840* and as such pre-dates the *Sydney Corporations Act 1841* (see Larcombe 1973, pp. 53–55; Power et al. 1981, p. 10).

³The first Corporation of Adelaide ceased to exist in 1843 but was restored in 1852 (Robbins 1981, p. 575).

⁴The First Sydney Corporation enacted in 1842 was replaced by the Second Sydney Corporation from 1850 to 1853, which was in turn replaced by the Sydney Commission in 1854. The Commission was abolished and elections successfully held for a new Sydney Corporation in 1857 (For a discussion, see Larcombe 1973, pp. 79–178, 1976, pp. 3–30).

⁵The first municipal incorporations in both Victoria and Queensland (Melbourne and Geelong in 1842 and Brisbane in 1859) were created under NSW legislation written specifically for these purposes (see Larcombe 1973, pp. 130–197). While these incorporations did not occur under the legislation of the later constituted colonies it is common practice in the literature to list these as the first municipal corporations in the *geographic area*, particularly as it denotes a degree of voluntarism by the citizenry and especially in the case of Melbourne and Geelong (see, for example, Larcombe 1973; Bowman 1981).

⁶1825 marks the first of four failed attempts to establish a permanent settlement in the area now within the jurisdiction of the Northern Territory (see Powell 1988, pp. 48–84). Following from other comparative accounts (see, for example, Aulich

1999; Marshall 2008), and in recognition of the fact that local government is constituted under Commonwealth law and was constituted far later than in the other jurisdictions, the history of local government in the Northern Territory is not separately discussed in this chapter. For concise accounts, see Michel (2015) and Sanders (1996, 2006).

⁷In Table 2.1 “consolidation” principally refers to the initial modernisation of the acts in the individual jurisdictions and the merging of two or more acts such that local governments generally (although not exclusively) fell under the one Act. The dates for these are primarily taken from Power et al. (1981, pp. 23–24). However, within the literature the term “consolidation” is also used to mark the introduction of broader stability in local government in that jurisdiction. For instance, Halligan and Wettenhall (1989, p. 79) mark “the passing of the last compendious, comprehensive Local Government Act in South Australia in 1917 and the establishment of the unified city of Greater Brisbane in 1925” as the consolidation of legislation in those jurisdictions and as such those dates have been included here. For his part, Tucker (1981, p. 382) argues that, following the recommendation of the 1896 Royal Commission, “under a unified local government code three classes of local authority need to be retained: cities, towns and shires” and that “[t]his basic structure was later included in the *unified* local government code (*Local Government Authorities Act of 1902*)” (emphasis added). As such this date has also been included. Bowman (1981, p. 243) argues that it was “[d]uring the last quarter of the nineteenth century [that] the local government system for Victoria was consolidated”.

The capital cities of Adelaide, Brisbane, Melbourne and Sydney and the regional Victorian city of Geelong were historically incorporated under their own acts and this remains the case (*City of Adelaide Act 1998* (SA) (South Australian Government 1998); *City of Brisbane Act 2010(QLD)* (Queensland Government 2010); *City of Melbourne Act 2001(Victoria)* (Victorian Government 2001) *City of Greater Geelong Act 1993 (Victoria)* (Victorian Government 1993); *City of Sydney Act 1988 (NSW)* (NSW Government 1988). Hobart and Launceston were incorporated under one act, the *Hobart Town and Launceston Municipal Corporations Act 1852* and later in the 1850s under separate acts (see Chapman 1981, p. 713). According to von Stieglitz (1958, p. 103) under the consolidation introduced by the *Local Government Act 1906 (Tas)* ‘the cities of Hobart and Launceston were left unchanged’. Presently both Hobart and Launceston fall under the *Local Government Act 1993 (Tas)* (see, for example, City of Hobart, n.d.). The *City of Perth Act 2016* (Government of Western Australia 2016) received Royal Assent on 3 March 2016 with the new boundaries coming into effect 1 July 2016 (DLG&C [WA] 2016).

⁸The first incorporation in what is now the Northern Territory was the District of Palmerston in 1874 under South Australian legislation, the *District Councils Act 1858* (SA). Following from the Commonwealth accepting control of the Northern Territory in 1911, the District of Palmerston was replaced by the Darwin Town Council in 1915 (Museum of Australian Democracy, n.d.c). In 1935 the council

resigned in protest at Commonwealth interference and the Commonwealth installed a mayor and four councillors in 1931. This council petitioned the Commonwealth to assume control of town and it did so in 1937, despite protests. In 1957 the Municipality of Darwin was incorporated under the *Local Government Ordinance 1957 (NT)* enacted by the Legislative Council in that year (Museum of Australian Democracy, n.d.c). As such, the three dates of 1874, 1915 and 1957 have all been included to mark the introduction of the first incorporations under South Australian and Commonwealth legislation.

⁹In Row 6 the three dates for the Northern Territory refer to the first incorporations under the *District Councils Act 1858 (SA)*; legislation providing for the Darwin Town Council in 1915 and incorporations under the *Local Government Ordinance 1957* (see Museum of Australian Democracy (n.d.c); Sanders (2006, p. 1)).

¹⁰In row 7 the three dates for Northern Territory refer to the introduction of permissive systems under the *District Councils Act 1858 (SA)*; the *Local Government Ordinance 1957* and the *Local Government Act 2008 (NT)*.

¹¹Arguably, it was only with the introduction of the *Local Government Act 2008 (NT)* (see Northern Territory Government 2008a, b) that a compulsory and consolidated system of local government was introduced in that jurisdiction.

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