

Regulatory Competition and the Investment of Australian Universities in New Zealand Export Education

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**Working Paper No. 6
September 2004**

Abstract

The purpose of this paper is to observe the differences in immigration and students visa regulations that exist between Australia and New Zealand and see what impact they have on the increasing investment by Australian universities in the New Zealand education market.

Introduction

Over the past few years the provision of education services across international boundaries has become one of the world's fastest growing export industries. It is expected that this growth will continue into the future. In 2002 it was estimated that there were around two million tertiary education students studying abroad and it has been envisaged that this number could reach around five million over the next twenty years (Organisation of Economic Cooperation and Development 2002). In the Australian and New Zealand cases the growth of the education export industry has been quite substantial in recent years. In particular Australian universities have been quite aggressive in promoting their programmes to international students. From a figure of 128,906 overseas students enrolled in Australian educational institutions in 1998 this has risen to 303,324 in 2003. In New Zealand overseas student numbers have also risen from 26,021 in 1998 to 118,864 in 2003 (Table 1). As well as attempting to attract students to home campuses, Australian universities have also promoted the growth of overseas enrolments through the use of offshore provision and distance education. In undertaking this the Australian universities have been involved in the development of a number of offshore delivery provisions through such things as twinning programmes, the teaching by home staff in overseas institutions, and in the development of offshore campuses.

These developments have meant that Australian universities now have a direct presence in a number of countries including Malaysia, Hong Kong, China, Singapore, Fiji, South Africa and the Gulf States.¹ In May 2003 the Australian Vice Chancellors' Committee listed 1,569 programmes provided by Australian universities overseas; the bulk of which were in Singapore, Malaysia and China (including Hong Kong) (Australian Vice Chancellor's Committee, 2003). Expansion of these programmes has tended to be driven by the growth in strong demand by students from the rapidly emerging economies in North East and South East Asia. One slightly different development in recent years has been, however, the investment by Australian universities in the New Zealand education market. In 2004 there were 26 programmes offered by Australian universities in New Zealand. This phenomenon has been driven less by the demand of New Zealand students for an Australian education but instead has been created by the regulatory differences that exist between the two countries. In particular the different immigration regulations that govern the entry of international students into the two countries has encouraged some Australian universities to establish a presence in the New Zealand education market. In doing so these universities are attempting to deliver programmes to students from Asian countries under different regulatory conditions from their home country.

The regulation driven investment by Australian universities highlights that fact that the development of international investment is going to be affected by the manner in which immigration and student visa regulatory regimes relate to each other. The purpose of this paper is to examine and reflect on the regulatory differences that have encouraged the entry of Australian universities into the New Zealand education market and make some general observations about the nature of regulatory competition and the manner in which it influences the development of the international education export industry.

¹ In May 2003 Australian universities had offshore programmes in 43 countries (Australian Vice Chancellors' Committee 2003)

Background

The Australian and New Zealand government universities today depend substantially on international students to supplement their incomes. In 2003 around 22 percent of Australian university enrolments and 15 percent of New Zealand university enrolments were of overseas students. In the Australian case a substantial proportion of these enrolments were of offshore students (Australia, Department of Education, Science and Training 2003; New Zealand, Tertiary Education Commission 2003). Over the course of the 1990s and early 2000s both Australia and New Zealand have experienced a strong growth in international students travelling to those two countries (Table 1). In the New Zealand case international students have for a long time travelled to that country in order to gain an education in its universities. From the 1950s through to the late 1980s New Zealand hosted a significant number of students in its universities. Some of these students came to New Zealand under formal assistance schemes such as the Colombo Plan while others came privately (Ministry of Foreign Affairs 2001). In doing so these students benefited from the subsidisation of courses by the New Zealand taxpayer. In 1989 amendments to the *Education Act* made a clear distinction between domestic and overseas students for the first time. The Act also required institutions to charge fees on a full cost recovery basis (Asia2000 2003). Since then the New Zealand universities have actively set about attempting to recruit full-fee paying students from abroad. Later the polytechnics and secondary schools began to actively supplement their budgets by attracting overseas students. In the case of the New Zealand secondary schools overseas students have become an important generator of additional income.

Although both countries have a significant proportion of their students from overseas neither is a large player in the international student market. From Table 2 it can be seen that in 2001 countries such as the United States and the United Kingdom were far more important destinations for international students compared to Australia and New Zealand. This means that both countries need to be especially attractive to overseas students if they are to maintain overseas student numbers. Students when seeking an overseas destination are influenced by a variety of factors including the reputation of a country's educational institutions, the relative costs of studying and living in a country, the general impression of life in that country, as well as the ease at which it is possible to enter a country and abide by a country's immigration regulations. One study on the comparative costs of higher education in Australia, New Zealand, Canada, the United States and the United Kingdom found that Australia and New Zealand both had lower average fees and living costs than those in the other countries. New Zealand itself also has marginally lower average fees and living costs than Australia's (IDP, *Comparative costs*). Another study of the attitudes of Chinese students found that Australia and New Zealand both had reputations as low cost education providers compared to the United States and the United Kingdom but also that the universities in the former were perceived as being of lower quality than those in the latter (Li 2004).

Table 1: Overseas Students Studying in New Zealand and Australia

	New Zealand	Australia
1998	26,021	128,906
1999	26,229	133,384
2000	32,535	153,372
2001	48,886	190,606
2002	79,343	273,855
2003	118,864	303,324

Source: Education New Zealand. AEI – International Education Network

Table 2: International Students in Tertiary Education 2001.

	Share of all overseas students	Overseas students share of total enrolments
United States	28	4
United Kingdom	14	11
Germany	12	10
France	9	7
Australia	7	14
Japan	4	2
Canada	na	na
Sweden	2	7
Ireland	2	5
New Zealand	2	6
Other	22	na

Source: Organisation of Economic Cooperation and Development (2002)

Although growth in the number of students in the two countries has followed a similar path over the past ten years the composition of student numbers in the two countries is by no means similar. Table 3 provides information on student numbers in 2002 and 2003 for New Zealand and Australia. From the figures it is possible to see that the largest group of students (44.9 percent) in Australia are enrolled in higher education. In the New Zealand case the largest group are enrolled in English language courses with higher education lagging behind even secondary schools as a destination for overseas students. In fact if you combine the pre-tertiary education level categories (secondary school and English language) and compare them to the tertiary level categories you find that in the New Zealand case 70.4 percent of students are studying at the pre-tertiary education level compared to only 28.9 percent in Australia.

This is not to say that New Zealand universities are not attractive to overseas students after all if you discount the offshore students that Australian universities enrol both countries have a similar proportion of enrolled students from overseas. The relatively lower cost of fees and living expenses in New Zealand does give that country some attraction compared to other countries even if its universities do not quite have the

same status as those in the United States, the United Kingdom and Australia. The main difference between the two countries, however, appears that for some reason New Zealand has a disproportionate level of attraction for English language and secondary school students compared to its size. In 2002 and 2003 there were 40,878 students in New Zealand English language schools compared to 60,930 in Australia (Table 3). Therefore there are almost as many English language students in New Zealand as there are in Australia, despite the population of Australia being around five times that of New Zealand. The English language schools in New Zealand, therefore, are a much more prominent part of that country's education export industry than they are in Australia.

Table 3: Overseas Student Enrolments in New Zealand and Australia by Sector.

	New Zealand 2002		Australia 2003	
	no	%	no	%
Higher education*	12,802	16.1	136,252	44.9
VET*	6,195	7.8	57,326	18.9
English language	40,878	51.5	60,930	20.1
Secondary School	14,989	18.9	26,799	8.8
Other	4,454	5.6	22,017	7.3
	79,318	100.0	303,324	100

Higher education in New Zealand includes university and college of education student but not those enrolled in polytechnics in agree level courses. VET in New Zealand includes all students enrolled in polytechnics.

Source: Education New Zealand. AEI – International Education Network

Another aspect that differs between the two countries is the composition of the student's respective origins. Although the most important country of origin in the case of both countries is China (Table 4) the reliance on Chinese students of New Zealand is over twice that of Australia (45.2 percent compared to 19 percent). In fact in the New Zealand case Chinese, Korean and Japanese students make up around three quarters of all overseas students that study in that country. In contrast the three largest countries of origin in the Australian case comprise only around 33 percent of the total. The concentration of international students in New Zealand from these three countries is probably a result of the attraction of that country to overseas students into English language and other pre-tertiary study qualifications as the bulk of the students studying in New Zealand's English language and secondary school are Chinese.

The breakdown of the two countries' origin of overseas students and sector distribution provides a clue to why Australian universities might be investing in the New Zealand education market. Obviously there is some reason why large numbers of students are attracted to studying pre-tertiary level studies in New Zealand that are absent from the Australian market. One possible reason might be the different regulatory arrangements that exist in allowing student into the two respective countries.

Table 4: Overseas Enrolments in New Zealand and Australia - Country of Origin 2003

	Australia		New Zealand		
	no	%	no	%	
China	57,579	19.0	China	53,606	45.2
HK	23,803	7.8	Korea	20,978	17.7
Korea	22,159	7.3	Japan	16,215	13.7
Indonesia	20,336	6.7	Thailand	4,350	3.7
Malaysia	19,779	6.5	Taiwan	3,823	3.2
Japan	18,987	6.3	India	1,840	1.6
Thailand	17,025	5.6	Switzerland	1,642	1.4
India	14,386	4.7	Hong Kong	1,501	1.3
United States	12,189	4.0	Vietnam	1,481	1.2
Singapore	11,842	3.9	Germany	1,430	1.2
Bangladesh	5,060	1.7	Malaysia	1,109	0.9
Norway	4,690	1.5	Brazil	1,074	0.9
Vietnam	4,084	1.3	United States	950	0.8
Brazil	3,790	1.2	Indonesia	635	0.5
Germany	3,603	1.2	Fiji	585	0.5
Bangladesh	3,395	1.1	Russia	518	0.4
France	2,164	0.7	Cambodia	342	0.3
Canada	2,912	1.0	French Polynesia	312	0.3
Czech	2,798	0.9	United Kingdom	308	0.3
Slovakia	2,362	0.8	Saudi Arabia	297	0.3
Other	50,381	16.6	Other	5,688	4.8
					100.
Total	303,324	100.0	Total	118,684	0

Source: Education New Zealand. AEI – International Education Network

Regulatory Competition

One aspect of the increasing globalisation of education is that the degree of ‘regulatory competition’ is rising. Economists have long studied the theory and practice of regulatory competition although its application to international education markets has not attracted much attention (Calzolari 2001).

Often governments for a variety of reasons decide to regulate the activities of firms that compete against each other. Many markets, however, extend beyond the jurisdiction of a single regulatory agency, which means that the various regulatory agencies may end up competing against each other. As in any other market, the regulator market has two sides: demand and supply (Kane 1993). Demand for regulation comes from the potential beneficiaries of regulation, which may include consumers, producers, and affected third parties who want solutions to recognised problems. These groups could for instance wish to see corrected some perceived economic inefficiency or to induce some redistribution of wealth. The suppliers of

regulation are generally government agencies but can also of course be such organisations as professional bodies or accreditation agencies. Many regulatory bodies are located in national governments and it is easy to see that these regulators often compete internationally to attract business. Within countries regulators at the state or local level also compete with each other.

More specifically when markets extend beyond the bounds of a single country and firms acquire international status they can begin to threaten host regulators that they will shut down production and leave the country or less dramatically concentrate future investment and employment growth in other localities (Calzolari 2001). Similarly if a firm has to choose the country in which to install a new plant it can generate competition between regulators. For instance it is well recognised that environmental regulations in different jurisdictions (national, state or local) can have a profound influence on a manufacturer's decision to locate a plant. The stringency of such regulation (or its leniency) can have the potential to become a tool by which a government can compete with other jurisdictions to attract business. Tiebout (1956) originally studied jurisdictional competition involving the provision of "local public goods" and the taxation means to pay for them. He came to the conclusion that competition between jurisdictions in the joint setting of taxes and public goods would lead to more efficient levels of government expenditure and taxation in that rival jurisdictions would compete with each other and through this interaction create more optimal levels of both. The same logic might also apply to the regulation of other activities such as education. Through competition between regulators the regulatory burden might be competed down to a point where the marginal cost of regulation equals the marginal benefits received from them.

Others have studied the impact of regulatory competition with a more pessimistic attitude and envisaged that regulators might end up being forced by competition to "race to the bottom" (Scott 1977). Each regulator it has been argued will want to attract as many businesses into its jurisdiction as possible and will do so by lowering the regulatory burden on business. If the regulatory burden is more observable than the benefits of regulation then it is possible that the level of regulation will be competed down to a point where the marginal benefits of more stringent regulation are greater than the marginal costs. This might also be the case if the regulatees have greater political influence on policy makers than the potential beneficiaries of regulation. This might occur if the burden of regulation is imposed upon a small number of regulated firms who are heavily affected by regulation while the beneficiaries are large in number and only benefited each to a relatively small degree. In lobbying for the lowering of the burden of regulation the small group of heavily affected regulatees might be more easily organised and have a greater motivation to act than the larger group of less affected beneficiaries.

Whether an optimal level of regulation is achieved or not the rules of regulation often have to be adapted, at least partially to accommodate the demands of regulatees. Regulation is not dictatorial but instead is supplied competitively and is therefore shaped by market processes. There is a market for regulation and this market is worldwide. If the regulatory burden on regulatees is too heavy it may even lead to regulatory migration; that is a regulatee might move all or some of its business to a better regulatory environment. In these circumstances regulators must seek a compromise when it attempts to impose regulation on regulatees.

In the case of the international education market one of the most important forms of regulation that impacts on the demand by students for a particular country's education is the immigration and student visa regulation which impacts on the flow of students into and out of a country. If it is relatively easy for students to be granted entry to a particular country so that they can study there compared to other countries then there will be a regulatory comparative advantage to studying in that country. Furthermore students and potential students might also be influenced by the degree to which overseas students are allowed to work in a particular country when they are on student visas as well as the degree to which their education in their host country assists them in migrating to that country. All of these factors are important and can make a major contribution to the relative competitiveness of particular countries and their attractiveness to overseas students.

Immigration and Student Visa Policy

The general laws that govern immigration to a country can have an impact on the attractiveness of a country's universities to overseas students. Many potential young immigrants are attracted to Australian and New Zealand universities as a first step toward immigration to those countries. Generally speaking immigration regulations governing those who wish to immigrate to a particular country are determined more by the general politics of a country and its labour force requirements. For instance in times of strong employment growth the subsequent skill shortages that arise may persuade a government to loosen up on its immigration restrictions. Conversely during times of high unemployment these regulations might be tightened up. Despite being primarily determined by labour force requirements changes in these regulations may impact on the attractiveness of a country to overseas students. Obviously during the employment boom phase the loosening of the immigration regulations may make it easier for overseas students to seek Permanent Residence (PR) in a country. Just as it may become more difficult during the periods of unemployment for overseas students to seek PR.

Even though immigration regulations are generally determined by factors divorced from the concerns of education institutions from time to time governments may decide to modify immigration requirements in such a way to promote the attractiveness of a country to overseas students. In the Australian and New Zealand cases both countries give higher recognition to the qualifications of their own countries when potential immigrants apply for residency than those of overseas qualifications. This has the affect of encouraging young potential immigrants to study in both countries even if they have prior qualifications from their own home country. Australia goes further in giving additional recognition if the qualification is attained at a university in regional Australia or a low growth metropolitan area.²

From an immigration policy point of view there are a number of rational reasons for giving preference to overseas students who have studied in a country and are

² Areas excluded from this include outside of Melbourne, Sydney, Perth, ACT, the New South Wales Central Coast,

graduates of Australian and New Zealand universities. First of all these potential immigrants have a number of years of study in the countries, which can help them to acclimatise to the local environment. When they first arrive in either of the two countries the educational institutions to which they are attached generally assist them with finding accommodation etc in their first days in the country. During the course of their studies they become established, may work part-time and raise their English language levels to a reasonable level. Compared to potential immigrants of the same age who have not studied in either country it would seem reasonable to provide them with preference as they would probably have a greater chance of finding employment and making a positive contribution to the country's economy. Of course this is advantageous to the educational institutions as well who presumably attract a fair proportion of overseas students for purely immigration rather than educational reasons.

As well as the normal regulations determining immigration to a country the regulations governing the granting of student visas can have a profound influence on the numbers of overseas students seeking to study in country and the type of students attracted. The easier it is to be granted a student visa and the less onerous the conditions once granted the easier it will be for universities to attract overseas students. One striking difference between the Australia and New Zealand export education industries mentioned earlier is the greater importance of the secondary school and English language sectors in the latter compared to the former (see Table 3). Another related difference is the greater reliance of the New Zealand industry on Chinese students (see Table 4). In the New Zealand case a fairly large proportion of students are from China and are studying in New Zealand secondary and English language schools. The main reason for this is that simply it is easier for a Chinese student to enter New Zealand to study at a secondary or English language school. In the New Zealand case there is no English standard for entry whereas in the Australian case a student from China must have an IELTS score of 5.0 to enter an English School for secondary school 4.0 if the student is 16 years and over.

This gives the New Zealand universities an advantage compared to their Australian counterparts in that there is a relatively large unattached pool of overseas students studying in New Zealand at pre-university level, which they can recruit students from. This single factor may largely explains why a number of Australian universities have decided to conduct educational programmes in New Zealand. Table 5 provides a list of the programmes offered by Australian universities in New Zealand. In each case the Australian universities are delivering programmes in New Zealand in conjunction with local partners. From the table there appear to be three types of programmes offered by Australian universities. The first involves the delivery of highly specialised courses of study such as those in Equine Studies, Project Management and Conservation Biology. It could be assumed that in these case New Zealand tertiary education institution are simply enlisting the help of Australian universities to deliver highly specialised programmes for which the level of expertise in New Zealand is limited. These courses would be presumably mainly designed to attract New Zealand students and given their very specialised nature would not involve many students. The second type is the degree programmes in Business and Computer Science. Institutions like the Christchurch College of Education and Southern Institute of Technology have decided to collaborate with Australian rather than New Zealand universities in the delivering of fairly common degree programmes. In these cases

presumably both New Zealand and overseas students would be attracted. The third type seems to be designed to attract mainly overseas students. These consist of Diploma programmes in Business/Commerce or IT and in most cases follow on from an English or foundation studies programmes. Students can travel to New Zealand, study English from a very low level and then pass through foundation studies or Diploma level courses in New Zealand. Once they have reached a certain level of English competence and academic achievement they can then apply for entry to the Australian university offering the programmes in New Zealand. Australian universities by investing in New Zealand education are therefore seeking to circumvent the student visa requirements of the Australian government that impact on them at the pre-degree level.

Of course there are a few other possible reasons why Australian universities might wish to invest in New Zealand education. The first is that the universities may be wishing to take advantage of the lower costs of employing academic and teaching staff in New Zealand compared to in Australia. Secondly they may be attempting to hedge their “regulatory risk”. The universities in entering international markets face considerable commercial risk. However as their ability to attract overseas students is also influenced by immigration and student visa regulations they also face the additional risk that relates to the threat from regulatory intervention. These Australian universities with heavy overseas enrolments face considerable regulatory risks associated with the possibilities of the Australian Government altering its immigration and student visa policies. By operating across both countries and exposing themselves to two quite separate regulatory regimes the Australian universities effectively reduce the risk of this occurring. Therefore not only are Australian universities investing in New Zealand because of differences between the regulations in the two countries but also because of the potential for future differences that may occur.

Despite the importance of the latter reasons it would appear that the differences in student visa practices helps to explain a considerable difference in the composition of the overseas student bodies in Australia and New Zealand. This would appear to indicate that in the future governments will have to pay particular attention to the impact on the export education industries when they decide to alter their immigration and student visa policies. Likewise universities in both countries will become increasingly sensitive to changes in policy and presumably will bring increasing pressure to bear on the manner in which both countries conduct their respective policies on this matter. Furthermore governments will need to be mindful not just of the needs of their own educational institutions but also make an attempt to gauge the impact that regulations in other countries might have on their own education export industries. At present what might appear small differences in student visa policies does appear to have helped to create a significant difference in the nature of the Australian and New Zealand export education industries and initiate a significant flow of Australian investment into the New Zealand export education industry.

Conclusion

Export education seems destined to be one of the growth industries of the next twenty years. During these decades it would be expected that there will be an increase in the degree to which different countries compete against each other to attract overseas

students. This competition will not just take the form of active marketing by universities abroad but will also involve the modification of various countries' immigration and student visa policies in order to create a more attractive climate for students to travel to these countries.

In the Australian cases many universities are setting up offshore programmes in the countries of the students origins in order to increase their attractiveness to students, both in terms of lower costs and in order to avoid travel restrictions imposed on students. One anomaly that has arisen in the attraction of investment of Australian universities to New Zealand in order to take advantage of that countries' more liberal treatment of students with lower levels of English. Although only one anomaly that has been created by the differences in regulation between countries this is by no means the only one that exists and it would be expected that more substantial ones will arise over the next twenty years as the export education industry grows in size.

Table 5: Australian universities offering programmes in New Zealand		
<i>Australian university</i>	<i>New Zealand partner</i>	<i>Programmes involved</i>
Australian Catholic University	Catholic Education Centre, Wellington	Master of Educational Leadership
Australian Catholic University	Catholic Institute of Theology	Master of Religious Education
Latrobe University	Academic Colleges Group	Diploma in Business Administration
La trobe University	Academic Colleges Group	Diploma in IT
Deakin University	AIS St Helens	Masters of Commerce*
Victoria University of Technology	Edenz College	Diploma in Commerce
Southern Cross University	Manukau IT	MBA
Charles Sturt University	Eastern Institute of Technology	Advanced Diploma/Bachelor in Applied Science - Equine Studies
Charles Sturt University	Southern Institute of Technology	Master of Business Administration
Charles Sturt University	Southern Institute of Technology	Master of Electronic Commerce
University of Southern Queensland	UUNZ	Diploma in Business
University of Wollongong	Wollongong College	Foundation programme
University of Wollongong	Wollongong College	Diploma in Business
University of Ballarat	New Zealand International Campus	Bachelor of Commerce
University of Ballarat	New Zealand International Campus	Bachelor of Computing
University of Ballarat	New Zealand International Campus	Bachelor of IT
University of Ballarat	New Zealand International Campus	Bachelor of Management
University of Ballarat	New Zealand International Campus	Bachelor of Business (Marketing)
University of Ballarat	New Zealand International Campus	MBA
Griffith University	Christchurch College of Education	Bachelor of Business Management
Griffith University	Christchurch College of Education	Masters of Environmental Education
University of New England	UNE International Academy	Foundation programme
University of Technology, Sydney	UNITEC	Master of Project Management
Macquarie University	VUW	Master of Pacific Conservation Biology

Source: NZQA, Kiwiquals. AVCC 2003. * Still awaiting NZQA approval.

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