

Newsletter Chair in Regulator Practice #3 (February – April 2019)

Welcome from Professor Jeroen van der Heijden

Welcome to the third quarterly Regulatory Practice Newsletter highlighting recent activities, research and news from the Chair in Regulatory Practice. The Chair is based at the [School of Government](#), in the [Victoria University of Wellington](#). It is part of the [New Zealand Government Regulatory Practice Initiative \(G-REG\)](#), a network of central and local government regulatory agencies established to lead and contribute to regulatory practice initiatives.

Over the last three months, we have continued implementing the Chair's five-year research plan, giving Regulatory Clinics, and reaching out to the regulatory community in New Zealand. This newsletter touches on a few of the activities undertaken.

Research

Risk governance and risk-based regulation

The Chair has completed the first 'State of the Art in Regulatory Governance Research Paper' on *behavioural insights and regulatory practice*. The steering group the Chair has agreed that the Chair will look at *risk governance and risk-based regulation* in the second half of the first year of the funding period (January – June 2019). Over the last months, the Chair has identified over 1,200 academic articles and books on this topic has carried out a systematic review of a part of these (125+ peer-reviewed articles and 25+ books). The review will result in a 'State of the Art in Regulatory Governance Research Paper' on this topic that will be publicly available from the VUW website by the end of June. The Chair has already begun writing a series of [blog posts on this topic](#) and has begun giving Clinics on risk governance and risk-based regulation at sponsoring agencies.

Regulatory stewardship

The Chair has begun exploring the notion of Regulatory Stewardship. The idea of stewardship is common to legal scholars (e.g., constitutional stewardship), environmental scholars (e.g., environmental stewardship) and management scholars (e.g., stewardship theory). The concept has, however, not had much attention in regulatory scholarship. That said, New Zealand is a world leader in that it has made 'regulatory stewardship' a statutory obligation for all government departments. What regulatory stewardship could look like, and how to achieve it is not crystal clear yet. This provides the Chair with a unique opportunity to bring the New Zealand experience with regulatory stewardship to the international academic and policy community *and* to explore the international scholarship on how the notion of stewardship has developed over time, is applied in various disciplines, and with what effect. Informed by the broader academic literature, the Chair has begun working on three models ('light', 'regular', and 'plus') of what regulatory stewardship could look like in NZ. The first lecture on this topic was given at The Treasury, and in June lectures will follow at DIA and Maritime NZ.

Urban climate governance

Jeroen has applied for a Marsden Research Grant in February 2019 to deepen and broaden his research on urban climate governance across the world to inform policymaking and regulatory practice in New Zealand. The proposed Marsden research seeks to understand what promotes the scalability of local urban climate action both geographically and across administrative levels. By mid-May, applicants will be informed if their application has made it to the second round. If that is the case, a full research proposal has to be submitted by June 2019.

Palgrave Handbook of the Public Servant

Jeroen acts as editor of a section in the *Palgrave Handbook of the Public Servant* (Section 7, *Public servants as regulators*). The first chapters for the handbook have been completed, including a contribution by a group of G-REG representatives.

G-REG/Skills NZ Qualifications evaluation

New Zealand has in place a unique qualification framework to provide people employed in, or who want to go into, the regulatory compliance sector with core knowledge of regulatory compliance. This framework helps to build out the regulatory profession in New Zealand and serves as a world-leading (and to the best of our knowledge, world-first) example of a systematic approach to the training of staff in government and non-government organisations working in a regulatory compliance environment. This research project seeks to map, explore, and interrogate the development of the NZ Qualifications Framework, its implementation and performance with a specific focus on Level 3 Core Knowledge. Results will help future development of the NZ Certificate in Regulatory Compliance. They will also help international regulators and other interested parties to understand the content and structure, as well as the opportunities and constraints, of the Certificate and the related Qualifications Development Framework.

Skills NZ has been collecting 'entry' data for the current cohort of Level 3 participants. The entry data indicates that only a hand full of participants would pass the assessments without training—thus indicating the need for the training modules (but note: this is all very premature). Jeroen will carry out interviews at several Agencies to gain insights into the qualitative/experience side of the Level 3 module. Besides delivering a report to G-REG on the Qualifications by October 2019, he aims to develop the findings into an article to be submitted to a special issue on 'Developing Civil Servants' in the academic journal *Public Money & Management* by the end of August 2019.

Outreach

Regulatory Clinics and invited lectures

- *In search for good regulatory governance*, Federal Aviation Administration/Asia-Pacific Bilateral Partners Dialogue Meeting 2019, Queenstown, New Zealand – 16 April 2019
- *4,000 years of regulatory theory and practice: Exploring the main paradigm shifts in regulation*, Future Prospects for Charity Law, Accounting and Regulation Conference 2019, Wellington, New Zealand – 11 April 2019
- *Regulatory stewardship and implications for standard bodies*, Pacific Area Standards Congress (PASC) - PASC/ISO Workshop, Wellington, New Zealand – 8 April 2019
- *Risk governance and regulatory practice*, Department of Internal affairs, New Zealand – 14 March 2019

- *Nudging NZ: The use of behavioural insights in effective regulation*, New Zealand Transport Authority, New Zealand – 12 March 2019
- *Nudging NZ: The use of behavioural insights in effective regulation*, New Zealand Institute of Economic Research, New Zealand – 22 February 2019

From the Regulatory Frontlines blog

The blog *From the Regulatory Frontlines* has seen continued success as a highly promising means of communication. Since launching it in September 2018, it has had some 3,300 views from over 900 visitors. For a blog as young and specialist as this one, these are promising numbers. The blog has traction outside of New Zealand also, with some 20% of overseas views. Between February and April 2019, Jeroen has provided in-depth discussions on risk governance and risk-based regulation on the blog. He has also begun a series of brief book reviews to discuss classic and contemporary books that make up the canon of regulatory scholarship. He addresses their guiding idea or core notions. Between May and June 2019, Jeroen will continue to provide in-depth discussions on risk governance and risk-based regulation on the blog.

State of the Art in Regulatory Governance Research Paper Series

The first ‘State of the Art in Regulatory Governance Research Paper’ on *behavioural insights and regulatory practice* is now available as open access publication:

- van der Heijden, Jeroen (2019). *Behavioural Insights and Regulatory Practice: A Review of the International Academic Literature*. State of the Art in Regulatory Governance Research Paper – 2019.01. Wellington: Victoria University of Wellington/Government Regulatory Practice Initiative.

The research paper presents findings from a broad range of international academic literature on the use of insights from the behavioural sciences in regulatory practice—an approach to regulation colloquially known as ‘nudging’. The report is targeted at managers and frontline workers in regulatory organisations and units who are interested in this approach to regulation. The report addresses six themes: (1) the evolution of thinking about rational behaviour, (2) examples of the use of behavioural insights in regulation, (3) evidence of the workings of this approach, (4) experiments and randomised control trials to understand those workings, (5) ethical challenges, and (6) epistemic challenges.

Education

Jeroen has begun supervising the MSc thesis of Craig Hobbs, General Manager Licensing and Regulatory Compliance, Auckland Council.

Publications/output

- *Academic*
 - Jeroen van der Heijden, Harriet Bulkeley, and Chiara Certomà (eds) (2019) *Urban Climate Politics: Agency and Empowerment*. Cambridge: Cambridge University Press.
 - Gregory Trencher and Jeroen van der Heijden (2019) “Instrument interactions and relationships in policy mixes: Achieving complementarity in building energy efficiency policies in New York, Sydney and Tokyo.”, *Energy Research & Social Science*, 54(August), 34-45.

- *Blogs*
 - 29 April 2019, Risk governance and risk-based regulation: A review of the international academic literature
 - 28 April 2019, Brief book review – Risk Management and Governance: Concepts, Guidelines and Applications
 - 26 March 2019, Brief book review – Risk Regulation and Administrative Constitutionalism
 - 24 March 2019, Brief book review – The Government of Risk: Understanding Risk Regulation Regimes
 - 4 March 2019, Brief book review – Risk Society: Towards a New Modernity
 - 18 February 2019, Brief book review – Managing Regulation: Regulatory Analysis, Politics and Policy
 - 13 February 2019, Six months on the job
- *Guest blogs by Keith Manch, Chief Executive and Director of Maritime New Zealand*
 - 29 April 2019, Exploring issues about regulation: regulatory capture and bias
 - 10 April 2019, (Bread, rice, potatoes and) Regulation – the staff of life

Other

Professor Jeroen van der Heijden was ranked 'A' in the 2019-2024 NZ Performance Based Research Fund (PBRF). This is the highest PBRF ranking (representing 'international standing') given to New Zealand scholars in the 2019 tertiary education quality evaluation—in the subject "Political Science, International Relations and Public Policy" in which Jeroen was assessed, only 13% of scholars were ranked 'A'.