

## Newsletter Chair in Regulator Practice #4 (May – June 2019)

### Welcome from Professor Jeroen van der Heijden, Chair in Regulatory Practice

Welcome to the fourth 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.

With this fourth newsletter, we are rounding up the first year of the Chair in Regulatory practice (July 2018 – June 2019). An Annual Report for the first year of the Chair will be made available on the Chair's website in July 2019. Over the last quarter, 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 second 'State of the Art in Regulatory Governance Research Paper' on *risk governance and risk-based regulation*. This research paper presents findings from a broad scoping of the international academic literature on the use of risk governance and risk-based regulation. It addresses six themes: (1) the evolution of thinking about risk, risk governance and risk-based regulation, (2) examples of risk governance and risk-based regulation, (3) evidence of the performance of risk governance and risk-based regulation, and (4) the epistemic challenges and (5) ethical challenges that come with this approach to regulatory governance and practice. The Chair will suggest its sponsors (*complex adaptive*) *system theory and regulatory governance* and *responsive regulation* as topics to review in the next year of the Chair in Regulatory Practice.

#### *Regulatory stewardship*

Jeroen has continued exploring the notion of Regulatory Stewardship. First lectures on this topic were given at The Treasury in May, and DIA and Maritime NZ in June. The lectures introduce the notion of regulatory stewardship as a logical development in the ongoing development of regulatory practice. However, the lectures ask participants to think critically about regulatory stewardship as well: is it the right answer to Aotearoa/New Zealand's core regulatory challenges? Is it perhaps an answer given before the right question was asked? Or is it providing a focal point to work towards in the ongoing reform of Aotearoa/New Zealand's regulatory systems? By exposing participants to different models of regulatory stewardship ('light', 'regular', 'plus'), the Chair seeks to contribute to the discussion of what regulatory stewardship is, what it should look like, and what it could look like in Aotearoa/New Zealand. This line of research and engagement will be continued in the next year.

### *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 book will bring together some 40 to 60 chapters on public servants by international academics and practitioners. All chapters for the section assigned to Jeroen have been completed, including a contribution by a group of G-REG representatives. Over the next months, Jeroen will review the chapters provided and write an introduction to the section. The editors of the full book, Prof Helen Sullivan and Prof Helen Dickinson (both Australian National University), expect that the book goes in print by the end of 2019.

### *G-REG/The Skills Organization 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. Jeroen has identified nine local and national government bodies for the next step of the research project.

## **Outreach**

### *Regulatory Clinics and invited lectures*

- *The nature and future of Regulatory Stewardship*, Maritime NZ, Wellington, New Zealand – 19 June 2019
- *From Friction to Facilitation: the defining Paradigm Shifts for regulation in the 21st Century*, Department of Internal Affairs, Wellington, New Zealand – 6 June 2019
- *4,000 years of regulatory theory and practice: Exploring the main paradigm shifts in regulation*, New Zealand Standards Approval Board, Wellington, New Zealand – 31 May 2019
- *Behavioural science and regulatory governance*, Law and Society Association of New Zealand (LEANZ), Wellington, New Zealand – 29 May 2019
- *4,000 years of regulatory theory and practice: Exploring the main paradigm shifts in regulation*, Environmental Protection Agency, Wellington, New Zealand – 14 May 2019
- *The nature and future of Regulatory Stewardship*, The Treasury, Wellington, New Zealand – 1 May 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 over 4,000 views from over 1,100 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 May and June 2019, Jeroen has provided in-depth discussions on risk governance and risk-based regulation on the blog.

### *State of the Art in Regulatory Governance Research Paper Series*

Two 'State of the Art in Regulatory Governance Research Paper' are now available as open access publications:

- 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.
- van der Heijden, Jeroen (2019). *Risk governance and risk-based regulation: A review of the international academic literature. State of the Art in Regulatory Governance Research Paper – 2019.02*. Wellington: Victoria University of Wellington/Government Regulatory Practice Initiative.

### **Education**

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

#### *Invited lecture*

- *Incremental change, shock, or something in-between? 4,000 years of innovation in regulatory governance*, School of Government, Victoria University of Wellington, Wellington, New Zealand – 29 May 2019

### **Publications/output**

- *Academic*
  - Taedong Lee and Jeroen van der Heijden (2019) "Does the knowledge economy advance the green economy? An evaluation of green jobs in the 100 largest metropolitan regions in the U.S.", *Energy and Environment*, 30(1), 141-155.
  - Jeroen van der Heijden (2019) "Voluntary urban climate programmes: Should city governments be involved and, if so, how?", *Journal of Environmental Planning and Management*, 62(3), 446-465.
- *Blogs*
  - 29 April 2019, Risk governance and risk-based regulation: A review of the international academic literature
  - 28 May 2019, Risk governance and risk-based regulation(6): Epistemic and ethical challenges
  - 22 May 2019, Risk governance and risk-based regulation(5): Evidence of the performance of risk governance and risk-based regulation
  - 19 May 2019, Risk governance and risk-based regulation(4): Frameworks for high-occurrence/low-impact risks, the precautionary principle, and benefit-cost analyses
  - 16 May 2019, Risk governance and risk-based regulation(3): The International Risk Governance Council Framework
  - 7 May 2019, Risk governance and risk-based regulation(2): The evolution of risk
- *Guest blogs by Keith Manch, Chief Executive and Director of Maritime New Zealand*
  - 13 June 2019, Exploring issues about regulation: politics and regulation