



Newsletter Chair in Regulatory Practice #7 (January – March 2020)

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

Welcome to the seventh quarterly Regulatory Practice Newsletter highlighting recent activities, research and news from the Chair in Regulatory Practice (January – March 2020).

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.

Research

Systems theory and regulatory practice

Jeroen has completed reviewing the systems literature as it relates to regulatory governance, including more than 600 peer-reviewed articles and some 30 books. The general literature indicated seven different strands that are of interest if we want to use systems thinking to help improving regulatory design and regulatory practice. Yet, despite this volume, the application of systems thinking has had very little attention in the broader regulatory literature. Much of the work traced is conceptual and highly normative, with limited practical examples available of how and with what results systems thinking has been used to improve regulatory governance. The State of the Art in Regulatory Governance Research Paper *Systems thinking and regulatory governance: A review of the international academic literature* was released in February 2020.

G-REG 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. In March 2020, Jeroen has completed a review of the qualifications and submitted a draft manuscript to an academic journal for peer-review. The draft manuscript is available upon request.

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*). All chapters for this section are now completed and are in the process of being copy-edited. The first chapters from this section have recently appeared online as [pre-publication versions](#). Some of these are available upon request.

Responsive regulation

From March to June 2020, the Chair in Regulatory Practice will focus on “responsive regulation” as a regulatory strategy and philosophy. The central idea underpinning responsive regulation is that strict, government-led, command-and-control regulatory policies are often not the best answer to address societal problems. Still, neither are laissez-faire policies that rely on market competition. Responsive regulation was developed in the early 1990s as a general regulatory strategy that seeks to build on the strengths of both these approaches and overcome their weaknesses. It has been applied widely across the world, including in New Zealand. Yet, it remains unknown whether (on average) responsive regulation outperforms the (counterfactual) regulatory strategies it replaces (i.e., traditional government-led command and control regulation, or laissez-faire market competition), and under what circumstances responsive regulation works best. To answer these questions, we are carrying out an evidence synthesis of the academic literature to evaluate the effectiveness (and lack thereof) of responsive regulation applied to real-world situations. As with the earlier literature reviews, this will result in a series of blog posts and a State of the Art in Regulatory Governance Research Paper (by mid-2020).

COVID-19 and regulation

With the COVID-19 crisis in full force (and likely getting worse), Jeroen is receiving requests to share his opinion about its regulatory implications. For now, he has kindly declined these requests as it is not immediately clear how regulation (as a means to achieve policy goals) is going to change substantially due to the COVID-19 crisis. It will be very far-fetched to frame this as a regulatory failure that could have been prevented with better, stronger or more regulation. And while more robust regulatory models (more protocols, more enforcement, perhaps more collaboration between state and civil society, etc.) are to be expected in the short run, they won't be "new". Jumping the COVID-19 media-train now feels like seeking the limelight for no real good reason. Jeroen does, however, expect a (public) discussion to emerge shortly in which people begin suggesting stricter or less strict regulation or calling current measures draconian and authoritarian. That would make for an important entry point to enter the debate.

Outreach

In last months, we have had limited opportunities to engage with the New Zealand regulatory community through workshops and lectures. Engagement in January and February was limited due to the holiday season; engagement in March was limited due to the COVID-19 crisis.

Later in 2020, Jeroen will provide workshops as part of the G-REG Continuing Education program on:

- Risk governance and risk-based regulation
- Behavioural science and regulatory governance
- Systems thinking and regulatory practice

All workshops will be provided in Auckland, Christchurch and Wellington.

From the Regulatory Frontlines blog and the Research Paper Series

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 8,500 views from over 2,500 visitors. The four State of the Art in Regulatory Governance Research Papers, *Behavioural insights and regulatory practice*; *Risk governance and risk-based regulation*; *Regulatory Philosophy, Theory and Practice*; and, *Systems thinking and regulatory governance* published since the launch of the Chair, have also proven to be a promising means of communication with over 400 downloads from the Social Science Research Network.

Education

Jeroen has commenced supervising the MSc thesis of Michael Howden at VUW, and continues supervising the PhD theses of Ryan Wong, Australian National University, Adriana Sanchez Gomes at the University of New South Wales, and Sayel Cortes Berrueta, Wageningen University.

Publications/output

- *Academic*
 - Jeroen van der Heijden (2020) “Understanding voluntary program performance: Introducing the diffusion network perspective”, *Regulation and Governance*, 14(1), 44-62.
 - Jeroen van der Heijden (2020) “Scaling Urban Climate Action.”, *One Earth*, 2(February), 117.
 - Benjamin Leffel, Michele Acuto, Ben Derudder and Jeroen van der Heijden (2020) “Quantifying the global urban environmental governance landscape: Interaction of environmental policy networks and environmental services industries across 47,000 world cities”, *International Studies Association Annual Convention 2020*, Honolulu, USA: ISA.
- *Blogs*
 - 15 March 2020, *Brief book review: Responsive Regulation*
 - 12 January 2020, *Systems thinking and regulatory governance*
 - 3 February 2020, *Systems thinking and regulatory governance (6): Further reading*
 - 19 January 2020, *Systems thinking and regulatory governance (5): Challenges*
 - 12 January 2020, *Systems thinking and regulatory governance (4): Evidence*
 - 9 January 2020, *Systems thinking and regulatory governance (3): Examples*
 - 5 January 2020, *Systems thinking and regulatory governance (2): Evolution*
 - *Guest blogs by Keith Manch, Chief Executive and Director of Maritime New Zealand*
 - 25 March 2020, *Exploring issues about regulation – chapter review of the book Regulatory Delivery (on culture)*
 - 4 March 2020, *Exploring issues about regulation – chapter review of the book Regulatory Delivery (on accountability)*
- *Other media*
 - 13 March 2020, opinion piece, *The vanity of promising a regulation bonfire*