



# **Recalibrating Behaviour: Smarter Regulation in a Global World**

**Tuesday 23 April – Wednesday 24 April, 2013**

**Faculty of Law, Victoria University of Wellington, Lecture Theatre 1,  
Old Government Buildings, 55 Lambton Quay  
Wellington, New Zealand**

**With Keynote Speakers:**

**Professor Fiona Haines, School of Social and Political Sciences, University of  
Melbourne**

**and**

**Professor Jonathan B Wiener, Law School, Nicholas School of the Environment,  
and Sanford School of Public Policy, Duke University**



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## ABOUT THE CONFERENCE

The Victoria University, Faculty of Law will host the Conference *Recalibrating Behaviour: Smarter Regulation in a Global World* on the 23rd -24th April 2013.

This conference aims to advance the dialogue on regulatory reform in New Zealand using the research of the New Zealand Law Foundation's Regulatory Reform Project. That project started in 2010, led by Professor Susy Frankel, and comprises a multidisciplinary team of researchers from the Victoria University Faculty of Law, New Zealand Institute of Economic Research and Chapman Tripp. The project is the second largest research project the Law Foundation has funded to date.

The catalyst for the project was the theme that smarter regulatory processes and ultimately better regulation should result in both economic and social benefits for New Zealanders.

The first stages of the project analysed a variety of topics including: regulatory certainty and its counterpart discretion; legitimacy and the rule of law; property rights: the policy and processes of regulation; various areas of sector specific regulation; trade and investment; and the trans-Tasman relationship. In 2011 the book *Learning from the Past; Adapting for the Future: Regulatory Reform in New Zealand* was published which gave detailed discussion about these topics. Subsequently the research has developed these themes, resulting in the book, *Recalibrating Behaviour: Smarter Regulation in a Global World*, which will be launched at this conference. That book covers an analysis of: Regulation and Global Connectedness; the Public Voice and Consumer Behaviour; the Careful Art of Reducing Uncertain Outcomes; and the Institutions of the Regulatory Regime. The conference aims to discuss this research and further cross-cutting themes drawn from the interdisciplinary research of the project, including:

- Features of the Uniqueness of New Zealand and their Role in Regulation
- Voyage of Discovery: How do we bring Analytical Techniques to State Driven Behaviour Change?
- Learning the Way Forward? The Role of Monitoring, Evaluation and Review
- Experimentation and Regulation
- Certainty and Discretion

The conference will also demonstrate and seek feedback on the project's Toolkit, developed from the project's research.

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## ABOUT THE KEYNOTE SPEAKERS

### **Fiona Haines**

Fiona Haines (BA (Hons), PhD) is a Professor in the School of Social and Political Sciences at the University of Melbourne. She teaches in the area of corporate and white collar crime, regulation and compliance as well as the sociology of crime and deviance. Professor Haine's published works include *The Paradox of Regulation* (Edward Elgar 2011), *Globalization and Regulatory Character* (Ashgate, 2005) and *Corporate Regulation: Beyond Punish or Persuade* (Oxford, Clarendon Press, 1997). Her research encompasses a diverse range of corporate harms, disparate regulatory regimes and regulatory contexts: from workplace safety, product safety (including product liability insurance), corporate collapse, industrial disasters to anti-competitive conduct and electricity markets. Her current work extends into the tensions between regulatory regimes, the regulation of finance and insurance and the emerging area of security regulation at seaports, airports and major hazard facilities.

Professor Haines has advised government in the area of regulation and regulatory policies. She has worked with a range of government agencies including: Department of Justice (Victoria) Civil Law Policy, Primary Industries and Resources (South Australia) (PIRSA), National Road and Transport Commission and the Victorian Taxi Directorate. As a result of her research and consultancy work, she is called on to address government and professional conferences and seminars in a wide range of areas, most recently for the Victorian Law Reform Commission and the Victorian Human Rights and Equal Opportunities Commission. Professor Haines co-edited the international journal *Law & Policy* from 2006-2012 with Professors Nancy Reichman (University of Denver) and Colin Scott (University College Dublin). She has served on the editorial boards of *Law and Society Review* and is currently on the board of *Regulation and Governance*.

### **Jonathan B Wiener**

Jonathan B. Wiener is the William R. and Thomas L. Perkins Professor of Law at Duke Law School, Professor of Environmental Policy at the Nicholas School of the Environment, and Professor of Public Policy at the Sanford School of Public Policy, all at Duke University. He is also a University Fellow at Resources for the Future (RFF). In 2008, he served as President of the Society for Risk Analysis (SRA); in July 2012, he co-chaired the SRA's World Congress on Risk, held in Sydney Australia.

Professor Wiener's books include *The Reality of Precaution: Comparing Risk Regulation in the United States and Europe* (RFF Press/Routledge 2011, with others); *Reconstructing Climate Policy* (AEI Press 2003, with Richard B. Stewart); and *Risk vs. Risk: Tradeoffs in Protecting Health and the Environment* (Harvard University Press 1995, with John D. Graham). Before going to Duke in 1994, he worked in the US government at the White House Council of Economic Advisers, the White House Office of Science and Technology Policy, and the US Department of Justice. He helped negotiate the Framework Convention on Climate Change, and in 1992 he attended the Rio Earth Summit. In 1993 he helped draft Executive Order 12866 on Regulatory Review. In 1987-89, he was a law clerk to federal judges Stephen Breyer and Jack Weinstein. He received degrees in law (1987) and economics (1984) from Harvard University.

# PROGRAMME

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Tuesday 23 April 2013

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8.30am Registration (GBLT1 Foyer)

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9.00am **Welcome**

Dr Andrew Butler, Partner, Russell McVeagh and Chairman, NZ Law Foundation

Professor Tony Smith, Pro Vice-Chancellor and Dean of Law, Victoria University of Wellington (VUW)

Professor Susy Frankel, Faculty of Law, VUW, Project Leader

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9.30am **Session 1 - Keynote Address**

***“The Paradox of Regulation: What Regulation Can Achieve and What it Cannot”***

Professor Fiona Haines, School of Social and Political Sciences, University of Melbourne

Chair: Susy Frankel, Project Leader

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10.30am **Morning Tea and book launch *Regulating Behaviour: Smarter Regulation in a Global World.***

**The book will be launched by Sir Geoffrey Palmer, Distinguished Fellow, Faculty of Law, VUW**

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11.15 am **Session 2 - Global Connectedness**

Chair: Dr John Yeabsley, Senior Fellow, NZIER

***The Web of Trade Agreements and Alliances and Impact on Regulatory Autonomy***

Meredith Kolsky Lewis, Faculty of Law, VUW and Associate Professor, SUNY Buffalo Law School

Chris Nixon, Senior Economist, NZIER

***Regulating Foreign Direct Investment in New Zealand – Further Analysis***

Daniel Kalderimis, Partner, Chapman Tripp, Wellington

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12.30pm Lunch

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1.30pm **Session 3 – Balancing the Scale: Public Welfare and Policy Making**

Chair: Dr Rayner Thwaites, Lecturer, Faculty of Law, VUW

***Consumer Law and Paternalism: a Framework for Policy Decision Making***

Kate Tokeley, Senior Lecturer, Faculty of Law, VUW

***Public Participation in New Zealand’s Regulatory Processes***

Dr Mark Bennett, Lecturer, Faculty of Law, VUW

***Competition Law and Policy: Can a Generalist Law be an Effective Regulator?***

Paul Scott, Senior Lecturer, Faculty of Law, VUW

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3.15 pm **Afternoon Tea**

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3.45pm **Session 4 – Cutting Across the Regulatory Divide: Key themes**

Chair: Andy Nicholls, Partner, Chapman Tripp, Wellington

***Features of the Uniqueness of New Zealand and their Role in Regulation***

***Learning the Way Forward? The Role of Monitoring, Evaluation and Review***

***Experimentation and Regulation***

***Certainty and Discretion***

***Voyage of Discovery: How do we bring Analytical Techniques to State Driven Behaviour Change?***

Derek Gill, Principal Economist NZIER; Senior Associate, Institute for Governance and Policy Studies, School of Government, VUW

Dr Joel Colón-Ríos, Senior Lecturer, Faculty of Law, VUW

Tim Smith, Senior Associate, Chapman Tripp, Wellington

John Yeabsley, Senior Fellow, NZIER

Susy Frankel, Faculty of Law, VUW, Project Leader

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5.30pm **End of Day One**

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6.30pm **Conference dinner**

The Games Room, Foxglove Bar, 33 Queens Wharf, Wellington (The Games Room is located on the second floor of Foxglove Bar)

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# PROGRAMME

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Wednesday 24 April 2013

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9.00am

**Session 5 – Keynote Address (by video)**

***“Comparing Risk Regulation in the US and Europe, and the Global Diffusion of Regulatory Oversight”***

Professor Jonathan B Wiener, Law School, Nicholas School of the Environment, and Sanford School of Public Policy, Duke University

Chair: Professor Jonathan Boston, Professor of Public Policy, School of Government, VUW

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10.15am

**Morning Tea**

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10.45am

**Session 6 – Introduction to the Regulatory Toolkit**

The Toolkit will enable users to access information and research about regulation. The Toolkit can help to identify and address a regulatory problem and look for ways to make regulation work. It also includes detailed analysis and easy to read summaries of on-going regulatory issues.

Susy Frankel, Faculty of Law, VUW, Project Leader

Andy Nicholls, Partner, Chapman Tripp, Wellington

Derek Gill, Principal Economist NZIER; Senior Associate, Institute for Governance and Policy Studies, School of Government, VUW

John Yeabsley, NZIER

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12.20 pm

**Closing Comments**

Sir Geoffrey Palmer, Distinguished Fellow, Faculty of Law, VUW

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12.40pm

**Lunch and Conference Close**

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## REGISTRATION

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|----------------------|------|
| Title/Position       | Name |
| Organisation         |      |
| Address              |      |
| Phone                | Fax  |
| Email                |      |
| Dietary requirements |      |

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| Type of registration  | Price      |
|---|------------|
| <input type="checkbox"/> Early Bird Registration (before 15 March 2013) | NZ\$340.00 |
| <input type="checkbox"/> General Registration (after 15 March 2013)     | NZ\$380.00 |
| <input type="checkbox"/> Full-time student registration (ID Required)   | NZ \$80.00 |
| <input type="checkbox"/> Not for profit Registration                    | NZ\$300.00 |

### Conference Dinner (Tuesday 23 April 2013)

Conference dinner at The Games Room, Foxglove Bar, 33 Queens Wharf, Wellington [www.foxglovebar.co.nz](http://www.foxglovebar.co.nz)

### I will attend the Tuesday night dinner at NZD\$100.00 per person

- Yes
- Additional guest
- No

**Registrations close on: 19 April 2013**

### CANCELLATIONS

A substitute delegate is welcome if you are unable to attend (please just let us know). An administration fee of \$50 may be charged for cancellations received in writing before **16 April 2013**. No refunds will be made after this date.

### Payment

- Please invoice me for payment / Payment by cheque (payable to Victoria University)
- Visa                       Mastercard

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### Please post, fax or email this form to:

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