

Chair in Regulatory Practice

Final Report 2018 - 2023

School of Government
Victoria University of Wellington



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GOVERNMENT
**REGULATORY
PRACTICE**
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Kia ora

Welcome to the Final Report of the Chair in Regulatory Practice.

The Chair in Regulatory Practice was launched in July 2018 at the School of Government, Victoria University of Wellington. The Chair is part of the **Aotearoa/New Zealand Government Regulatory Practice Initiative** (G-REG). G-REG is a network of central and local government regulatory agencies established to lead and contribute to regulatory practice initiatives.

G-REG is unique in the world. It follows up from a **2014 report by the Aotearoa/New Zealand Productivity Commission on regulatory institutions and practices**. Its authors found that while Aotearoa/New Zealand's regulatory system is often compared favourably with those in other countries, some improvements appear necessary. These relate to better regulatory practice and institutional design, and better regulatory management.

In response to this report, G-REG was created. Since 2014, G-REG has grown to a network of some 50 central and local Aotearoa/New Zealand government organisations. It works on actions that improve leadership, culture, regulatory practice and workforce capability in regulatory organisations and systems.

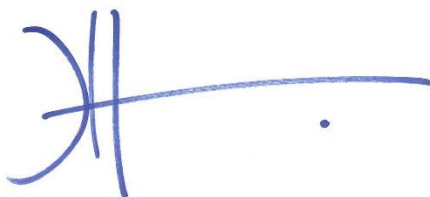
Over the last five years, the Chair in Regulatory Practice has contributed to G-REG actions through world-leading research on regulation and governance and active engagement with the G-REG community, and by contributing to the training of those involved in regulatory issues. Appendix A to this Annual report gives an overview of the Chair's 5-year plan (2018-2023).

Like G-REG, the Chair in Regulatory Practice is unique in the world. To the best of our knowledge, no other national government (or group of government organisations) has supported the establishment of a dedicated Chair to critically engage with their regulatory regimes and systems on an ongoing basis.

The work of the Chair has been both inward-looking and outward-looking. By looking inwards, in response to the Productivity Commission's report, the Chair has explored questions of where, why and how improvements can be made to regulatory regimes in Aotearoa/New Zealand. The Chair has been looking outwards by bringing state-of-the-art knowledge of regulatory practice and other areas of regulation and governance to Aotearoa/New Zealand.

This Final Report of the Chair in Regulatory Practice looks back at what we have achieved over the last five years (2018-2023) and takes a quick tour through the actions undertaken in the areas of research, engagement and education. It also reflects on some of the challenges we have faced and how those can be prevented in related 'academia-to-practice' initiatives in the future in Aotearoa/New Zealand and elsewhere.

Thank you for your ongoing interest in the work of the Chair in Regulatory Practice.

A handwritten signature in blue ink, consisting of a stylized 'J' followed by a horizontal line and a small dot.

Professor Jeroen van der Heijden, PhD

Chair in Regulatory Practice, School of Government, Victoria University of Wellington
Honorary Professor, School of Regulation and Global Governance, Australian National University

About the Chair

The Chair in Regulatory Practice in the School of Government, Victoria University of Wellington, was part of the Aotearoa/New Zealand Government Regulatory Practice Initiative (G-REG). G-REG is a network of central and local government regulatory agencies and has been established to lead and contribute to regulatory practice initiatives. It works on actions that improve leadership, culture, regulatory practice and workforce capability in regulatory organisations and systems. The Chair was sponsored by ten agencies within G-REG, the Treasury, and the Victoria University of Wellington.

Through world-leading research on regulatory practice, active engagement with the G-REG community, and contributions to the training of those involved in regulatory issues, the Chair has helped to improve Aotearoa/New Zealand's regulations and their impact on economic and social performance. The Chair defined regulation broadly as the institutions, processes and instruments put in place to steer the behaviour of individuals and collectives towards desirable societal ends.



From 2018-2023, Professor Jeroen van der Heijden, PhD, was the inaugural Chair in Regulatory Practice. At the Victoria University of Wellington, he mainly worked at the intersection of public governance and regulation, with specific interests in regulatory stewardship and dynamic governance regimes. In his future work, he will move back to studying urban climate governance.

During his time as Chair in Regulatory Practice, he has studied innovations in regulation and the way in which good regulatory practice can deliver on Aotearoa/New Zealand's critical policy objectives. This allowed him to draw lessons from Aotearoa/New Zealand and elsewhere to improve regulation and its impact on economic and social performance. He has also been able to showcase Aotearoa/New Zealand best practice internationally.

Professor van der Heijden is an architect by training, and he became interested in regulatory governance when he worked for a consultancy firm in the early 2000s. It struck him that, whenever a building-related incident occurred, it was not the contractor, the engineer or the architect who was blamed by the media and the general public, but the (often municipal) building inspector. Seeking an answer to why that is the case, and considering how regulatory practice and regulatory governance could be improved, he embarked on a PhD and a further academic career in public governance, with a focus on regulation, enforcement and compliance. This ultimately led him to his current quest to understand how governments and others can uphold and strengthen their 'social licence to regulate', and whether regulatory stewardship is a promising means for doing this.

Professor van der Heijden is an Honorary Professor at the Australian National University (School of Regulation and Global Governance), and previously held positions at the University of Amsterdam (College of Law), Delft University of Technology (Faculty of Technology, Policy and Management), and Wageningen University (Environmental Policy Group). He will continue his work on urban climate transitions at Van Hall Larenstein University of Applied Sciences (Designing Future Green Cities Group). He has published widely on regulation and governance, having written five books and over 75 articles in leading academic journals. His books include *Urban Climate Politics* (Cambridge University Press, 2019, with Bulkeley and Certomà), *Innovations in Urban Climate Governance* (Cambridge University Press, 2017) and *Governance for Urban Sustainability and Resilience* (Edward Elgar, 2014).

Research

The research programme of the Chair in Regulatory Practice was built around four clusters and questions:

- **Regulation and governance of pressing societal problems.** In this cluster, we asked whether, and, if so, how, regulation (understood in its broadest sense as the institutions, processes and instruments put in place to steer behaviour towards desirable societal ends) can provide the appropriate incentives and disciplines to achieve desirable societal outcomes.
- **Advances in regulatory practice in central and local government regulatory agencies in Aotearoa/New Zealand.** Here we asked what the state of the art is in regulatory practice in Aotearoa/New Zealand (by international standards), and how this practice performs. We considered innovative regulators, regulatory instruments and regulatory processes in Aotearoa/New Zealand.
- **Advances in regulatory practice outside Aotearoa/New Zealand.** This cluster mirrors the previous one, and asked what the state of the art is in regulatory practice outside Aotearoa/New Zealand (by international standards), and how this practice performs.
- **Regulatory systemic change: Regulatory success and failure, and regulatory stewardship.** This cluster spanned the others, and we asked what conditions positively or negatively affect regulatory performance, what combinations of these conditions are likely to result in regulatory success or failure, and what stewardship roles and functions may increase the likelihood of regulatory success and reduce the risk of regulatory failure.

Systematic reviews

Each year up to two topics had central attention in the Chair’s research program. Through broad and systematic reviews of the international academic regulatory literature, the Chair sought to transfer state-of-the-art knowledge on regulatory governance to executives, managers and frontline workers. The following topics were covered:

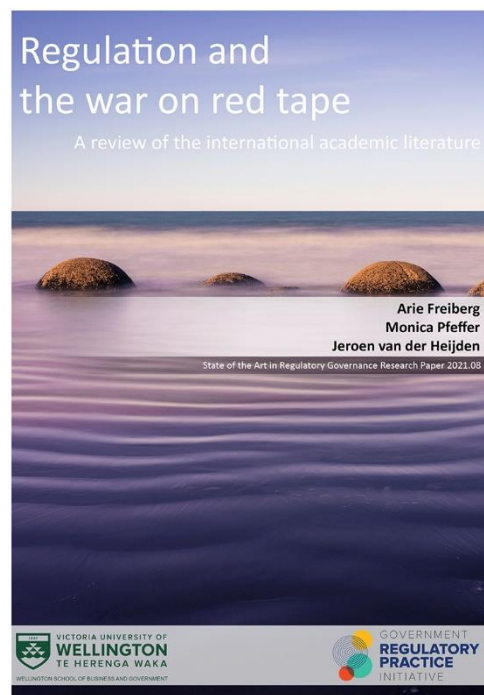
1. **Behavioural science and regulation:** Insights from behavioural economics and the behavioural sciences have rapidly entered regulatory policy and practice—an approach to regulation colloquially known as ‘nudging’. It remains a question, however, what opportunities and constraints regulatory practitioners—including street-level bureaucrats and regulatory front-office workers—encounter when implementing regulatory regimes building on nudging-type incentives, and, particularly, how they can overcome constraints experienced.
2. **Risk governance and risk-based regulation:** In regulatory governance and regulatory practice, ‘risk’ is probably one of the topics most talked about and least understood. The notion of risk is like the notion of time or happiness: we all know perfectly well what it is, until we try to explain it to others (or to ourselves, for that matter). Risk is intangible. It becomes somewhat unreal when we try to discuss and unpack it.

3. **Systems thinking and regulatory governance:** The terminology of regulatory systems is frequently used in regulatory policy and practice, but often without careful explanation of terminology. Therefore, the Chair has undertaken a broad scoping of the international academic literature on (complex adaptive) systems theory (including cybernetics) as it relates to regulatory governance and practice. This to understand how advances in systems thinking may help improving regulatory design and regulatory practice.
4. **Responsive regulation in practice:** Responsive regulation is one of the most discussed regulatory theories and approaches to regulation discussed in the academic literature. It is also widely followed in regulatory practice around the world. Yet, it remains unknown whether responsive regulation performs better than other approaches to regulation. To gain a better understanding of the performance of responsive regulation, the Chair has undertaken an extensive evidence synthesis of the peer-reviewed literature on responsive regulation.
5. **Politics of regulation:** How much politics goes into the development, implementation, evaluation, and reform of regulation? This question has been at the forefront of regulatory scholarship for over four decades. The Chair has mapped and explored this literature to gain a better understanding of the three major perspectives on the need to regulate—economic perspectives, public interest perspectives, and institutional perspectives—as well as the political motivations of recent regulatory reforms like responsive regulation, smart regulation, nudging, and the inclusion of non-governmental individuals and organizations in regulatory regimes.
6. **Regulatory failure:** Regulatory failure is much talked about, but little understood. Discussions about regulatory failure are often discussions about different understandings of what can be expected of regulatory governance and public regulation. The rhetoric of regulatory failure (typically a blame game) easily (and often) overshadows its analytical explanation. To improve our understanding of this topic, the Chair has carried out a broad scoping of the international academic literature on regulatory failure.
7. **Enforcement concepts and styles:** To gain a better understanding of the development of regulatory enforcement over time, the Chair has mapped the rich literature on regulatory enforcement. It first reviews classic debates on regulatory enforcement, including deterrence-based enforcement, compliance-based enforcement, and mixed strategies such as responsive regulation. From there, it reviews recent trends in regulatory enforcement, including (enforced) self-regulation, outsourced and privatised enforcement, regulatory intermediaries, risk-based regulation, and the embracing of information technology and insights from the behavioural sciences in regulatory enforcement.
8. **Implementing regulation:** For long, regulation has been conceptualised as one of many tools for public policy implementation. Questions are then posed about what types of regulation will be most suitable to achieve public policy goals. Yet, regulation itself needs to be implemented as well and it is in this process of implementing regulation that additional challenges rise: how can regulatory frontline workers (also referred to as street-level bureaucrats) best engage with the targets of regulation? How can regulatory agencies best allocate their limited regulatory resources? Whether should government undertake the implementation of regulation, or can it be done by others?

State of the Art in Regulatory Governance research paper series

The systematic reviews have all been published as open-access research papers through the Chair in Regulatory Practice's website. In addition to these, an additional five research papers were published:

1. **Regulatory philosophy, theory and practice: Ka mua, ka muri:** This paper explores the evolution of regulatory practices over the past 4,000 years, highlighting the shift from a rigid legalistic approach to a more innovative and community-oriented approach. It examines the challenges faced by regulators today and identifies ways to address them through continued innovation and collaboration with private sector stakeholders.
2. **Professionalising regulatory practice: Lessons from the New Zealand G-REG initiative:** This paper examines the New Zealand G-REG initiative, which aims to build a community of regulatory practitioners across all levels of government and regulatory systems. It argues that professionalizing regulatory practice is crucial to ensure effective regulation and avoid regulatory failures.
3. **Towards a profession of public regulation: Lessons from the New Zealand G-REG initiative:** This paper examines the opportunities and constraints of developing a profession of public service delivery, specifically in the delivery of public regulation. It presents lessons on how a standardized program can enhance the professionalism of public servants while balancing narrow and broad professionalism.
4. **New Zealand's Regulatory Stewardship as a guiding philosophy for regulatory reforms:** This paper advocates for Regulatory Stewardship as a guiding philosophy for regulatory reform, highlighting its contrast with other philosophies. It argues that regulators should consider the full performance of their regulatory systems and address trade-offs early on to effectively pursue regulatory reforms.
5. **Regulation and the war on red tape: A review of the international academic literature:** This paper reviews the international academic literature on reducing regulatory burdens on businesses and the alleged success of anti-red tape initiatives. It argues that regulation should be seen as an asset and its workforce professionalized, acknowledging its public value to deliver desirable societal, economic, and democratic outcomes.



Next two pages: front covers of State of the Art in Regulatory Governance Papers published between 2018 and 2023.

Behavioural insights and regulatory practice

A review of the international academic literature



Professor Jeroen van der Heijden
School of Government
Victoria University of Wellington

State of the Art in Regulatory Governance Research Paper 2019.01



Risk governance and risk-based regulation

A review of the international academic literature



Professor Jeroen van der Heijden
School of Government
Victoria University of Wellington

State of the Art in Regulatory Governance Research Paper 2019.02



Regulatory philosophy, theory and practice: Ka mua, ka muri

A review of the international academic literature



Professor Jeroen van der Heijden
School of Government
Victoria University of Wellington

State of the Art in Regulatory Governance Research Paper 2019.03



Systems thinking and regulatory governance

A review of the international academic literature



Professor Jeroen van der Heijden
School of Government
Victoria University of Wellington

State of the Art in Regulatory Governance Research Paper 2020.04



Professionalising regulatory practice

Lessons from the New Zealand G-REG Initiative



Pelin Fantham, Wendy Kale, Keith Manch, Nick McGirr, Dr. Peter Mumford, Sanjai Raj
with a foreword by Professor Jeroen van der Heijden

State of the Art in Regulatory Governance Research Paper 2020.05




Responsive regulation in practice

A review of the international academic literature



Professor Jeroen van der Heijden
Chair in Regulatory Practice
Victoria University of Wellington

State of the Art in Regulatory Governance Research Paper 2020.06



New Zealand's *Regulatory Stewardship* as a guiding philosophy for regulatory reforms

Professor Jeroen van der Heijden
Chair in Regulatory Practice
Victoria University of Wellington

State of the Art in Regulatory Governance Research Paper 2021.09



Towards a profession of public regulation

Lessons from the New Zealand G-REG Initiative

Professor Jeroen van der Heijden
Chair in Regulatory Practice
Victoria University of Wellington

State of the Art in Regulatory Governance Research Paper 2020.07



The politics of regulation

A review of the international academic literature

Professor Jeroen van der Heijden
Chair in Regulatory Practice
Victoria University of Wellington

State of the Art in Regulatory Governance Research Paper 2021.08



Implementing regulation

A review of the international academic literature

Professor Jeroen van der Heijden
Chair in Regulatory Practice
Victoria University of Wellington

State of the Art in Regulatory Governance Research Paper 2023.13



Enforcement concepts and styles

A review of the international academic literature

Professor Jeroen van der Heijden
Dr Olga Batura

State of the Art in Regulatory Governance Research Paper 2023.12



Regulatory failure

A review of the international academic literature

Professor Jeroen van der Heijden
Chair in Regulatory Practice
Victoria University of Wellington

State of the Art in Regulatory Governance Research Paper 2022.11



Engagement

Besides research activities, the Chair in Regulatory Practice has undertaken a range of engagement activities. Central to these were regulatory lectures and workshops, the blog *From the Regulatory Frontlines*, the YouTube channel *The Essence of Regulation*, and ongoing engagement with the broader public through invited lectures, key-notes and different media outlets.

Regulatory clinics, lectures and workshops

The mission of the regulatory clinics, lectures and workshops was to improve the regulatory literacy of those involved in regulatory issues. To fulfil this mission, over 60 regulatory clinics, lectures and workshops were provided. They included:

- *Systems thinking and regulatory governance*, Asian Productivity Organization, Tokyo, online – 30 June 2022
- *Ten Global Trends in Regulation*, ANZOG, Australia, online – 25 March 2022
- *Guiding philosophies for regulatory reforms: Exploring Regulatory Stewardship in New Zealand*, Korean Institute of Public Administration, online – 7 December 2021
- *The good, the bad, and the ugly of regulation in the 21st Century*, Prime Minister & Cabinet, Australia, online – 20 August 2021
- *The role of risk-based thinking in regulatory stewardship, Driving Risk-Based Regulation*, The Hatchery, Australia, online – 23 February 2021
- *Systems thinking and regulatory practice*, Government Regulatory Practice Initiative (G-REG), Wellington, New Zealand – 13 October 2020
- *Regulating risk: What's all the fuss about and how far have we come?*, Port & Harbour Marine Safety Code Forum 2020, online – 15 July 2020
- *Regulatory philosophy, theory and practice: Ka mua, ka muri*, Inaugural lecture, Victoria University of Wellington, New Zealand – 22 October 2019
- *How to maintain the social license to regulate?*, Government Regulatory Practice Initiative Annual Conference, Wellington, Christchurch, and Auckland, New Zealand – 17, 24 and 29 October 2019
- *Reforming regulatory governance: How Aotearoa/New Zealand aims to become a world leader in regulatory practice*, International Conference on Regulatory Governance, Hong Kong SAR: Chinese University of Hong Kong - 6 July 2019
- *In search for good regulatory governance*, Federal Aviation Administration/Asia-Pacific Bilateral Partners Dialogue Meeting 2019, Queenstown, New Zealand – 16 April 2019
- *Regulatory stewardship and implications for standard bodies*, Pacific Area Standards Congress (PASC) - PASC/ISO Workshop, Wellington, New Zealand – 8 April 2019
- *Nudging NZ: The use of behavioural insights in effective regulation*, Government Economics Network Annual Conference, Wellington, New Zealand – 9 November 2018

These lectures and workshops have attracted over 5,000 participants, with the majority coming from sponsoring agencies.

Please note: As a result of the COVID-19 crisis, we have had minimal opportunities to engage with the New Zealand regulatory community through workshops and lectures in the first half of 2020 through to the second half of 2022.

From the Regulatory Frontlines (blog)

The mission of the ***From the Regulatory Frontlines*** blog is to be an online source of regulatory news, analysis and opinion for central and local government regulatory agencies in Aotearoa/New Zealand and overseas. It also serves as an online beacon to allow the general media (and other interested parties) to find the Chair and get relevant information on its work. Between 2018 and 2023, the Chair has posted 74 posts. Keith Manch, the Chief Executive and Director at Civil Aviation Authority of New Zealand, has contributed 7 guest posts.

Since its launch in August 2018, it has had over 30,000 views from close to 15,000 visitors. Over time, the blog also has gained traction outside of Aotearoa/New Zealand, with some 60% visits being from overseas over the lifetime of the blog.

The Essence of Regulation (YouTube Channel)

Regulation and regulatory governance affect each and every aspect of our lives. From the day we're born to the day we die, we are subject to rules, regulations, monitoring, and enforcement by governments and others. We often take regulation for granted... until it stands in our way of leading a happy and fulfilling life. ***The Essence of Regulation*** YouTube Channel aims to increase our regulatory literacy so that we can better manage our way through the myriad of regulatory processes and instruments that affect us each and every day.

Starting in 2021, the Chair in Regulatory practice has published series of 16 videos to capture the essence of regulation. The videos are short and snappy (5 to 7 minutes each). Each video is a brief lecture and addresses a key theme from the regulatory literature. The topics of the YouTube Channel closely follow those of the systematic literature review. Since its launch in 2021, the videos on the YouTube Channel have been viewed over 7,000 times.

In the media

In addition to the above, the following media outlets have approached the Chair for opinions between 2018 and 2023. These include:

- Interview, **Understanding the new horizons in regulatory policymaking**, InTheBlack (1 December 2021)
- Opinion, **The vanity of promising a regulation bonfire**, Newsroom (13 March 2020)
- Opinion, **What to do about NZ's regulation failures?**, Newsroom (22 October 2019)
- Interview, **The Regulator: friend or foe of Sydney property buyers?**, CURTISecALL (10 July 2019)
- Interview, **Exclusive sports events risky for regulators: expert**, Stuff NZ (26 January 2019)
- Interview, **A single sentence in a letter could earn Ministry of Justice \$1.7 million**, Stuff NZ (15 January 2019)
- Interview, **Science is shaping how you behave. Here's how**, Stuff NZ (31 August 2018)

Academic publications and performance

Between 2018 and 2023, the Chair in Regulatory Practice, Professor Jeroen van der Heijden has published 36 peer-reviewed journal articles, 9 conference papers, and 18 book chapters. These publications are available upon request.

A large number of these publications build on Professor Jeroen van der Heijden's earlier empirical research on urban climate governance. Notable publications on regulatory governance and practice are:

- Flavia Donadelli and Jeroen van der Heijden (early view online) **“The Regulatory State in developing countries: Redistribution and regulatory failure in Brazil”**, *Regulation and Governance*, DOI: 10.1111/rego.12459.
- Jeroen van der Heijden (2022) **“The end of Nudge and the beginning of The Behavioral Code?”**, *Regulation & Governance*, 16(3), 974-978.
- Jeroen van der Heijden (2022) **“The value of systems thinking for and in regulatory governance: An evidence synthesis and research agenda”**, *SAGE Open*, 2022(April), 1-12.
- Arie Freiberg, Monica Pfeffer and Jeroen van der Heijden (2022) **“The ‘forever war’ on red tape and the struggle to improve regulation”**, *Australian Journal of Public Administration*, 81(2), 436-454.
- Jeroen van der Heijden (2022) **“The Politics of Regulation: Mapping Four Decades of Debates (1980-2020)”** IN: Sager, F., Ladner, A., and Bastianen, A. (eds), *The Politics of Public Administration – A Handbook*. Cheltenham: Edward Elgar, 161-172.
- Jeroen van der Heijden (2021) **“Why meta-research matters to regulation and governance scholarship: An illustrative evidence synthesis of responsive regulation research”**, *Regulation & Governance*, 15(S1), S123-S142.
- Jeroen van der Heijden (2021) **“Risk as an approach to regulatory governance: An evidence synthesis and research agenda”**, *SAGE Open*, 2021(July-September), 1-12.
- Jeroen van der Heijden (2021) **“Balancing narrow and broad public service professionalism: Experience with the New Zealand G-REG qualifications framework”**, *Administration and Society*, 53(3), 410-438.
- Jeroen van der Heijden (2021) **“Regulation as Public Service, Public Servants as Regulators”** IN: Sullivan, H. and Dickson, H. (eds), *Palgrave Handbook of the Public Servant*. New York: Palgrave Macmillan, 704-720.
- Jeroen van der Heijden and Graeme Hodge (2021) **“Ten global trends in regulation: A future outlook”** IN: Sullivan, H. and Dickson, H. (eds), *Palgrave Handbook of the Public Servant*. New York: Palgrave Macmillan, 741-759.

Education

Through the regulatory lectures, clinics and workshops, the Chair in Regulatory Practice actively engaged in professional and executive education and teaching. Other educational activities related to the Chair's engagement with the Aotearoa/New Zealand Certificate in Regulatory Compliance, PhD and MSc student supervision, and the development and provision of a Post-Graduate Certificate in Public Management with a specialisation in regulation.

Postgraduate Certificate in Public Management

In 2022 and 2023, the Victoria University of Wellington's School of Government has offered a Post Graduate Certificate in Public Management (PGCPM) with a focus on regulatory governance in practice. The PGCM has been developed in association with the Government Regulatory Practice Initiative (G-REG) and the Skills Organisation. The PGCPM is targeted at experienced public officials, particularly those who are regulatory or policy practitioners in or aspiring to management in central or local government organisations. The PGCPM will expand their understanding of the theory and practice of public management and regulatory practice in the 21st century in Aotearoa/New Zealand and open career development options. Participation leads to upgraded personal competencies and capacities as managers and the ambition, imagination and courage to improve practice in regulatory organisations.

The Chair in Regulatory Practice has been involved in the development of the PGCPM, and Prof Jeroen van der Heijden has taught one of the modules in the PGCPM (**GOVT536 Regulatory Policy**) in 2022 and 2023.

Masterclass in Regulation

Initiated by the Regulatory Chairs' Group, the Chair in Regulatory Practice has developed and delivered training in regulation to Board Members of regulatory agencies. The program was named *Regulatory Governance Training for Boards* in 2019 and 2020. It was relaunched as *Masterclass in Regulation* in 2021. The program has been offered to eight cohorts of approximately 10 participants each between 2019 and 2023.

This programme explores fundamental aspects of regulatory practice as they apply to modern regulatory and compliance organisations. The program's central aim is to increase the regulatory literacy of board members of regulatory agencies and others at the executive level. The program is a series of four online live sessions of two hours each, facilitated by Jeroen. Each session takes 90 minutes and is broken into 4 segments of 20 minutes each. Each segment addresses a critical element of regulatory and compliance history, concepts, and theories. They are pitched in a way relevant to the governance of regulatory and compliance organisations.

The Aotearoa/New Zealand Certificate in Regulatory Compliance 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 example of a systematic approach to the training of staff in government and non-government organisations working in a regulatory compliance environment. Between mid-2019 and mid-2020 the Chair in Regulatory practice has evaluated the qualification framework. The evaluation is available as a research paper (**Towards a profession of public regulation: Lessons from the New Zealand G-REG initiative**).

PhD and MSc supervision

The Chair in Regulatory Practice has supervised the following students:

- Michael Howden (Victoria University of Wellington, MSc student; completed 2021)
- Adriana Sanchez Gomez (University of New South Wales, PhD student; completed 2020)
- Ryan Wong (Australian National University, PhD student; completed 2020)
- Sayel Cortes (Wageningen University, PhD student; completed 2022)
- Geetanjali Sharma (Victoria University of Wellington, PhD student; ongoing)
- Shengnan Wang (Australian National University, PhD student; ongoing)

Some reflections building bridges between academia and practice

A central task for the Chair in Regulatory Practice was to build bridges between academia and practice and between practice and academia. When starting the Chair, our ambition was to increase the knowledge on regulatory governance of regulatory practitioners in Aotearoa, and to advance the scholarship on regulatory governance with their real-world experiences. The earlier mentioned initiatives all served this ambition.

It goes without saying that building such bridges is challenging. Several reasons stand out:

- **Different goals:** Academia and practice have different goals. Academia is focused on advancing knowledge and theory, while practice is concerned with applying knowledge to real-world problems. This can lead to differences in priorities, language, and ways of thinking.
- **Time constraints:** Academics are often focused on long-term research projects and publishing research results, which can take years to complete. On the other hand, practitioners often work in fast-paced environments with immediate deadlines and practical outcomes. This can make it difficult for academics to keep up with the latest developments in practice and for practitioners to wait for the results of academic research.
- **Communication barriers:** Academics and practitioners may speak different languages or use technical jargon that is unfamiliar to the other party. This can make it difficult to communicate ideas and collaborate effectively.
- **Incentive structures:** The incentive structures in academia and practice can be very different. Academics are often rewarded for publishing in prestigious academic journals and obtaining grants, while practitioners are rewarded for achieving practical outcomes and meeting targets. This can create tensions and misunderstandings between the two groups.
- **Cultural differences:** Academia and practice have different cultures, norms, and values. Academia values objectivity, rigor, and intellectual curiosity, while practice values practicality, efficiency, and results. These cultural differences can create misunderstandings and tensions between the two groups.

To some extent, the Chair in Regulatory Practice has encountered these challenges too. In addition to these, the following specific challenges stood out over the five-year period of the Chair:

- Between 2018 and 2019, sponsors often expected the Chair in Regulatory Practice to provide practical advice from the regulatory literature for their specific regulatory challenges. However, the regulatory literature typically does not offer one-size-fits-all solutions, and the Chair lacked the resources to conduct research informed by this literature to provide meaningful advice. Sponsors needed to be made aware that their detailed challenges were reflective of broader regulatory issues that were already being debated in the literature *but* that it does not provide applicable solutions. Rather, the literature provides helpful frameworks and sponsors can use these to develop tailored solutions to their challenges.
- It has not always been clear to the sponsors of the Chair that a rounded academic position involves education and engagement ('building a bridge from academia to practice') *and* knowledge generation that follows the criteria of academic research and scrutiny ('building a bridge from practice to academia'). Whilst the Chair has been reasonably successful in achieving the former, without the latter, the role of the Chair effectively is little more than that of a traditional consultant or that of an inhouse government intelligence officer. Over time, the Chair has been given very little access to and support with carrying out empirical research within the sponsoring agencies.

- The sponsors of the Chair in Regulatory Practice have not fully understood that the Chair's success depends on their financial and in-kind contributions *as well as* their engagement with the initiative. The metrics presented earlier suggest that the Chair has been successful in producing much output and reaching a wide audience in Aotearoa/New Zealand and beyond. However, when it comes to the impact of the Chair, the story is different. Despite Aotearoa/New Zealand having a regulatory community of 12,000 people, this community has shown very little interest in the Chair's work overall.¹ The key lesson here is that for initiatives like the Chair in Regulatory Practice to be successful, sponsoring Agencies must actively disseminate the Chair's outputs within their Agencies and incentivize their staff to engage with the academic(s) they are sponsoring.
- It has not always been clear to the sponsors that to advance knowledge some cases are more relevant than others.² They have been hesitant to provide the Chair with access to cases that are of interest from an academic perspective arguably because they were worried that an independent academic inquiry will reveal problems or shortcomings in their regulatory process. They may also have been concerned that their regulatory innovation was not yet ready for academic scrutiny. The key lesson here is for academics to be clear that their goal is to advance general knowledge, not just critique specific cases. It may be helpful to explain that they are interested in understanding why a certain regulatory approach resulted in different outcomes than 'predicted' by the regulatory literature and how this knowledge can benefit the broader regulatory community and the sponsoring agency.

Despite such challenges, the Chair in Regulatory Practice has made significant contributions to regulatory policy and practice in New Zealand. One way in which the Chair has contributed is by providing a platform for regulatory practitioners to share their knowledge and experiences, thus promoting a better understanding of regulatory governance in the country. The Chair has also been successful in disseminating its outputs to a wide audience, both in Aotearoa/New Zealand and internationally, which has helped to raise the profile of regulatory practice in the country.

Furthermore, the Chair has helped to advance the Government Regulatory Practice Initiative (G-REG) by providing valuable insights and expertise on regulatory governance. This has enabled G-REG to develop more effective engagement activities and work towards a community of practice. In conclusion, while the Chair in Regulatory Practice has faced many challenges over the past five years, it has made a meaningful contribution to regulatory policy and practice in Aotearoa/New Zealand. Its success has been due in large part to the support of its sponsors, who have provided the necessary financial and in-kind contributions to make the initiative possible. Going forward, it will be important for the sponsors of the Chair and G-REG to continue disseminating its outputs to ensure that it continues to have a positive impact on regulatory governance in the country.

¹ Between 2018 and 2023, we have only attracted 1 PhD student and 1 MSc student to work with the Chair; despite considerable marketing, we have had fewer than 40 participants in the PGCPM; the YouTube channel has fewer than 200 subscribers; the blog has fewer than 50 subscribers; and perhaps most indicative, whilst the annual readership of the blog has grown rapidly, readership from Aotearoa/New Zealand has dropped from 86% of all readers in 2018 to a mere 8% in 2023.

² For example, the turn to Regulatory Stewardship in Aotearoa/New Zealand is unique globally and could serve as a valuable case study for the academic community and regulators elsewhere. Similarly, the challenges faced by the New Zealand Transport Authority in 2018 highlighted issues with responsive regulation, reliance on regulatory intermediaries, and light-touch audits, all of which were once considered best practices in regulatory literature.

Appendix A – The initial 5-year plan for the Chair (2018-2023)

The Chair in Regulatory Practice ('the Chair') in the School of Government, Victoria University of Wellington, is part of the Aotearoa/New Zealand Government Regulatory Practice Initiative (G-REG). G-REG is a network of central and local government regulatory agencies that has been established to lead and contribute to regulatory practice initiatives. It works on actions that improve leadership, culture, regulatory practice and workforce capability in regulatory organisations and systems.

Professor Jeroen van der Heijden commenced his role as Chair in Regulatory Practice on 30 July 2018. This document sets out the overarching 5-year plan for the Chair (2018-2023) as agreed on with the sponsors of the Chair in August 2018.

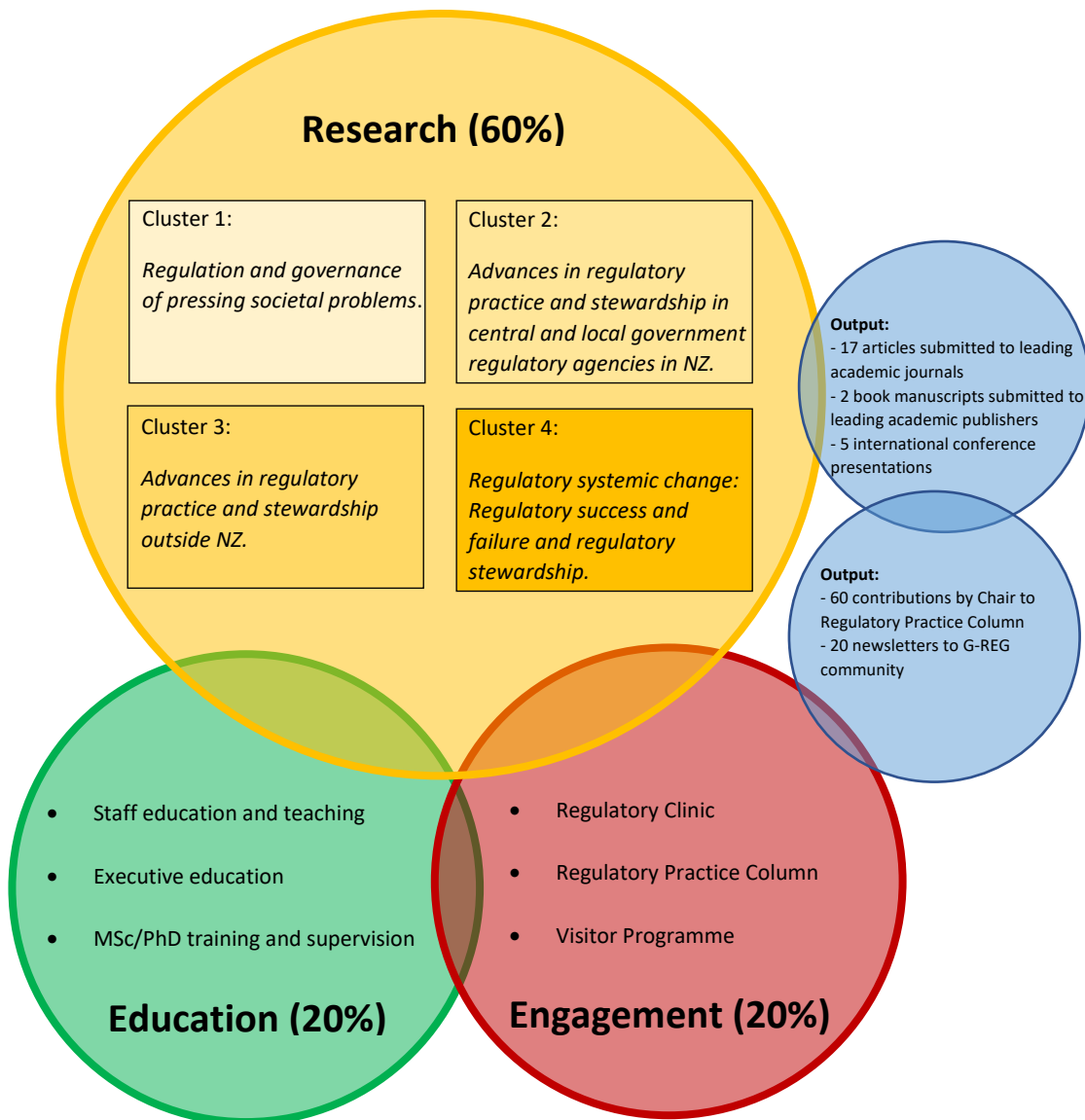


Figure 1 – Chair activities in 2018 - 2023

The aim of the Chair

Through world-leading research on regulatory practice, active engagement with the G-REG community, and contributions to the training of those involved in regulatory issues, the Chair aims to help improve regulation in Aotearoa/New Zealand and the impact of this regulation on economic and social performance. The Chair defines regulation broadly as the institutions, processes and instruments put in place to steer behaviour towards desirable societal ends.

Vision of success

The success of the Chair will be demonstrated by:

- A significant contribution to G-REG by the production of high-impact and novel research outputs that include conceptual and theoretical advances in understanding regulation and governance, regulatory practice and regulatory stewardship.
- The Chair being recognised by central and local government regulatory agencies in Aotearoa/New Zealand as a leading hub in regulatory research and knowledge dissemination.
- The Aotearoa/New Zealand government in general, and G-REG in particular, being recognised in the international academic community as a global frontrunner for its structured cross-government regulatory practice programme and its ongoing ambition to improve regulatory stewardship.
- Active engagement with and contribution to regulatory practice and regulatory stewardship in Aotearoa/New Zealand and elsewhere.
- A continuation of the Chair beyond its initial 5-year funding period, possibly as the Victoria University of Wellington Centre for Regulatory Governance.

Assessment criteria

- Alignment with the objectives and stated goals of the Terms of Reference to the Funding Agreement for the Chair (12 May 2017) and the G-REG annual work programmes (2018-2023).
- Potential to push the frontiers of regulatory practice research.
- The likelihood of the research achieving pioneering theoretical or methodological innovation.
- The capacity of the research to deliver outcomes that help to improve regulation in Aotearoa/New Zealand and the impact of this regulation on economic and social performance.
- The capacity of the engagement to deliver outcomes that help to improve regulation in Aotearoa/New Zealand and the impact of this regulation on economic and social performance.

Activities

To achieve success, the Chair will work on the following activities:

- Research programme (academic leadership; 60%)
 - Research cluster 1: *Regulation and governance of pressing societal problems.*
 - Central research question: Can regulation (understood in its broadest sense) provide the appropriate incentives, disciplines and institutions to achieve desirable societal outcomes and, if so, how can it do this?
 - The initial focus of this research is on climate change and cities. This broad topic allows for the involvement of, and will generate knowledge relevant for, all the sponsoring agencies.
 - Research cluster 2: *Advances in regulatory practice and stewardship in central and local government regulatory agencies in New Zealand.*
 - Central research question: What is the state of the art in regulatory practice in New Zealand (by international standards), and how does this practice perform?
 - This research will consider innovative regulators, regulatory instruments and regulatory processes in New Zealand. Each year, five in-depth case studies will be carried out to explore the development, implementation and performance of innovations that are of interest to regulatory practitioners and academics around the globe.
 - Research cluster 3: *Advances in regulatory practice and stewardship outside New Zealand.*
 - Central research questions: What is the state of the art in regulatory practice outside New Zealand (by international standards), and how does this practice perform?
 - This research will consider innovative regulators, regulatory instruments and regulatory processes outside New Zealand. Each year, five case studies will be carried out and compared to draw lessons for regulatory practitioners and academics in New Zealand.
 - Cluster 4: *Regulatory systemic change: Regulatory success and failure and regulatory stewardship.*
 - Central research questions: What conditions positively or negatively affect regulatory performance, what combinations of these conditions are likely to result in regulatory success or failure, and what stewardship roles and functions may increase the likelihood of regulatory success and reduce the risk of regulatory failure?
 - Building on data collected in Clusters 1-3 and using a comparative configurational methodology, selected cases will be systematically studied to uncover pathways towards regulatory success and regulatory failure. These pathways will inform mid-term and long-term policy development.
 - Anticipated output from research activities:
 - A total of at least 17 articles submitted to leading academic journals and at least two book manuscripts submitted to leading academic publishers over the period 2018-2023.
 - A total of at least five international academic conference presentations (one per year) to showcase the state of the art in regulatory practice and stewardship in New Zealand to an international academic audience.

- Engagement programme (organisational capability; 20%)
 - Regulatory clinics
 - A series of lectures and workshops at the sponsoring agencies for discussion and workshops on regulatory practice topics and question sessions with staff. On a rotating basis between the agencies.
 - Regulatory blog
 - The launch of an online source of regulatory news, analysis and opinion for central and local government regulatory agencies in New Zealand. The Regulatory blog will also serve as an online beacon to allow the general media (and other interested parties) to find the Chair and obtain relevant information on its work.
 - Visitor Programme
 - Development and management of a (funded) visitor programme. Prospective international visitors will be invited to apply for financial support to visit the Chair and carry out research within the Victoria University of Wellington for up to two weeks (longer visits need to be self-funded). International visitors are expected to participate in the Chair's engagement programme.
 - Anticipated output from engagement activities:
 - At least one contribution per month by the Chair to the regulatory blog. A total of 60 contributions over the course of the first five years.
 - Four newsletters per year for the G-REG community to summarise highlights and relevant further discussions in the regulatory blog. A total of 20 newsletters over the course of the first five years.

- Education programme (professional community; 20%)
 - Education and Teaching
 - Training of staff in government agencies through: (1) participation in, and support with shaping, G-REG annual conferences; (2) support for G-REG in development/implementation of Certificate in Regulatory Compliance; and (3) conducting seminars and workshops for junior and middle-ranking staff of funders of the Chair.
 - Executive education through: (1) conducting seminars and workshops for senior staff of funders of the Chair; and (2) executive training programmes.
 - Training and supervision of graduate and PhD students related to the activities of the Chair.
 - Guest lectures where relevant on Victoria University of Wellington courses.

Contact details and further information

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Further information

For more information on the Chair in Regulatory Practice, please visit

- **www.victoria.ac.nz/sog/researchcentres/chair-in-regulatory-practice**

For regular updates on the work of the Chair, please visit

- **www.regulatoryfrontlines.blog/**

For more information about Professor Jeroen van der Heijden, please visit

- **www.jeroenvanderheijden.net**