

# Professionalising regulatory practice

Lessons from the New Zealand G-REG Initiative

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with a foreword by Professor Jeroen van der Heijden

State of the Art in Regulatory Governance Research Paper 2020.05



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The Chair in Regulatory Practice in the School of Government, Victoria University of Wellington, is part of the 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 is sponsored by ten agencies within G-REG, the Treasury, and the Victoria University of Wellington.

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

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## Abstract

The pervasive impact of regulation on society, coupled with regulatory failures often attributed to the performance of regulators, calls for the professionalisation of regulation as a practice, vocation, and discipline. To this end, governments and non-governmental organisations around the world have begun to explore pathways to build out the regulatory profession. New Zealand's Government Regulatory Practice (G-REG) Initiative is one of these, and unique in that it seeks to build a professional community of regulatory practitioners across all levels of government and all regulatory systems. This research situates the G-REG initiative in an international context of regulatory professionalisation initiatives, and discusses the motivations for, and experiences with, developing a professional community of regulators within the public sector in New Zealand.

Note: this research paper is an early draft of a book chapter that will appear in *The Palgrave Handbook of the Public Servant* (2020) edited by Helen Sullivan, Helen Dickinson, and Haley Henderson.





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## Foreword

Historically when we think about the public service, we do not tend to think about it as a profession (Lauer Schachter, 2007; Mitchell, 1941; Stahl, 1937; Stokes, 1996). Yes, there are many professionals working *in* the public service (such as city planners, accountants and lawyers), but there are central differences between their professions and *the* profession of public service delivery (Noordegraaf, 2013; Pugh, 1989; Rosenbloom, 1984). More and more those working in the public service are expected to hold specialised knowledge in public service delivery and to apply this knowledge ethically towards the good of broader society (Bøgh Andersen & Holm Pedersen, 2012; Dyer, 2018). Over the last decade and around the globe, we have witnessed ongoing calls for a move towards a profession of public service delivery or parts thereof by policymakers, public servants, and scholars (Chen, Hsieh, & Chen, 2019; Grugulis & Vincent, 2009; Nhede, 2018; OECD, 2017; Wang, Burgess, & Xiao, 2019).

Broadly speaking, a profession incorporates some or all of the following elements: a shared body of specialised and applied knowledge; shared ethics and a grounded culture (i.e. professional code of conduct); community sanctions against violations of professional ethics; intensive training and formal qualification as entry to and development within the profession (i.e. certification and licensing); continuing education requirements; and career development (i.e. advancement opportunities) for members of the profession (De Beelde, 2002; Greenwood, 1957; Tapper & Millett, 2015). It is essential for a profession to maintain high standards in order to enhance and preserve its reputation in society (Pratten & Lovatt, 2005). If a profession is capable of upholding its standards over a long time period, it may become seen as crucial for the prosperity or survival of its sector within society, or at least for the clientele it serves (Burns & Haga, 1977; Prier, McCue, & Behara, 2010). In its most idealised form, a profession seeks to develop and nurture the competencies and knowledge of its members to meet the needs of society (Sennet, 2008).

Building a profession is all but easy, as becomes clear when reviewing the history of traditionally recognised professions, such as accounting and planning, and more contemporary ones such as project management and data science (Lee, 1991; Peck, 2009; Pollack & Alego, 2015; Prier et al., 2010; Walker, 2015). Building a profession of public service delivery (or parts thereof) may be even more challenging than building professions in the private sector. Historically, the need for training of public servants in public service delivery (a cornerstone of the building of a profession) is seen as less relevant than training them in the contextual technicalities of their policy area (OECD, 1997). This practice helps public servants strengthen their policy area expertise and solve day-to-day problems, but it does not challenge them to stand back and reflect on what it means to be *delivering* public services (Bilmes & Gould, 2009; Clarke, 1998). Additionally, both in historical and contemporary examples, there has been some resistance to pursuing the development of a profession of public service (or parts thereof) because many professions have been considered self-interested, rent seeking entities that ultimately aim to protect their members rather than serve the public good (Pugh, 1989; Saks, 2012).

In a nutshell, there are increasing calls for the development of a profession of public service delivery (or parts thereof). While facing a long history of economic, societal, and political challenges, governments around the world can no longer ignore these calls.

The New Zealand Government Regulatory Practice Initiative (G-REG) is a world leading example of a group of regulatory agencies that is working together towards a professional community of regulators. To understand the challenges and opportunities faced by G-REG in building a 'profession of public regulation', this research paper maps, explores, and interrogates the history of G-REG through the eyes of people within G-REG.

This research paper offers a unique glimpse behind the scenes that will, no doubt, be of interest to regulatory and other government agencies around the world, as well as to scholars of public administration, governance, policy, and law. The research paper is an early draft of a book chapter that will in due course appear in *The Palgrave Handbook of the Public Servant* (2020) edited by Helen Sullivan, Helen Dickinson, and Haley Henderson.

Professor Jeroen van der Heijden, Chair in Regulatory Practice

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# 1 Introduction: The professionalisation of regulation

Since the 1980s, insights on regulation have changed rapidly resulting in continuing suggestions of alternatives for the design and implementation of regulation, as explored in the previous two chapters (Hodge, this volume; van der Heijden, this volume). In addition, regulation has undergone a process of increasing specialization and fragmentation, and nowadays regulation is considered a ‘craft’ that requires craftspeople for its development and implementation (Lodge & Wegrich, 2012; Sparrow, 2000). Put differently, regulation as a practice, vocation and discipline calls for regulatory professionals and regulatory professionalism particularly to deal with quality problems in the expert work that regulation has become (Friedson, 2010).

Broadly speaking, professionalisation ‘refers to the assimilation of the standards and values prevalent in a given [occupation]’ (Black, 1970, 865). Professionalisation is then assumed to increase the likelihood that individuals within an occupation behave in ways considered desirable in that occupation, and that those deviating from such desirable behaviour are sanctioned by their colleagues, the organisations they work for, or other organised bodies. Showcasing this desirable behaviour likely helps individuals to be successful in their careers, and will help the occupation—both as a group and for its individual members—to gain legitimacy, power and status in the eyes of those it serves (Forsyth & Danisiewicz, 1985; Timmons, 2010; Wilson, 1989). Logically, professionalisation of the individual and the group will also support the professionalism of the organisations in which they work and more professional regulatory practice (at the individual and organisational level) will underpin the delivery of greater public value.

The call for professionalisation of regulation has been taken up around the globe (Levi-Faur, 2005; van der Heijden, 2017). To train those who enter or are in the regulatory profession, research institutes dedicated to studying regulation have emerged and educators provide degrees in regulation. Dedicated academic and practitioner journals have been established (such as *Regulation & Governance*) and help the dissemination of knowledge on regulatory theory and practice. Associations of regulatory professionals have been established to influence the professional conduct of regulators (such as the Australian Institute of Building Surveyors—AIBS and the Canadian Network of National Associations of Regulators—CNNAR), and professional (transnational) networks of regulators offer their members forums to share knowledge and resources (such as the Australasian Environmental Law Enforcement and Regulators neTwork—AELERT and the International Association of Gaming Regulators—IAGR).

Little is known, however, about how the process of professionalisation unfolds over time within communities of regulatory practitioners. In this chapter we address this knowledge gap through an in-depth case study (Yin, 2003) of the New Zealand’s Government Regulatory Practice (G-REG) Initiative. G-REG is a network of central and local government regulatory agencies and has been established, in its current form since 2015, to lead and contribute to regulatory practice initiatives in New Zealand. It works on actions that improve leadership, culture, regulatory practice and workforce capability in regulatory organisations and systems. By doing this G-REG aims to bring together the regulatory workforce and create a professional regulatory community.

In what follows we first sketch the history of G-REG, explain what spurred it and describe what it is doing. We then zoom in and discuss some G-REG initiatives and the benefits of core G-REG components using the mechanism of ‘real’ participant’s observations (all authors of this chapter are actively involved in G-REG). We conclude our contribution with a reflection on the progress made so far in professionalising regulatory practice by G-REG, and discuss the main lessons learnt for regulators and public servants elsewhere.

## 2 What spurred G-REG and what it is doing

G-REG is best understood as part of the New Zealand Government's recent history of focusing on the quality of regulation. The timeline of the Government's major regulatory related decisions (Figure 1 – middle column) since 1994 summarises key actions and also shows how the focus has evolved over time, 'moving away from standardised requirements imposed by Ministers and central agencies to a strategy that taps the professionalism and contextual knowledge of the agencies that have the stewardship responsibility for government regulation' (Treasury, 2017).

Initially, during this period, the primary focus was on the quality of *design* of regulation (Manch, 2014). This aligns with similar initiatives launched elsewhere in the late 1990s and early 2000s, such as the European *Better Regulation Agenda* (Radaelli, 2007). However, the process of evolution in New Zealand included the introduction of a focus on the capability of regulators and the quality of regulatory *implementation* activity (that is, *regulatory practice* – activity carried out by what might be referred to as 'front-line' regulators, 'street level bureaucrats', or 'regulatory compliance' organisations, e.g., Lipsky, 1980; May & Winter, 2009).

The Treasury timeline in Figure 1 refers to the establishment of G-REG in 2015, as a response to the NZ Productivity Commission's 2014 report on Regulatory Institutions and Practices (New Zealand Productivity Commission, 2014).

Figure 1 - Timeline

Year	Government Policy and Regulatory Policy Tools	CCCP / G-REG activity
1994	<ul style="list-style-type: none"> <li>Government releases Business Compliance Cost Reduction policy/discussion paper</li> </ul>	
1996	<ul style="list-style-type: none"> <li>Compliance Costs Statements required for Cabinet papers</li> </ul>	
1997	<ul style="list-style-type: none"> <li>Quality of Regulatory Interventions Review</li> <li>Government agrees to Code of Good Regulatory Practice, Generic Policy development process, Regulatory Impact Statements (RIS)</li> <li>Government investigates but later rejects a Regulatory Responsibility Act, and a Regulatory Taskforce to assess regulation stock.</li> </ul>	
1998	<ul style="list-style-type: none"> <li>RIS required for Cabinet papers</li> </ul>	
2000	<ul style="list-style-type: none"> <li>The Compliance Cost reduction programme is established</li> </ul>	
2001	<ul style="list-style-type: none"> <li>RIS requirements strengthened</li> <li>Business Compliance Cost (BCC) Statements put in RISs</li> <li>RIS/BCCs included in Explanatory Note of Bills</li> <li>Departments to consult the Regulatory Impact Analysis Unit (RIAU) in the Ministry of Economic Development on draft RISs</li> <li>RIAU assessment of RIS included in Cabinet paper.</li> </ul>	



Figure 1 - continued

2007	<ul style="list-style-type: none"> <li>Regulatory Impact Analysis (RIA) requirements strengthened</li> <li>Publication requirements extended to all RISs</li> <li>RIS to include implementation/review section</li> <li>Discussion documents to include RIS elements</li> </ul>	
2008	<ul style="list-style-type: none"> <li>RIAU transferred from Ministry of Economic Development to Treasury</li> <li>Regulatory Reform Ministerial portfolio established</li> </ul>	CCCP starts up
2009	<ul style="list-style-type: none"> <li>Government Statement on Regulation: “Better regulation, less regulation” released Regulatory Review Programme is established</li> <li>RIA requirements strengthened</li> <li>Preliminary Impact and Risk Assessment required at start of policy process</li> <li>Department must own RIS advice, must sign RIS</li> <li>Must disclose gaps, limitations of analysis</li> <li>Post-implementation reviews for poor/no RIS. Annual regulatory plans and scans required</li> </ul>	<ul style="list-style-type: none"> <li>Development of qualifications</li> <li>Achieving Compliance launched</li> <li>Development of an operational arm</li> <li>Trialling effective regulatory practice workshops</li> <li>Development of practice skills framework</li> <li>Working on next iteration of qualifications</li> </ul>
2011	<ul style="list-style-type: none"> <li>Regulatory Standards Bill proposed by independent Regulatory Responsibility Taskforce is introduced</li> </ul>	
2013	<ul style="list-style-type: none"> <li>State Sector Act makes department chief executives responsible for stewardship of legislation administered by department</li> <li>Govt releases Initial Expectations for Regulatory Stewardship for departments</li> <li>Departmental Disclosure Statement required when a Government Bill or substantive SOP introduced</li> </ul>	
2015	<ul style="list-style-type: none"> <li>Government responds to NZ Productivity Commission report on Regulatory Institutions and Practices</li> <li>Legislation Design and Advisory Committee (LDAC) is established</li> </ul>	
2016	<ul style="list-style-type: none"> <li>Major regulatory departments publish their first departmental regulatory stewardship strategies</li> </ul>	G-REG grows and develops with a range of people, organisational and community development activities
2017	<ul style="list-style-type: none"> <li>Government releases updated “Government Expectations for Good Regulatory Practice”</li> </ul>	

While G-REG was indeed established in its current form in 2015 it was something that was influenced generally by a number of contextual factors, including the impact of ideas of international experts such as Sparrow, Black and Braithwaite (Manch, Mumford, Raj and Wauchop, 2015); and more directly, by work that had commenced in 2008 (Figure 1 – right hand column) from very modest beginnings driven by an awakening amongst a number of regulatory practitioners that the

development of competency in regulators wasn't being addressed effectively by the way it was being done at that time.

In fact, for some time, New Zealand Police had essentially been the informal training and 'feeder' organisation for the regulatory sector (For example, in 2010, ex-Police made up approximately 50% of New Zealand's non-Police regulatory workforce). While some regulatory agencies had structured training and certification programmes for incoming staff, most didn't. There was an assumption that no further training was required for ex-Police to move from a policing context, often with a strong 'crime fighting' focus, into what can be a more nuanced regulatory context. They were left to their own devices to figure out how to operate in this new space. They were also expected to pass on their skills and knowledge to colleagues who had neither a policing nor regulatory background nor experience. Many of these colleagues came from the industries they were regulating and identified strongly with those industries.

Clearly there were some risks here. A lack of collective consciousness, the constant individual agency level exploration of what regulatory work entailed and how to best go about it and the multiple and inconsistent efforts to build capability could only result in inefficiencies, confusion and potentially even regulatory failure. Staff knew and expressed this directly. They hungered for opportunities for good quality training and professional development, and said so.

In early 2008, several different government agencies, attempting to respond to this need, individually approached the public sector Industry Training Organisation (ITO) to see whether it would develop a qualification for their investigators. This led to a group of senior regulatory agency representatives and the ITO attending a meeting hosted by New Zealand's Department of Internal Affairs – which itself had responsibility for an array of regulatory functions and had recognised the opportunity for a more cohesive approach – with the explicit purpose of creating a joined up approach to improving the competency of frontline staff involved in implementing regulation.

The group supported the approach, put in place a steering group to drive it, and the initiative became known as the Compliance Common Capability Programme (CCCP). Early in its existence the CCCP recognised the need to focus on three pillars of development: people capability, organisational capability and the development of a professional community of regulatory professionals. In this context, in the period 2008 to 2011, initial work on the first of the two pillars (people and organisational capability) is described by Manch (2014) as follows:

Agreement was reached to develop a commonly-accepted investigator qualification. As this commenced, it also seemed sensible to develop a more complete framework of qualifications relating to the typical functions undertaken in the course of the implementation of regulation, including informing, educating, advising, inspecting, monitoring, auditing, investigating and sanctioning. Additionally, there was an early decision to engage across both central and local government, and a view that improvement was required both at the front line and in areas of management and leadership of regulatory functions. With strong support from 18 central and local government agencies, initial work on qualifications began with Learning State in May 2008. [Learning State was the industry training organisation for the public sector in 2008 – now it is called The Skills Organisation.]

Operationally-focused regulators involved in the work were familiar with the challenges of being engaged in implementation of regulation as part of organisational structures that either paid this

issue limited attention, or were not aware of the challenges and complexity of modern regulatory activity. It seemed logical, then, to also develop some kind of practical guide that might be useful for organisations, or functions in organisations, responsible for the implementation of regulation: something that would bring together organisational strategy and design thinking with current thinking on regulatory practice – drawing on both international and domestic experience – in a way that was useful for regulatory implementation practitioners and decision-makers. The key issue was that a focus on improving the capability of individuals needed to be supplemented with action to address organisational capability. The result was the development of *Achieving Compliance: a guide for compliance agencies in New Zealand* (CCCP, 2011).

This work is not referred to in the original version of the Treasury timeline (Figure 1) as it was occurring largely ‘under the radar’ of central government agencies, being led by ‘front-line’ regulators.

In the period between 2011 and the advent of G-REG in 2015, the CCCP continued its work with a range of activities related to each of the pillars. This included further development of initial qualifications, promulgation of the *Achieving Compliance Guide* (Compliance Common Capability Programme, 2011) the establishment of an operational arm (the Regulatory Compliance Learning Council), trialing effective regulatory practice discussion workshops, developing a DVD of regulatory practice resources, developing a regulatory practice skills framework and working on the next iteration of New Zealand qualifications for staff working in local and central government agencies that carry out regulatory and compliance work.

New Zealand’s Qualification Authority undertook a targeted review of all non-university qualifications which saw the CCCP developed qualifications overtaken by a new set of qualifications. This work occurred during the transition from the CCCP to G-REG and resulted in the original three qualifications (National Certificate in Public Sector Compliance (Level 3, National Certificate in Public Sector Compliance Operations (Level 4) and National Diploma in Public Sector Compliance (Level 5) being replaced by New Zealand Certificate in Regulatory Compliance (Core Knowledge) (Level 3); New Zealand Certificate in Regulatory Compliance (Operational Knowledge) (Level 4); New Zealand Certificate in Regulatory Compliance (Operational Practice) (Level 4); New Zealand Certificate in Regulatory Compliance (Level 5) with strands in Audit, Inspection, Investigation, and Operations; New Zealand Diploma in Regulatory Compliance Investigations (Level 6).

Parallel with this, when in 2014 the Government commissioned the NZ Productivity Commission to undertake its review of Regulatory Institutions and Practices, recognising the uncertain future of a ‘grassroots’ initiative like the CCCP, leaders in that initiative advocated for the development of a lasting, system wide commitment to the development of a regulatory profession. Submissions to the Productivity Commission proposed an arrangement very much of the nature of what is now G-REG. This recognised that on the one hand, the strength of the CCCP was its voluntary basis, which meant that those who engaged in it did so because they explicitly saw the benefits for their agencies, their people and the system as a whole. But on the other hand the strength was also understood to be a weakness – it was an arrangement that depended on the interest of individuals who were in positions that are relevant to the purpose of the CCCP (Manch, 2014), but whose tenure and interest was uncertain over the long term.

In its 2014 Report, the NZ Productivity Commission acknowledged the importance of matters such as regulator culture and leadership, and workforce capability - including the need to fund regulator

communities of practice, strengthen expectations about regulators participating in these networks and provide intellectual leadership of regulatory practice.

As part of the Government response to the Report, chief executives of regulatory agencies across the state sector agreed to provide oversight of a regulatory practice initiative. Logically, this was built on the foundations created by the CCCP, which effectively morphed into G-REG. To the extent that the CCCP was a 'start-up', the transition to G-REG was akin to a stock market launch where shares were bought by chief executives of regulatory agencies who now own and invest in G-REG activities. The results of these 'investments' serve the regulatory community of New Zealand as a whole, but by being directly involved in G-REG through financial and in-kind support the chief executives of regulatory agencies have an opportunity to influence G-REG's agenda and work programme.

The three pillars of G-REG reflect those that underpinned the CCCP - people capability, organisational capability and the development of a professional community of regulatory professionals. The governance structure that leads and supports G-REG is more advanced, reflecting the broader and more formal system-wide commitment to G-REG's kaupapa—'kaupapa' is a te reo Maori word that means 'principles and ideas which act as a base or foundation for action', it is 'a set of values, principles and plans which people have agreed on as a foundation for their actions' (TeAra, 2007).

A chief executive group oversees the work of a senior officials group, both of which are supported by a permanent secretariat housed at the Ministry of Business Innovation and Employment (and agency that is similar to the Department of Internal Affairs in having multiple regulatory functions – but more of them). The Secretariat guides and supports the work of various working groups which deliver on the elements of the work programme. Working groups are staffed by regulatory professionals from agencies across the system, on a voluntary basis. Continuing the original approach of the CCCP, local government is involved strongly in G-REG, through the Society of Local Government Managers' representation at the chief executive group and through all levels of activity. G-REG also works in partnership with the public sector's industry training organisation – The Skills Organisation.

G-REG's work programme is structured around the three pillars - people capability, organisational capability and the development of a professional community (Figure 2).

Actions to develop *people capability* include the development and implementation of regulatory compliance qualifications, and the development and delivery of a certificate for front-line regulatory managers and leaders. Both are designed to improve capability and recognise the expertise that already exists.

Figure 2



Actions to develop *organisation capability* include funding and supporting a Chair in Regulatory Practice at Victoria University of Wellington, with a priority on research, engagement and education, focusing on improving New Zealand regulation and its impact on economic and social performance, and on the training needs of those involved in regulatory issues; and supporting regulatory stewardship and peer learning activities within the New Zealand regulatory system to support continuous improvement of regulatory systems and agencies.

Actions to develop a *professional community* include annual national conferences, focussed on topical regulatory practice matters, a continuing education programme for regulatory professionals to further develop capability, and contribute to professionalism and networking. Contributions to academic and practitioner understanding and analysis of regulatory practice have been made through articles published in Victoria University's Policy Quarterly, which has had two volumes focusing on Regulation.

G-REG also has an active focus on promotion of its initiatives, to drive and broaden participation in them (see further [www.g-reg.govt.nz](http://www.g-reg.govt.nz)).

The activities that occur under the three pillars reflect the kinds of things that are present in acknowledged professions such as accountancy, law and medicine. They include: a defined and shared language, performance standards, a shared body of knowledge, career and professional development pathways and certification (supported by formal learning, mentoring, peer review and continuous professional development requirements), conferences and networking amongst the community.

Zooming in: G-REG initiatives and benefits through the eyes of regulatory practitioners

The high level description of the drivers for and the development of the G-REG initiative discussed above takes you so far, but doesn't give a real sense of the depth and breadth of the initiative, or provide insights that support the assertion that G-REG is on a path towards developing a regulatory profession.

However, looking through the eyes of the public servants involved provides a vivid picture. The following perspectives have been provided by people deeply involved in this work. This section provides the reader with an appreciation of the issues, nuances and design elements of the work that has occurred over more than a decade; and then brings to light the benefits of the Core Knowledge qualification, the Conference series and the development of a professional community. Ultimately, the observations of those directly involved describe the development and maturing of a regulatory profession.

### Issues, nuances and design elements

When the CCCP kicked off, one qualification quickly turned into a whole suite, designed to meet the needs of two target audiences: everyone who worked in a regulatory organisation regardless of their role, and frontline practitioners (with some emphasis on investigators at the more specialised end of their trade). From this we created a career-path map for regulatory frontline staff and their managers. Suddenly there was a picture showing people that they didn't just have a job, they were part of a profession with natural progressions and opportunities for development.

Primary research to scope the work was important. It confirmed what all regulators discover when they get in a room together and start talking - we have far more in common than it appears at first glance. Eighty percent of frontline regulatory work is generic in nature – we all follow relatively similar processes for intelligence analysis, entry control, checking compliance, investigating and sanctioning. Even the way we approach the differences, the specific legislation we are applying and the specific sectors we are regulating, has some commonalities. This means that regulators can learn a great deal from each other, and that a common programme of professional development is worth investing in.

The ITO initially struggled to carry out this research. They needed an entrée into public sector regulatory agencies, to know who to talk with. This was solved by involving the project steering group, made up of local and central government regulatory leaders who approached other regulators, promoting the project and encouraging participation. Working together for the greater good was a theme that would continue for the next decade, become a feature of G-REG and extend beyond the ITO and Steering Group to training providers and other interested parties. To be successful, we had to continually think beyond the individual perspective to the collective. This meant understanding the system as a whole and what each stakeholder needed to participate effectively. We needed to generously support each other to achieve common goals.

Another critical success factor was the ability of the project in this early stage to envision and refine what it was about. As various artefacts began to be created, the Steering Group defined what was in and out of scope. An early decision was that we were dealing with *external regulation* (ensuring that others comply with regulation) rather than *internal regulation* (ensuring that one's own organisation complies with regulation). There was also an early emphasis on the implementation of regulation, rather than policy development. This clear intention to address the greatest areas of need kept the work manageable without excluding the possibility of broadening the scope of the initiative in the future – especially given the fact that implementation and policy development must go hand in hand to create and evolve quality regulation.

Like many emerging professions, creating a common vocabulary was an issue. Part of defining the body of knowledge meant grappling with each organisation's preferred terminology for aspects of its regulatory work, reflecting its internal cultural lens, which differed from its next-door neighbour. What one organisation called a regulated party, another called a duty holder. Attempting to be clear, while still respecting each organisation's right to define its own terminology, we did three things: we created a diagram showing the relationship of various regulatory activities and associated terms to each other; a multi-agency focus group worked to create a glossary of common terms; and we used the New Zealand Qualifications Authority's definition section of unit standards to present some alternative terms used by different agencies.

To create the various products of the initiative, we needed input from a wide range of regulatory practitioners at all levels. Local and central government regulators converged in focus groups to discuss, debate and articulate just what it is regulators do exactly, and why. This was in itself a development experience for all involved, characterised by camaraderie, curiosity, passionate debate, commitment and good humour as we all learnt from each other.

This description gives a taste of the development work. Like the summary montage in a blockbuster movie it compresses into a few frames thousands of hours of labour, inputs from hundreds of people (some now deceased) and the resilience required to start over, to continuously re-educate and re-recruit as waves of continual change washed over the programme. The good news is that, like a blockbuster movie, this story ends well. Today, G-REG's work is rippling out across the regulatory sector, already making a visible difference to individuals and organisations. We no longer require our people to figure it out on their own. Instead they are part of a growing, supported and vibrant community of professional regulators.

Key themes:

- Regulators have more in common than is immediately apparent. This justifies a shared professional development programme
- In order to enable the system to realise the aims of the programme, it was important to understand the needs of all stakeholders and to actively support them to be successful.
- Developing a common language and identifying a body of knowledge takes effort and is an important part of maturing an emerging profession.
- Asking experienced practitioners to articulate their practice develops both the individual and the community of practice, builds connections and raises performance.



### 3 The Core Knowledge qualification

The Core Knowledge qualification sets out the foundation of what it is to be a regulator in New Zealand, regardless of agency. It is relevant to people working in any role within a regulator, from the most junior new starter to the chief executive, from back-office support functions through to frontline operational teams (The New Zealand Certificate in Regulatory Compliance (Core Knowledge) (Level 3) is registered on the New Zealand Qualifications Framework).

The qualification is made up of six e-learning modules which include an assessment at the conclusion of each module. The modules are hosted by The Skills Organisation and once enrolled learners are able to access these on-line.

Alongside the generic modules, most G-REG agencies have developed wrap-around sessions that put their particular organisational context alongside the generic material. Those sessions have enabled regulators to bring staff from across their organisations together to develop a shared understanding of how they each give effect to their agency mission.

The benefits are many. Having a common qualification and a common set of generic materials has contributed to developing a “community of practice” across regulatory agencies. It has also supported building a shared understanding of our common regulatory role and enhanced collaboration across the sector – both at local and central government levels.

It has introduced efficiencies, as larger agencies are able to co-develop and share one set of materials rather than each developing their own. Further it has also enabled smaller agencies to have access to materials where before they may not have had the resources to develop these alone.

Equally, having regulators facilitating their own in-house wrap-around sessions provides the opportunity to break down internal organisational silos and improve agency-wider understanding of individual and team contribution to fulfilling the agency mission.

At the time of writing (early 2019) more than 2000 people at all levels, across both central and local government, have completed the qualification. One of the critical factors in driving uptake of the qualifications is the buy-in and commitment of agency leaders.

There have been high numbers of enrolments in agencies where the Chief Executive and senior leaders have completed the qualification themselves and encouraged and supported their staff to do so. Some agencies have made it compulsory for all new starters to enrol. In one agency all staff including the Board have taken the qualification.

Equally, frontline managers and team leaders also need to engage with the qualification in order to support their staff. The qualification generally takes around six to nine months to complete and learners will need the opportunity to take time to sit down and engage fully with the material before attempting assessments if they are to succeed.

In sum while the Core Knowledge qualification is at Level 3 on the New Zealand Qualifications Framework which the New Zealand Qualifications Authority describes as “some operational and theoretical knowledge in a field of work or study”. It is also the same level as the New Zealand

Certificate in Educational Achievement (NCEA) which is completed in the final year of secondary school.

For some, this will be the first qualification they have completed outside of the school system and is an immense source of pride. Others may have already achieved a significant level of education but perhaps not worked in a regulatory context before. It would be easy for agency staff who have already completed tertiary qualifications to dismiss the qualification as “too low level”. This would be a mistake, particularly considering there is no other qualification or formal learning pathway that prepares people for understanding the role of a regulator.

For everyone taking part there is the benefit not only of learning something new, but also contributing their voice and experience to improve collective wisdom. Again, leaders have a key role to play in role-modelling by completing the qualification themselves and encouraging their frontline managers and staff.

While the Core Knowledge qualification is a foundation-level qualification it offers significant value to the regulatory community.

#### Key themes

- A common set of generic materials builds a shared understanding, efficiencies and improved access to learning and helps to develop a community of practice
- Agency-specific wrap-around sessions provide important context to learners and provide regulators the opportunity to bring staff together to break down silos and better understand their contribution to achieving the agency mission
- The Core Knowledge qualification is suitable for the whole regulatory workforce, from the frontline to support functions, junior staff to the chief executive
- The success of the qualifications, both in terms of uptake and completion, depends on the support of senior leaders advocating and role-modelling by engaging with the qualification themselves and in frontline managers supporting their staff

## 4 Attendance at G-REG conferences – values and benefits

At the time of writing (early 2019) there have been four annual conferences with different themes. The range of topics and issues discussed has changed over time reflecting the growing maturity and capability of the sector. These themes were:

- 2015 – Achieving Compliance. Exploring the ways that regulators – *Develop an understanding of the regulated environment. Develop and shape risk-based regulatory settings. Respond to non-compliance and risk.*
- 2016 – The Exercise of Regulatory Discretion – *Creating and supporting good decision making within and across agencies.*
- 2017 – Risk and the Communication of risk
- 2018 – Curiosity, Conversation, Collaboration – *With a focus on regulatory stewardship*

The G-REG conferences have involved a range of great speakers, both from New Zealand and overseas, covering issues that are relevant and topical for the New Zealand community of regulatory practitioners, and move well beyond merely informing the audience. Some of those are think-piece sessions on topics such as the theory of modern regulatory practice and regulatory stewardship. Regulatory stewardship is a responsibility of government regulatory agencies. It involves them adopting a whole-of-system, lifecycle view of regulation, and taking a proactive, collaborative approach, to the monitoring and care of the regulatory system(s) within which they have policy or operational responsibilities.

The intent is to get participants thinking critically about the overall regulatory system, the role we play and how we can better add value. Other presenters have taken a more practical focus and shared their insights from first-hand experience and case studies. Interestingly, while the subject matter of those case studies has varied, the themes, insights and lessons could be applied to any agency. Generally, participants think about their day-to-day practice and usually come away with a few nuggets about how things can be improved to add better value to the public they serve. The Case-study presentations enrich participant understanding of what other agencies actually do, their approach to regulation, their issues and challenges, their capability and the realities of what they face. Better understanding of these topics helps build a better understanding of the overall regulatory system, puts things into context, and provides the background for when agencies need to work together.

There have been some excellent examples showcased, via presentations and discussion, of local and central government working together on regulatory issues. This again highlights that while central and local government have differences we also have many similarities and, in some cases, working together produces the best outcome for New Zealand.

The conferences also provide great networking opportunities and a real chance to meet and engage with fellow regulators. Ordinarily, regulatory partners meet in a business context or around a particular issue. At the conferences however, engagement is in a less formal, more relaxed setting without a particular agenda, but with a theme for the basis of discussion. Conferences also provide

the opportunity for meetings between people from agencies that might not usually deal with each other to explore unknown common ground.

Strengthening connections across the regulatory sector allows participants to draw on the experience and expertise of others. It also allows them to contribute some of their own experiences and to offer support to others. This approach creates a real sense of '*you're not alone in this*', and a professional community feeling that comes about when different agencies meet at the conferences.

Key themes:

- Conferences provide a useful opportunity for regulators to think critically about the wider regulatory system, their part in it, and how they can add better value
- Case studies showcase the value of working collaboratively to achieve common regulatory outcomes
- Conferences build a sense of community, where regulators share similar challenges, learn from each other, and forge useful connections

## 5 Developing a professional community

Reflecting on the past can help us understand just how far things have come. Looking back, before G-REG or its predecessor the CCCP, regulatory agencies existed and operated mostly in isolation of each other. Without a professional community network or a professional qualification, inter-agency connectivity and networking seemed to rely largely on who you knew and who could vouch for you. G-REG has heavily influenced and professionalised that culture. The professional qualifications that are now available give regulatory practice credibility. From a recruiting perspective, the qualifications evidence a person's foundation and understanding of regulatory practice. They also have everyone speaking the same language and sharing a common understanding of good regulatory practice.

Networking through G-REG allows access, support and advice for regulatory professionals on a range of issues. As regulators we often face the same or similar challenges and while our legislation may differ we can draw on each other's experience when grappling with complex or even relatively simple issues. Take the creation and implementation of a Compliance Operating Model as an example (A Compliance Operating Model is a set of policies and processes that guide regulatory practitioners about what to focus on, how to go about their work and what kinds of actions and interventions might be appropriate for any given problem): the contacts and community built through G-REG has enabled some agencies to draw on the experience of others while going through this process, learning from their mistakes and building on their successes.

Another excellent networking group is the G-REG Design Development and Delivery (3D) Network. The group is an advisory group and working party and is made up of personnel from central and local government agencies across the regulatory sector. The members represent and coordinate input from their agencies and are a mixture of experienced operational staff, learning and development/human resource and policy professionals. The 3D Network provides an opportunity for regulatory practitioners from across central and local government to contribute at an operational level using a collaborative approach that assists each other and the G-REG initiative to succeed.

The 3D Network not only contributes to the success of the G-REG work programme and deliverables but also benefits individuals by providing high level professional development through community of practice discussions and peer review, as well as opportunities for members to create and participate in work that has whole-of-sector impact.

The main areas of focus have been:

- Supporting the ITO to implement of the qualifications framework
- Capability development, best practice and community-building and networking events
- Supporting the delivery of G-REG's annual work programme
- Providing quality assurance on any milestones or products produced by other G-REG working groups and
- Assisting G-REG agencies in their adoption of Qualifications.

It is anticipated that the G-REG community will only continue grow and strengthen over time as more agencies come on board with the community and qualifications framework. This will in turn help G-REG achieve the desired goals of developing people capability, organisational capability, and a professional community of practice.

Key themes:

- Prior to G-REG, individual regulators needed to be self-reliant in building relationships with colleagues in other organisations
- The networking that occurs in a professional community supports its member through advice, direct assistance, peer review, and sharing of resources and knowledge
- High functioning working groups strengthen the programme outputs, as well as providing benefits to members

## 6 G-REG - Lessons learnt for New Zealand and elsewhere

Reflecting on what has occurred since the advent of what is now G-REG enables lessons to be drawn from this New Zealand experience. The key lesson is that creating a regulatory profession has been a social process. It has been inspired and driven by a group of committed individuals from across the entire state sector, who associated the public good with a lift in performance by those who have responsibility for administering the law of the land. This core group of individuals in turn inspired others to participate, effectively forming a medium sized network with shared values and a preparedness to commit their time and knowledge to the codification and diffusion of good regulatory practices.

Prior to, and parallel with the development of this social process, a series of regulatory failures had focused attention on the performance of regulators and the need to act decisively to minimise the risk of future failures. These failures included a coal mining accident in the Pine River Mine in 2010, and severe weather-tightness problems of timber framed buildings constructed from 1994 to 2004—the ‘leaky home crisis’.

This had resulted in major law reforms, and regulatory agencies were given more powers and more resources. However, practitioners involved in the G-REG initiative knew that while this was necessary, it was not sufficient. It was well understood that to achieve sector-wide effect and play a real part in regulatory practice improvement, the network needed a voice and then a mandate and resources. The Productivity Commission Report on Regulatory Institutions and Practices gave the network the opportunity and the voice to significantly raise the bar around actions to professionalise regulatory practice, and the government response to the Commission's report provided the mandate. Agency Chief Executives then collectively supported the strategic direction and resources.

Growing and sustaining G-REG provided another set of challenges. The challenge of determining what should be done from the many things that could be done has been a constant companion of this initiative. It has continued to focus on a small number of things which will really make a difference, and where collective action is essential. Developing a common understanding and language across the regulatory sector met these criteria, and led to strong support for the development of the Core Regulatory Knowledge qualification and the more than 2000 regulatory practitioners acquiring it to date. The development of more specialist qualifications for auditors, investigators and inspectors also meets this criteria, as these provide sector-wide standards and a qualification that is recognised by all agencies at both levels of government.

It is often said that G-REG is ‘by the sector for the sector’. The importance of this norm to the social process cannot be underestimated. G-REG is not something that is imposed upon the sector, or undertaken by a ‘bricks and mortar’ institution or central agency that is somehow separated from the network of regulatory professionals that comprise the sector. G-REG provides a voice, a mandate, a resource, a focus, an organisational structure and accountabilities, but it is the contribution of many dedicated individuals contributing their knowledge that ultimately determines its success. To conclude this article, the main lessons we have, first-hand, learnt over the years in developing and building out G-REG are:



- An initiative such as G-REG is inherently a social process requiring the commitment of individuals that goes beyond their own specific organisational interests.
- For the social process to deliver benefits over the long term there must also be a mandate and resources
- G-REG provides benefits for individual regulators, regulatory organisations, regulatory systems and enhances the public value that is intended to be delivered through regulation:
  - Individual regulators benefit from the opportunity to grow and develop their skills and capability, enhancing their career development opportunities.
  - Regulatory organisations benefit from reduced recruitment risk (they know what they are getting when employing qualified staff) and from being better positioned to work with each other based on common understanding of what good regulatory practice is
  - Regulatory systems are improved when competent people work in competent organisations. Competent organisations foster and support regulatory practitioners by providing systems that supporting the provision of learning opportunities, including formal training, and the sharing of information and expertise
  - Regulated communities benefit through the multiple regulators they inevitably deal with applying consistent and efficient regulatory practices that they can understand, engage with and respond to
  - The ‘public’, who are broadly speaking the intended beneficiaries of regulation will receive greater value from effective and efficient regulatory activity
- In part, the focus on regulatory practice was driven by an understanding that improvements in regulatory policy would not, in and of themselves, improve the performance of regulatory systems. Often practitioners have the best knowledge of how regulation works in practice, and this knowledge should be used to inform the policy and legal frameworks through a process of continuous feedback and adaption – essentially playing their part in regulatory stewardship efforts. In New Zealand there is action to address improvement in both policy and practice that has occurred in a parallel fashion.

The next frontier for G-REG is to strengthen significantly its involvement with the regulatory policy community in New Zealand. This has started with the work being undertaken in respect to regulatory stewardship, which was the theme of its 2018 conferences. Stronger collaborative action on improving regulatory policy and regulatory practice will provide a better basis for mitigating the ever present risk of regulatory failure. All in all, we are proud of what we have achieved thus far and are looking forward to building out this unique initiative over the years to come.

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