



Newsletter Chair in Regulatory Practice #9 (July to September 2020)

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

Welcome to the ninth quarterly Regulatory Practice Newsletter highlighting recent activities, research and news from the Chair in Regulatory Practice (July – September 2020).

The Chair is based at the [School of Government](#), in the [Victoria University of Wellington](#). It is part of the New Zealand [Government Regulatory Practice Initiative \(G-REG\)](#), a network of central and local government regulatory agencies established to lead and contribute to regulatory practice initiatives.

Research

Responsive regulation

From March to June 2020, the Chair in Regulatory Practice has mapped and synthesized the academic literature on “responsive regulation”. 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. The synthesis is available as “State of the Art in Regulatory Governance 06—Responsive regulation in practice: A review of the international academic literature” through the Chair’s website:
<https://www.wgtn.ac.nz/chair-in-regulatory-practice/research-papers>.

Regulators’ Discussion Series

Initiated by Keith Manch (Maritime NZ), Jeroen has been chairing a series of discussion meetings focussed on core elements of successful regulatory activity between May and August 2020. Participants are senior policy (regulatory design) or operational (regulatory delivery) practitioners. In each session, a chapter from the book *Regulatory Delivery* (2019) framed the discussion. In going forward with the discussions, we have begun exploring the possibility of editing a New Zealand handbook or guidebook for regulatory practice. Ideally, the book would exist both in print and online. Chapters will be short and to the point (max. 5,000 words per chapter) and present core regulatory practice (and regulatory governance) themes such as risk regulation, the use of behavioural insights in regulation, and regulatory stewardship. In each chapter, we will present a brief overview of the academic literature on that topic and complement this with experiences from the NZ regulatory context to discuss good/best/next practice in NZ.

Regulatory Failure

Jeroen has begun synthesizing the international academic literature on ‘regulatory failure’. This is the central theme of the Chair in Regulatory Practice for the second half of 2020 (July – December). This will involve a systematic reading of the broader academic literature on

regulatory failure, which will result in a series of blogposts and a future research paper in the *State of the Art in Regulatory Governance Research Paper Series*.

Outreach

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 this period. We have however been able to deliver seminars as part of the G-REG Continuing Education program on:

- Behavioural science and regulatory governance (5 August 2020)
- Risk governance and risk-based regulation (8 September 2020)
- Systems thinking and regulatory practice (planned for 13 October 2020)

Education

Students

Jeroen continues supervising the MSc thesis of Michael Howden at VUW, and he is looking forward to welcoming Geetanjali Sharma in October as the first PhD student of the Chair in Regulatory Practice. He has continued working with his PhD students Adriana Sanchez Gomes at the University of New South Wales, and Sayel Cortes Berrueta at Wageningen University.

Video series: the essence of regulation

In August and September 2020, Jeroen has recorded a series of 16 short videos to capture the essence of regulation (the videos are 5 to 7 minutes each). Each video is a brief lecture and addresses a key theme from the regulatory literature. The videos can be used for various educational and training activities within G-REG. They are currently edited by VUW's Digital Solutions Team. The video topics are:

1. A brief history of regulation
2. What is special about regulation in the 21st Century?
3. Finding balance: From coercion to cooperation, from preventing to promoting
4. Regulatory tools and strategies: Dealing with sticks, carrots, and sermons
5. Understanding compliance motivations and behaviour
6. Intervention choices: mixing and shaping regulation
7. Risk-based allocation of regulatory resources
8. Regulating with and through intermediaries
9. Understanding regulatory impact: Ex-ante, on the go, and ex-post
10. Talking about regulatory failure and success
11. Accountability in a regulatory context
12. Ethics in a regulatory context
13. Regulatory stewardship
14. Anticipatory and intelligence-led regulation
15. Behavioural science and regulation
16. Global trends in regulatory governance: A future outlook

Publications/output

- *Academic*
 - Jeroen van der Heijden and Seung Hun-Hong (2020) “Partnerships in experimental urban climate governance: Insights from Seoul.” IN: van Montfort, C. and Michels, A. (eds), *Partnerships for Liveable Cities*. New York: Palgrave Macmillan, 17-38.
- *Blogs*
 - 26 September 2020, Brief book review – Fundamentals of Regulatory Design
 - 12 August 2020, Responsive regulation in practice: Now available as open access paper
 - 23 July 2020, Brief book review – The Governor’s Dilemma: Indirect Governance Beyond Principals and Agents
 - 1 July 2020, Responsive Regulation (5): Ethical and epistemic challenges
 - *Guest blogs by Keith Manch, Chief Executive and Director of Maritime New Zealand*
 - 20 August 2020, Exploring issues about regulation – chapter review of the book Regulatory Delivery (on ethical business regulation)
 - 24 July 2020, Exploring issues about regulation – chapter review of the book Regulatory Delivery (on intervention choices)