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Regulatory Clinics, Workshops, Symposia and Executive Training

The Chair in Regulatory Practice at Victoria University of Wellington's School of Government is a world first. It is a collaboration of Aotearoa/New Zealand government agencies and the Victoria University of Wellington. The Chair delivers world-leading research on regulation and governance associated with the most pressing challenges of our time.

Dr Jeroen van der Heijden, Professor of Public Governance, is the inaugural holder of the Chair. He brings over 15 years of international governance research and regulatory practice experience to the role. He works closely with governments, businesses and civil society to improve regulatory practice and regulatory stewardship in Aotearoa/New Zealand and elsewhere.

The Chair in Regulatory Practice offers various options for training in regulatory governance. This training targets frontline staff, policymakers, managers and executives working in a regulatory environment—including the public sector, the private sector and the third sector.

Training units range from historical overviews to future outlooks, and from practical application to substantive theorising. The Chair delivers each unit as a 60- or 90-minute lecture, with 30 minutes of Q&A ('Clinic'). Clinics can be followed by a 60-minute discussion of a targeted case study or checklist to ensure a close relationship between the material of the Clinic and the daily environment in which the audience operates ('Workshop'). Workshops challenge the audience to think whether, how, and with what results innovations in regulatory governance can be applied in their respective areas of regulation.

Clinics combine as half-day symposia. For example, Unit 1 (*4,000 years of regulatory theory and practice*) and Unit 15 (*The nature and future of regulatory stewardship*) combine in a half-day Symposium on *Past, current, and future developments in regulatory governance*. Also, the Clinics combine into three sets of multi-day executive training programmes: the first set of five Clinics as an introductory programme on regulatory theory and practice; the second set as an intermediate programme on regulatory governance; and the third set as an advanced programme on regulatory philosophy.

Introductory units

Unit 1: 4,000 years of regulatory theory and practice: Exploring the main paradigm shifts in regulation
For a long time, it was considered that regulatory governance was a task for governments that had to be carried out following a strict command-and-control approach. This 'blueprint' has guided the design and implementation of regulatory regimes since at least the rule of King Hammurabi in ancient Egypt in around 1,750 BC. However, in the second half of the twentieth century our thinking about what constitutes an effective regulatory regime has rapidly changed. This unit touches on the critical paradigm shifts in our thinking of what regulation is and what it can be. These shifts include: compliance-based regulation, regulatory intermediaries, responsive regulation, risk-based regulation, and regulation informed by behavioural insights.

Unit 2: From policy to practice: Regulatory tools and strategies

If a government wants to achieve specific policy outcomes, it may apply various regulatory tools and strategies. This unit builds on the seminal work of Professors Robert Baldwin, Martin Cave and Martin Lodge to explore a variety of tools and strategies. These include command and control, incentives, market-harnessing controls, disclosure, direct action, and 'nudge'-type interventions. Current examples from around the world illustrate these tools and strategies and address their strengths and weaknesses.

Unit 3: Working at the regulatory frontlines: Enforcement

Our thinking about enforcement and how to achieve compliance has changed considerably over time. This unit builds on the seminal work of Professors Peter May and Søren Winter on enforcement strategies and enforcement styles. It discusses the spectrum from deterrence to compliance strategies and the spectrum from formalistic to facilitative styles. Current examples from around the world illustrate the strategies and styles and address their strengths and weaknesses.

Unit 4: Why people obey: Compliance motivations

Why do people and organisations comply with regulations? This Clinic builds on the seminal works of Professors Tom Tyler, Christine Parker and Vibeke Lehmann Nielsen on compliance motivations. It challenges assumptions that people and organisations comply because they fear the consequences of deterrence, and explores suggestions that they may instead do so when they feel a 'moral duty to obey' (for instance, because they consider a particular rule to be a legitimate intervention). The unit introduces various compliance motivations, and the audience is challenged to think about the compliance motivations that they should trigger in their respective areas of regulation.

Unit 5: Global trends in regulation: A future outlook[*]

In this Clinic, five key global trends in regulation are identified and explored in some depth: experimental regulation and governance (key scholars: Professors Charles Sabel and Jonathan Zeitlin), collaborative governance (key scholars: Professors Chris Ansell and Alison Gash), risk governance and risk-based regulation (various scholars), responsive regulation (key scholars: John Braithwaite and Ian Ayres) and regulatory intermediaries (key scholars: Professors Kenneth Abbott, David Levi-Faur and Duncan Snidal). For each trend, theoretical underpinnings are addressed and illustrated with international examples, and performance outcomes are discussed.

Intermediate units

Unit 6: 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. This unit explores the foundations of risk as an approach to regulatory governance and practice, and the tools, processes and strategies of contemporary risk governance and risk-based regulation. The workshop explores the evolution of thinking about risk, risk governance and risk-based regulation, following the work of leading risk scholars Professors Terje Aven, Orwin Renn and Eugene Rosa. It discusses examples of risk governance and risk-based regulation and touches on the ethical and epistemic challenges that come with this approach to regulation.

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[*]*Regulatory practice: Ethics and discretion* replaces Unit 5 if a full 15-unit programme is provided.

Unit 7: Mixing tools, strategies and styles: Responsive regulation

Over the last 50 years, our thinking about regulation, enforcement and compliance has changed dramatically. Rather than using 'one-size-fits-all' tools, strategies and styles, regulators are challenged to mix these and to provide responsive forms of regulation. This unit builds on the seminal work of Professors Ian Ayres and John Braithwaite (responsive regulation) and Professors Neil Gunningham and Peter Grabosky (smart regulation). The unit takes a step back to obtain a better understanding of the theoretical assumptions underpinning the 'responsive' approach to regulation, and explores the evidence of its performance across the world.

Unit 8: Behavioural science and regulatory governance

The behavioural sciences and behavioural economics indicate that people often make choices that are not in their own best interests, and that they do so in a predictable manner. In other words, humans are 'predictably irrational'. Regulators around the world have embraced these insights and seen an opportunity to use them to achieve better regulatory outcomes. This unit discusses the evolution of our thinking about 'rational behaviour', examples of regulation informed by behavioural insights, evidence of the performance of such regulation, and the epistemic and ethical challenges that come with this approach to regulation. It builds on seminal works from a range of scholars, including Professors Cass Sunstein, Richard Thaler, Daniel Kahneman, and Amos Tversky.

Unit 9: Regulatory intermediaries

Governments often involve non-governmental individuals and organisations to develop and implement regulation. They can do this by outsourcing regulatory tasks, by collaborating with regulated parties, or by allowing parties to self-regulate. In these situations, regulation is no longer a two-party interaction between a regulator and its target, but is an interaction between three or more parties: regulators, intermediaries, and targets. Scholars have for a long time been interested in the involvement of non-governmental individuals and organisations in the development and implementation of regulation, but it is only recently that an encompassing research programme on regulatory intermediaries has been started by Professors Kenneth Abbott, David Levi-Faur and Duncan Snidal. This unit explores the recent insights from this global research programme.

Unit 10: Dynamic regulatory regimes

Regulators and those subject to their regulation sometimes feel that the latest regulatory reform was already outdated before it came into force. Changes in technology, policy preferences and expectations from society at large often move much faster than formal regulatory reforms. How can regulators develop and implement regulatory regimes that can cope with such dynamics in the regulatory context? This unit addresses different approaches that have been trialled by regulators around the globe to deal with such changes, as well as suggestions provided by academics including Professors Charles Sabel and Jeroen van der Heijden. These include approaches to keep regulation 'sharp', such as sunset clauses, rolling rule regimes, and pull-leaders/push-laggards models.

Advanced units

Unit 11: The philosophy of regulation and the social licence to regulate

In this unit, we look at regulation through the eyes of Enlightenment philosophers such as Thomas Hobbes and Jean-Jacques Rousseau, as well as leading legal and political philosophy scholars such as John Rawls and Friedrich von Hayek. We explore one of the most fundamental questions of regulatory governance: how can governments and others in regulatory positions maintain and strengthen their social licence to regulate?

Unit 12: Collaborative governance and regulation

The notion of collaborative governance and regulation can be traced back to scholarly work well before the 1990s, but Professors Chris Ansell and Alison Gash popularised it in the early 2000s. Collaborative governance involves government, the community and the private sector communicating and working together on the development and implementation of regulation. The expectation is that in collaboration they can achieve more than they could by themselves. The unit explores the normative and theoretical assumptions underpinning this model, and examines the evidence of its performance across the world.

Unit 13: Experimental governance and regulation

Trial and error in the development and implementation of regulation is nothing new, but Professors Charles Sabel and Jonathan Zeitlin suggest a systematic approach to trialling regulatory innovations. In its most developed form, their model of experimental governance brings together four elements in an iterative cycle. The model has been followed mainly at the transnational level, but also holds promise at the national and local levels. This unit explores the theoretical assumptions underpinning the model, discusses the four elements, and explores experiences with the application of the model in an international setting.

Unit 14: Systems thinking and regulatory governance

At the turn of the millennium, the United Kingdom and the European Commission launched the Better Regulation Initiative, and the United States explored the Regulatory Accountability Initiative. Both these initiatives introduce a whole-of-government, systems-thinking approach to regulatory design and implementation. In this unit, we explore these initiatives, informed by systems theory as developed by Ludwig von Bertalanffy and Niklas Luhmann, and its more contemporary form, complex adaptive systems theory.

Unit 15: The nature and future of regulatory stewardship

The notion of stewardship is common to legal scholars (e.g., constitutional stewardship), environmental scholars (e.g., environmental stewardship) and management scholars (e.g., stewardship theory). The concept has, however, not had much attention in regulatory scholarship. Aotearoa/New Zealand is a world leader, in that it has made 'regulatory stewardship' a statutory obligation for all government departments. What regulatory stewardship could look like, and how to achieve it, is not yet crystal clear. In this unit, we explore three models of stewardship, to understand its full potential for regulators in Aotearoa/New Zealand and elsewhere.

Mode of delivery and fees

The Chair in Regulatory Practice is funded by 10 G-REG agencies (the Aotearoa/New Zealand Government Regulatory Practice Initiative), the Treasury and VUW. The task of the Chair is, among others, to improve regulatory literacy of staff working in a regulatory environment, and carry out research and provide advice on regulatory governance in Aotearoa/New Zealand. The clinics, workshops, symposia and executive training discussed here are part of the Chair's work program.

All training is delivered in a lecture theatre style setting, to be organised by the commissioning organisation. For parties who are not sponsors of the Chair, Clinic fees are NZD 2,000-2,500; Workshop fees are 2,500-3,000 NZD; and, half-day Symposium fees are 4,000-5,000 NZD. Fees for Executive Training Programs and international training can be provided upon request. Lecture theatre space can be arranged upon request also.

Biography of Professor Jeroen van der Heijden

Professor Jeroen van der Heijden, PhD, is the inaugural Chair in Regulatory Practice at the Victoria University of Wellington, Aotearoa/New Zealand (School of Government). He works at the intersection of public governance and regulation, with specific interests in regulatory stewardship and dynamic governance regimes, and urban climate governance.

His work is organised around innovations in regulation and the way in which good regulatory practice can deliver on Aotearoa/New Zealand's critical policy objectives. This allows him to draw lessons from Aotearoa/New Zealand and elsewhere to improve regulation and its impact on economic and social performance, and to showcase to the rest of the world the state of the art in regulatory practice in Aotearoa/New Zealand.

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 holds a position as 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 has published widely on regulation and governance, having written five books and over 60 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).

For more information, please visit www.victoria.ac.nz/sog/researchcentres/chair-in-regulatory-practice; and for regular updates, please visit www.regulatoryfrontlines.blog/.

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