# Regulatory Excellence

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| Attribute | Tenet | Summary  | Victorian Public Sector values |
| **Utmost integrity** An excellent regulator consistently holds itself to the highest standards of integrity | Fidelity to law | An excellent regulator seeks to comply faithfully with all legitimate laws | *Integrity, accountability, human rights* |
| Respect for democracy | An excellent regulator recognises and seeks to fulfil its role in a democratic system by yielding to clear and proper commands by elected officials, and also by seeking as needed to initiate or contribute to productive public dialogue on issues relevant to the regulator’s mission | *Integrity* |
| Commitment to public interest | An excellent regulator strives to serve the public interest first and foremost, not to succumb to expediency nor to display bias toward select private interests | *Integrity, impartiality* |
| **Empathic engagement**An excellent regulator engages empathically with all segments of society when making decisions and exercising authority | Even-handedness | An excellent regulator engages fairly with all affected interests, recognising that sometimes even-handedness will require affirmative outreach to ensure that otherwise poorly represented views are adequately heard | *Impartiality, respect, human rights* |
| Listening | An excellent regulator hears what everyone who has values or interests at stake in its decisions has to say, seeking to understand how its decisions will affect others and trying to make decisions that benefit from the different knowledge distributed throughout society | *Respect* |
| Responsiveness | An excellent regulator responds to concerns and explains its decisions fully and sincerely, being transparent not merely by providing access to information but also by giving reasons for its actions (including decisions not to act) and addressing all important arguments for and against its chosen course of action | *Responsiveness, integrity*  |
| **Stellar competence**An excellent regulator demonstrates consistently stellar competence by using its available resources to maximisepublic value | Analytical capability | An excellent regulator seeks out reliable data and conducts analysis sincerely with the aim of synthesising the best available evidence to support its decisions, seeking to reduce and manage risks smartly (even though risk may never be eliminated entirely) | *Responsiveness, impartiality, accountability*  |
| Instrumental capacity | With a sufficiently-funded and highly-trained staff working in a supportive organisational culture, an excellent regulator uses the best tools and technologies available to solve problems and it earnestly seeks continuous improvement through regular performance measurement and evaluation | *Responsiveness, accountability* |
| High performance | An excellent regulator consistently delivers significant positive public value, something which is not necessarily the same as making everyone happy (the latter which may be unattainable or undesirable anyway) | *Responsiveness, impartiality, accountability*  |

Source: Cary Coglianese (2015), *Listening, Learning, and Leading: A Framework for Regulatory Excellence,* Penn Program on Regulation, University of Pennsylvania Law School, <https://www.law.upenn.edu/live/files/4946-pprfinalconvenersreportpdf>

*Regulating is hard work. Just doing it well is demanding and difficult. To achieve excellence at regulating requires still more. It requires consistently and superlatively mastering all the technical, analytic, and social tasks needed to solve public problems. It demands the utmost, the empathic, the stellar. It even requires boldness and vision – seeing ahead to where the puck will be, to use the famous Wayne Gretzky cliché, and then moving forward. The excellent regulator cannot stay in one place, content to have mastered solving the problems of the past. The world changes, its problems change, its economies change, and its social concerns change. Excellence as a regulator requires forward momentum, not static achievement. (page xii, Coglianese 2015)*