

# Professional development for regulators

The New Zealand Experience



- 2008 – “ good reasons for taking a whole of government approach to developing national qualifications in regulation and compliance”
- central and local government
- similarities not differences
- qualifications ‘plus’





# Benefits



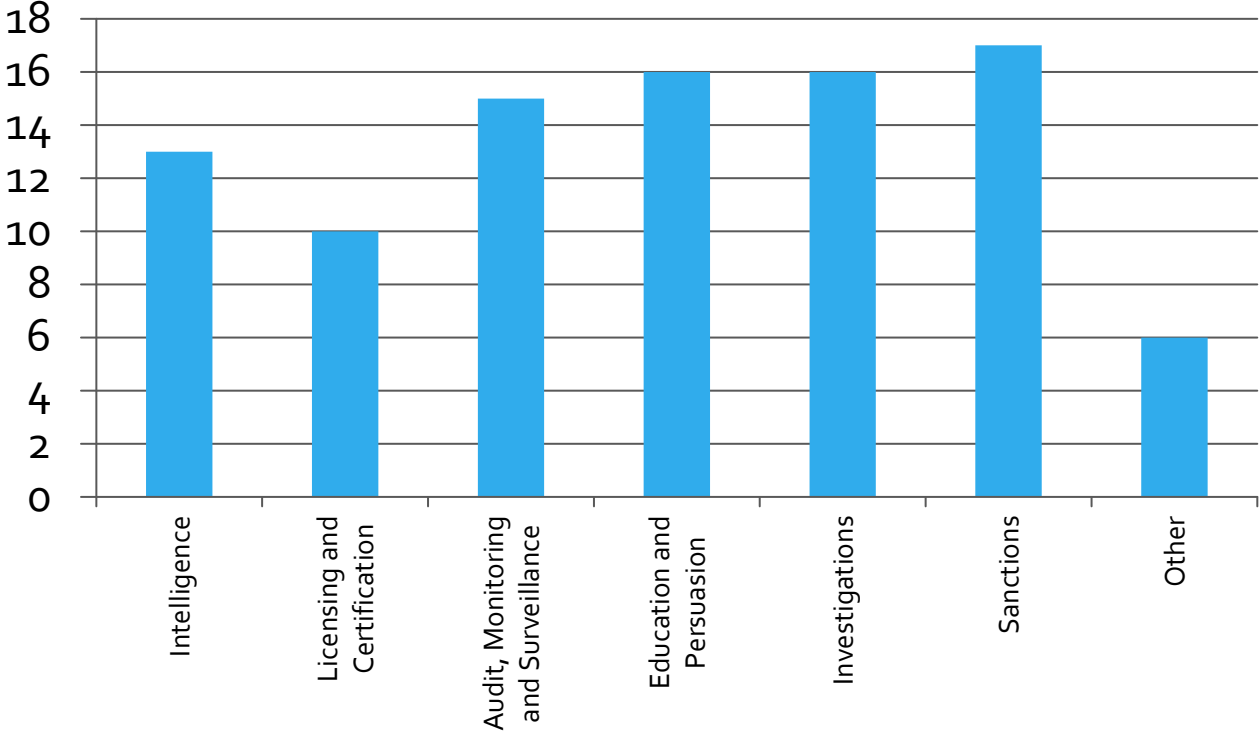
Benefits of a professional compliance community	
<p><b>Regulated Communities</b></p> <ul style="list-style-type: none"> <li>Know and understand good regulatory practice and can respond effectively</li> <li>Reduces uncertainty, builds trust and confidence</li> </ul>	<p><b>Government</b></p> <ul style="list-style-type: none"> <li>Investments in information, knowledge, innovation and training made once, used many times</li> <li>Increased trust in Government from competent regulatory practice</li> </ul>
<p><b>People</b></p> <ul style="list-style-type: none"> <li>Transferable skills</li> <li>Better career prospects</li> <li>Feel valued, supported and engaged</li> <li>Better understanding and execution of roles and functions</li> </ul>	<p><b>Organisations</b></p> <ul style="list-style-type: none"> <li>Pool of well trained and qualified people</li> <li>Lower risks to recruitment</li> <li>Cost effective investments in learning and development</li> </ul>



# Confirming our common ground

- Regulators have a lot in common
  - Common activities
  - Working together

### Compliance activities undertaken by agencies (sample size = 17)



# Confirming our common ground

- Compliance definitions and activities

Glossary of compliance definitions and activities

Information based approach → Enforcement based approach

Read from top to bottom and left to right

**Regulation is**  
The process of making the rules  
I.e. Laws  
Regulations  
Gazette Notices  
Mandatory Standards  
Voluntary Standards

**Self-regulation and co-regulation** are terms used to describe approaches to making rules, and to ensuring compliance, that usually involve those who are required to comply in either being responsible for determining the rules/ compliance or doing so in partnership (beyond "consultation") with Government

**Licensing and Certification** are processes to ensure that participants in a sector have the competency/probity/attitude etc to comply with the rules – usually before they are entitled to operate in that sector

**Compliance is**  
The process of ensuring people comply with or exceed the rules

**Detection** relates to how possible non-compliance is identified – for example: through receipt of complaints, intelligence, auditing, monitoring, surveillance

**Auditing, monitoring and surveillance** are processes or tools generally used to assess compliance with the rules/detect non-compliance. Apparent non-compliance identified through these processes can lead to **enforcement** or **information based approaches** to encourage compliance.

**Investigations** are processes/activities designed to determine the facts of a matter – usually whether a rule has been broken or not. **Investigations** may lead to **sanctions**, or **information approaches**, to encourage compliance

**Sanctions** are actions taken against non-compliant people for the purpose of encouraging future compliance, sometimes achieving compensation, penalising non-compliance, and deterring others from non-compliance. The severity of the sanction is usually based on the seriousness of the non-compliance, and need for punishment and deterrence

**Prevention and deterrence** are terms that describe actions intended to stop people from engaging in non-compliant behaviour. In keeping with the continuum of approaches (above), information approaches help to prevent non-compliance and assist motivated people to comply; enforcement processes punish and deter through demonstrating consequences of non-compliance.

**Intelligence** is the direction, collection, processing and dissemination of information for the purposes of identifying relationships, predicting trends and setting strategic direction. It operates at three levels – factual, operational and strategic. It contributes to regulation, compliance, enforcement-based and information-based activities

**Community Engagement** is a reference to providing and receiving community input to improve compliance approaches

"**Information**" based approach (incorporating education, persuasion and assistance activities) is a reference to approaches designed to encourage compliance based around the idea that if people know what they have to do they will comply

"**Enforcement**" based approach is a reference to one of the approaches to achieving compliance usually involving investigation/sanctions of some kind

Typical continuum of approaches →

**Information education and persuasion assistance to comply**  
**Enforcement**

Generally, the approach chosen depends on the attitude to compliance, I.e.:

- Motivated to comply = information
- Resistant to compliance = enforcement.

**Administrative Action** is the process of entering a settlement or imposing a sanction that usually doesn't involve court proceedings

**Warnings, infringement notices** etc are types of administrative sanctions intended to encourage compliance. **Settlements** are administrative agreements to change behaviour, pay compensation etc; **Licence suspensions and cancellations** are severe sanctions that remove the privilege to operate

**Criminal Prosecution/Civil Action** is the process of taking court action against someone who has (allegedly) not complied

**Pecuniary penalties, orders for compensation, fines, home detention, community service, incarceration** are types of sanctions that can result from civil actions or criminal prosecutions

**Voluntary Compliance** is a reference to the desired and state (compliance) achieved through information approaches and incentivised by cases where enforcement action has been taken.

Refer to the regulatory pyramid concept used by many agencies  
The Department of Internal Affairs example is at  
[http://www.gazette.govt.nz/Publications.nsf/URL/Fact\\_Sheet\\_Four.pdf?OpenDocument](http://www.gazette.govt.nz/Publications.nsf/URL/Fact_Sheet_Four.pdf?OpenDocument)

**High**

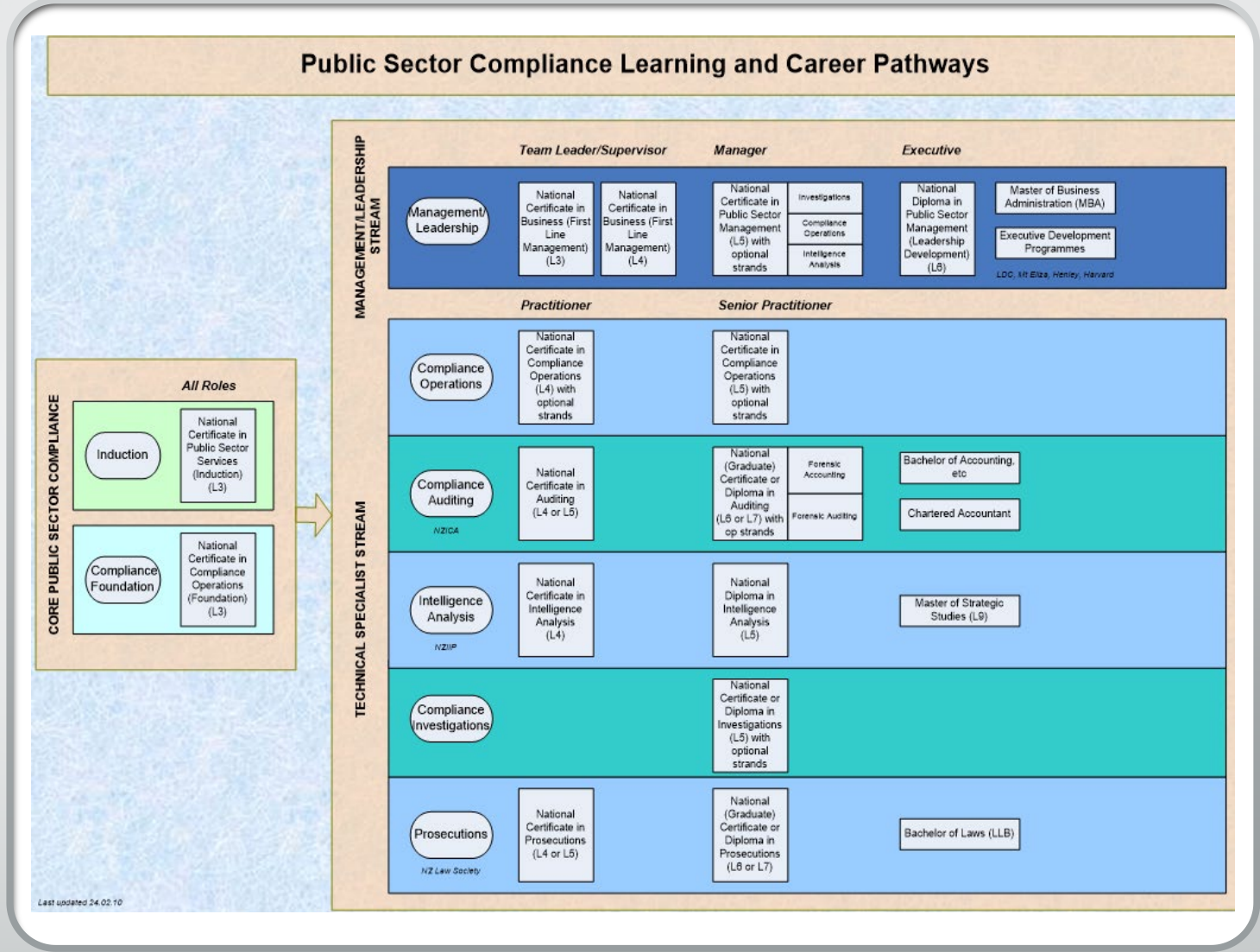
**Low**

TEN THINGS YOU NEED TO KNOW ABOUT REGULATION BUT NEVER WANTED TO ASK  
Valerie Brashkaroff ISBN 978-0-9803302-2-9, RegNet Occasional Paper No. 8 December 2006  
[http://regnet.sca.nz.govt.nz/8\\_rub/mvair/2006OP08.pdf](http://regnet.sca.nz.govt.nz/8_rub/mvair/2006OP08.pdf)

**KEY**  
Green – definition  
Blue – activity  
White – reference  
Grey – out of scope for National Compliance Qualifications Project

# Confirming our common ground

- Shared qualifications
- Career mapping



## Working collectively for the common good

- Steering Group
- Industry Advisory Groups
- RCLC / 3D Network
- Supporting volunteers





# Working collectively for the common good

- Early creations –
  - Qualifications/standards
  - Assessment guides
  - Some learning materials
  - *Achieving Compliance: a guide for compliance agencies in New Zealand (CCCP, 2011)*
  - Compliance Workspace
  - Skills framework
  - *Effective Regulator Practice workshop*
  - Forums

The screenshot shows a web browser window displaying the 'National Compliance Qualifications Project' website. The page features a navigation menu at the top with options like 'Home', 'First Time User', 'Admin', 'My Alerts', 'Steering Group', 'Project Administration', 'Manage Logon', 'Help', and 'Log Out'. The main content area is titled 'Welcome to the Compliance Workspace' and contains two primary news items:

- Unit Standards Registered!**: A large announcement stating that 37 unit standards for the first three compliance qualifications are now registered. It includes a group photo of the steering group and a list of members: *Standing from left: Bob O'Sullivan, Chris Randall, Greg Reid, Alan Cooper, Steve Anthony, Di Alexander, Dale Stephens. Seated from left: Wendy Kale, Pat Lynch, Ian Henderson, Stephen Balmer, Jevon McSkimming.*
- Steering Group news**: A news item titled 'Compliance Common Capability Programme May 2011 update' by Keith Manch. The text reads: 'The rubber is really hitting the road... Significant progress continues in the Compliance Common Capability Programme as the first three qualifications make their way on to the NZQA framework. There is a big focus on preparing for the delivery of the qualifications. Learning State and many of the agencies involved, have their sleeves rolled up and are working hard to make sure that systems are in place to enable people across the compliance sector to access the qualifications...'

The right-hand sidebar contains sections for 'What's New', 'Upcoming Events', 'Application Form', 'New Workspace User', and 'About Learning State'. The Learning State logo is visible at the bottom right of the page.

# Maintaining our effort and being resilient

- Promotion and relationship building
- Waves of change
- Leadership



- 2008 start up
- 2012 first paid Secretariat
- 2014 Productivity Commission Report
- 2015/16 Government Regulatory Practice Initiative
- 2021 Increase in resources and strengthening of Secretariat

