



MBIE's Regulatory Systems Stewardship Strategy 2023-2028

IMPROVING REGULATORY OUTCOMES FOR AOTEAROA NEW ZEALAND



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

Ministry of Business, Innovation and Employment (MBIE) Hīkina Whakatutuki – Lifting to make successful

MBIE develops and delivers policy, services, advice and regulation to support economic growth and the prosperity and wellbeing of New Zealanders.

MORE INFORMATION

Information, examples and answers to your questions about the topics covered here can be found on our website: www.mbie.govt.nz.

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ISBN (ONLINE): 978-1-99-106941-2

ISBN (PRINT): 978-1-99-106942-9

MARCH 2023

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Foreword

Regulation is central to much of what MBIE does and good regulatory practice is a priority for me.

We need to make sure our regulatory systems work well for the communities, people, and businesses we serve today, and for future generations. Being an effective steward of these systems is the cornerstone of how we do this.

Kia ora,

I am pleased to present MBIE's 2023 Regulatory Systems Stewardship Strategy. This is an important document that signals our organisational commitment to improving how we steward our regulatory systems. Our goal is to extend and deepen our regulatory stewardship capability so that we can better support the safety, growth and sustainability of Aotearoa New Zealand's communities, people, and businesses.

The majority of our people at MBIE are involved in either shaping policy for regulation, designing it, delivering services as part of a regulatory system, ensuring people comply, or assessing its impact. When we do this well, New Zealanders benefit.

Since launching our first strategy in 2017, we've made significant progress, despite the challenges recent years have presented for creating momentum across MBIE. We also recognise that we've got some way to go before all our regulatory systems operate with a consistent stewardship mindset.

Our regulatory obligations are reflected in MBIE's core values, so that we strive to:

- › **Pono me te tika** – take responsibility collectively to do things from a system perspective
- › **Mahi tahi** – work together to achieve good outcomes for systems – sharing accountabilities and knowledge, and respecting and partnering with others

- › **Pae kahurangi** – be future-focused and proactive – learning and listening to ensure relevance and protect what is precious for future generations
- › **Māia** – have the courage to do things differently. This includes having challenging conversations within and outside MBIE about what good regulatory stewardship means for our priorities and ways of working.

This 2023–2028 Strategy not only builds on the work that's underway, but also extends our ambition, based on the lessons we've learnt since 2017. The strategy directs our focus over the next five years so that, by working with our partner organisations, our regulatory systems deliver increasing benefits for all New Zealanders.

Our success will require a shared commitment across our organisation and beyond. I look forward to taking the next steps on this journey with you.

In doing this, I encourage all of us to consider what regulatory stewardship means for us in our different roles, so that we can maximise the benefits of the scale and scope of MBIE to realise the potential of the organisation.

Carolyn Tremain

Te Tumu Whakarae mō Hikina Whakatutuki
Secretary for Business, Innovation and Employment and Chief Executive

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"Protecting what is precious for future generations is the key part of being a regulatory steward."

Day-to-day this means understanding the trends that are affecting our communities, and responding to changes in New Zealanders' behaviours, expectations and attitudes. All the time, keeping one eye to the future and what that means for future proofing our regulatory systems."

Melanie Porter
Deputy Secretary Te Waka Pūtahitanga

Introduction

Regulatory stewardship is a priority for MBIE.

REGULATORY STEWARDSHIP IS CENTRAL TO MBIE'S ROLE

Regulation, created through legislation, is one of the main ways that governments achieve outcomes for Aotearoa New Zealand and is critical to maintaining a safe, healthy, and vibrant economy and society.

MBIE has a role in many regulatory systems that touch on the daily lives of New Zealanders. As regulators, we engage with diverse communities, people, businesses, and regions. This places a responsibility on us to put people at the heart of our mahi and to look ahead on behalf of future generations.

We invest in regulatory stewardship because high-performing regulatory systems are key to achieving our purpose: *Grow Aotearoa New Zealand for All*.

REGULATORY STEWARDSHIP IS RELEVANT ACROSS MBIE

Regulatory stewardship is a core part of our organisational strategy – Te Ara Amiorangi – and doesn't just apply to those directly involved in regulatory policy practice. It's fundamental to the way we approach our roles whether delivering services, monitoring finances and performance, designing policy and implementation approaches, managing teams, building people capability, or making better use of data and information. Collaboration across our teams, across our organisation, and with system partner organisations is essential to enable stewardship.

This strategy sets a path for MBIE to strengthen regulatory stewardship and work with our partner organisations to increase the benefits delivered to New Zealanders through our regulatory systems. In doing so, it looks to leverage the benefits of the scale and scope of MBIE.

How we created this strategy

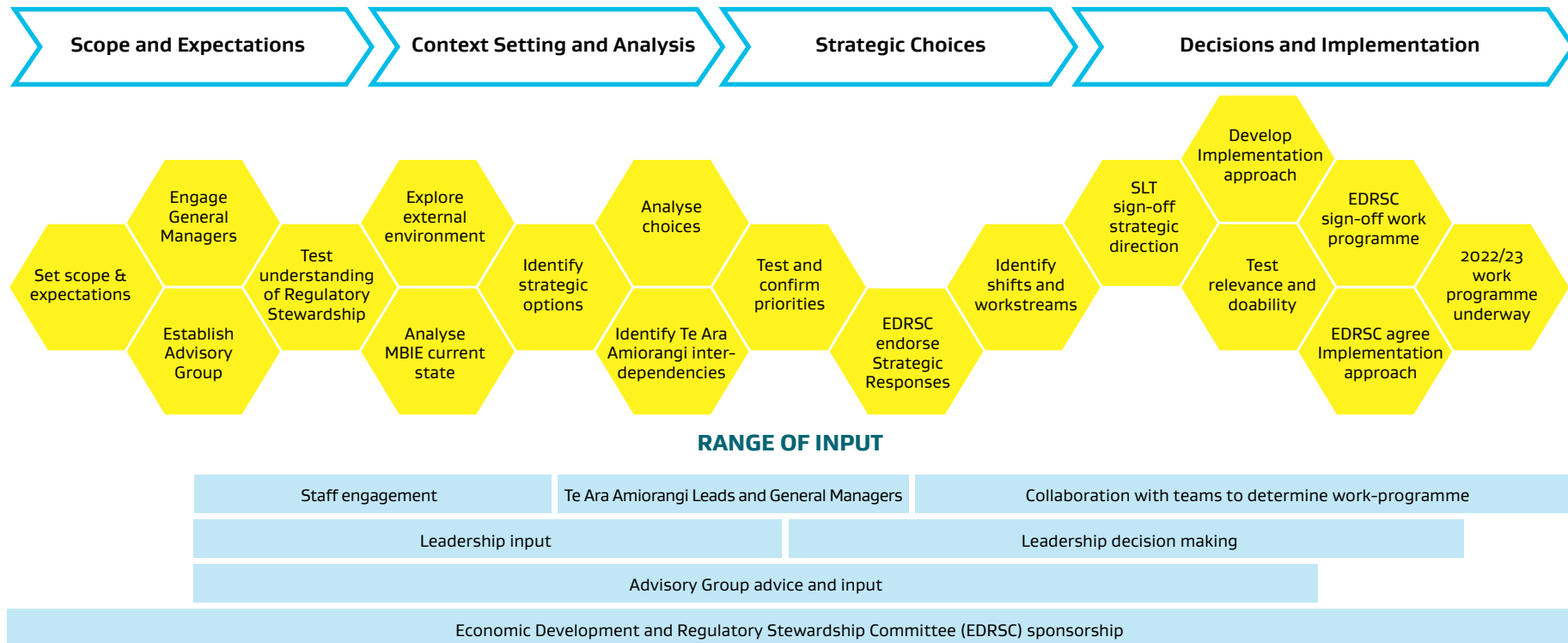
Input and collaboration across MBIE was essential to developing this strategy.

The diagram below shows how the different perspectives, experiences and voices from across MBIE were brought together to inform and shape this strategy in 2022.

Continued dialogue across MBIE will be critical for the strategy's implementation – to inform and refine the work programme, track implementation, and measure the impact as we all work towards embedding stewardship

Process and inputs to develop this strategy in 2022

STEPS IN THE STRATEGY PROCESS



MBIE's stewardship journey and lessons learnt

MBIE began its regulatory stewardship journey in 2013. This strategy builds on what we've learnt and achieved since then.

STEWARDSHIP IS A PUBLIC SERVICE RESPONSIBILITY

The 2013 amendment of State Sector Act 1988 formalised the role of stewardship in improving regulation by describing chief executives' responsibility to steward their organisations, assets, liabilities and legislation.

The value of a stewardship approach for regulators was reinforced by The Aotearoa New Zealand Productivity Commission's 2014 *Regulatory Institutions and Practices* report. It reviewed where and how to make improvements in the quality and effectiveness of government regulatory institutions and practices. In the same year, MBIE's Performance Improvement Framework review challenged MBIE to enhance its regulatory stewardship role.

Regulatory stewardship is now a firmly established good practice expectation for public service agencies through the Public Service Act 2020 and through the Minister of Finance's Letters of Expectation.

MBIE DEFINES ITS ROLE AS WORKING IN REGULATORY SYSTEMS

Since 2013, MBIE has increasingly invested in regulatory system stewardship. Achievements have included:

- › Publishing the 2017 regulatory stewardship strategy which cemented MBIE's understanding of being a regulator and of good regulatory practices
- › Hosting the Government Centre for Dispute Resolution to drive improvements to this important regulatory function
- › Passing the first two Regulatory System Amendment Bills, and making progress on two further bills

- › Collaborating with other regulatory agencies to establish and host the Government Regulatory Practice Initiative (G-Reg) to improve regulatory practice through leadership, culture, and workforce capability.

ESTABLISHING THE REGULATORY STEWARDSHIP BRANCH CEMENTS MBIE'S COMMITMENT TO REGULATORY STEWARDSHIP

In 2019, the Regulatory Stewardship Branch was established to support a deliberate focus on improving MBIE's stewardship maturity and to support individual systems. With the branch's support, most systems across MBIE have made some progress to support their system stewardship.

Progress includes carrying out Regulatory System Stewardship Maturity Assessments, creating charters to clarify the objectives and scope of systems, and establishing system governance and risk management approaches. A significant aspect of this progress has been increasing collaboration, not only across MBIE but also with external organisations operating within our regulatory systems.

The Productivity Commission's 2014 report continues to be an important touchstone. It identified a range of common causes of regulatory failure, and MBIE is working to develop and implement stewardship practices that respond to those potential sources of failure.

The diagram in Appendix I describes MBIE's regulatory stewardship journey so far, in particular the significant steps towards creating an environment that supports stewardship.

WHAT WE'VE LEARNT ABOUT WHAT GOOD REGULATORY STEWARDSHIP LOOKS LIKE

The understanding of what regulatory stewardship encompasses is still evolving. One current description states that regulatory stewardship is:

“the active governance, monitoring and care of regulatory systems to ensure that all the different parts work together well to achieve intended outcomes and keep the system fit for purpose over the long-term.”

Treasury, 2022

Through our work on stewardship at MBIE, we've learnt:

- › the value of regulatory stewardship as a mechanism for encouraging closer connection between regulatory functions, including policy and operations
- › the importance of driving regulatory stewardship through collective system leadership
- › what good regulatory stewardship looks like in practice.

We've also learnt that regulatory stewardship requires the different parts of our organisation, as well as the external partners in our regulatory systems, to work together well.

The diagram on the opposite page captures the elements that contribute to high-performing regulatory systems.

- › At the heart of these are the *Foundations* that shape our regulatory mindset, priorities, and stewardship culture.
- › Understanding, designing, delivering and improving regulatory systems are essential *Regulatory System Functions*, where MBIE strives for high performing regulatory practices and a knowledge base to drive decision-making.
- › Regulatory system governance enables collective responsibility across MBIE and with external regulatory partners through *Regulatory System Leadership*.
- › Our regulatory roles and practices are shaped and supported by *MBIE-wide common capabilities and infrastructure*.
- › Across MBIE's senior leaders and governance groups provide *Organisational Oversight*.

“Stewardship makes systems more resilient to changes in technology, society and the economy. It both reduces the risk of system failure and strengthens systems' capacity to improve the lives, work and businesses of New Zealanders.”

Paul Stocks
Deputy Secretary Building, Resources and Markets

Elements that contribute to a high-performing regulatory system



“Stewardship isn’t about excellence in a singular activity — it EMERGES from the interaction between these elements...”

Lisa Docherty
Director Government Regulatory Practice
and Strategic Initiatives

The opportunities to be better regulatory stewards

MBIE faces challenges and opportunities to ensure our regulatory systems are well-placed to understand and respond to trends that shape the cultural and behavioural norms of New Zealanders. Regulatory stewardship can help address these.

Through the strategy development process, we heard that MBIE faces four high-level challenges and opportunities to achieving high performing regulatory systems.

WE NEED TO EXPLORE AND UNDERSTAND THE CHANGES TO THE WORLD AROUND US THAT IMPACT OUR REGULATORY SYSTEMS

The past few decades have been characterised by innovations that have challenged business models and markets, personal and social interactions, and the role of government in regulating markets and social spheres. Ensuring that we can access information to understand how change affects the relevance and effectiveness of regulation is a fundamental part of our stewardship.

The need to better understand the performance of existing regulatory settings sits alongside the need to gain insights about macro trends driving change across Aotearoa New Zealand. Are our current compliance strategies and service delivery designs achieving system objectives, without creating unintended consequences or undermining the effectiveness of adjacent systems? How well placed are we to take advantage of today's technology to gather and analyse performance information?

Evolving Societal Expectations

Changes such as mandatory seat belt wearing (1970s), car seats for children under five (1994) and banning the use of handheld mobile devices while driving (2009), are examples of changes to regulatory settings that imply a reduction in the public's risk appetite. On the other hand, there are also regulatory changes that go the other way, suggesting that in these areas, the public perceive a lower risk (or have become more accepting of the risk) than previously (eg, lowering the age to purchase alcohol from 20 to 18 in 1999).

Significant regulatory change in response to major harm or tragedy events reflects a shift in societal expectations, social licence, and risk appetite once a risk has actually happened. Often, the underlying risk hasn't necessarily changed but the public's tolerance of that risk has. For example, the geothermal activity risk profile of Whakaari White Island has not changed since December 2019. However, the awareness of the risk is now far higher, and acceptance is much lower now that significant harm has been experienced and is no longer seen as a theoretical risk. If the social licence that underpins a regulatory response is eroded, this may result in lower levels of compliance and reduce the impact the response may otherwise have had.

Questions for Aotearoa New Zealand's 21st Century Regulatory Stewards

Our understanding of what is most significant for the future shape of our country and the challenges facing Aotearoa New Zealand's regulators is shifting.

- › How does regulatory stewardship give effect to a Māori-Crown Partnership?
- › What does regulation that genuinely serves the needs of our diverse communities look like?
- › How do we build a more insightful public conversation about the way regulation deals with harm or the potential for harm?
- › How do we achieve inclusive co-design of regulation with the community, while meeting demands for quicker adaptation of regulation to changing circumstances?
- › How do we develop greater insights into the drivers of regulatory system performance?
- › What are the critical features of regulatory systems which make them more resilient to continuing stress and unexpected change?
- › What are the opportunities to use emerging technologies to make regulation more effective?
- › Where do we most need to develop international regulatory cooperation to make our regulatory systems more effective?

Mark Steel
Director Regulatory Stewardship

WE NEED AGILITY TO RESPOND TO NEW DEVELOPMENTS THAT CREATE OPPORTUNITIES TO DO THINGS BETTER

Greater, and faster, flows of information will increasingly test our ability to understand the impact of regulatory settings and to react and respond in a timely way. Keeping pace with, and anticipating changes to, our context is not only important to maintain the relevance of our regulatory systems, but also to shape how we exercise our regulatory role.

There are many opportunities to re-shape our operating and engagement models and evolve the way our regulatory functions interact with Aotearoa New Zealand's businesses and people, to enhance accountability and maintain engagement. For example, exploring the effectiveness of new modes of communication that reach digital native generations, without exacerbating digital exclusion for other communities and groups.

WE NEED TO WORK TOGETHER TO TACKLE GNARLY ISSUES, FUNDAMENTAL SHIFTS, AND EMERGING OPPORTUNITIES

Working together within systems

We've learnt that regulatory systems are more than the sum of their parts and require connection and collaboration between individual functions and organisations. This means we need to place greater value on collective leadership and collaboration within our systems to enable better understanding of the impact of individual functions. Collective leadership will, over time, support more effective regulatory and implementation design, focused on outcomes and risk mitigation.

Working together across systems and across MBIE

Some of the challenges and opportunities we're facing today are not only moving at pace but are also broader than any single regulatory system. For instance, giving effect to Māori-Crown partnership within our regulatory systems or responding to climate change. Working collectively across MBIE – rather than addressing these issues separately within each system – will provide the knowledge, capacity and efficiency that's more likely to provide coherent, joined-up responses across systems.

Working together internationally

Many of the trends affecting Aotearoa New Zealand have international elements and drivers which need an international approach to regulation. International regulatory challenges include disruptive, technology enabled business models, the reach of major corporations into our lives, the global nature of supply chains, and the fragmentation and manipulation of information and media. These things challenge our ability to understand and manage the effectiveness of regulation from a domestic viewpoint – and reinforce the need to maintain and increase international cooperation.

FINDING SPACE FOR STEWARDSHIP IS HARD IN THE FACE OF IMMEDIATE PRESSURES AND SHORT-TERM DEMANDS

People from diverse roles across MBIE recognise and appreciate the value that a regulatory stewardship approach brings. However, our people face challenges in operating from a stewardship perspective day to day.

We are also aware of a tendency to deal with current demands and issues, such as developing and implementing new policy and legislation. This sometimes results in a 'set and forget' mentality, where existing settings aren't reviewed once they are put in place. This may be a rational response to capacity pressures and significant policy change agendas. However, an emphasis on the next challenge makes it difficult to find the time and resources to monitor and evaluate current systems, to establish if things are working as intended. Prioritising enhancement and improvement activities tends to occur once a significant problem occurs. Pushing against this cultural norm is a significant stewardship challenge.

For MBIE managers

Senior managers across MBIE recognise that they operate within a regulatory system as a part of their responsibilities for individual regulatory functions. The challenge they face is the capacity and authority to adopt a system leadership role – the need for clarity and resources to support this in already demanding functional management roles.

For individual regulatory functions

People working in the core regulatory functions acknowledge that evidence-informed practice could be strengthened to deepen understanding of system performance. It's also recognised that it can be a challenge to collaborate across functions. This is particularly evident for the design process, which would benefit from better connections between policy and delivery functions.

For MBIE's corporate functions

Professionals working in our corporate functions provide support, and design organisational structures and systems that better enable regulatory stewardship. How well they can do this will depend on their understanding of regulatory stewardship and how critical it is to the performance of MBIE's regulatory systems.

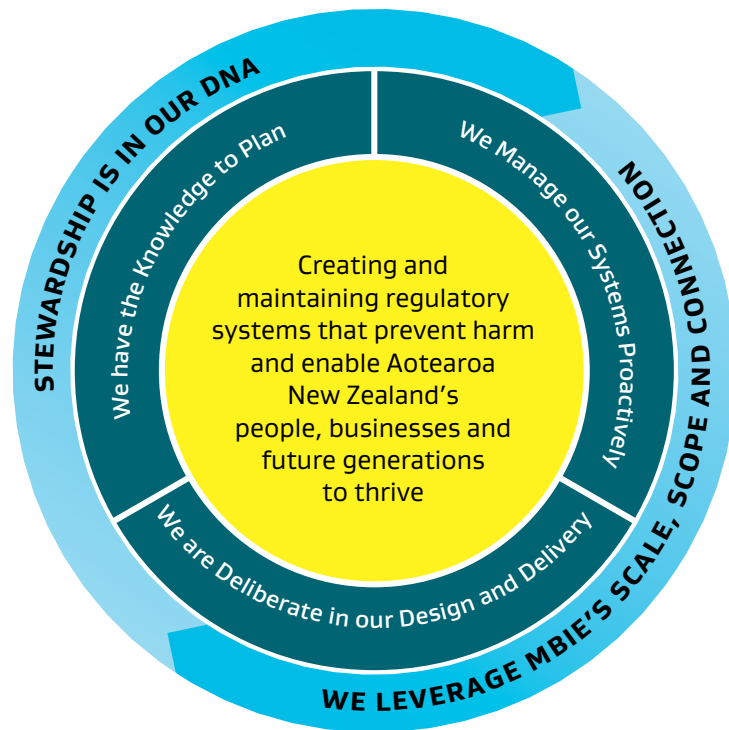
"Kaitiakitanga is guardianship, caring for, protection, upkeep. We need to actively adopt this mindset and use it to shape our practice as we steward the regulatory systems entrusted to MBIE as kaitiaki."

Melanie Porter
Deputy Secretary Te Waka Pūtahitanga

Our ambition

Setting a clear goal to aim for

Our ambition for regulatory stewardship in MBIE is to create and maintain regulatory systems that prevent harm and enable Aotearoa New Zealand's people, businesses, and future generations to thrive.



In the previous section we described the key challenges and opportunities facing MBIE.

To respond to these challenges, this strategy aims to:

- › lift regulatory stewardship capability and practice across MBIE
- › leverage our significant regulatory role to support improvements across the public sector
- › use a collective leadership approach to work with our partner organisations to embed a stewardship approach to maintaining and improving regulatory systems.

At the heart of our ambition is the need for stewardship to be in our DNA. We also have an opportunity to leverage MBIE's scale, scope and connection. When our whole organisation understands, values and prioritises stewardship we will be able to:

- › build the knowledge to manage our regulatory systems and inform our decisions
- › steward our regulatory systems proactively
- › be deliberate in our design and delivery.

The next diagram sets out in more detail what good would look like across MBIE. This definition of good is how we will measure the impact of this strategy and assess the work programme over its life to ensure it is delivering on this ambition.



WHAT GOOD LOOKS LIKE: MBIE'S AMBITION FOR REGULATORY STEWARDSHIP

STEWARDSHIP IS IN OUR DNA

We have a shared understanding of regulatory stewardship

We have a culture of working within, across and between regulatory systems

We are clear about our responsibility and accountabilities for regulatory stewardship

We ensure our people are capable regulators

We have the Knowledge to Plan

- We have information to understand the context and plan the development and operation of our regulatory systems including:
 - connections to Te Tiriti o Waitangi
 - impact on outcomes
 - changes in the regulated sector/activity
 - impact on regulated parties and others
 - implications of public sentiment and social licence

We Manage our Systems Proactively

- We actively plan the development and operation of our regulatory systems with:
 - regard to Māori-Crown partnership
 - a long-term perspective
 - clear outcomes and alignment with wider government objectives
 - a balance of responsiveness and stability
 - regard to cross systems issues

We are Deliberate in our Design and Delivery

- We are people focused and enabling
- We use regulation appropriately and effectively to achieve the objectives
- We develop and operate our regulatory systems to collectively agreed priorities
- We are joined up in our design and delivery of our systems

WE LEVERAGE MBIE'S SCALE, SCOPE AND CONNECTION

We use regulatory system assurance to give us insight into our stewardship

We manage risks across our regulatory systems and prioritise accordingly

We use our scale to address common issues and emerging challenges

We ensure MBIE's shared capabilities and operating model makes regulatory stewardship easy

Our strategic response

Focusing MBIE's effort where it matters most

Our strategic response addresses the challenges and opportunities identified through our strategy development process.

HOW WE DETERMINED OUR STRATEGIC RESPONSE

To give effect to our ambition we've developed six complementary, inter-related strategic responses. We've developed these by reflecting on:

- › learnings from our regulatory stewardship journey
- › what the strategy development process has told us about factors that shape MBIE's operating environment now and in the future – internal strengths and weaknesses, as well as external trends and drivers.

We paid particular attention to the following factors:

- › current progress: work underway or planned that contributes to our ambition
- › control: some key challenges and drivers that influence our capacity for system stewardship reside outside MBIE's direct scope to shift
- › connection: with other Te Ara Amiorangi strategic plans and other related organisational strategies
- › collaboration: the shifts that this strategy is seeking to achieve will require collaboration from our people, both across MBIE and with other organisations
- › capacity: the pace and scale of change will be heavily influenced by the maturity, capacity, and bandwidth of individual systems.

HOW OUR STRATEGIC RESPONSES REINFORCE EACH OTHER

The critical strategic response to achieve MBIE's ambition is proactive system management. This strategic response recognises the need to be deliberate and prioritise the long-term care and maintenance of our systems.

The approach to achieving this is to firstly create momentum by embedding system leadership that is empowered by the right knowledge. As system leaders enact the leadership expectations, opportunities to uplift capability and shift practice will follow.

However, without the capability of our people and effective design practices we will not be able to design and deliver regulatory systems that meet their objectives. Hence the focus on these two foundational elements of good stewardship.

Finally, we recognise that the effectiveness of individual systems can be enhanced by collaboration across MBIE to engage in opportunities and challenges that apply across multiple systems and remove organisational barriers to make stewardship easier.

WHAT THE FOLLOWING PAGES COVER

The following pages describe:

- › why each strategic response is important for MBIE and what it will mean in practice
- › the shifts they are designed to achieve
- › the work that each will drive across MBIE and its regulatory systems.



Embed Formal System Leadership

System leaders are accountable for the performance and risks of their regulatory systems



Embed Proactive System Management

Regulatory systems more easily adapt and respond to performance feedback and shifts in context



Lift Core People Capability

Our people are effective regulatory system stewards



Build Knowledge to Empower Regulatory Stewardship

We use the right kinds of knowledge to make decisions that will improve regulatory system performance and better respond to drivers of change



Enhance the Design of Regulatory Policy and Implementation

An end-to-end design approach results in consistently robust regulatory system design



Engage with Cross-system Issues and Opportunities

MBIE acts in concert, internally and with other organisations, to be agile and responsive



Embed formal system leadership

System leaders are collectively accountable for the performance of their regulatory systems.

WHY THIS IS IMPORTANT

Evidence has shown that weak regulatory system governance and management can lead to situations where different parts of a regulatory system don't work well together, contributing in turn to regulatory system failure. Establishing system leadership expectations and practices across MBIE's regulatory systems will allow us to facilitate better collaboration across functions, to take a more strategic and proactive approach to managing our systems, and to facilitate better understanding of risks and performance. Achieving this strategic response will create an environment that will enable us to maximise the impact of the other strategic responses.

"If we want great outcomes, all of the functions in our regulatory systems have to work together. That means we have to really collaborate; it's about sharing accountability and our knowledge. If we just focus solely on our part of the system, we'll severely limit what we can achieve."

Suzanne Stew
Deputy Secretary Te Whakatairanga Service Delivery

WHAT THIS WILL MEAN FOR MBIE AND FOR REGULATORY SYSTEM LEADERS

As a first step on this journey MBIE's Senior Leadership Team (SLT) set a goal for all MBIE systems to establish regulatory system governance and system risk reporting by December 2023. This strategic response applies to individual leaders, systems, and across MBIE.

For regulatory system leaders (the senior leaders and managers responsible for various regulatory functions within each system), the aim is to provide certainty and clarity about expectations and to address roadblocks and barriers to adopting a system leadership role.

At the regulatory system level, the aim is to establish and strengthen regulatory system leadership and governance. This includes clearly identifying the system outcomes that we are working towards, the strategy for achieving these, how we will manage risks to those system outcomes, and ensuring we have a broad understanding of system performance (including compliance costs).

Across MBIE, the aim is to ensure that information about individual systems flows to the SLT to provide oversight and confidence about system performance.

WORK THIS STRATEGIC RESPONSE WILL DRIVE

Three workstreams will address embedding formal system leadership.

Workstream 1: Formalise system leadership expectations

Embed common expectations for regulatory system leaders and explore roadblocks and barriers to implementing these.

Workstream 2: Establish mature regulatory system governance

Drive adoption of system governance across all MBIE systems to facilitate collaborative and proactive system stewardship and oversee improvements in system maturity.

Workstream 3: Strengthen system risk management practices

Support development of regulatory system risk management practices that are aligned with and complement MBIE's corporate risk management approach and reporting.

These workstreams support our ambition for:

- › clear roles and responsibilities for stewardship
- › MBIE's shared capabilities and operating model to make stewardship easy
- › a culture of working across and between systems
- › proactive system management
- › managing risks across our systems and prioritising accordingly
- › using regulatory systems assurance to give us insight into our stewardship.

"Being a good regulatory steward is about taking responsibility to do things right. It's about putting people at the heart of how we design and implement regulation – making it easy for people to do the right thing. It's about ensuring fairness, whilst allowing people to thrive."

Suzanne Stew
Deputy Secretary Te Whakatairanga Service Delivery

THE SHIFTS WE NEED TO ACHIEVE TO BE SUCCESSFUL

	From (Current experiences)	To (Future experiences)
Stewardship is in our DNA	<ul style="list-style-type: none"> › System leadership roles and requirements, within and outside of MBIE, are not well understood. › System leaders don't always have the resource to perform their leadership responsibilities. › System governance arrangements are not consistently in place and depend on individual system leaders' priorities. 	<ul style="list-style-type: none"> › System leaders, within and outside MBIE, understand their role and what is expected from them. › System leadership is resourced across MBIE. › All of MBIE's regulatory systems have governance arrangements in place and actively work to improve their system governance capability.
We steward our systems proactively	<ul style="list-style-type: none"> › The practice of regulatory system risk management is not applied consistently by systems. › System leaders have tacit and innate understanding of system maturity that isn't always visible or shared across the system. 	<ul style="list-style-type: none"> › Regulatory system risks are consistently and actively managed across all MBIE systems. › System leaders have confidence in their collective understanding of system maturity and are actively addressing areas of greater weakness and opportunity.
We leverage MBIE's scale, scope and connection	<ul style="list-style-type: none"> › MBIE governance focuses on enterprise (organisationally focused) risk, with little formal system mechanisms to monitor regulatory system risks. › MBIE leaders do not have consistent visibility or understanding of system performance to inform organisational decision-making and prioritisation. 	<ul style="list-style-type: none"> › Regulatory system risk reporting is in place at the MBIE governance level, alongside enterprise risks. › MBIE leadership's collective understanding of system performance informs organisational decision-making and prioritisation.

“Regulatory Stewardship is our leadership challenge. If we want to deliver on our outcomes for Aotearoa New Zealand, we have to get this right.”

Paul Stocks
Deputy Secretary Building, Resources and Markets

Regulatory system leaders – MBIE’s leadership expectations

- › Establish regulatory system governance arrangements that allow for collective leadership and collaborative action to improve the effectiveness of regulatory systems.
- › Have clarity and a shared understanding of the outcomes that a regulatory system is seeking to achieve and put in place performance measures and reporting to inform decision-making to improve regulatory system performance.
- › Identify and collectively manage regulatory system risk.
- › Establish understanding of the impact the system is having on those who are regulated by it, including aspects such as the cost of compliance.
- › Commission reviews of the regulatory system, including periodically undertaking some form of stewardship maturity assessment or assurance.
- › Develop shared priorities for the proactive improvement of the design and operation of the regulatory system.
- › Understand interdependencies and unintended consequences to create regulatory system coherence.



Lift core people capability

Our people are effective regulatory system stewards.

WHY THIS IS IMPORTANT

This strategic response is foundational for the strategy. Embedding regulatory system stewardship at the heart of MBIE's people capability and culture is critical to sustaining good regulatory practice over time. The understanding and adoption of regulatory stewardship by MBIE's people is essential to encourage end-to-end design and proactive system management, enhance the use of information to shape decisions and work more efficiently across MBIE to address strategic opportunities and challenges. This is not only true for those in regulatory roles but also for those in corporate functions who need to understand how to support regulatory stewardship through their work across MBIE.

WHAT THIS WILL MEAN FOR MBIE PEOPLE

This strategic response is designed to ensure that MBIE people:

- › have a shared and foundational understanding of regulatory stewardship
- › bring a stewardship mindset to their professional and technical roles
- › are supported by the organisation to develop skills to operate as effective regulatory stewards.

To achieve these shifts, teams and leaders across MBIE will need to understand drivers and roadblocks and will need to invest in developing tools and processes that support our people to be good regulatory stewards.

WORK THIS STRATEGIC RESPONSE WILL DRIVE

Two workstreams will address lifting core people capability.

Workstream 1: Embed shared understanding and mindset of regulatory stewardship across MBIE

Build wide-spread understanding of what regulatory systems, regulatory stewardship and system leadership is in MBIE's context and build shared understanding of the value for MBIE people

Workstream 2: Support our people to be good system stewards

Establish the right conditions to encourage and support our people to be good regulatory stewards.

These workstreams support our ambition for:

- › a shared understanding of stewardship
- › our people to be capable regulators
- › clear roles and responsibilities for stewardship
- › a culture of working within, across and between systems.

"Regulatory stewardship is threaded throughout all our roles and functions so to have it 'in our DNA' we need a shared understanding of what it means. This is a core capability for every one of us, whether we're in direct customer facing, regulatory, policy, leadership or organisational support roles."

Richard Griffiths
Deputy Secretary Corporate Services, Finance and Enablement

THE SHIFTS WE NEED TO ACHIEVE TO BE SUCCESSFUL

	From (Current experiences)	To (Future experiences)
Stewardship is in our DNA	<ul style="list-style-type: none"> › There is patchy and inconsistent understanding of regulatory stewardship across MBIE. › Accountabilities and incentives can drive a focus on short-term deliverables and functional view of roles without considering the regulatory system as a whole. › Technical knowledge and skills are valued more highly than skills that support a regulatory stewardship mindset. 	<ul style="list-style-type: none"> › Our people understand regulatory stewardship and how they contribute to it. › Our people take pride in their regulatory stewardship role and responsibilities as they progress their careers in MBIE. › Our people can see how regulatory stewardship contributes to their career development and options.
We leverage MBIE's scale, scope and connection	<ul style="list-style-type: none"> › Corporate functions do not systematically consider how they support regulatory stewardship. › Focus on discrete functional excellence and practice within systems means that MBIE doesn't consistently benefit from the opportunity for collaboration across systems. 	<ul style="list-style-type: none"> › Corporate functions provide system support and organisational settings that make regulatory stewardship easy. › Our people can easily access resources and support to develop practices and skills within MBIE in support of regulatory stewardship. › Our people can easily work across regulatory functions and regulatory systems to support better outcomes.



Enhance the design of regulatory policy and implementation

An end-to-end design approach results in sustainable and robust regulatory system design.

WHY THIS IS IMPORTANT

For regulation to be effective, not only do the legislative settings need to reflect the intent well, but the operational design also needs to translate these into efficient and workable practices. Achieving this will be challenging for the following reasons:

- › **Capacity** – when working under capacity pressures, it is harder to work with other teams across the regulatory system
- › **Consultation** – this does occur across systems but is often quick and formulaic – a simple information exchange – because outcomes are pre-determined
- › **Commissioning** – pre-determined solutions make it challenging to truly test options and present alternatives
- › **Consistency** – poor visibility of settings, approaches and learning across systems leads to inconsistency, inability to learn from previous experiences and ‘reinventing the wheel’ – making the design process inefficient and ineffective.

We know that our people want to explore different ways of working – including people-centred approaches – to facilitate the flow of knowledge and thinking between operational and policy teams.

WHAT THIS WILL MEAN FOR MBIE SYSTEMS AND REGULATORY FUNCTIONS

This strategic response aims to review and enhance current policy and service design practices and capabilities across MBIE. Achieving this strategic response will give MBIE greater confidence that regulatory system settings and operational designs are integrated to achieve policy objectives, are people-centred, and make compliance easy.

To be successful, our people will need to question the value of long-established processes, review the application of existing skills and expertise, and be prepared to learn and test new sets of skills and processes such as journey or process mapping and prototyping.

WORK THIS STRATEGIC RESPONSE WILL DRIVE

Three workstreams will address enhancing the design of regulatory policy and implementation.

Workstream 1: Remove roadblocks

Identify and work through removing roadblocks that prevent or inhibit end-to-end system design.

Workstream 2: Build capability

Invest in skills that enhance our design capability, including policy design and service design.

Workstream 3: Build practice

Promote practices to improve existing policy and service design processes and grow our understanding of good regulatory design.

These workstreams support our ambition for:

- › robust design and delivery
- › MBIE’s shared capabilities and operating model to make stewardship easy
- › a culture of working within, across and between systems.

THE SHIFTS WE NEED TO ACHIEVE TO BE SUCCESSFUL

	From (Current experiences)	To (Future experiences)
Stewardship is in our DNA	<ul style="list-style-type: none"> › Across MBIE, teams tend to inform rather than consult. › How best to get value from engagement within MBIE or externally based on meaningful, long-term (not transactional) relationships is not well understood. 	<ul style="list-style-type: none"> › The input of others is valued in the design process to help test the robustness of our analysis and design. › Teams are deliberate about how and when we invest in greater engagement and co-design.
We have the knowledge to plan	<ul style="list-style-type: none"> › Developing and retaining depth of experienced knowledge about systems to contribute to design thinking is a challenge. 	<ul style="list-style-type: none"> › Our design process and analysis are supported by robust and relevant data, information and evidence. › Our people have easy access to data, information and evidence about good regulatory design and learnings.
We steward our systems proactively	<ul style="list-style-type: none"> › A lot of re-work is generated as the analysis undertaken is sometimes not sufficiently thorough because of delivery pressures. 	<ul style="list-style-type: none"> › Resources are freed up to avoid re-work.
We create robust design and delivery	<ul style="list-style-type: none"> › Frameworks and processes designed to support regulatory stewardship, such as Regulatory Impact Assessments (RIA) and Regulatory Impact Statements (RIS), are not optimally implemented and are of variable quality. › Design approaches and capabilities are not consistent across different functions and systems, making it harder to work together. 	<ul style="list-style-type: none"> › RIAs and RISs are integral tools to generate good regulatory design and provide confidence to decision-makers. › MBIE has a core set of design approaches and capabilities that facilitate multi-disciplinary collaboration.
We leverage MBIE's scale, scope and connection	<ul style="list-style-type: none"> › Work planning is not done in a way that facilitates teams to work together or plan to accommodate. 	<ul style="list-style-type: none"> › Work programmes are aligned and resourced to facilitate multi-disciplinary collaboration in the design process.



Embed proactive system management

Regulatory systems more easily adapt and respond to performance feedback and shifts in context.

WHY THIS IS IMPORTANT

Taking a long-term perspective to regulatory systems and maintaining system integrity over time is a fundamental aspect of good stewardship. MBIE currently struggles to balance the demands for new regulation with maintaining the systems we're already responsible for. This means that regulatory settings, approaches, and services can fall out of step with commercial and societal trends. This can lead to increases in compliance costs, MBIE administrative costs, or regulatory settings that fail to achieve the expected outcomes.

Investing in proactivity will pay-off. Regulatory systems that are more future proof are better placed to prevent issues arising or manage them if they do.

WHAT THIS WILL MEAN FOR MBIE SYSTEMS AND REGULATORY FUNCTIONS

This strategic response aims to shift the focus of MBIE's efforts from reacting to changes in regulatory context or regulatory failure, to looking ahead and being proactive about planning for change so that regulatory systems remain fit-for-purpose.

Taking a proactive approach challenges MBIE people to:

- › make consistent use of performance information to grow understanding of system performance
- › take an evidence-informed and systematic approach to improving existing systems to keep pace with changes that affect systems' relevance, effectiveness, and efficiency
- › create system strategies to confirm priorities and focus collective effort over the long-term to generate equitable outcomes.

This will require a continuous improvement mindset, supported by deliberate prioritisation and resourcing for the long-term sustainability of regulatory systems.

WORK THIS STRATEGIC RESPONSE WILL DRIVE

Three work streams will address embedding proactive system management.

Workstream 1: Establish system strategies

Develop system strategies to identify areas needing improvement and incorporate relevant regulatory stewardship activities and resourcing in planning and budgeting.

Workstream 2: Embed deliberate system improvement approaches

All members of systems work together on an ongoing basis to identify tangible system improvements (including changes to primary and secondary legislation), and agree the approach, resource and timetable to fix them (within the constraints presented by the government work programme).

Workstream 3: Enhance Regulatory System Amendment Bills

Continue to improve the Regulatory Systems Amendment Bill process and outcomes including improved timeliness and expanded scope of inclusions.

These workstreams support our ambition for:

- › our people to be capable regulators
- › proactive system management
- › robust design and delivery
- › using MBIE's scale to address common issues and emerging challenges.

THE SHIFTS WE NEED TO ACHIEVE TO BE SUCCESSFUL

	From (Current experiences)	To (Future experiences)
Stewardship is in our DNA	<ul style="list-style-type: none"> › Team resources are typically redirected to urgent requests, leading to deprioritisation of, and no capacity for, systematic improvements. 	<ul style="list-style-type: none"> › Our teams are resourced to support ongoing maintenance and improvement programme of policy and operational design changes.
We steward our systems proactively	<ul style="list-style-type: none"> › The understanding of why regulation is designed and implemented the way it is, isn't widely or deliberately shared which reduces collective ability to shape improvements. › There are gaps in understanding across systems about what is involved in making policy, operational and legislative changes. › System leaders and teams operate reactively to Ministerial, stakeholder, and customer demands, making a systematic approach to improvement and future exploration challenging. 	<ul style="list-style-type: none"> › We understand the rationale for the regulatory approach we've implemented, and we systematically review on-going relevance. › Everyone understands what is involved in making policy, operational and legislative changes. We can easily identify process options and preferable change pathways. › Our system leaders and MBIE teams proactively manage system improvements to support the efficiency and effectiveness of existing systems.
We leverage MBIE's scale, scope and connection	<ul style="list-style-type: none"> › Timelines, roles and responsibilities for Regulatory System Amendment Bill processes are unclear. Enactment times are long. › Investment in system improvement and service design is ad-hoc and inconsistent. 	<ul style="list-style-type: none"> › Regulatory Systems Amendment Bill processes are clear, and Bills are passed on a regular and shorter cycle. › MBIE has a suite of common approaches to support system improvement and service design.

"The value-add of regulatory stewardship is the way it changes how we work on our regulatory systems – it gives us a different perspective. We can shift from being reactive to being proactive, from focusing short-term to long-term, and from seeing only individual parts to taking a whole system view."

Chris Bunny
Deputy Secretary Labour, Science and Enterprise



Build knowledge to empower regulatory stewardship

We use the right kinds of knowledge to make decisions that will improve regulatory system performance and better respond to drivers of change.

WHY THIS IS IMPORTANT

MBIE has a lot of data and information about its regulatory systems and the people who interact with those systems. There is a real opportunity for us to better use these resources to understand, manage, and guide our stewardship of those systems. To effectively organise, access and use this asset, we need to ask the right questions to mine its value and determine the gaps we need to fill.

A sound knowledge base (data, information, intelligence, evidence and insights) means system leaders and those who are part of regulatory functions can actively plan and prioritise system development with a continuous improvement lens. It enables us to manage risks across systems, prioritise accordingly, and address common issues and gnarly problems. Having a better understanding of public sentiment and social licence means we can ensure regulatory systems are people-centred and enabling. Better information about the broader environment will help us think about regulation as part of wider sector/activity and help our people be more capable regulators.

WHAT THIS WILL MEAN FOR MBIE SYSTEMS AND REGULATORY FUNCTIONS

This strategic response is designed to ensure that MBIE uses the right kinds of knowledge to make decisions that will improve system performance for all New Zealanders and respond to drivers of change.

Resourcing this activity and developing the capability needed (both people and technology) is likely to result in a longer timeframe for this strategic response.

WORK THIS STRATEGIC RESPONSE WILL DRIVE

Two workstreams will address building knowledge to empower regulatory stewardship.

Workstream 1: Leveraging empowered by data

Support the Empowered by Data Roadmap and Digital Blueprint strategies, and MBIE's Evidence and Insights, and Intelligence and Data Operations functions, to lift the use of operational intelligence and enhance regulatory systems' data quality and use.

Workstream 2: Stimulate knowledge demand

Increase the demand for knowledge and the quality of commissioning. We will support regulatory system leaders to ask the right questions, to improve regulatory system design and enhance regulatory practice.

These workstreams support our ambition for:

- › proactive system management
- › robust design and delivery
- › embedding formal system leadership.

"We've no shortage of data – we're swimming in it. That's not the issue – it's whether we're asking the right questions. That's what will make us better regulatory stewards. That's what will make the most difference to whether we really deliver value for everyone in Aotearoa New Zealand, now and for the future."

Greg Patchell
Deputy Secretary Digital, Data & Insights

THE SHIFTS WE NEED TO ACHIEVE TO BE SUCCESSFUL

	From (Current experiences)	To (Future experiences)
We have the knowledge to plan	<ul style="list-style-type: none"> › The knowledge base for informed decision-making is siloed, patchy and unsystematic, within and across MBIE’s regulatory systems. › The mixed/unknown quality of our data and information makes it harder to test what it tells us about our regulatory systems. 	<ul style="list-style-type: none"> › System leaders and practitioners systematically draw on knowledge to create richer understanding of regulatory environments, system performance, impact, opportunities and risks. › Our people have the knowledge they need to make evidence-informed decisions for both policy and practice. › We trust our data and information because we understand its quality and how we can use it.
We steward our systems proactively	<ul style="list-style-type: none"> › Existing data and information is largely descriptive and there is limited understanding of outcomes and impacts. › System data, information, and evidence and insights aren’t integrated with business planning. 	<ul style="list-style-type: none"> › System leaders ask the right questions – creating demand for knowledge to inform decision-making and effective stewardship. › Information needs are integrated into business planning.
We create robust design and delivery	<ul style="list-style-type: none"> › System monitoring and evaluation is ad hoc, and piecemeal. Practitioner insights have limited impact on design and delivery. › Lessons learnt through monitoring and evaluation don’t easily transfer to future design and delivery decisions within and across systems. 	<ul style="list-style-type: none"> › Monitoring and evaluation are embedded in the policy, design and delivery cycle. › Lessons learnt from past design and delivery activities carry forward into new work.
We leverage MBIE’s scale, scope and connection	<ul style="list-style-type: none"> › Our existing data and information resources are under-utilised. › Ability to use and share knowledge across systems is not maximised. 	<ul style="list-style-type: none"> › We routinely share information across systems to optimise service and compliance activities. › Our systems, infrastructure and technology facilitate easy access, effective knowledge management and cross-system insights.



Engage with cross-system issues and opportunities

MBIE acts in concert, internally and with other organisations, to be agile and responsive.

WHY THIS IS IMPORTANT

The pace and complexity of change in our current environment makes it imperative that we understand and respond to trends and shifts in a holistic way. When regulators take their eye off long-term and broader perspectives, the systems they steward can become irrelevant, ineffective, or harder for people to engage with. We also know that it's often challenging to find bandwidth and resources to prepare for emerging risks and opportunities whilst also dealing with immediate issues and demands.

Regulatory stewardship is still a relatively new practice for the public service. Good practice is still evolving. As one of the largest regulatory agencies in the public service, MBIE has both the scale and scope to lead the way in setting good practice.

WHAT THIS WILL MEAN FOR MBIE

This strategic response is designed to take advantage of MBIE's collective knowledge and expertise to get ahead of the game and be prepared for the future. Work within this strategic response focuses on supporting our understanding of emerging trends and improving our ability to shape a timely response right across all MBIE's regulatory systems.

As a result of MBIE's scale and scope, we have the potential to address complex issues across regulatory system boundaries, drawing on areas of common practice and complementary activity (eg, regulating immigration and workplace relations and safety). However, as our current environment tends towards working to short-term horizons, the benefits of leveraging MBIE's breadth of functions and system roles to tackle complex issues requires deliberate focus.

This response is a call to shift our perspective from merely managing the immediate to exploring, anticipating, and shaping a collective response to medium- and long-term changes in our environment.

WORK THIS STRATEGIC RESPONSE WILL DRIVE

Two workstreams will address how we engage with cross-system issues and opportunities.

Workstream 1: Establish organisational resource and practice

Work across the organisation to explore how MBIE can resource and coordinate exploration and response to strategic trends, opportunities and issues.

Workstream 2: Explore strategic issues and opportunities systematically

Investigate the topics that matter most for Aotearoa New Zealand and that will have consequences across MBIE's regulatory systems, starting with:

- › Māori-Crown partnership: exploring how to give effect to partnership in a regulatory system context
- › regulatory response to climate change
- › emerging international regulatory trends and approaches.

These workstreams support our ambition for:

- › knowledge to plan the development of our regulatory systems
- › taking a long-term perspective and regard to cross system issues and opportunities
- › using MBIE's scale to address common issues and emerging challenges.

THE SHIFTS WE NEED TO ACHIEVE TO BE SUCCESSFUL

	From (Current experiences)	To (Future experiences)
We have the knowledge to plan	<ul style="list-style-type: none"> › MBIE has fragmented knowledge about emerging trends and international regulatory practices, and what we know isn't systematically shared easily across the organisation. 	<ul style="list-style-type: none"> › Teams across MBIE leverage off each other to grow collective understanding of challenging issues/trends. › MBIE understands the common issues, challenges and opportunities that span the agency, and the impact they're having on delivery and performance.
We steward our systems proactively	<ul style="list-style-type: none"> › Issues have to be pressing before we are able to invest in resolving them, which is neither optimal for Aotearoa New Zealand, nor efficient for MBIE. 	<ul style="list-style-type: none"> › MBIE's systems routinely look beyond their immediate focus to understand how broader trends may affect them and respond proactively.
We create robust design and delivery	<ul style="list-style-type: none"> › Systems are incentivised to respond to demands for change individually without an organisation-wide lens to ensure the response is consistent or complementary across MBIE. 	<ul style="list-style-type: none"> › MBIE's opportunities for cross-system synergies are identified and there is high-level sense of where the priority lies.
We leverage MBIE's scale, scope and connection	<ul style="list-style-type: none"> › Current organisational settings and incentives work against allocating resources to look beyond the near-term and immediate; therefore, effort isn't optimal or sustained. 	<ul style="list-style-type: none"> › MBIE has a resourced programme to inform the future agenda and support the organisation to manage regulatory practice change.

"Across MBIE we're all bumping up against the same gnarly issues that will affect our regulatory systems. But we don't have to do this alone. We have a real opportunity here to tackle these together, to share what we are learning with each other, across our regulatory systems."

Alison McDonald
Deputy Secretary Immigration

Implementation approach: Collaboration across MBIE

Delivering this strategy will require sustained support and collaboration across MBIE.

CLARITY ON ROLES AND RESPONSIBILITIES

The strategy implementation approach takes into account the whole-of-organisation nature of the strategy and the focus on building MBIE's regulatory capability to embed regulatory stewardship in our everyday practices. The diagram on the following page describes our intended approach. It is designed to provide:

- › executive oversight by the Economic Development Regulatory Stewardship Committee (EDRSC) on behalf of the SLT
- › a central point of coordination and momentum
- › organisational visibility and connection
- › collective ownership of progress and implementation.

ACKNOWLEDGING AND CONNECTING WITH WORK ALREADY UNDERWAY

MBIE has a full agenda of operational activity and strategic change underway. This strategy is one among many. Implementation will need to accommodate shifting demands on the organisation and its capacity for change over time.

Several pieces of work underway across MBIE complement or contribute to this strategy. The strategy work programme will reflect not only the connection between different strategic responses but also dependencies and connection to other change activities.

Complementary work includes:

- › the People-Centred Te Ara Amiorangi collective focus area and strategies, such as the Te Whakatairanga Service Delivery Strategy 2021-2025 and the Immigration NZ Strategy
- › the Empowered by Data Te Ara Amiorangi collective focus area, implemented through Data, Digital & Insight's (DDI) Empowered by Data Roadmap and Digital Blueprint strategies

- › the Transitions Pathways Te Ara Amiorangi collective focus area and Te Waka Pūtahitanga's work on Climate change and Te Tāpuhipuhi are examples of organisation-wide approaches to explore and respond to current priorities relevant across regulatory systems.

FOCUSING ON OUR 2023 GOAL

SLT set a goal for all of MBIE's systems to have established regulatory system governance and system risk reporting by December 2023. The focus on supporting our system leaders to achieve this goal is a significant contributor to shaping the work programme for 2023 and 2024.

MAINTAINING MOMENTUM

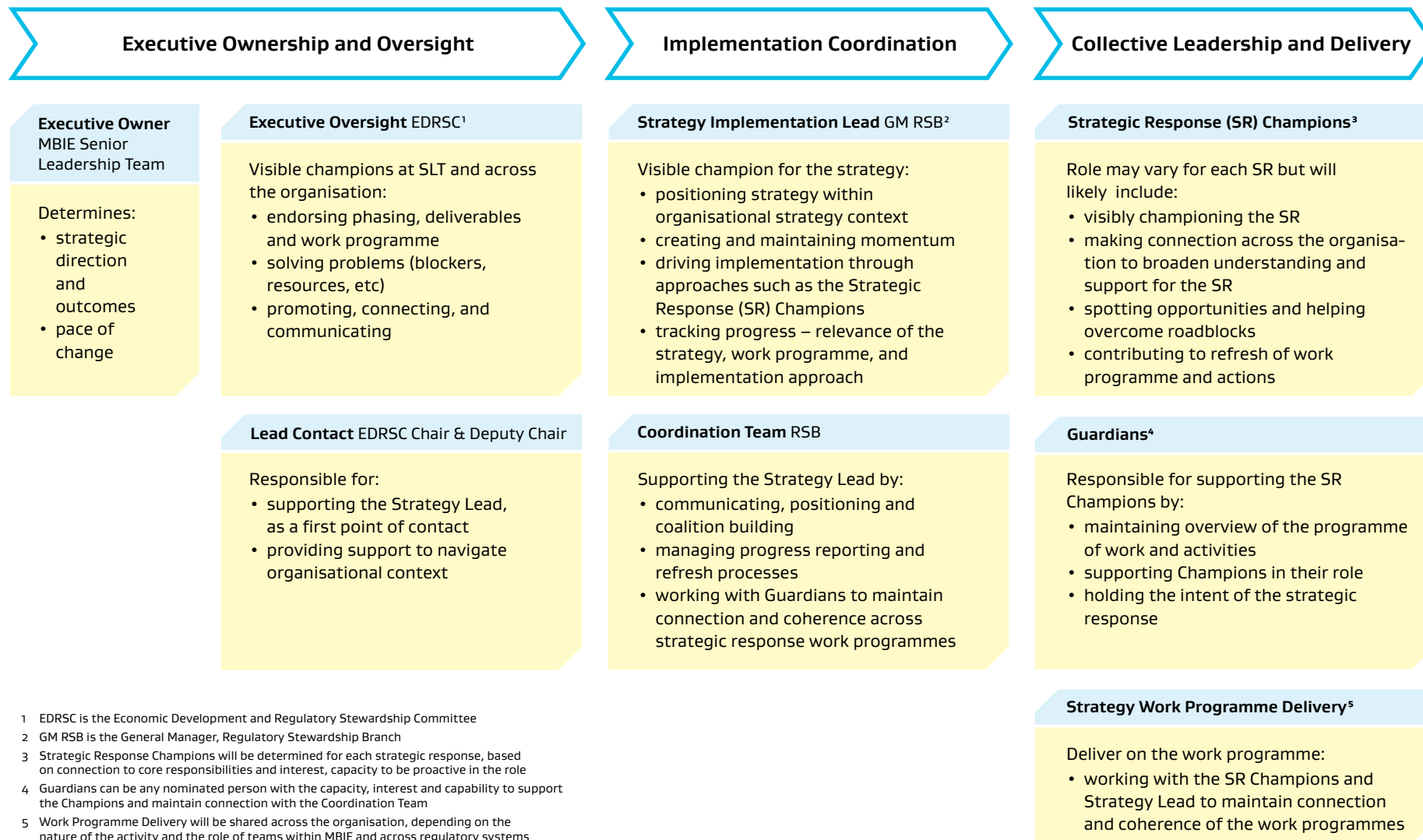
The changes this strategy seeks to achieve will take time to establish and embed across MBIE and our regulatory systems. The mechanisms to maintain momentum and track progress and impact are:

- › progress reporting to EDRSC and SLT – aligned with Te Ara Amiorangi reporting cycles
- › annual review of the work programme – to ensure workstreams and associated activities remain relevant, inform budgeting and work planning, and identify and maintain connection and alignment with related strategies and plans across MBIE.

PROGRAMME OF WORK

The programme of work, based on the streams of work for each strategic response, will be updated regularly as part of the Te Ara Amiorangi six-monthly reporting cycle and its annual review process.

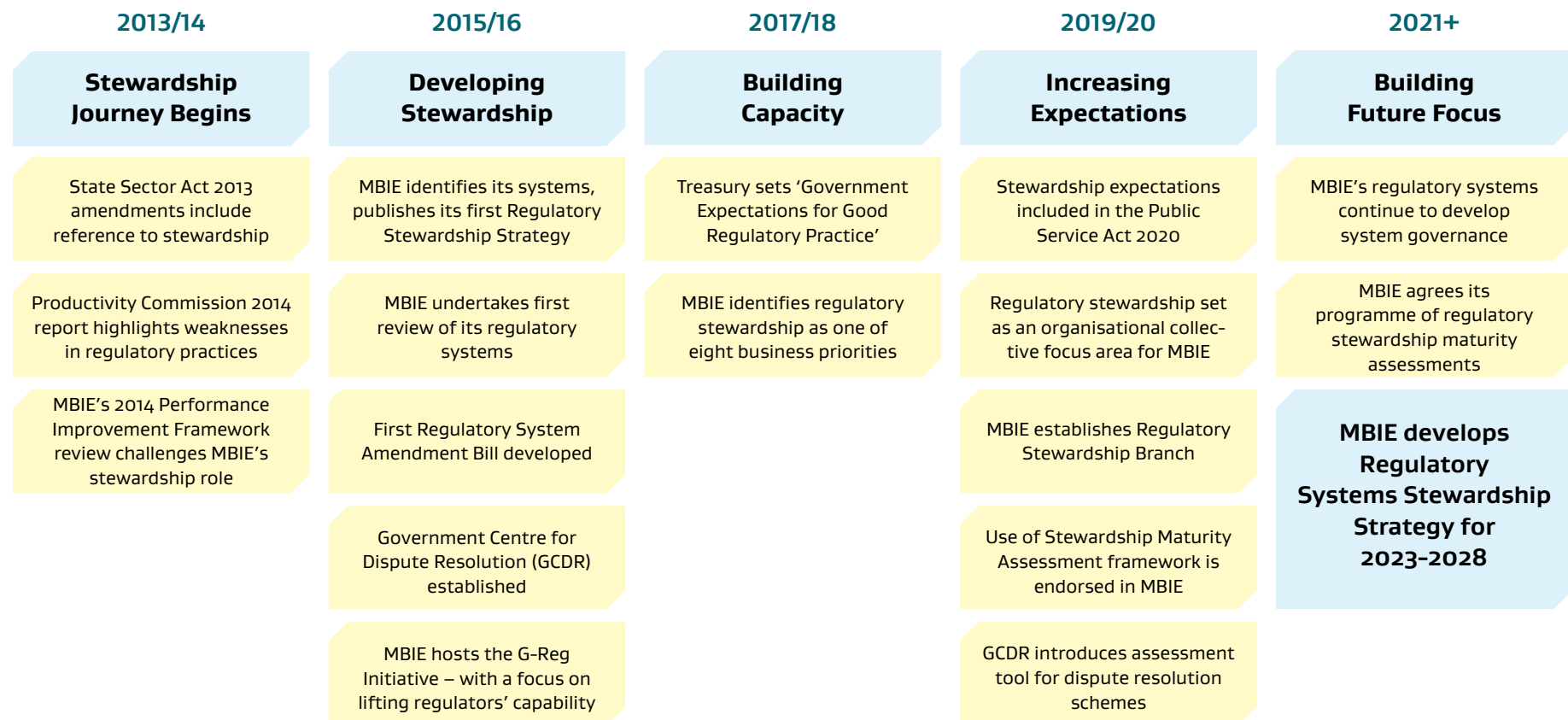
HIGH LEVEL STRATEGY IMPLEMENTATION ROLES AND RESPONSIBILITIES



1 EDRSC is the Economic Development and Regulatory Stewardship Committee
 2 GM RSB is the General Manager, Regulatory Stewardship Branch
 3 Strategic Response Champions will be determined for each strategic response, based on connection to core responsibilities and interest, capacity to be proactive in the role
 4 Guardians can be any nominated person with the capacity, interest and capability to support the Champions and maintain connection with the Coordination Team
 5 Work Programme Delivery will be shared across the organisation, depending on the nature of the activity and the role of teams within MBIE and across regulatory systems

Appendix I

MBIE's regulatory systems stewardship journey since 2013







Te Kāwanatanga o Aotearoa
New Zealand Government

TWP 9013 03/23