

*Continuing Professional Development of Modern Regulators: Innovation and
Discovery in Program Approach*

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Abstract

The impacts of not establishing and maintaining a Continuing Professional Development (CPD) program can be particularly disruptive for regulatory agencies. These impacts can include: knowledge decay, de-skilling, inconsistent work practices, and ineffective regulatory decisions, all of which affect the ability of agencies to deliver public value. CPD is an important element for modern regulators to maintain their capability to perform regulatory functions. However, generally speaking, CPD does not receive the same level of attention and resourcing (agency commitment) when compared to the other key staffing functions such as recruitment (initial and promotion) and training (induction and mandatory). This situation can arise due to a range of factors including, but not limited to: complex operating environments, funding and resourcing imbalances, and shifting government priorities. The design and delivery of CPD needs to be informed by organizational and cultural factors in order that tangible benefits can be maximized. Moreover, as workforces become increasingly diverse (staff roles, skills and demographics) and disparate (virtual, remote and flexible) there is an increasing need for CPD programs to be customised; innovative (integrated, contemporary, and best practice); and resource efficient. This paper considers how regulatory agencies, operating across different domains (economic, environmental, social and hybrids) and regulating different commodities have developed their CPD programs. The aim of this paper is to establish whether, and/or to what extent, innovations and discoveries have been incorporated. It is anticipated that the findings will be of interest to regulatory agencies, regulatory staff, and the regulated community, all of whom have an interest in regulatory excellence.

Keywords: Induction, law enforcement, learning, recruitment, induction, regulation, regulatory capability, teaching, training

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Introduction

Regulation is an important tool that governments use to create a well-functioning society by providing the rules and frameworks needed to achieve social, economic and environmental policy objectives (OECD 2014). It is the responsibility of regulatory agencies to ensure compliance with those rules and regulations. To do this they need to maintain stellar competence (Coglianese 2015). While there are a number of regulatory roles, it can be argued that the compliance inspector is one of the most recognisable. The inspector's role involves conducting on-site inspections and making statutory decisions which affect people's lives – it is a role of power and responsibility. To fulfil that role effectively, inspectors need to develop and maintain a complex, and particular set of knowledge, skills and aptitude which are adaptive to a dynamic operating environment.

Continuing Professional Development (CPD) enables continuous improvement and helps preserve organisational knowledge. This is largely done at an individual level as people share the knowledge they have acquired in the context of formal learning and development activities where that knowledge has been legitimized as organisational knowledge. CPD is an ongoing, multi-faceted activity; a continual striving for, achieving and renewing of learning and development goals (Friedman 2012, p.14). CPD for all staff, particularly professionals, helps keep their knowledge and skills up to date, as well as contributes to their career progression and advancement. For regulatory agencies CPD offers a cost-effective way to establish and uphold high and consistent standards. It enables agencies to maintain the 'competencies that are essential for effective regulatory administration' (ANAO 2014, p.24). However, CPD generally speaking does not receive the same level of attention and resourcing (agency commitment) in regulatory agencies when compared to the other key staffing functions such as recruitment (initial and promotion) and training (induction and mandatory) (Pink 2016). The impacts of not establishing and maintaining a CPD program can be particularly disruptive and lead to knowledge decay, deskilling, sub-optimal work practices, inconsistent regulatory decisions and loss of confidence.

There are a range of reasons the implementation and maintenance of an ongoing CPD program can be challenging for regulatory agencies. These include complex and dynamic operating environments, changing governments, insufficient funding or resources, competing operational priorities and/or differing views about the role and function of a regulator. Whatever the reason, the impacts can be harmful and create significant challenges for regulatory agencies to meet community expectations by effectively delivering on their legislative remit.

In earlier research Pink and Hudson (2016) examined the question of regulatory capability through the lens of the Environment Protection Authority Victoria Authorised Officer Induction program. Regulatory capability was identified as comprising three elements: recruitment; initial training (induction); and continuing professional development (CPD). The focus of this paper is CPD for regulatory professionals, and how it has been developed or modified, across different regulatory agencies, whose responsibilities are located within and across economic, social, environmental and hybrid settings and domains, Drawing on the authors' experience developing and implementing CPD programs in Australian regulatory agencies, three

case study agencies have been selected: the Australian Public Service Commission (APSC); the Victorian Commission of Gambling and Liquor Regulation (VCGLR); and the Environment Protection Authority Victoria (EPA Vic). The case studies consider the reasons for implementing CPD, the approach taken, and whether any innovations and discoveries were made. It will be argued that irrespective of the different domains and industries regulatory agencies operate in, the importance of ongoing CPD cannot be over-stated.

Continuing Professional Development (CPD)

CPD is a 'structured field of knowledge and practice' (Friedman 2012, p.29) that plays an important role in a well-managed organisational capability strategy. CPD enables knowledge and skills to be continually developed and maintained as organisations adapt to their operating environment. It plays a vital role in improving workplace performance and morale; as well as building an organisation's professional reputation (CPA Australia, n.d.). While CPD is a structured approach, it can incorporate a mix of formal and informal learning activities ranging from workshops, seminars, conferences through to reading groups, professional memberships and brown bag sessions.¹

As a multi-dimensional learning and development activity, there are a number of ways to consider CPD. For example, CPD can be:

- a way to maintain professional registrations e.g. real estate agents, accountants, legal professionals, and allied health professionals,²
- a formal organisational learning and development programs (whether delivered externally or internally), and/or
- thought of as an expectation placed on members of a profession to actively engage in self-directed learning, after their initial training, by taking a planned and structured approach (CIPS, n.d.) to monitoring and recording the capabilities they develop through their work, both formally and informally (Jobs.ac.uk).

For the purposes of this paper, the authors have adopted Friedman's description of CPD:

'The systematic maintenance, improvement and broadening of knowledge and skills, and the development of personal qualities necessary for the execution of professional and technical duties throughout the individual's working life' (2012, p.9).

Regulatory agencies – type and focus

Before considering the specifics of CPD in regulatory agencies, it is important to acknowledge that there are different types of regulatory agencies. Equally, regulatory agencies have different primary, but overlapping, foci and objectives.

¹ 'Brown bag sessions' are an informal meeting, training, or presentation that happens in the workplace during lunch time where participants bring their own lunch.

² See for example Nursing and Midwifery Association of Victoria 2016, Occupational Therapy Board of Australia 2013.

Regulatory agencies fall into three broad types: protection, commodity, and hybrid. Protection agencies include those that are involved in protecting: consumers, worker safety, and the environment.³ Commodity agencies include those that are involved in regulating specific: commodities (e.g. financial markets), sectors (retail) and industries (construction). Hybrid agencies include those that are involved in delivering all three parts, or elements, of public service activity; i.e. policy, programmatic and regulatory (Pink and Marshall 2015).

The primary focus and objectives of regulatory agencies, in the first instance, tend to be aligned with economic, environmental, and social drivers. However, to consider it as a binary choice is an oversimplification. The reality is that regulatory agencies in fact have primary, secondary and in some instances tertiary drivers. For example, significant investment in the form of an infrastructure development (for a project) has economic benefits; however, it could result in environmental impacts (as part of developing the site), and social impacts (jobs creation and disruption to communities).

In terms of the case studies that follow, the case study agencies could be conceived of thus:

- APSC – an agency that has developed a regulatory CPD program for federal Australian Public Service agencies that engage in and span all three regulatory domains: economic, environmental, and social regulation – so a hybrid system;
- VCGLR – an agency engaged in regulation that is primary social, and secondary economic, with no specific environmental aspects; and
- EPA Vic – an agency engaged in regulation primary (and largely) environmental, but with secondary social, and tertiary economic.

Case Study 1: Australian Public Sector Commission (APSC)⁴

In the APSC Case Study CPD has been approached from the perspective of a formal learning and development program provided by an external professional body.

Background

The Australian Public Service (APS) is the Australian federal civil service. It has a workforce exceeding 155,000 staff which perform three core activities: policy, programs,⁵ and regulation. The APS is organised into 112 agencies and, like many public or civil services around the world, encompasses economic, social and environmental portfolios. Across the three portfolios, there are 18 job families and a number of different professional occupations, each with their own cultures and sub-cultures.

³ See Pink and Marshall (2015) for a more detailed example of how these three broad types present for environmental regulators.

⁴ Case Study 1 draws heavily upon the earlier work of Dahlstrom and Pink (in press).

⁵ Programs or Program Delivery is perhaps more universally referred to as commonly referred to as programs, constituting the three broad core functions of the APS: policy, programs and regulation.

Although regulation is identified as one of the three core activities performed by the APS, only 11.3% of APS employees perform work classified as ‘Compliance and Regulation’ (APSC 2016). In 2015 the Secretaries Board⁶ of the APS, confirmed that ‘Regulation’ would remain as a core skill, and expanded it to include ‘Regulatory practices and frameworks’ at the management expertise level (APSC, 2015). As a result, the Australian Public Service Commission (APSC), a central agency within the Prime Minister and Cabinet Portfolio, was tasked with developing a whole of government program to develop regulatory capabilities across the APS. Oversight of the program development was provided by several working groups at senior executive officer and practitioner levels.

Approach to CPD for regulatory staff

Introduction to Better Practice Regulation (IBPR)

As an initial step, in late 2015, the APSC developed the *Introduction to Better Practice Regulation* (IBPR) program as a core skill required for all APS employees. The target audience was staff who were either newly recruited to the public service or were transferring from policy or program work to a regulatory function. This was an introductory program and, consistent with the prevailing political climate, had a strong de-regulation focus. The IBPR was rolled out in early 2016, and almost immediately was followed up with the *Regulatory Practitioners and Managers* (RPM) program.

Regulatory Practitioners and Managers (RPM)

The RPM straddled the intermediate and advanced level, and had greater focus on regulatory implementation and regulatory delivery (OECD, 2014a; 2014b). As such the target audience were identified as senior practitioners, team leaders, mid-level managers and resource allocators.

The development of the RPM curriculum and content was a collaborative effort between two professionals from different disciplines: training development and regulation. A half-day design workshop, involving 25 participants representing more than a dozen agencies (operating across the economic, social, and environmental domains) was conducted, with differing priorities afforded to policy, programmatic, and regulatory activities. This design workshop established the ‘must haves’, that is the learning outcomes to be achieved, in order that there was a worthwhile return on investment for the development of staff undertaking regulatory activities.

As it transpired both the IBPR and RPM were developed in such a way that the curriculum and delivery were highly interactive. In the case of the IBPR, as an introductory program it had an e-learning component and pre-program self-directed learning component, prior to the two-day face2face component. The RPM did not include a dedicated e-learning component, however the IBPR e-learning module was made available to participants with its completion being optional.

⁶ Secretaries here reflect the Head of Agency, or Chief Executive Officer level equivalent.

Case Study 2 examines the experience of the VCGLR as a newly established regulatory agency, and its approach to implementing and establishing a tailored CPD program.

Case Study 2: Victorian Commission of Gambling and Liquor Regulation (VCGLR)⁷

Background

In 2012, the Victorian Commission for Gambling and Liquor Regulation Australia (VCGLR), a social/economic regulatory agency, was established through the combining of Victoria's liquor and gambling regulatory agencies.⁸ The operating environment brought with it a range of complex and wicked problems,⁹ such as reduced staff and funding, staff engagement and cultural issues and technology issues (VAGR 2016).

As a newly formed agency, the VCGLR developed The Harmonisation – Training Framework (the Framework) (VCGLR 2013) to provide a road map for the training requirements of new inspector recruits. While the Framework noted the magnitude of the training required for the existing inspectorate, their learning and development needs were not included. In 2016 an external review, Regulating Gambling and Liquor (VAGR 2016), was critical of the VCGLR's effectiveness and capability as a regulator. The need for 'a training team with a dedicated senior training officer' (VCGLR 2016a, p.33) to deliver training to all inspectors and investigators was determined. As a result, a learning and development professional from another regulatory agency was engaged to design, develop and deliver the Inspector Training Program.

Approach to CPD for regulatory staff

The Inspector Training Program (ITP) is part of the Compliance Division Learning and Development Program¹⁰ 2016-18 (VCGLR 2016c). Its purpose is to provide 'the foundation capabilities VCGLR inspectors need to be appointed¹¹ and to maintain that appointment' (VCGLR 2016c, p.5). The ITP is tailored to the VCGLR's particular culture and context and also leads to a national qualification. Table 1 illustrates the relationship between the ITP, tailored to the VCGLR, and meeting the requirements of the qualification.

⁷ Case Study 2 reflects the work (recently completed and underway) of Hudson and VCGLR management.

⁸ Responsible Alcohol Victoria (RAV) and the Victorian Commission for Gambling Regulation (VCGR)

⁹ Wicked in this context is taken to mean 'highly resistant to resolution'.

¹⁰ The Compliance Division Learning and Development Program incorporates three separate, and interconnected, program activities: Inspector Training Program, Investigations Training Program, Leadership Development Program.

¹¹ Appointed in this context means to be authorised with statutory powers.

Table 1: ITP workshops learning activities and national qualification

ITP workshops and learning activities	Unit of competency in national qualification	Assessment evidence
On-the-job learning (coach/mentor)	Uphold and support the values and principles of public service	Values and Principles assessment activity
Corporate Orientation		Communicating as a Regulator workshop
Communicating as a Regulator workshop	Use advanced workplace communication strategies	Collected during workshop
Corporate orientation	Maintain workplace safety	Powers and Functions questionnaire
Evidence and Investigations workshop	Apply regulatory powers	Evidence and Investigations workshop evidence
Contemporaneous Notes Video Learning Course	Undertake inspections and monitoring	Contemporaneous Notes Video Learning Course
Liquor workshop	Receive and validate data	
Gambling workshop	Assess compliance	Evidence Portfolio (real work product)
Casino workshop	Act on non-compliance	
On-the-job application		Team Leader Report
Interviews and Statement Taking workshop	Gather information through interviews	Collected during workshop
Give Evidence and Court Preparation workshop	Give evidence	Collected during workshop

The ITP includes a number of pedagogical dimensions, as a:

- *blended learning program* – incorporating a range of delivery modes and learning experiences (Griffith University 2010) e.g. face-2-face workshops, self-directed learning, video learning, on the job learning and competency based assessment tasks (VCGLR 2016d). To increase the likelihood of influencing inspector practice and the transfer of learning, that is the inspector’s ‘knowing-in-action’ (Friedman 2012, p.59), it was important for the ITP to be as close to the work environment as possible;
- *regulatory learning program* – based on three pillars of knowledge: regulatory, interpersonal, technical (the industry sector/s being regulated); and
- *competency based learning program* – leading to a national qualification.¹²

¹² The national qualification is the PSP40416 Certificate IV in Government Investigation (Regulatory Compliance). This qualification allows for the attainment of occupational specific competencies for those working in operational roles undertaking government investigation related functions, with a particular focus on meeting the ethical and legislative requirements of the public service.

Two theoretical frameworks were relied on in the design of the ITP:

- experiential learning (Kolb 2000), where learning is seen as an active process of knowledge creation through making sense of and transforming experience, and
- social learning, where learning occurs through the participants' lived social experiences (Wenger 1998) and takes place within the activity and its location (culture and context) (Lave and Wenger 1990).

To strengthen the encoding of long term memories, effortful retrieval (Brown et al 2014) and repetition and variation (Marton and Trigwell 2000) were incorporated through spacing the workshops and learning activities over time and place (Davachi et al. 2010). Delivery of the ITP involved people both internal and external to the agency: external trainers, to expand the inspectors regulatory thinking beyond their routine, agency-focused work; internal content experts, to enable the agency to capture, codify and share its organisation and domain specific knowledge; and internal facilitators, to support the agencies capability to build a solid foundation to manage its learning and development needs and, future state, develop a self-sustaining learning eco-system.

In 2016 a foundation level pilot program, with a mix of new recruits and experienced inspectors, was delivered. Kirkpatrick's (1994) four-stage model of evaluation was used to evaluate the pilot:

- *Level 1 Reaction*: using a five point Likert scale,¹³ over 80% of respondents evaluated the ITP pilot as 'very good' to 'excellent'.
- *Level 2 Learning*: all participants successfully completed the ITP pilot with the new recruits being appointed as inspectors, and all participants being awarded a Statement of Attainment for the Certificate IV in Government Investigation (Regulatory Compliance)
- *Level 3 Behaviour*: feedback from managers and team leaders about the participants work practices has been positive with some having been given further merit-based development opportunities
- *Level 4 Results*: the ITP has been incorporated into business as usual. It has been adapted for delivery to the existing inspectorate workforce, approximately 60 participants, (in 2017) to re-establish the foundation skills and knowledge and support a more consistent regulatory approach.

Case study 3, EPA Vic, also took a tailored, in-house approach to developing and delivering its CPD programs, however it is further along the CPD maturity curve.

Case Study 3: Environment Protection Authority Victoria (EPA Vic)¹⁴

Background

The Environment Protection Authority Victoria (EPA Vic) is the third oldest environmental regulation agency in the world, having been established in 1971. As

¹³ Choices being: Excellent, Very Good, Good, OK, and Not OK.

¹⁴ Case Study 3 draws upon the earlier work of Pink and Hudson (2016).

such it has operated continuously for over 45 years and has been subjected to numerous reviews and enquires¹⁵ which have shaped its approach to CPD.

EPA Victoria (EPA Vic), in 2009, was in a similar position to the VCGLR having been the subject of a critical external review. In 2010 an independent review, the Compliance and Enforcement Review (Krpan 2011), was commissioned to provide a blueprint for how EPA Vic could become an effective, modern environmental regulatory agency. The Krpan Review made 119 recommendations including the need for an ongoing training program for inspectors as well as improving the visibility of ‘the organisation’s technical experts...in the community and the organisation itself’ (Curtin 2015b).

Approach to CPD for regulatory staff

Authorised Officer Training and Re-authorisation Program (AOTRP)

In response to the Krpan Review in 2012/13 EPA Vic developed and delivered the Authorised Officer Training and Re-authorisation Program (Hudson 2013). This was a tailored learning and development program designed to establish a capability baseline for the agencies regulatory staff and to improve the consistency of the officers’ regulatory decision making. The Authorised Officer Training and Re-authorisation Program was also an agent of change for EPA Vic supporting their efforts to evolve, adapt and become a modern environmental regulator. These were some of the reasons for the decision to retrain and reauthorize the existing authorised workforce.

As with the VCGLR’s Inspector Training Program, the AOTRP was a regulatory learning program that blended a range of learning modalities with a competency based approach. While it did not lead to the achievement of a national qualification, this approach grounded the AOTRP in the practical application of knowledge and skills in the workplace.

Approximately eighty regulatory officers participated in the AOTRP. While all were authorised, they held a range of roles in the agency: environment protection officers (EPOs), team leaders, managers, investigators, compliance strategists, planning assessment officers and trainee EPOs. The Authorised Officer Training and Re-authorisation Program delivered eighty-four program days in 11 months across face-2-face workshops, eLearning (EPA Vics first), webinars, on the job application and competency based assessment tasks.

It was then modified to become the EPA Vic Authorised Officer Induction Program (the AOIP), ‘to provide enough information, practice and on-the job experience so trainees are ‘field ready’ at the conclusion of the program and can demonstrate their competence to be appointed ... under the EP Act’ (EPA Victoria 2015a, p.5).

¹⁵ The most notable and relevant ones in terms of CPD are: Victorian Government 2010, Krpan 2011, and VAGO 2012).

Expertise Framework Program

Around the same time, EPA Vic implemented *The Expertise Framework Program*¹⁶ (the Framework) as another part of its commitment to providing continuing development for its regulatory and scientific staff (EPA Vic., n.d.). The purpose of the Framework is to ‘appoint staff recognised as leaders in the areas of air quality, inland water, marine water, waste, landfill, land and groundwater, and odour as EPA’s ‘principal experts’ (EPA Vic n.d.).

The responsibilities of a Principal Expert include dedicating 50% of their time to sharing their expertise and knowledge: to inform the agencies decision makers, to support their peers and colleagues, and to mentor the next generation of experts. To succeed in the role, it was determined that scientific capability alone was not enough. With the role of the Principal Experts being to share their knowledge and help others to develop theirs (Curtin 2015b), leadership and communication skills were considered equally important capabilities.

A four-stage process for appointing the Principal Experts was implemented:

- Stage 1 involved collecting nominations from interested staff members who believed they were suitably qualified, this needed to be accompanied with their managers’ endorsement.
- Stage 2 saw the applicants’ knowledge tested in their specialist environmental area, based on the results applicants progressed to the next stage.
- Stage 3 was a formal recruitment process where their ‘leadership, professional conduct and knowledge-sharing capabilities’ (EPA Vic n.d.) were evaluated.
- Stage 4 was based on the recommendations; EPA Vic’s senior management team appoint the Principal Experts. Appointments are reviewed on a bi-annual basis.

Discussion and analysis

The APSC, VCGLR and EPA Vic provide examples of three different approaches taken by regulatory agencies to CPD. The APSC delivered a formal program aimed at addressing a common need across multiple agencies with regulatory function, but sits outside those agencies. The VCGLR and EPA Vic have both been the subject of external reviews critical of their regulatory capability and effectiveness (VAGR 2016, Krpan 2011). Both agencies have responded by implementing in-house CPD programs tailored for their particular culture and context in order to maximise the tangible benefits. Each of these are now discussed in turn:

APSC

The IBPR and RPM have been delivered to over 300 participants with extremely favourable feedback based upon pre-course and post-course comments and self-assessments. These programs have demonstrated their utility, especially across mixed-agency, cross-jurisdictional groups, where increased co-regulatory and partner-regulatory activity has been required. The absence of a regulatory doctrine presented

¹⁶ For additional information on the Framework see <http://www.epa.vic.gov.au/about-us/expertise-framework-program>

challenges in establishing the skills and knowledge to be included in the curriculum. During the design phase, assumptions were made about the participant's self-identification as regulatory professionals, however it was found that up to 25% did not readily identify as regulatory professionals despite occupying a role considered to be part of the APS regulatory capability set.

VCGLR

The lack of a CPD program for regulatory staff has been a significant contributor to the criticisms of the agencies effectiveness as a regulator and its capacity to deliver public value (Moore et al 2004). As discussed, this may have been due to the complexity of the operating environment the VCGLR found itself in which meant that it wasn't until 2016, that the ITP was implemented. It may also be a reflection of the different ways that CPD can be understood thereby influencing the authors of the 'Harmonisation – Training Framework' (2013) to focus on new recruits, in the belief that CPD is an activity which takes place after professionals have completed their initial qualification. However, CPD can also play a valuable role in re-establishing and maintaining foundation skills and knowledge, to establish a baseline standard and to provide a solid platform on which extension development opportunities can be made available.

EPA Vic

The Authorised Officer Training and Re-authorisation Program and the Expertise Framework Program have both played a role in EPA Vics development as a modern environmental regulator with a strong information sharing environment (ANAO 2014). The focus of the Authorised Officer Training and Re-authorisation Program was on re-establishing the skills, knowledge and aptitudes needed by its regulatory professionals in order to be authorised. Whereas the focus of the Expertise Framework Program was on explicating and making available its scientific knowledge, albeit a subset of regulatory practitioners. When specific sub-sets of an agencies regulatory staffing become the focus of CPD care needs to be given to not inadvertently disenfranchise other sectors. Both programs have played an important role in building the agency's capability and enabling it to locate and make available the regulatory and scientific 'information and knowledge that is in people's heads as it were, and that has never been explicitly set down' (Koenig 2012, para.7).

General observations across the three case studies

Formal CPD programs play a valuable, if not indispensable, role in supporting regulatory agencies strategies to maintain and extend staff skills and knowledge, establish consistent standards, reinforce desired work cultural practices and make conscious the informal learning practices staff engage in.

When the value proposition of CPD is overlooked, agencies can find themselves in a negative capability spiral that compromises their integrity and capacity to establish an effective authorizing environment. This then leads to escalating community concerns and increased government scrutiny, which further diminishes the authorizing environment, and so on. It can be the case for regulatory agencies, as with EPA Vic and VCGLR, that it is not until there is a 'burning platform' (i.e. an external review)

that agencies are able to ‘pay attention’ and re-commit to the ongoing importance of investing in CPD program for their regulatory staff. Were regulatory agencies to apply the same ‘rigour and attention as any other management task’ (APSC 2003, p.4) to CPD the disruptions they experience when capability decline could be mitigated.

Much of the understanding and discussion about CPD assumes a professional discipline or ‘professional life’ that ‘requires continued adherence to codes of conduct both within and beyond the workplace’ (Law Careers, n.d.).¹⁷ However, regulatory practice may be better regarded as an emergent profession¹⁸ that is yet to adopt a regulatory doctrine. This lack of a regulatory doctrine presents as a significant contributor to the varied and inconsistent ways that regulation is understood across regulatory agencies, and as such is worthy of further research.

A common theme emerged across the three programs outlined in the three case studies. Notably, each involved a training development professional working with regulatory professionals to design, develop and deliver the programs. It is through the synergies of these two professions bringing their respective bodies of knowledge together: the training development professional with the instructional design/learning experience design expertise; and the regulatory professional to provide the subject matter content expertise. This highlights the organisational knowledge potential that this style of learning and development programs can offer regulatory agencies, and itself is an aspect which is worthy of further research.

Conclusion

The value of CPD programs for regulatory agencies has been explored in this paper. To do this, the lived experiences of three different regulatory agencies were examined: the APSC which is focused on whole-of-government, that is all federal government agencies that perform a regulatory function; the VCGLR which is reinvigorating itself as a modern regulator and is in the early stages of rebuilding its CPD programs; and the EPA Vic which now has a mature CPD program that includes an induction program and ongoing training for authorised officers along with the Expertise Framework Program. The risks of not maintaining capability can be particularly disruptive for agencies leading to increased criticism and external reviews. In the case studies presented, CPD has been shown to play a pivotal role in the development and maintenance of the capability necessary for agencies to deliver quality regulation.

An ongoing commitment to CPD provides agencies with the opportunity to develop a state of maturity that goes beyond a foundation level approach into providing intermediate and advanced learning and development opportunities for their staff. An ongoing commitment to CPD can open the way for agencies to achieve stellar competence and regulatory excellence (Coglianese 2015).

¹⁷ <http://www.lawcareers.net/Solicitors/SolicitorPracticeAreas/Professional-discipline>.

¹⁸ For more information on New Zealand's experiences with central and regional government, see Manch, Mumford, Raj, and Wauchope (2015).

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References

AELERT (Australasian Environmental Law Enforcement and Regulators neTwork) (n.d.) Environment Protection Authority Victoria nominated as a finalist for 2014 IPAA Leadership in the Public Sector Award.

Aiken, L.C., Cervero, J., & Johnson-Bailey, J., (2001) Black Women in Nursing Education Completion Programs: Issues Affecting Participation. *Adult Education Quarterly* August 2001 vol. 51 no. 4 306-321.

APSC (Australian Public Service Commission) (2003) *Building Capability: A framework for managing learning and development in the APS*
http://www.apsc.gov.au/__data/assets/pdf_file/0008/50975/capability.pdf.

Brown, P.C., Roediger III, H.L & McDaniel, M.A. (2014), *Making it stick – the science of successful learning*. Harvard University Press.

Cognialese, G., (2015), *Listening, Learning, Leading, a Framework for Regulatory Excellence*. Penn Program on Regulation.

CPA Australia (n.d.). *Continuing Professional Development*,
<https://www.cpaaustralia.com.au/member-services/continuing-professional-development>.

Chartered Institute of Procurement and Supply (CIPS, n.d.).
<https://www.cips.org/careers/continuingprofessionaldevelopment/>.

Curtin, Lynne (2015a). *Developing 'experts'* [online]. *Public Administration Today*, No. 43, Jul 2015: 52-53.
Availability:<<http://search.informit.com.au/documentSummary;dn=340465781245561;res=IELBUS>> ISSN: 1832-0066. [cited 29 Apr 17].

Curtin, L. (2015b). *Developing the Expertise Framework*,
<https://resources.aelert.net/resources/developing-the-expertise-framework/>.

Dahlstrom, K. and Pink, G. (in press) *Developing Regulatory Professionals in the Australian Public Service: The Importance of a Shared Understanding of the Regulatory Doctrinal Landscape*. Common Ground Research, Illinois.

Davachi, Dr L., Kiefer, Dr. T, Rock Dr. D and Rock L (2010), *Learning that lasts through AGES*. *Neuro Leadership Journal* issue Three 2010.
https://www.ahri.com.au/__data/assets/pdf_file/0016/16144/Learning-that-lasts-through-AGES.pdf.

EPA Victoria (EPA Vic., n.d.), *Expertise Framework Program*.
<http://www.epa.vic.gov.au/about-us/expertise-framework-program>.

Fricker, J. P. (2016). *Continuing Professional Development (CPD) for the dental profession in Australia: An approach and its implications*. Unpublished PhD Thesis, Australian National University.

Friedman, A.L. (2012). *Continuing Professional Development, Lifelong learning of millions*, Routledge.

Griffiths University. (2010) *Getting started with blended learning*, https://www.griffith.edu.au/__data/assets/pdf_file/0004/267178/Getting_started_with_blended_learning_guide.pdf.

Hudson, J. (2013) *Authorised Officer Training & Re-authorisation Program 2012/13*, [Presentation], Australasian Environmental Law Enforcement and Regulators neTWork Conference, Melbourne, 13-14 November 2013.

Jobs.ac.uk – What is continuous professional development, <http://www.jobs.ac.uk/careers-advice/managing-your-career/1318/what-is-continuing-professional-development-cpd>.

Kirkpatrick, D. (1994). *Evaluating Training Programs: The four Levels* 1st edition. San Francisco: Berrett-Koehler.

Krpan, S. (2011). *Compliance and Enforcement Review: A review of EPA Victoria's approach*. Stan Krpan, February 2011. Melbourne: EPA Victoria.

Lave, J., & Wenger, E. (1990). *Situated Learning: Legitimate Peripheral Participation*. Cambridge, UK: Cambridge University Press.

Law Careers (n.d). *Professional discipline*, <http://www.lawcareers.net/Solicitors/SolicitorPracticeAreas/Professional-discipline>.

Manch, K., Mumford, P., Raj, S., And Wauchop, B (2015) *Watching the Birth of the Regulatory Profession*. *Policy Quarterly* – Volume 11, Issue 4 – November 2015.

Marton, F. & Trigwell, K. (2000), *Variation Est Mater Studiorum*, *Higher Education Research & Development* Vol.19. No.3, 2000.

Moore, Mark and Sanjeev Khagram. 2004. *On Creating Public Value: What Business Might Learn from Government about Strategic Management*. Corporate Social Responsibility Initiative Working Paper No. 3. Cambridge, MA: John F. Kennedy School of Government, Harvard University.

Nursing and Midwifery Association of Victoria (2016), *Continuing Professional Development' Fact Sheet*.

Occupational Therapy Board of Australia (2013), *'Continuing Professional Development' Fact Sheet*.

OECD (Organisation for Economic Co-operation and Development) (2014), *Regulatory Enforcement and Inspections, OECD Best Practice Principles for Regulatory Policy*, OECD Publishing. <http://dx.doi.org/10.1787/9789264208117-en>.

OECD (Organisation for Economic Co-operation and Development) (2014a). Regulatory Enforcement and Inspections, OECD Best Practice Principles for Regulatory Policy. Paris: OECD Publishing.

OECD (Organisation for Economic Co-operation and Development) (2014b). The Governance of Regulators, OECD Best Practice Principles for Regulatory Policy. Paris OECD: Publishing.

Pink, G. (2016) Implementation and enforcement of environmental law: The role of professional practitioners. M. Hall, T. Wyatt, N. South, A. Nurse, G. Potter, and J. Maher (eds). Greening Criminology in the 21st Century Contemporary debates and future directions in the study of environmental harm (Abingdon, Oxon: Routledge), pp. 183-205.

Pink, G. (2016a). Regulatory Responses to Transnational Environmental Crime: An Overview of Choices, Challenges and Culture. T. Spapens, R. White, & W. Huisman (eds), Environmental Crime and the World: Global Issues in Green Enforcement and Criminology. Farnham, Surrey: Ashgate.

Pink, G. and Hudson, J. (2016) 'Teaching and Learning: The Approaches of a Modern Environmental Regulator'. The International Academic Forum (IAFOR) Journal of the Social Sciences, Volume 2 – Issue 2. pp. 43-59.

VAGO (Victorian Auditor-General's Office) (2012). Effectiveness of Compliance Activities: Departments of Primary Industries and Sustainability and Environment. Melbourne: Victorian Government Printer.

VAGR (Victorian Auditor Generals Report) (2017). Regulating Gambling and Liquor.

VCGLR (Victorian Commission for Gambling and Liquor Regulation) (2016a). Current to Future State Compliance Division, Change Process (Unpublished).

VCGLR (Victorian Commission for Gambling and Liquor Regulation) (2016b). Regulatory Compliance Learning and Development Program, Project Management (Unpublished).

VCGLR (Victorian Commission for Gambling and Liquor Regulation) (2016c). Assessment Guide, Inspector Training Program 2017 (Unpublished).

VCGLR (Victorian Commission for Gambling and Liquor Regulation) (2016d). Participant Handbook – Inspector Training Program 2017 (Unpublished).

VCGLR (Victorian Commission for Gambling and Liquor Regulation) (2013). Harmonisation – Training Framework (Unpublished).

Victorian Government (2010). Regulator Governance: Principles and Guidelines. Victorian Government: Melbourne.

Wenger, E. (1998), *Communities of Practice, Learning, Meaning and Identity*, Cambridge University Press, New York NY.

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