An Enforcement Taxonomy of Regulatory Agencies

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A variety of multivariate techniques were used to develop a taxonomy of regulatory agencies from the first comprehensive study of the disparate enforcement strategies employed by business regulatory agencies in one country. Seven types of agencies were identified: Conciliators, Benign Big Guns, Diagnostic Inspectorates, Detached Token Enforcers, Detached Modest Enforcers, Token Enforcers and Modest Enforcers. Agencies were distinguished primarily according to their orientation to enforcement versus persuasion, according to their commitment to detached (or arms length) command and control regulation versus cooperative fostering of self-regulation, and according to their attachment to universalistic rulebook regulation versus particularistic regulation. Nevertheless, it is not unreasonable to view regulatory agencies as lying on a single continuum from particularistic non-enforcers who engage in cooperative fostering of self-regulation to rulebook enforcers whose policy is detached command and control. This approximates the suggestions of Hawkins and Reiss for distinguishing regulatory agencies according to a "sanctioning/deterrence" versus "compliance" dimension. The predominant regulatory style in Australia, however, is distant from both poles, being a perfunctory regulatory approach which is neither distinctively diagnostic and educative nor litigiously "going by the book"; rather it amounts to "going through the motions". The typology also partially conforms to Black's categorisation of social control as penal, therapeutic, conciliatory and compensatory.

I. INTRODUCTION

Despite the growing interest in institutions and processes of business regulation throughout the western world, there has yet to be a systematic, empirically based typology of regulatory agencies.

Thus far, most efforts to characterise regulatory agencies have tended to emphasise the specification of ideal types. These lie at either end of a continuum of formality suggested by the more general work of Black (1976). The more formal style of regulation, for which Reiss (1984) uses the term "deterrence" and Hawkins (1984) the term "sanctioning", is based essentially upon a penal response to a regulatory violation. The general concern is the application of punishment for corporate misconduct, for retributive and deterrent purposes. A harmful or potentially harmful act in

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breach of the law deserves punishment. The infliction of such punishment is intended to discourage the specific offender from committing further violations, and to discourage prospective offenders in general from breaching regulatory standards. Deterrence or sanctioning strategies seek to identify and detect breaches of law through patrol and inspection; they then seek to develop a case for the courts through investigation.

What both Reiss and Hawkins refer to as "compliance" strategies represent an informal style of regulation. Recourse to the legal process occurs but rarely, and then only as a last resort. Compliance with regulatory standards is sought not by threat or coercion, but by negotiation or conciliation. Compliance strategies seek to minimise opportunities for breaches of law through consultation, diagnosis and persuasion, or through the provision of technical assistance. In summarizing thirty-five studies of regulatory agencies, Hawkins concluded that compliance strategies were by far the most common, at least in Britain and North America (Hawkins, 1984:3).

In much the same manner as Reiss and Hawkins, Bardach and Kagan (1982) also perceive two basic models of regulation. At one extreme is the style of enforcement typified by the title of their study: *Going by the Book*. They see this style as essentially unreasonable—excessively legalistic, involving the strict imposition of standards which are, in short, unrealistic. The polar opposite of such "regulatory unreasonableness" is a more tolerant, flexible regime in which enforcement authorities are discriminating and pragmatic in their application of law. The basic goal of "reasonable regulation" is to achieve compliance without invoking the formal legal process. In contrast to Hawkins, Bardach and Kagan regard the unreasonable, legalistic model as the predominant style of enforcement in the United States—at least at the beginning of the 1980's before the deregulatory initiatives of the Reagan administration began to take hold.

Frank (1984) proposes a refinement of the compliance–deterrence distinction. Intersecting the prosecution–persuasion continuum is one which differentiates between centralised and decentralised administrative control. Some enforcement organizations are characterised by a highly developed formal bureaucracy, with centralised authority, and close monitoring of enforcement practice by senior management. In others, the dominant feature is the informal culture of the organization and a lesser degree of central control.

Other categorisations of regulatory agencies have tended to focus on a single property of the organization. Bernstein (1955) addressed the "life cycle" of agencies suggesting that the age of the organization is significantly related to its tendency to be "captured" by the industries which it regulates.

It has also become fashionable to characterise regulatory agencies as either "proactive" or "reactive" depending upon their tendency to patrol and seek out regulatory violations or, alternatively, to depend upon third parties to bring violations to their attention. Black (1984) has formulated

four general styles of social control—penal, compensatory, therapeutic and conciliatory. No one has yet explored the extent to which these styles are reflected across different regulatory settings.

Noble as they may be, the efforts briefly described above have a number of shortcomings. In substantive terms, they tend to be rather simplistic—mostly confined to one or two dimensions, and based upon one or two organizational properties. In methodological terms, these previous taxonomic efforts may be characterised as impressionistic. The range of agencies from which these ideal types have been specified have been opportunistically, or unsystematically chosen.

We have sought to improve upon the existing state of regulatory taxonomy by attempting a systematic, empirically-based multivariate classification of all major regulatory agencies in one country—Australia.

II. THE SAMPLE

Our classification is based upon data collected for a larger study of 96 Australian federal, state and local government agencies involved in business regulation (Grabosky and Braithwaite, 1986). In total, we approached 101 organizations which met our definition of a regulatory agency: a government department, a subunit of a government department, a statutory authority, or a commission, established independently of the corporate sector, with significant responsibilities for regulating activities of commercial corporations which might run counter to what the legislature determines to be broader community interests, and with the capacity to initiate prosecutions. The 101 organizations meeting this definition include each of the state, territory and federal agencies responsible for corporate affairs, consumer affairs, environmental protection, food standards, combatting discrimination, general occupational health and safety, and mine safety. In addition, a disparate array of single agencies concerned with antitrust, aviation safety, maritime safety, motor vehicle safety, labour relations practices, pharmaceuticals regulation, insurance, banking, customs, tax and a variety of others were included. A complete list of the agencies is found in Appendix I.

Only five agencies declined to cooperate fully with the study. The 95 per cent response rate was facilitated by the fact that this was a study conducted for and by the Australian government. The claim we make of the sample is therefore that it is close to the total population of all major Australian business regulatory agencies. Similar work in other countries would be needed to ascertain whether important kinds of regulatory agencies which are common elsewhere do not have counterparts in Australia. However, we are not aware of any descriptions of the enforcement strategies of particular non-Australian agencies for which we could not name an Australian agency with an enforcement strategy rather like that described in the literature.

III. THE VARIABLES

Data were mostly obtained from written answers to questions elicited through the normal bureaucratic process of referring the question to parts of the organization with the relevant expertise, followed by group discussion on the questions with a group headed by the chief executive or number two in the agency (see Appendix II). These data were supplemented by a paper and pencil questionnaire left at the end of the interview, follow-up telephone calls and correspondence, analysis of provisions in agency statutes, agency memoranda and statistics on enforcement practices.

One hundred and twenty-seven variables were coded for each of the 96 agencies. The variables addressed seven domains:

1. Structural variables relating to the agency, e.g:
   - size of staff
   - percentage of staff in enforcement roles
   - centralisation of decision making

2. Structural variables relating to the industry regulated by the agency, e.g:
   - number of firms
   - size of firms
   - diversity of firms

3. Policy variables, e.g:
   - agency functions accorded greatest importance
   - extent of reliance on industry self-regulation
   - encouragement of private civil litigation

4. Behavioral variables, e.g:
   - use of prosecution
   - use of license revocation
   - targetting of repeat offenders

5. Statutory powers, e.g:
   - imprisonment
   - search without warrant
   - maximum fine available

6. Attitudinal variables, e.g:
   - strict legalism preferable to flexibility
   - companies regarded as socially responsible

7. Miscellaneous variables, e.g:
   - date of agency's founding

The analyses reported in detail here are limited to domains 3 and 4 on the above list, although earlier analyses exploited the entire list. The reason for limiting the critical analyses to the regulatory policy and practice variables from our data set is that we can make a claim about these that we cannot make of the other domains. This claim is exhaustiveness. The variables in domains 3 and 4 enable us to code *all* of the compliance strategies which respondents claimed to be important to their agency. At each interview we asked if there were any other compliance policies employed by the agency which had not been elicited by our questions. Right up to the final few interviews we extended our list of possible policies by adding new variables which had then to be coded either from transcripts of all previous interviews or through follow-up questions. Thus, we employed an exhaustive methodology which coded every policy and practice said to be important to their regulatory strategy by respondents. The only criterion for exclusion of variables so coded was a statistical one; the variable was not included in the analyses reported here unless there were at least 15 agencies which subscribed to the regulatory policy or practice. For an exploratory study of a kind which has never been attempted before, there is a case for seeking phenomenological exhaustiveness (constrained by statistical adequacy) as the guide for variable inclusion rather than any particular theory.

Nevertheless, the variables coded do operationalize fairly adequately the models discussed in the introduction. Bernstein's (1955) regulatory life cycle model was operationalized by the variables "date of agency's founding" and "capture" proxies such as variables 27 and 28 in Table 1. To measure proactiveness–reactiveness, we asked the group of agency personnel to agree on where to mark on a scale the percentage of enforcement actions triggered by active patrol or investigation versus reacting to complaints (24, Table 1). It is clear, then, that the data are limited according to the capacity of a small group of senior agency personnel to make global judgments which reflect what is happening in the field. We expected it would also be limited by the capacity of the group to reach a consensus on these global indices, but in practice this proved not to be a problem.

To operationalize Frank's (1984) differentiation of agencies according to centralized versus decentralized administrative control, we asked the agencies in writing and in group discussion: "In dealing with potential violations of the law, what kind of discretion is vested in officers in the field? What kinds of matters must be brought to senior officers in head office?" From this discussion, the author-interviewers coded whether the policy was for most authority to be with the inspector in the field, middle management, top management of the agency, or the agency's political masters (mostly the Minister) (22, 23, 26 Table 1). While the two inter-viewers felt that the agencies were sharply distinguishable on this criterion and were reliably rated by the independent assessments of the two of us, there is no guarantee that had we undertaken 96 rich contextual studies, some agencies classified as having decentralized administrative control in

Table 1

Variables in Hierarchical Clustering Analysis to Define the Groups in Figure 1

1. Agency has written enforcement policy
2. Importance of law enforcement in agency functions
3. Education and persuasion regarded as more important in agency policy than law enforcement
4. Education and persuasion gets more resources than law enforcement
5. Level of concern about fewer prosecutions this year compared to last
6. Agency engages in prosecution crackdowns on a particular aspect of the law
7. Agency engages in single showcase prosecutions with maximum publicity
8. Agency targets single repeat offenders
9. Adverse publicity directed at corporations an important part of regulatory strategy
10. Publicity about corporate malpractices used without naming companies
11. Offenders named in annual reports
12. Goal is to get companies to do better than minimum required by law
13. Negotiating agreements with companies a part of regulatory strategy
14. Encouraging self-regulation part of regulatory strategy
15. Staff not discouraged from threatening prosecution with expectation that matters will be otherwise disposed of
16. Tacit or explicit head office approval of threatening to use powers the agency does not really have, i.e. bluff
17. Policy or philosophy on whether better to prosecute individual (rather than company)
18. Licences suspended or revoked
19. Injunctions sought in a court of law
20. Production in a plant or on a machine shut down until compliance achieved
21. Assets seized
22. Centralisation of decision making authority over how "problems" are dealt with. Whether policy is for most authority to be with inspector in field, middle management, top management, political masters.
23. Political masters involved in decisions to prosecute
24. Proactiveness-reactiveness. Percentage of enforcement actions triggered by active patrol or investigation versus reacting to complaints (0 means 0% of enforcement actions triggered by complaints)
25. Patrol normally without warning
    Patrol normally with warning
    Discretionary warning depending on circumstances
    No active patrol
26. Systematic productivity monitoring of enforcement and investigation staff
27. Emphasis on cooperative relationship with industry
28. Percentage of inspection or investigation staff from industry backgrounds
29. Staff given criminal investigation training
30. Police personnel seconded to agency
31. Number of convictions past three years (counting multiple related charges against one defendant at one point in time as a single conviction)
32. Prosecution activity increased (or declined) over past decade
33. Average fines (aggregating multiple related fines against one defendant at one point in time)
34. Proportion of prosecutions which result in convictions
35. Conditions of license used as a regulatory tool
36. Special rules for a particular site used as a regulatory tool
37. Agency has enormous powers over the financial future of companies which it implicitly or explicitly threatens to use but never in fact uses
38. Inspections more oriented to checking compliance with rules (1) or to diagnostic or technical assistance (2)
39. Conciliation between conflicting private parties an important part of regulatory strategy

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the hands of inspectors would prove to have discretion in the field which was more apparent than real.

As to the variables used to tap the overlapping conceptualizations of Black, Reiss, Hawkins and Bardach, and Kagan, in Table 1 we can see punishment-orientation represented in different ways by variables 2, 5–8, and 29–34. The importance of law enforcement in the agency's hierarchy of goals (variable 2) was simply measured by coding whether top management rated it as their most important function, as important but not the most important, or as not an important function. Other dimensions of a legalistic approach to regulation are captured by variables 18–21, while a flexible non-legalistic approach is measured by variable 12. Variable 14 concerns reliance on self-regulation as a part of the regulatory strategy. Variable 38 codes a diagnostic or technical assistance emphasis in regulatory strategy (Black's "therapeutic" style) as an alternative to an orientation to rules or legal standards. Other dimensions of formality versus informality of orientation are captured by variables such as number 1. Variables 13, 35, and 36 are concerned with negotiation as a part of regulatory strategy, variable 3 with education and persuasion and variable 39 with conciliation. Emphases on deterrence (specific versus general) and assisting victims to secure compensation were coded in other variables which were dropped out of the analysis limited to the variables in Table 1 for statistical reasons. This then covers how we have operationalized the various distinctions made by Black, Reiss, Hawkins, and Bardach and Kagan.

IV. THE ANALYSES

The first step to identify similarities between agencies in their enforcement strategies was exploratory. Correlation coefficients were calculated between each agency and every other agency. Normally, social scientists look at correlations between variables across subject scores. Instead, we looked at correlations between subjects (agencies) across variable scores. This was done because we were interested in developing a typology of agencies rather than a typology of variables. Initially, inter-agency correlation coefficients were calculated for every variable in our data set, with the exception of a number of attitudinal items. The correlation coefficients then told us how similar (in a linear fashion) any two agencies were across these 105 variables. A principal components factor analysis (Q-technique) was then conducted on the matrix of inter-agency correlations (Cattell, 1952: 88–107). In subsequent analyses, the number of variables was culled to 39, 33 and 31 because of a desire to limit the domain to variables representing regulatory policy and practice (points 3 and 4 of the list on page 326 and to deal with concerns over "multicollinearity". Many of the 105 variables in the first analysis, for example, represented aspects of the legislation under which the agencies operate (e.g. whether they have power to enter premises and conduct searches without first obtaining a warrant).

Next, the agencies were classified by means of a hierarchical clustering analysis. Instead of operating on a matrix of correlations between agencies, in this technique Euclidean distances were calculated between agencies, and the centroids of groups of agencies. In an analysis based on 39 variables, the dissimilarity between agencies is measured by plotting scores for agencies on the variables in 39-dimensional space and measuring distances between agencies in that space.

Four hierarchical clustering analyses were used on the 39 variable data set. JWGROUP is a Fortran program based on HGROUP (Veldman, 1965: 308–17), with additional output procedures which use F-ratios and standardised group averages to highlight the variables which contribute most in differentiating between groups. It is an agglomerative procedure, meaning that it initially treats each observation as a separate single-member 'group', and proceeds by combining 'mutually-closest' pairs of groups. The measure of distance used is the standardised Euclidean distance. This program has no ability to handle missing data, so variable means were inserted wherever data were missing. Also, all variables were treated as continuous variables—that is, no provision is made for multistate or integer-value-only variables.

TAXON is a package originally assembled by Lance and Williams (1967) and currently maintained by CSIRO's Division of Computing Research in Canberra (Ross, 1985). Many different clustering routines are available, with a range of distance measures within each. The second analysis undertaken used the routine called 'SAHN', employing standardised Euclidean distance and sorting by minimized incremental sum of squares. This is equivalent to JWGROUP, but incorporates routines to deal with multistate variables and an ability to deal with missing data.
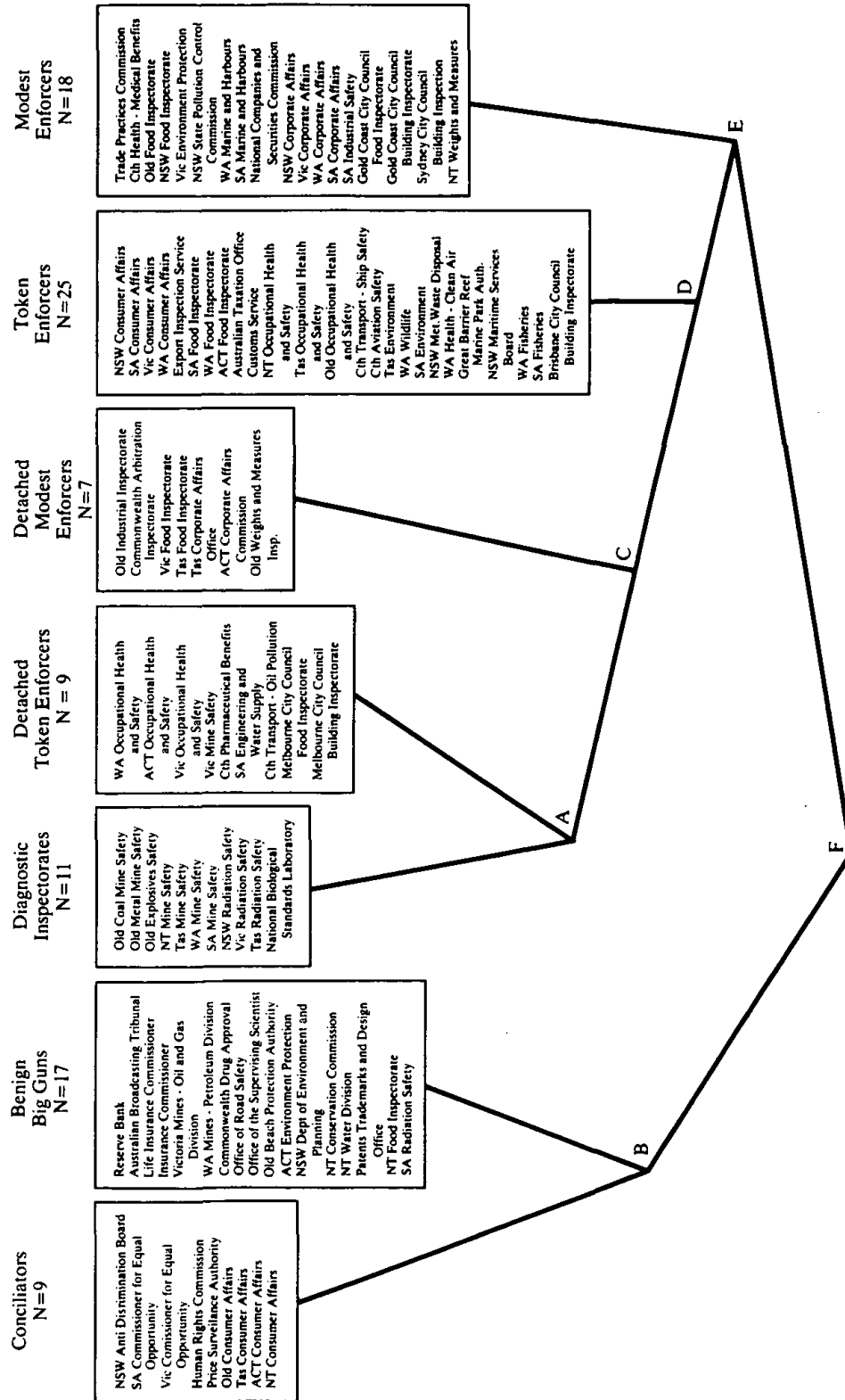
In a third analysis, this method was used to test the effects of reducing all continuous variables to binary multistates (Yes/No or High/Low variables), thereby making the minimum possible metric and distributional assumptions. This is the most methodologically conservative of the analyses.

SAHN with the 'GOWER' metric and unweighted group average sorting was the fourth analysis. This tends to give greater importance to the variables with highly skewed distributions, both continuous and multistate, and separates out observations with extreme values on these variables (Lance and Williams, 1967: 373–80).

V. THE TYPOLOGY

The results from the various hierarchical clustering and factor analyses produced convergence on the typology of agencies in Figure 1. This is not to deny that different analyses would argue against inclusion of some of the agencies in the groups in which they appear in Figure 1. Obviously all

Figure 1. Typology of Australian Regulatory Agencies Based on Hierarchical Clustering Analysis

Conciliators N=9
- NSW Anti Discrimination Board
- SA Commissioner for Equal Opportunity
- Vic Comissioner for Equal Opportunity
- Human Rights Commission
- Price Surveillance Authority
- Qld Consumer Affairs
- Tas Consumer Affairs
- ACT Consumer Affairs
- NT Consumer Affairs

Benign Big Guns N=17
- Reserve Bank
- Australian Broadcasting Tribunal
- Life Insurance Commissioner
- Insurance Commissioner
- Victoria Mines - Oil and Gas Division
- WA Mines - Petroleum Division
- Commonwealth Drug Approval
- Office of Road Safety
- Office of the Supervising Scientist
- Qld Beach Protection Authority
- ACT Environment Protection
- NSW Dept of Environment and Planning
- NT Conservation Commission
- NT Water Division
- Patents Trademarks and Design Office
- NT Food Inspectorate
- SA Radiation Safety

Diagnostic Inspectorates N=11
- Qld Coal Mine Safety
- Qld Metal Mine Safety
- Qld Explosives Safety
- NT Mine Safety
- Tas Mine Safety
- WA Mine Safety
- SA Mine Safety
- NSW Radiation Safety
- Vic Radiation Safety
- Tas Radiation Safety
- National Biological Standards Laboratory

Detached Token Enforcers N=9
- WA Occupational Health and Safety
- ACT Occupational Health and Safety
- Vic Occupational Health and Safety
- Vic Mine Safety
- Cth Pharmaceutical Benefits
- SA Engineering and Water Supply
- Cth Transport - Oil Pollution
- Melbourne City Council Food Inspectorate
- Melbourne City Council Building Inspectorate

Detached Modest Enforcers N=7
- Qld Industrial Inspectorate
- Commonwealth Arbitration Inspectorate
- Vic Food Inspectorate
- Tas Food Inspectorate
- Tas Corporate Affairs Office
- ACT Corporate Affairs Commission
- Qld Weights and Measures Insp.

Token Enforcers N=25
- NSW Consumer Affairs
- SA Consumer Affairs
- Vic Consumer Affairs
- WA Consumer Affairs
- Export Inspection Service
- SA Food Inspectorate
- WA Food Inspectorate
- ACT Food Inspectorate
- Australian Taxation Office
- Customs Service
- NT Occupational Health and Safety
- Tas Occupational Health and Safety
- Qld Occupational Health and Safety
- Cth Transport - Ship Safety
- Cth Aviation Safety
- Tas Environment
- WA Wildlife
- SA Environment
- NSW Met. Waste Disposal
- WA Health - Clean Air
- Great Barrier Reef Marine Park Auth.
- NSW Maritime Services Board
- WA Fisheries
- SA Fisheries
- Brisbane City Council Building Inspectorate

Modest Enforcers N=18
- Trade Practices Commission
- Cth Health - Medical Benefits
- Qld Food Inspectorate
- NSW Food Inspectorate
- Vic Environment Protection
- NSW State Pollution Control Commission
- WA Marine and Harbours
- SA Marine and Harbours
- National Companies and Securities Commission
- NSW Corporate Affairs
- Vic Corporate Affairs
- WA Corporate Affairs
- SA Corporate Affairs
- SA Industrial Safety
- Gold Coast City Council Food Inspectorate
- Gold Coast City Council Building Inspectorate
- Sydney City Council Building Inspection
- NT Weights and Measures

A B C D E F

clusters include some marginal cases. Our purpose here is not to achieve a uniquely "correct" classification of every agency, but to generate a typology of agencies which is broadly robust.

We report here in detail only the results of the "JWGROUP" hierarchical clustering analysis on the largest number of variables on which this technique was used. This technique is vastly superior to factor analysis for these data because of the fewer assumptions it makes about the structure underlying the data and about the distribution of the data itself, and because of the more detailed information it provides about how groups are built up and defined by the set of variables. The findings were further confirmed by a discriminant analysis (Nie, et al., 1975: 434–62). Being mindful of the fact that our data fail to meet the theoretical assumptions of discriminant analysis, the results suggested that for the seven groups in Figure 1, only three of the agencies had more than a one per cent probability of being misclassified (3, 12 and 17 per cent). Indeed only fourteen had more than a one in ten thousand chance of being misclassified.

By and large the alternative hierarchical clustering analyses provided strong support for the typology developed below. Nevertheless, there were some quite important differences and these will be juxtaposed against the relevant findings as they are discussed in the description, of the dominant clusters from Figure 1, which follows. Also the typology was robust in the face of re-running the analyses with as many as 8 of the variables deleted to test fears that the results were a product of too great a weighting being given to certain types of variables.

Table 1 provides a list of the variables on which this particular analysis was based. Table 2 indicates the variables with the highest F-ratios for differentiating the groups of agencies as they split off as indicated in Figure 1. Table 3 lists average standard scores on all variables for each of the seven groups of agencies.

Table 2. Variable with Highest F-Ratios for Differentiating between the Clusters Combined at Points (A) to (F) in Figure 1.

Variable	F Ratio	Mean for Agencies in Left Branch (Standard Score)	Mean for Agencies in Right Branch (Standard Score)
Junction A			
31. Number of convictions	24.6	–.26	.04
5. Level of concern about fewer prosecutions this year compared with last	19.8	–.62	.50
38. Inspections diagnostic rather than rulebook	17.1	1.57	–.10
14. Encouraging self-regulation part of regulatory strategy	9.9	.45	–.78
27. Emphasis on cooperative relationship with industry	9.9	.11	–1.34

Table 2 *(Cont.)*

Junction B

39. Conciliation important in regulatory strategy	132.9	2.32	−.27
35. Conditions of licence used as regulatory tool	27.0	−1.29	.29
11. Offenders named in annual reports	11.0	.84	−.39
37. Agency has enormous powers over the financial future of companies which it threatens but never uses	9.3	−.43	1.03

Junction C

28. % enforcement staff from industry backgrounds	36.2	.67	−1.26
8. Target repeat offenders	15.2	−.47	.86
12. Goal is to get companies to do better than minimum required by law	15.2	.33	−1.11
24. Proactiveness	14.1	.88	−.39
29. Staff given criminal investigation training	10.4	−.59	.66
38. Inspections diagnostic rather than rulebook	9.7	8.2	−.64

Junction D

27. Emphasis on cooperative relationship with industry	19.3	−.71	.45
7. Showcase prosecutions with maximum publicity	17.3	−.45	.62
30. Police personnel seconded	14.7	−.42	.56
38. Inspections diagnostic rather than rulebook	13.9	.44	−.54
29. Staff given criminal investigation training	12.3	−.27	.63

Junction E

3. Education and persuasion more important in agency policing	166.9	.39	−1.78
4. Education and persuasion get more resources than law enforcement	82.1	.30	−1.59
2. Importance of law enforcement in agency functions	70.9	.06	1.41
11. Offenders named in annual reports	26.5	−.32	.87
24. Proactiveness	15.9	−.56	.37

Junction F

2. Importance of law enforcement in agency functions	73.5	−1.09	.40
24. Proactiveness	35.5	−.86	.32
18. Licences suspended or revoked	32.8	−.84	.31
15. Threaten prosecution with expectation that matters will be otherwise disposed of	20.7	−.70	.26
20. Production shut-down used	19.8	−.69	.25

A. CONCILIATORS

The conciliators are agencies which overwhelmingly reject any kind of law enforcement model, relying instead on achieving regulatory goals by bringing conflicting parties together to resolve disputes. At the core of this group are all four anti-discrimination agencies in the study. These agencies do not

Table 3. Average Standard Scores on each of the 39 Variables for Members of the Seven Groups.

Variable No.	Conciliators	Benign Big Guns	Diagnostic Inspectorates	Detached Token Enforcers	Detached Modest Enforcers	Token Enforcers	Modest Enforcers
1	-.20	-.49	-.44	.20	.25	.44	.23
2	-.93	-1.17	-.44	.24	-.02	.23	1.41
3	.46	.46	.46	.46	.38	.33	-1.78
4	.51	.51	.51	.51	.44	.09	-1.59
5	-.43	-.48	-.62	.50	-.38	.12	.78
6	-.66	-.66	-.66	-.42	.28	.56	.67
7	-.45	-.45	-.45	-.45	-.45	.62	.47
8	-.68	-.68	-.68	-.20	.86	.44	.55
9	.15	-.37	-.78	-.07	-.67	.32	.60
10	.73	-.12	-.62	.28	-1.09	.18	.16
11	.84	-.39	-.31	-.48	-.53	-.21	.87
12	.57	.02	.57	.05	-1.11	-.09	-.11
13	.10	.17	.40	-.66	-1.12	.34	-.15
14	-.32	.58	.45	-.78	-1.23	.21	-.09
15	-.57	-.77	.25	.59	.52	.04	.31
16	-.25	.26	.26	.26	-.67	-.22	.16
17	-.69	.25	.53	-.01	-.56	.13	-.17
18	-.88	-.81	.38	.26	.35	.36	.20

19	-.30	-.57	-.57	-.04	-.50	.41	.68
20	-.89	-.58	.37	.25	.20	.11	.42
21	-.15	-.61	-.13	-.23	.88	.29	.10
22	-.16	.56	-.98	-.29	-.33	.11	.27
23	.01	.05	-.14	.01	.31	-.34	.38
24	.85	.86	-1.22	-.47	.39	-.57	.37
25	-.62	-.71	.08	.57	-.16	.42	.13
26	-.82	-.41	-.05	-.44	.13	.74	-.03
27	.55	.52	.11	-1.34	-1.19	.45	.32
28	-1.03	-.32	.82	.48	-1.26	.30	.14
29	-.42	-.80	-.54	-.65	.66	.63	.50
30	-.62	-.35	-.41	-.62	-.19	.56	.49
31	-.25	-.26	-.26	.04	.16	-.13	.63
32	.32	.12	.12	-.28	.25	-.17	.08
33	-.16	-.04	-.10	-.06	-.18	-.14	.47
34	-.24	.17	-.19	.16	-.99	.36	-.11
35	-1.29	.29	.21	-.14	-.70	.61	-.26
36	-.78	-.05	-.02	.14	-.48	.30	.14
37	-.43	1.03	-.43	-.12	-.43	.12	-.43
38	-.24	.72	1.57	-.10	-.64	-.54	-.46
39	2.32	-.27	-.43	-.43	-.43	.01	-.28

fundamentally see themselves as concerned with enforcing the law (Grabosky and Braithwaite, 1986: Chapter 11). Rather the emphasis is on reducing racial, ethnic, gender, and other discrimination by assisting complainants to confront the company whose practices they see as the cause of their grievance. The Prices Surveillance Authority (Grabosky and Braithwaite, 1986: Chapter 6) also eschews law enforcement and makes recommendations on prices in a conciliatory, non-binding mode. Parties with different views on whether prices should be increased appear at public hearings.

The Conciliators group was formed by a merging of the above five agencies with a second cluster consisting of the Queensland, Tasmanian, Australian Capital Territory (ACT) and Northern Territory consumer affairs agencies. Consumer affairs agencies are split into two equal groups in the typology. The remaining four—which are more enforcement-oriented, are in the "Token Enforcers" cluster. The four consumer affairs agencies in the present cluster are distinguished by the fact that while they prosecute from time to time, the prosecutions are almost exclusively for the "technical" offense of failure to provide information to consumer affairs officers. Queensland, Tasmania, ACT and Northern Territory consumer affairs agencies very rarely prosecute for substantive offenses; their predominant regulatory approach is conciliation between complainants and traders. The consumer affairs sub-group of the Conciliators is distinguished from the other sub-group by their greater reliance on adverse publicity as a regulatory strategy.

B. BENIGN BIG GUNS

These are agencies which walk softly while carrying a very big stick. In our book we discuss the enormous powers of many of the agencies in this cluster: the power of the Reserve Bank to take over banks, seize gold, increase reserve deposit ratios, etc; the power of the Australian Broadcasting Tribunal or the Life Insurance Commissioner to take away licenses; the power of the Victorian and Western Australian oil and gas regulators to shut down rigs and of the Office of the Supervising Scientist to shut down the Ranger Uranium Mine; the power of Commonwealth drug and motor vehicle safety regulators to refuse to allow a product on the market which has cost a fortune in research and development (Grabosky and Braithwaite, 1986). The core members of this cluster have such enormous powers but never, or hardly ever, use them. The very fact that they have such draconian authority, however, means that business cannot ignore them. Thus, counsel for the Australian Consumers' Association in a recent Australian Broadcasting Tribunal television license renewal hearing described the ABT approach as "regulation by raised eyebrows", and the Reserve Bank strategy has been described as "regulation by vice-regal suasion".

The inclusion of the Patents Office, the Northern Territory Food Inspectorate, South Australian Radiation Safety and the ACT and Northern Territory environmental agencies in this group does not make a lot of theoretical sense. The Benign Big Guns was the most clearly defined factor in the 105-variable factor analysis, accounting for one-third of the total variance, with the Reserve Bank and Australian Broadcasting Tribunal having the highest loadings. The stronger predominance of this dimension in this analysis was undoubtedly due to the inclusion of legislative variables which captured more of the enormous powers of the Benign Big Guns.

Figure 1 shows that at a lower level of similarity, the Conciliator and Benign Big Gun groups combine. This combined group is distinguished most from the rest of the agencies by its scores on Variable 2 (Table 1): law enforcement is not regarded by these agencies as an important function.

The suggestion from the 105-variable analysis that the Benign Big Guns are distinguished from the Conciliators and all other agencies by their enormous powers is consistent with the following interpretation of one anonymous reviewer:

> In the US, at least, antidiscriminatory agencies seldom prosecute because they do not have the resources or powers to make prosecution effective, whereas bank regulators and the FDA seldom prosecute because they have other means to get cooperation. One does not prosecute because it cannot, the other because it does not need to.

However, there are alternatives to such a functionalist account grounded in the notion that agencies do whatever is most effective for securing compliance. While it is certainly true that anti-discrimination agencies cannot be prosecutorial in Australia for want of powers and resources, it is debatable that the Benign Big Guns do not need to. An alternative account is provided by the fact that the Benign Big Guns are mostly agencies which regulate large and powerful companies rather than small ones, and that agencies which regulate businesses that are disproportionately large tend to be less prosecutorial (Grabosky and Braithwaite, 1986: 203–19). Secondly, agencies which are relationally close to the agencies they regulate, as our Benign Big Guns tend to be, are also less likely to be prosecutorial (Grabosky and Braithwaite, 1986: 203–19).

C. DIAGNOSTIC INSPECTORATES

This group is distinguished by its policies concerning the nature of inspections. They are decentralised inspectorates where most decision making authority rests with very well qualified inspectors who are trained to diagnose problems which could reduce safety. In short, they offer technical assistance to companies on improving safety rather than simply drawing the attention of management to specific violations of the regulations.

Encouraging industry self-regulation is an important part of their regulatory strategy (Variable 14) and they are concerned to maintain cooperative relationships with industry (Variable 27). While the previous two groups are reactive, the Diagnostic Inspectorates are proactive (Variable 24).

All but one of the inspectorates in this group are mine or radiation safety inspectorates. Some of the small number of mine inspectorates which were not in this group in the JWGROUP analysis were added to it in other analyses. The only agency not concerned with mine or radiation safety—the National Biological Standards Laboratory—perfectly fits the model with its diagnostic approach to inspecting pharmaceutical manufacturing plants.

The Diagnostic Inspectorates give almost as low a priority to law enforcement as the Conciliators and Benign Big Guns. However, when they do prosecute, they are unusual in that they have a policy of prosecuting individual managers rather than the company (Variable 17). While in the analysis reported here, the Diagnostic Inspectorates combine with the Detached Token Enforcers at the next level of aggregation, in other analyses they joined the Conciliators and Benign Big Guns. Indeed, the most radical departure from the structure obtained in Figure 1 was with the GOWER analysis where all of the Conciliators, Benign Big Guns and Diagnostic Inspectorates (except the four consumer affairs agencies and the Life Insurance Commissioner) formed one big cluster of agencies which never or almost never prosecute.

The Diagnostic Inspectorate is very close to Bardach and Kagan's (1982) ideal of the flexible, constructive, non-litigious alternative of "reasonable regulation".

D. DETACHED TOKEN ENFORCERS

This is by far the least stable of the groups across analyses. The group is distinguished from the previous three in that its members did not in the course of our interviews place great store on maintaining cooperative relationships with industry (Variable 27) and negotiating agreements with industry (Variable 13). Fostering industry self-regulation (Variable 14) was not an important part of their regulatory strategy.

E. DETACHED MODEST ENFORCERS

In some other analyses the distinction between this and the previous group is rather more blurred than in Figure 1. The Detached Modest Enforcers also do not include negotiating in their regulatory strategy. While sharing the same arms-length approach to business at the last group, they are more rulebook oriented (Variables 12, 38). They are also more inclined to provide criminal investigation training for their staff. They prosecute more, seize assets more, and are more inclined to target repeat offenders. They rarely

recruit enforcement staff from the industries they regulate (Variable 28).

Arguably, the Detached Modest Enforcers could be combined with the Detached Token Enforcers and called Detached Token Enforcers. This is because, as we shall see later, while the Detached Modest Enforcers are more enforcement oriented than the Detached Token Enforcers, the Detached Modest Enforcers are considerably closer to the Detached Token Enforcers on the enforcement dimension than they are to the Modest Enforcers, who are considerably more sanction oriented than all other groups.

F. TOKEN ENFORCERS

This group manifests the predominant style of Australian regulatory enforcement. It is the largest and most diverse group. Its members are more proactive on the average than the other agencies (Variable 24); their inspections tend to be rulebook oriented rather than diagnostic; most of them initiate a steady flow of prosecutions (only the Australian Taxation Office and the Customs Service among them have an unusually high level of prosecution); and these prosecutions produce very low average penalties which can only be interpreted as a slap on the wrist.

The numerical dominance of the Token Enforcers group (25 agencies), more so if combined with the two previous groups, shows that there is an important middle group between the compliance and sanctioning ideal types of the leading formulations of Reiss, Hawkins and Bardach and Kagan. It is on this middle ground that most of the regulatory action occurs in Australia. This predominant style is a long way from both the ideal of an adversarial enforcement agency which forcefully pursues a policy of deterrence, and a long way from the ideal of an agency which helps industry to diagnose problems, which persuades and educates. Far from either deterring or diagnosing, these are agencies characterized by perfunctory rulebook inspections. In the context of other projects, we have had some experience of them in the field. Their standard practice is to go into workplaces, to tap management on the shoulder and remind them of their legal obligations when non-compliance with the rulebook is noticed. When they engage in enforcement, it also is perfunctory. If the tap on the shoulder fails, the agency will either forget about the problem or launch a prosecution which will generate a fine averaging under $200 for most agencies. These are criminal penalties because civil penalties are not generally available to Australian regulators. An interesting hypothesis is that these agencies might be similar to American counterparts which rely on management shoulder-tapping combined with fleabite civil penalties.

Most Australian regulatory enforcement therefore falls between the devil of deterrence regulation and the deep blue sea of diagnostic or compliance regulation. Rather it wallows in the shoals of perfunctory rulebook

inspection where both the educative and enforcement back-up are tentative. It is regulation by going through the motions. It is coping with a daunting pile of compliance problems and inspection backlogs by just being there, giving the appearance of regulatory oversight. They are neither aggressively adversarial nor captured and close to industry: they do not generally matter so much for it to be worth industry's while to seek either to capture or corrupt them (Braithwaite *et al.*, 1986).

6. MODEST ENFORCERS

This group scores highly on all the enforcement related variables. Its members average more convictions than those of any other group. Among them, only the National Companies and Securities Commission does not use prosecution, but it is punitive in other ways (use of civil law, administrative action, publicity (Grabosky and Braithwaite, 1986: Chapter 2)). The average fines for this group are also much higher than for any other group, though much of this has to do with the unusually high fines of one agency—the Trade Practices Commission. These agencies also make greater use of alternative means of enforcement—license suspensions, shutting down production, injunctions, and adverse publicity. The Modest Enforcers are much more enforcement oriented than the Detached Modest Enforcers. These are agencies which best fit Reiss's deterrence model, Hawkins' sanctioning model, Black's penal style of social control and Bardach and Kagan's model of "unreasonable regulation".

VI. CONCEPTUALIZING THE TYPOLOGY

Even though the foregoing has summarized from one analysis only the most important of a larger number of differentiating variables across a larger number of analyses, it is sufficient to make clear that the most important general dimension which underpins the typology is the degree of emphasis on enforcement or punitiveness in regulatory strategy. Essentially, as one moves from left to right on Figure 1, one is moving towards more enforcement-oriented agencies.

Secondly, there is evident across groups some important variation independent of enforcement orientation according to whether agencies use command and control regulation at arms length from industry or whether they put emphasis on cooperative relationships with industry so that self-regulation might be fostered. The three non-punitive groups on the left of Figure 1 are distinguished from the other agencies in this regard, and this "arms-length" issue is broadly the basis for the differentiation of the two detached enforcer groups from the other two enforcer groups.

A diagrammatic representation of these general bases for distinguishing the groups is presented in Figure 2. A third general basis of differentiation is also captured by Figure 2. This is that the four "enforcer" groups in the top

right quadrant are distinguished from the three "persuader" groups in that while the former are more rulebook-oriented (legalistic—applying the universalistic rules codified in law), the "persuader" groups are more particularistic—concerned to find the best solution to a particular problem irrespective of what the law says. Conciliation is of course a particularistic strategy par excellence, while the Diagnostic Inspectorates and the Benign Big Guns both have high mean standard scores on Variable 38 (1.57 and .72 respectively)—which measures rejection of a policy emphasis on checking compliance with rules.

A more direct test of whether the conceptualization in Figure 2 is reasonable can be provided by a multidimensional scaling in two dimensions of the squared Euclidean distances between agencies (Kruskal, 1964a, 1964b). The multidimensional scaling in two dimensions did not strongly confirm the separation of the seven clusters—only the Conciliators, Benign Big Guns, Diagnostic Inspectorates and Detached Modest Enforcers were clearly identifiable in two dimensions. However, the two dimensions were decidedly "enforcement" on the one hand and "command and control rulebook regulation" versus "cooperative fostering of self-regulation and particularism" on the other hand. The stress for the two dimensional solution ranged from "fair" to "poor" (.148 to .276), according to Kruskal's (1964a: 3) criteria, depending on whether two outliers were excluded from the analysis. The fit was much better as higher numbers of dimensions were used. Thus, the multidimensional scaling shows that while variation among the 96 agencies on the 39 variables can be crudely summarized by the dimensions in Figure 2, this does not tell the full story. For the full story, we must look to all of the differences among the seven clusters summarized earlier.

This two-dimensional representation of types of regulatory agencies in Figure 2 affords a somewhat more sophisticated perception of regulatory variation than Reiss's (1984) unidimensional distinction between deterrence and compliance enforcement systems. At the same time, our data show that Reiss's simple model does not excessively distort reality because more or less all the variation in Figure 2 is confined within two quadrants. There are no detached non-enforcers, nor any groups defined by cooperative fostering of self-regulation and tough enforcement.

A single diagonal from particularistic non-enforcers who engage in cooperative fostering of self-regulation to rulebook enforcers whose policy is detached command and control captures most of the variation in Figure 2. We must continue to bear in mind, however, that the largest grouping of agencies lies rather nondescriptly near the middle of this dimension.

If we are to adopt a two or three dimensional representation of regulatory variation, certainly Figure 2 provides a better guide in the Australian context than Frank's (1984) second dimension of centralised agencies with formal monitoring of inspectors versus decentralised informal agencies. Variables 22, 23 and 26 did not prove to be important in discriminating

DETACHED
COMMAND AND CONTROL REGULATION

ENFORCERS

MODEST
ENFORCERS

DETACHED
MODEST
ENFORCERS

DETACHED
TOKEN
ENFORCERS

TOKEN
ENFORCERS

CO-OPERATIVE
FOSTERING OF SELF-REGULATION

PARTICULARISTIC
REGULATION

RULEBOOK
REGULATION

DIAGNOSTIC
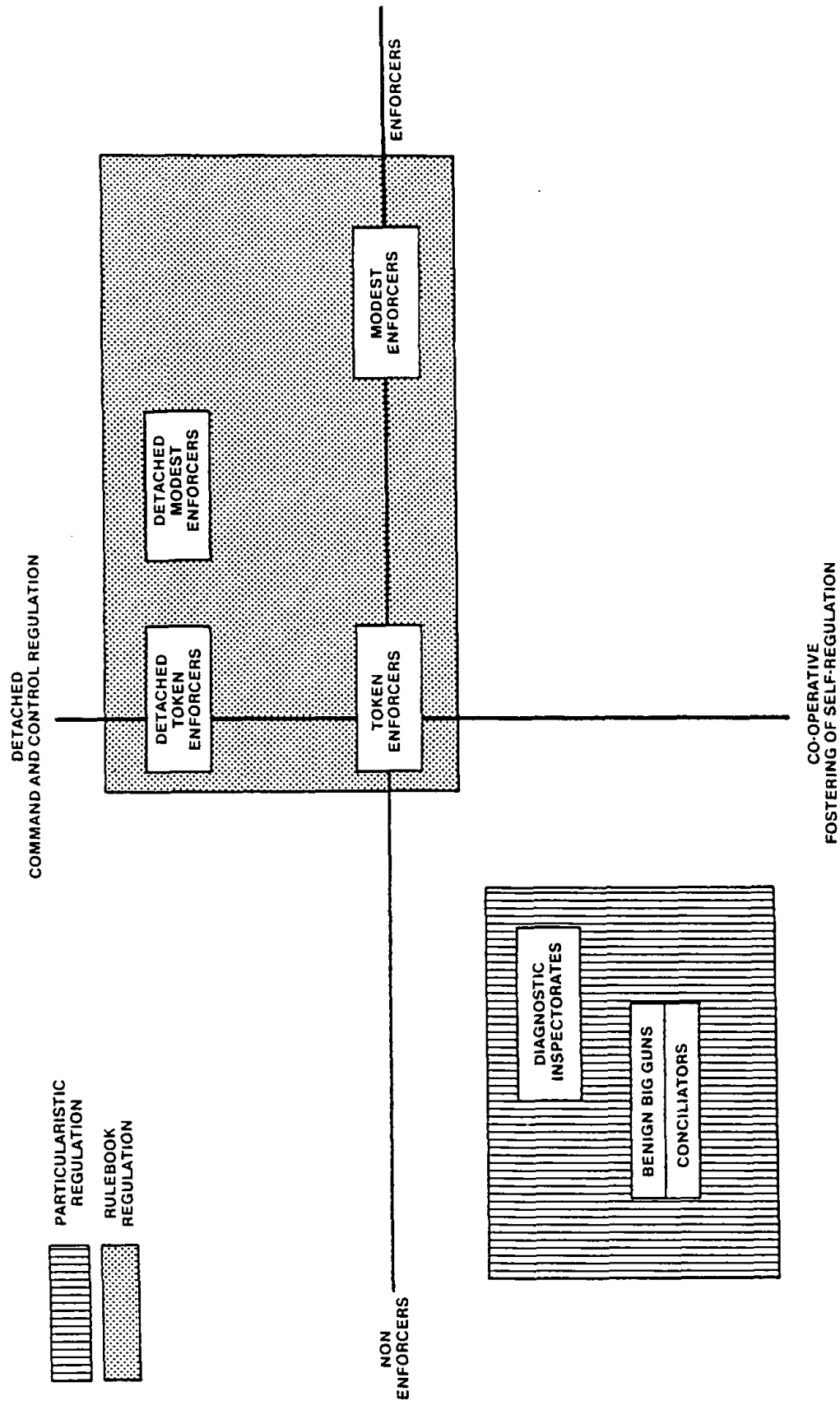INSPECTORATES

BENIGN BIG GUNS

CONCILIATORS

NON
ENFORCERS

Figure 2. Major Dimensions Underlying the Typology of Regulatory Agencies

between the groups and subgroups of similar agencies in our study, with the exception that Diagnostic Inspectorates tended to have more decentralised decisionmaking by inspectors in the field than other agencies.

While the bottom right quadrant of Figure 2 is devoid of groups of agencies, some shifts are occurring into this quadrant. Tough enforcement under a particularistic self-regulatory regime is the suggestion of Braithwaite's (1982) "enforced self-regulation" model. Under this model, companies write their own rules in ways which are tailor-made to their particular circumstances; these rules are then ratified by the regulatory agency; the company sets up its own internal compliance group to privately enforce the rules; the regulatory agency audits this enforcement and steps in with tough public enforcement where the private enforcement is weak. A number of regulatory shifts in this direction are occurring in Australia (Grabosky and Braithwaite, 1986: 229).

Our findings are also generally consistent with Black's categorisation of styles of social control—penal, therapeutic, conciliatory and compensatory (Black 1984: 8). The penal style, in which the deviant action is identified and presented for purposes of deterrence or retribution would encompass our Modest Enforcers. The conciliatory style, which focuses on the relationship between disputants in conflict, and seeks the resolution of conflict and the restoration of social harmony, fits our Conciliators quite closely. The therapeutic type, wherein the deviant is attributed no moral responsibility for errant conduct, but is rather deemed in need of support and assistance, corresponds to our Diagnostic Inspectorates and (less comfortably) to the Benign Big Guns.

The remaining style, that of compensatory social control, regards the object of control as debtor, liable for damages resulting from a failure to fulfill an obligation. Focus is, thus, on the consequences of the harmful act. In the Australian regulatory process, compensatory control is largely left to private parties. Only 14 of the agencies had ever provided active assistance to civil litigants, for example. (Unfortunately, this left this variable one agency short of the statistical cut-off for exclusion from the analyses.) One may nevertheless discern elements of compensatory control in our Token Enforcer group. The Tax Office, most notably, devotes more resources to civil recovery than to criminal prosecution.

VII. FROM TYPOLOGY TO THEORY

Typologies fulfill an important role in social sciences as frameworks on which theories can be constructed. Two of the types of agencies identified by our analysis are quite different from any suggested in the past—the Conciliators and the Benign Big Guns. The coherent clustering of these two groups consistently across analyses should cause some rethinking of theories on regulatory behavior.

Just as some shift towards enforced self-regulation is identifiable in Australia, a shift towards the Conciliation model is also evident. The newest agency in our study—the Prices Surveillance Authority—which commenced operations in 1984, is a Conciliator. In fact *all* of the Conciliators are agencies established since 1970. Occupational health and safety regulation in Australia is being reshaped at the moment by taking on board important elements of the conciliation model. Tripartite structures on which business, workers and government are represented are being set up at all levels of occupational health and safety regulation such that the inspector is becoming more a facilitator of workers acquiring an involvement in their own safety by electing safety representatives and establishing safety committees to conciliate safety disputes. The intention in most states is that inspectors will spend less of their time reminding employers of the requirements of the rulebook and more time explaining to workers how they can monitor the safety of their workplace and establish structures to ensure the grievances uncovered by this monitoring are addressed. Similarly, Commercial Tribunals and Credit Tribunals are being established by most consumer affairs agencies with tripartite representation of business, government and consumer groups as a venue for conciliation rather than litigation of a wide variety of consumer grievances.

Conciliated regulation is less goal-directed than command and control regulation. We need theories which explain shifts to conciliated regulation and which explain or contest the paradox that conciliation might better achieve regulatory goals than goal-directed regulation. While our study has not attempted to assess regulatory effectiveness, we hope that our typology might be one starting point for future studies which do.

Existence of the Benign Big Guns demands a theory about the interactions among enormity of regulatory powers, punitiveness of regulatory enforcement, and corporate compliance. Can the Benign Big Guns really change change corporate behavior with a raised eyebrow? If so, is this better for the economy than litigious regulation by agencies with peashooters? Indeed, if we ask them, would business tell us that they prefer to be regulated by agencies which walk softly with big sticks than by agencies which keep annoying them with fleabites?

It is important that the constructs on which we build theories are consistent with the empirical realities of how the world hangs together. The most useful contribution of this article is in showing that it is reasonable to develop theories to explain the emergence and functioning of regulatory agencies according to where they lie on a continuum from particularistic non-enforcers, who engage in cooperative fostering of self-regulation, to rulebook enforcers, whose policy is detached command and control. The world, after all, is perhaps not all that much more complicated than suggested by those who would divide regulation into deterrence versus compliance, sanctioning versus compliance, or punishment versus persuasion ideal types.

This is not to deny that for every kind of regulatory agency, there is some degree of critical synergy between punishment and persuasion, whereby even the agencies most reliant on persuasion do so against the background of an implied threat of punishment, and even the modest enforcers face resource constraints which make reliance on persuasion for most of their day to day regulatory practice.

While the distinctions which have been made by Reiss, Hawkins and others do come out as the most important distinctions, our analyses show that there is much more to the story than arranging regulatory agencies on a single continuum, particularly when so many agencies lie nondescriptly distant from both poles of the dimension. Indeed, no two or three dimensional solution provides a really satisfactory fit to the regulatory variation we have captured. We must for many purposes look to the variables which make single clusters quite distinctive from the other six. Concilators do things quite differently from Diagnostic Inspectorates; while they share a strong rejection of punitive regulation, conciliation and expert diagnosis are divergent alternatives to it. While it may be reasonable to order agencies according to their degree of rejection of law enforcement, we should be sharper in the way we distinguish the alternatives which are substituted for deterrence.

The data here do then caution against treating a finding from an agency which is, say, a Benign Big Gun, as if it were of general applicability to regulatory bodies. Unfortunately, some of us in this field have been guilty of presenting data from a single agency, however guardedly, as bearing insights for regulation generally, when they might better have been presented as typifying that which is unique about a relevant subset of regulatory practice. Progress in the study of regulation will depend more on historically situated, contextually rich studies of one or two agencies, than it will on further studies of the type we have undertaken. However, we hope we have contributed something original here to our empirical understanding of the broad canvas onto which single agency case studies might be mapped.

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APPENDIX I

REGULATORY AGENCIES INCLUDED IN THE DATA ANALYSIS

CORPORATE AFFAIRS

— New South Wales, Corporate Affairs Commission
— Victoria, Corporate Affairs Commission
— Western Australia, Corporate Affairs Office
— South Australia, Corporate Affairs Commission
— Tasmania, Corporate Affairs Office
— Australian Capital Territory, Corporate Affairs Commission
— National Companies and Securities Commission

ENVIRONMENTAL PROTECTION

— New South Wales, State Pollution Control Commission
— New South Wales, Maritime Services Board
— New South Wales, Department of Environment and Planning
— New South Wales, Metropolitan Waste Disposal Authority
— Victoria, Environmental Protection Authority
— Queensland, Beach Protection Authority
— Western Australia, Department of Marine and Harbours, Shipping and Navigation Division
— Western Australia, Department of Health and Medical Services, Clean Air Section
— Western Australia, Department of Fisheries and Wildlife, Wildlife Conservator

— South Australia, Department of Engineering and Water Supply, Water Quality Section
— South Australia, Department of Marine and Harbours, Ports and Marine Operations
— South Australia, Department of Environment and Planning
— Tasmania, Department of the Environment
— Northern Territory, Conservation Commission
— Northern Territory, Department of Transport and Works, Water Division
— Department of Territories Environment Protection Section (ACT)
— Office of the Supervising Scientist for the Alligator Rivers Region
— Commonwealth Department of Transport, Safety Operations and Pollution Branch
— Great Barrier Reef Marine Park Authority

OCCUPATIONAL HEALTH AND SAFETY

— Victoria, Ministry of Employment and Training
— Victoria, Mines Division, Department of Minerals and Energy
— Victoria, Oil and Gas Division, Department of Minerals and Energy
— Queensland, Occupational Safety Division, Department of Employment and Industrial Affairs
— Queensland, Industrial and Factories and Shops Inspectorate, Department of Employment and Industrial Affairs
— Queensland, Chief Inspector of Coal Mines
— Queensland, Chief Inspector of Explosives
— Queensland, Chief Inspector of Metalliferous Mines
— Queensland, Division of Public Health Supervision, Department of Health and Medical Services
— Western Australia, Department of Industrial Affairs
— Western Australia, Petroleum Division, Department of Mines
— Western Australia, State Mining Engineer, Department of Mines
— South Australia, Industrial Safety Division, Department of Labour
— South Australia, Department of Mines and Energy
— Tasmania, Department of Labour and Industry
— Tasmania, Department of Mines
— Northern Territory, Industrial Safety Division, Department of Mines and Energy
— Northern Territory, Mining Division, Department of Mines and Energy
— Department of Territories Technical Services Branch (Australian Capital Territory)

RADIATION CONTROL

— New South Wales, Radiation Health Services Branch, Department of Health

— Victoria, Health Commission
— South Australia, Health Commission
— Tasmania, Department of Health Services

CONSUMER AFFAIRS

— New South Wales, Department of Consumer Affairs
— Victoria, Ministry of Consumer Affairs
— Queensland, Consumer Affairs Bureau
— Western Australia, Department of Consumer Affairs
— South Australia, Department of Public and Consumer Affairs
— Tasmania, Consumer Affairs Council
— Northern Territory, Commissioner of Consumer Affairs
— Queensland, Chief Inspector of Weights and Measures
— Australian Capital Territory, Consumer Affairs Bureau
— Trade Practices Commission
— Prices Surveillance Authority

FOOD STANDARDS

— New South Wales, Chief Food Inspector, Health Department
— Victoria, Health Commision
— Queensland, Chief Inspector of Food, Department of Health and Medical Services
— Western Australia, Department of Health and Medical Services
— South Australia, Chief Inspector of Food, South Australian Health Commission
— Tasmania, Chief Inspector of Food, Department of Health Services
— Northern Territory, Chief Inspector of Food, Department of Health
— ACT Health Authority, Chief Inspector of Food
— Melbourne City Council, Chief Health Surveyor
— Gold Coast City Council, Health Surveyor
— Commonwealth Department of Primary Industry, Export Inspection Service

DRUG AND MEDICAL DEVICE REGULATION

— National Biological Standards Laboratory
— Commonwealth Department of Health, Therapeutic Goods Branch
— Commonwealth Department of Health, Pharmaceutical Benefits Branch

TRANSPORT SAFETY

— Commonwealth Department of Transport, Office of Road Safety
— Commonwealth Department of Transport, Ship Safety Branch
— Commonwealth Department of Aviation, Flight Standards Division

PRUDENTIAL REGULATION

— Reserve Bank of Australia
— Insurance Commissioner
— Life Insurance Commissioner

ANTI-DISCRIMINATION POLICY

— New South Wales, Anti-Discrimination Board
— Victoria, Commissioner for Equal Opportunity
— South Australia, Commissioner for Equal Opportunity
— Commonwealth Human Rights Commission

FRAUD AGAINST THE GOVERNMENT

— Australian Taxation Office
— Australian Customs Service
— Commonwealth Department of Health, Surveillance and Investigation Division

MISCELLANEOUS REGULATORY REGIMES

— Australian Broadcasting Tribunal
— Western Australia, Chief Fisheries Officer, Department of Fisheries and Wildlife
— South Australia, Department of Fisheries
— Brisbane City Council, Building Surveyor
— Gold Coast City Council, Surveyor of Buildings
— Melbourne City Council, Buildings Division
— Sydney City Council, Buildings Surveyor
— Commonwealth Department of Employment and Industrial Relations, Arbitration Inspectorate
— Commonwealth Patent, Trademarks and Design Office

APPENDIX II

THE INTERVIEWS

The initial request to 101 agencies for cooperation with the study was sent about six weeks in advance of the interview and enclosed a list of the questions to be asked. These addressed such issues as agency objectives, enforcement policy, regulatory strategy, and management practices. This meant that by the time of our arrival the respondent had ascertained answers to questions beyond his or her direct experience from relevant parts of the organization. In many cases, a senior officer provided the interviewers with written answers to the questions which had been prepared in

advance by a variety of more junior officers. In other cases, senior officers referred to such briefing notes in the interview without supplying them to us.

Two of the authors (Braithwaite and Grabosky) were present for all interviews. The reasons for the desirability of having two interviewers for this kind of research have been detailed elsewhere (Braithwaite, 1985). They include superior rapport, facilitation of note taking, coverage of topics with a semi-structured schedule, and reliability. All coding for purposes of quantitative analysis was also done by these two authors; eleven interviews were coded by both interviewers to ensure reliability. Rarely were the interviewers confronted with only one respondent. In some cases senior respondents surrounded themselves with as many as seven more junior officers to assist with answering questions. The initial intention was to accept interviews only with the head of the agency. It soon became apparent that this was a misguided preference. In almost half of the interviews an audience was granted by the head of the agency. These were, however, generally not as successful as the remaining interviews which were dominated by an officer on the second most senior level in the agency. These latter officers were generally better prepared and more familiar with the middle-range policy issues which were the focus of our questions. Even when the head of the agency was present, it was often his or her deputies who did most of the talking.

Interviews were granted by 96 of the 101 agencies, a response rate of 95 per cent. For further details on methods, see Grabosky and Braithwaite (1986). Transcripts of those parts of those interviews which were recorded (the majority of most interviews) will be available soon in an archive being coordinated by Dr. Ellen Baar of York University, Ontario, Canada.

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