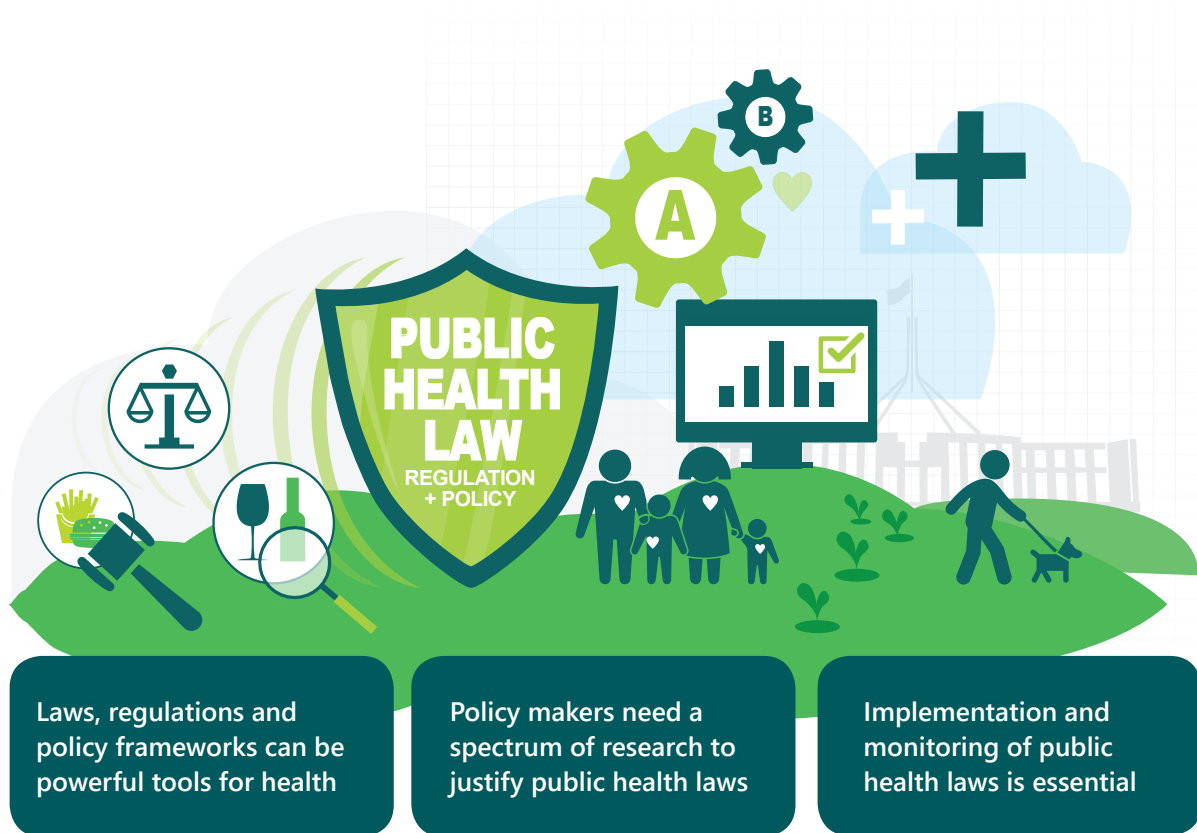




The Australian Prevention
Partnership Centre

Public health law, regulation and policy for prevention

This document summarises the findings from a synthesis of research conducted by the Prevention Centre.



Key messages

- We asked our policy partners about the implications of our body of research into aspects of public health law, regulation and policy, has on their current and planned work.
- We found public health law can provide rules and frameworks to shape the social and commercial determinants of health.
- Public health law can help make the case for prevention and is supported by the community.
- There are opportunities for public health law to strengthen a co-benefits approach across health and other sectors.
- A range of different types of research and evidence can make valuable contributions to public health law making.
- Researcher/policy networks are important for engagement of policy partners in public health law research.

What is the issue?

Public health law aims to improve public health and health systems through the design, implementation, monitoring, evaluation, and scale-up of legal measures. We define public health law as encompassing:

- high level policy frameworks and strategies, e.g. the National Preventive Health Strategy 2021–2030, that set the agenda for action to achieve policy goals
- implementation tools that can be used to achieve policy goals, including legislation and non-legislative instruments that have the rule of law such as codes, standards and voluntary self-regulation.

Public health law is used in chronic disease prevention to ensure that individuals, communities and populations are protected from harmful exposures (such as tobacco products, alcohol, or unhealthy food), and that health is promoted (such as through access to green spaces and clean air).

This knowledge synthesis aimed to find the implications of the Prevention Centre's body of work in public health law since 2013. The following insights are based on evidence drawn from 40 peer-reviewed articles and reports, synthesised and interpreted with guiding input from 13 prevention policy makers from six jurisdictions convened over two national roundtables.

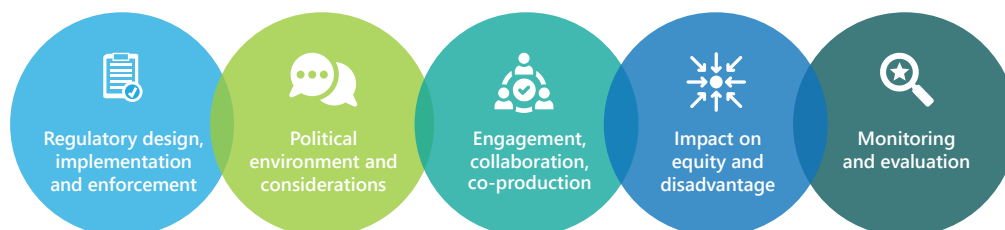
What did we find?

We found that using public health law can be a powerful tool to achieve health gains. We found evidence of how public health law is driving cross-government action for systems change to prevent chronic disease.

The role of public health law is particularly important in addressing complex problems such as chronic disease prevention and the social determinants of poor health (including in food systems, tobacco control, alcohol policy and urban planning).

Using the law for public health can be justified to improve social and environmental determinants in which people live, as government duty of care, by upholding the right to health, and where there is failure in market self-regulation.

However, policy making occurs within a highly complex environment, with decisions required at multiple levels of government, at varying stages of the policy process and across multiple portfolios. The use and effectiveness of public health law is influenced by:



Public health law can have unintended consequences, causing both positive and negative health outcomes. Many laws and regulations in Australia do not consider health, and these gaps or failures in regulation diminish opportunities for health gain.

We note that industry is well organised and resourced, and uses a range of strategies to influence public health law for commercial benefit and sometimes to the detriment of public health.

How has Australia's approached public health law?

Australia has led the way in successfully using public health law to protect people from harm.

- **Tobacco control:** Australian Commonwealth, state and territory governments have used a combination of complementary instruments to significantly reduce Australia's tobacco smoking levels from over a third of the adult population in 1980 to 11% in 2019.*
- **Folic acid fortification of bread** mandated by Australian and New Zealand governments in 2009 has reduced neural tube defects in babies across the whole population, with the most pronounced effects in priority population groups including Aboriginal and Torres Strait Islander babies.^β

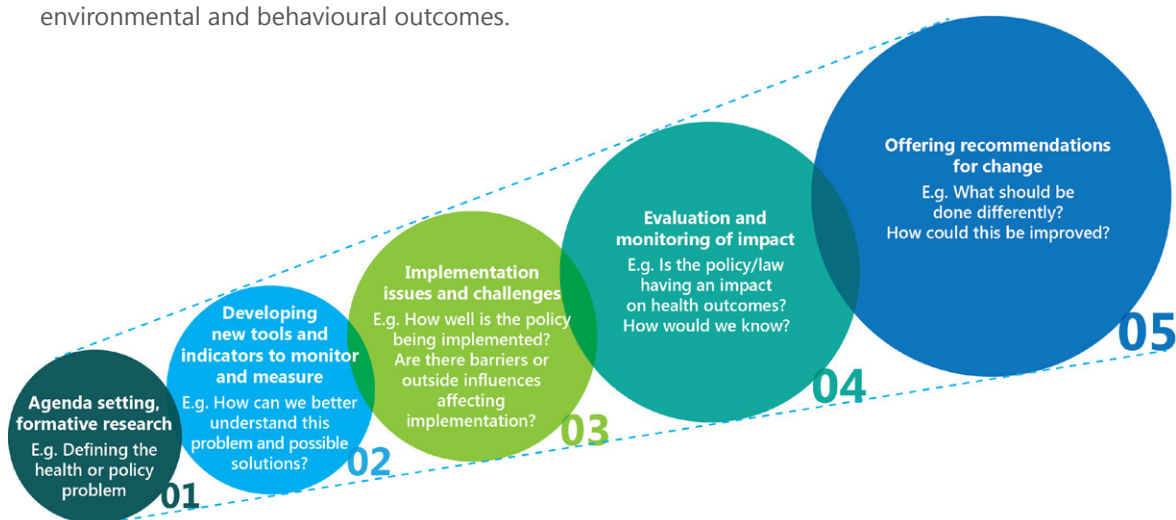
Sources: *Australian Institute of Health and Welfare. Alcohol, tobacco & other drugs in Australia. Canberra, 2022.

^β Public Health Association of Australia. Top 10 public health successes over the last 20 years. Canberra, 2018.

What are the implications for policy?

This knowledge synthesis identified some key implications for policy:

- Research on public health law can support communication of the value of sometimes small but often powerful changes that law and regulation can produce to achieve a policy goal.
- Research can provide policy makers with a spectrum of evidence to justify public health laws (See figure below).
- There are different mechanisms through which policy partners engage in public health law research including co-producing evidence, commissioning independent evidence and conducting their own internal research. Researcher and policy networks such as those supported by the Prevention Centre are important for facilitating this engagement.
- When designing new regulations, consideration must be given to how they will be implemented in practice and what existing data sources, mechanisms and resources are available to monitor implementation and facilitate future evaluations.
- A range of impacts and outcomes should be measured when monitoring and evaluating public health laws. This includes accountability, transparency, power and influence, coverage or reach of public health laws, whether they were implemented as intended, acceptability, and health, social, economic, environmental and behavioural outcomes.



Stages of the policy cycle that can be supported by public health law research

What are the implications for research?

Public health law research is a relatively new field of research. However, there are many different types of evidence (e.g. epidemiology, modelling, implementation science) that can also support the use of public health law at different stages of the policy cycle.

Future work could build on this knowledge synthesis to examine and further describe the strength and nature of evidence that is required to support public health policy, regulation and law.

There is also a need for research to better describe and understand what design features of public health laws are or are not effective, providing useful evidence for policy makers developing and implementing public health laws. Cross-government and inter-jurisdictional collaboration as well as working with other agencies will also be important for identifying joint learning opportunities from other experiences and to demonstrate co-benefits..



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