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Or contact the coordinator of the Health Law Program, Dr Isabel Karpin on 9351 0250 or by e-mail on isabelk@law.usyd.edu.au. Alternatively, contact A/Professor Belinda Bennett on belindab@law.usyd.edu.au, or A/Professor Roger Magnusson on rogerm@law.usyd.edu.au.

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The Australian & New Zealand Institute of Health Law & Ethics (ANZIHLE) is an independent organisation with branches in both countries. The purpose of ANZIHLE is to promote discussion and debate, education and research at the intersection of medicine and health care, law, and ethics. ANZIHLE brings together medical practitioners, nurses, practising health lawyers and legal academics, philosophers, members of the allied health professions, representatives of government, professional bodies and consumer groups, and students.

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Centre for
Health Governance
Law & Ethics



THE CENTRE FOR HEALTH GOVERNANCE, LAW & ETHICS,
UNIVERSITY OF SYDNEY AND THE AUSTRALIAN & NEW
ZEALAND INSTITUTE OF HEALTH LAW & ETHICS (ANZIHLE)

CONFERENCE

Obesity: should there be a law against it?

*Australian and international perspectives
on the obesity epidemic*

THURSDAY 28 SEPTEMBER 2006
9:30 AM - 3.30 PM

KEYNOTE SPEAKERS

Professor Boyd Swinburn,
Chair in Population Health, School of
Exercise & Nutrition Science, Deakin University

Professor Robyn Martin
Professor of Public Health Law, Centre for
Research in Primary and Community Care,
University of Herfordshire and Visiting Professor of
Public Health Law, Chinese University of Hong Kong

A/Professor James Hodge
Bloomberg School of Public Health,
Johns Hopkins University

Convenor : A/Professor Roger Magnusson

UNIVERSITY OF SYDNEY
VENUE: ASSEMBLY HALL, LEVEL 4, FACULTY OF LAW
UNIVERSITY OF SYDNEY, 173 PHILLIP ST, SYDNEY

Obesity: should there be a law against it?

Does law have a role to play in responding to the obesity epidemic?

Obesity is a serious problem, both in Australia and internationally. This conference presents expert perspectives from Australia, the United Kingdom and the United States on how law might contribute to a public health response to obesity. Key questions to be addressed in this conference include:

- Empire building, or a valuable policy tool? Is obesity an area where the law should be involved?
- If it does have a role, what can law hope to achieve?
- How can we build a framework for thinking conceptually about what law might offer to obesity prevention?
- What is the role of law, vis-a-vis non-legal policy interventions, and market-driven responses?
- What principles and values should shape, and limit, law's response to obesity?
- What are the priority areas where law may have a role to play?
- What specific kinds of laws could emerge in this area?

The conference consists of three sessions, each with a keynote and supporting speaker, with opportunities for questions and discussion.

This conference is part of the Continuing Legal Education Program administered by the Faculty of Law at The University of Sydney. Attendance at this Conference will qualify participants for 4.5 MCLE/CPD units if this particular educational activity is relevant to their immediate or long term needs in relation to their professional development and practice of the law.

CONFERENCE PROGRAM

9.00am - 9.30am Registration

9.30am - 9.40am Welcome

Session 1 (9.40am - 11.10 am) - Obesity, health policy & law

Aims of this session:

Professor Swinburn will present an overview of the problem of obesity in Australia, and of what constitutes best practice in responding to it. He will also give examples of priority areas where law might helpfully intervene. Against this background, A/Professor Magnusson will address the question: how can we relate the tools that law has on offer, in a conceptual sense, to the task of obesity prevention? The legal, social and political constraints on any legal framework developed for the purposes of obesity prevention, are themes that will be developed further in other sessions.

Chair: Professor Ian Caterson, Professor of Human Nutrition & Head, School of Molecular and Microbial Biosciences, University of Sydney.

Speakers:

- **Keynote speaker: Professor Boyd Swinburn**, Chair in Population Health, School of Exercise & Nutrition Sciences, Faculty of Health and Behavioural Sciences, Deakin University, (Title of presentation TBA)
- **A/Professor Roger Magnusson**, Faculty of Law, University of Sydney, "*Towards a Conceptual Framework for Mapping Law's Possible Roles in Obesity Prevention*"

11.10am - 11.30am Morning Tea

Session 2 (11.30am-1.00pm) - Obesity & legal strategies in the United States and beyond

Aims of this session:

A/Professor Hodge will discuss the major legal avenues through which legislative, regulatory and judicial reforms of public health laws have sought to improve the health status of obese individuals in the United States. His discussion will explain how law can both facilitate, and limit, government and private sector objectives, and thus the ability to influence obesity-related health behaviours and outcomes. Dr Reynolds will focus on public policy and obesity, showing how law's role in obesity prevention might be influenced and informed by the "big ideas" and abiding values of public health practice.

Chair: A/Professor Roger Magnusson, Faculty of Law, University of Sydney.

Speakers:

- **Keynote speaker: A/Professor James Hodge**, Bloomberg School of Public Health, Johns Hopkins University; Executive Director, Center for Law and the Public's Health (at Georgetown & Johns Hopkins Universities), "*Legal Themes Concerning Obesity Regulation in the United States: Theory and Practice*"
- **Dr Chris Reynolds**, School of Law, Flinders University, "*Healthy Choices As Easy Choices - Can the Law Help?*"

1.00pm - 2.00 pm Lunch

Session 3 (2.00pm - 3.30 pm) - Creating a healthy food culture: who's responsible?

Aims of this session:

Professor Martin will canvass obesity policy and regulation in the United Kingdom, and consider how law might be used as a public health tool to protect against not immediate, but possible future harms. Her presentation will consider the tension between state responsibilities, and private and community interests, and will explore the extent to which law has the capacity to legislate for a healthy food culture. A/Professor Handsley and Mr Nehmy will discuss the preliminary findings of their study on models for the regulation of food advertising to children in Australia, the USA, the UK, Quebec, Norway and Sweden.

Chair: Professor Richard Ingleby, School of Law, Deakin University

Speakers:

- **Keynote speaker: Professor Robyn Martin**, Faculty of Health and Human Sciences, University of Hertfordshire, UK and Visiting Professor in Public Health Law, Chinese University of Hong Kong, "*Creating a Healthy Food Culture: What Can Law Contribute?*"
- **A/Professor Elizabeth Handsley and Mr Christopher Nehmy**, School of Law, Flinders University, "*The Who, What and How of Food Advertising Regulation in Six Jurisdictions*"

CONFERENCE: OBESITY: SHOULD THERE BE A LAW AGAINST IT?

BIOGRAPHIES OF SPEAKERS AND CHAIRS

Ian Caterson is Boden Professor of Human Nutrition at the University of Sydney, and Head of the School of Molecular & Microbial Biosciences at the University. He graduated in Medicine with First Class Honours from the University of Sydney and has a BSc(Med) with First Class Honours and a PhD from that University. He was previously a post-doctoral research fellow at the University of Oxford with Prof Sir Philip Randle FRS and has held an NH&MRC Applied Health Science Fellowship. Professor Caterson's research interests have been in insulin resistance and the causes and treatment of obesity. He has over 120 publications in scientific journals and books. He is a past president of the Australian Diabetes Society and the Australasian Society for the Study of Obesity. He was a member of the NH&MRC Working Party on the Prevention of Overweight and Obesity and chaired the National Obesity Prevention Group for the Commonwealth Department of Health and Aged Care. He is a member of the management committee of the International Obesity Task Force and a regional advisor on Obesity for WHO. He is currently regional vice-president (Asia-Oceania) for the International Association for the Study of Obesity.

Elizabeth Handsley is A/Professor in the School of Law at Flinders University. She has also taught at universities in Sydney and Perth. Her teaching and research interests span the fields of torts, public law and media law, especially the law on children and the media. Her main research focus in 2005–2006 is the international study on the regulation of food advertising to children on which her presentation is based. This study is being carried out in collaboration with colleagues from the School of Medicine, supported by funding from the Australian Research Council, the South Australian Department of Health and the Women's and Children's Hospital. Other works in progress include the topics of representative proceedings under the Federal Court of Australia Act, defamation and satire and the training of judicial officers in France.

James G. Hodge, Jr., JD, LL.M. is A/Professor at the Johns Hopkins Bloomberg School of Public Health and an Adjunct Professor of Law at Georgetown University Law Center. He is also Executive Director of the *Center for Law and the Public's Health at Georgetown and Johns Hopkins Universities*; a Core Faculty member of the Berman Bioethics Institute at JHSPH; Faculty member of the Center for Global Health at Johns Hopkins University, and a Steering Committee and faculty member of the Information Security Institute at the Johns Hopkins Whiting School of Engineering.

Professor Hodge has worked in many areas at the interface of public health law, ethics and human rights. He has participated in the drafting of several public health law reform initiatives, including the Model State Public Health Information Privacy Act (MSPHPA), the Model State Emergency Health Powers Act (MSEHPA), the Turning Point Model State Public Health Act (Turning Point Act), and the WHO Model Public Health Legislative Provisions. His funded research includes work on (1) the legal framework underlying the use of volunteer health professionals during emergencies; (2) the compilation, study, and analysis of state genetics laws and policies; (2) historical and legal bases underlying school vaccination programs; (3) international tobacco policy for the World Health Organization's Tobacco Free Initiative; (4) legal and ethical distinctions between public health practice and research; and (5) public health law case studies in multiple States. He is a national expert on public health information privacy law and ethics and has consulted widely in this area. He has many other interests in the areas of public health law, ethics and human rights.

Richard Ingleby is a member of the Victorian Bar and a Professor in the School of Law at Deakin University. An expert in family law, he also convenes the "Faculty of Business and Law Nutrition and Health Workshop", an interdisciplinary forum in which academics from legal and commercial disciplines participate with experts from nutrition and epidemiology.

Roger Magnusson is A/Professor in the Faculty of Law, University of Sydney. He has written widely in the areas of health law and ethics, and in public health law. He teaches public health law within the Master of Health Law (MHL) and associated Graduate Diploma programs offered by the University of Sydney Law School. His publications include *Angels of Death: Exploring the Euthanasia Underground* (Melbourne University Press; Yale University Press, 2002) which put on record the practice of "underground" physician-assisted suicide and euthanasia among health professionals working in HIV/AIDS health care. Roger is a member of the NHMRC Special Expert Committee on Transmissible Spongiform Encephalopathies (SECTSE), which advises Commonwealth government agencies (through NHMRC) on variant Creutzfeldt Jakob disease (vCJD), the human equivalent of "mad cow disease". His presentation to this conference forms part of ongoing work on an Australian Research Council-funded project entitled "Lifestyle wars: law's role in responding to the challenge of non-communicable diseases".

Robyn Martin is Professor of Public Health Law in the Centre for Research in Primary and Community Care, a Department of Health (UK) funded research unit based within the University of Hertfordshire. She is also Visiting Professor at the Chinese University of Hong Kong. Professor Martin has written widely in the field of public health, and is well known to Australian audiences through works such as Robyn Martin & Linda Johnson

(eds), *Law and the Public Dimension of Health*, London: Cavendish, 2001. Professor Martin has a particular interest in comparative public health law, and she has worked, and continues to work, in Hong Kong, Japan, South Africa and Australia. She is also a member of the Global Public Health Law Exchange, an international body funded by the Nuffield Trust and the Milbank Foundation to further the development of law as a tool in health protection.

Christopher Nehmy is a postgraduate student at the School of Law, Flinders University, supported by an APA-I award to work on an ARC Linkage Project on regulation of food advertising in diverse jurisdictions. He also works part-time as a solicitor in the family law section of Slater & Gordon, Lawyers, in Melbourne.

Boyd Swinburn is Professor of Population Health at the Centre for Physical Activity and Nutrition Research at Deakin University in Melbourne. He originally trained as an endocrinologist in Auckland before starting his research career in diabetes and nutrition metabolism with the National Institutes of Health in the US. Upon returning to New Zealand, he was Medical Director of the National Heart Foundation and continued his obesity research at the University of Auckland. His major research interest is now centred on obesity prevention particularly in children and adolescents. He has developed and supported a number of community-based demonstration projects in the Barwon-South West region of Victoria and these are linked to similar projects in Auckland, Fiji, and Tonga. Through his work with the World Health Organisation and the International Obesity Task Force, he is also contributing to global efforts to promote obesity prevention at a global level. He also established Deakin University as a WHO Collaborating Centre for Obesity Prevention.

Chris Reynolds is a lawyer, with postgraduate qualifications in public health and a PhD from the Department of Community Medicine at Adelaide University. He has practiced in the field of public health law and environment protection both as an advisor to government in law reform and also as an academic. Chris is a pioneer in the academic study of public health law in Australia, having authored several government reports, two books and many published articles in this field. Recent contributions include his leading text: *Public Health Law and Regulation*, Sydney: Federation Press, 2004, and "New Directions in Public Health Law" in Freckelton & Petersen (eds), *Disputes & Dilemmas in Health Law*, Sydney: Federation Press, 2006, pp 117-133. Chris currently teaches environmental law and constitutional law at the Flinders University School of Law and public health law at the University of Adelaide. From 2002-2005 he was Director of Research at the National Centre for Public Health Law at La Trobe University.