

Public Health Law

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Introduction

In 1920, Charles Edward Winslow, a pre-eminent public health professor from Yale University, defined public health as:

the science and art of preventing disease, prolonging life and promoting health and efficiency through organized community effort for the sanitation of the environment, the control of communicable infections, the education of the individual in personal hygiene, the organization of medical and nursing services for the early diagnosis and preventive treatment of disease, and for the development of the social machinery to insure everyone a standard of living adequate for the maintenance of health, so organizing these benefits as to enable every citizen to realize his birthright of health and longevity.¹

Winslow's definition is comprehensive and remains relevant to this day. It illustrates that public health is not only concerned with curing illness and disease, but rather is about *preventing* disease, illness and injury, together with *promoting* the quality of life of human populations.² It highlights that public health takes an organised approach to enable people to realise health and longevity. It considers environmental issues and infectious diseases, as well as personal wellbeing, and the social dimensions of health.³ All such factors must clearly be considered if one adopts, for example, the World Health Organization's definition of health which emphasises that health is 'a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity'.

The challenge then becomes how to achieve health for all at a local, national, and global scale, and the answer to this – as public health practitioners have long known – is complex.

To achieve public health, an armoury of tools is necessary. Education, economics, politics, human rights, advocacy, medical practice, social practices, culture, demography, and more all come into play. So too does the law – a tool that has long been recognised as 'making public health possible'.⁴ The role of the law in achieving public

1 Charles Edward A Winslow, 'The Untilled Field of Public Health' (1920) 9 *Science* 23.

2 Sonia Allan and Meredith Blake, *The Patient and the Practitioner: Health Law and Ethics in Australia* (LexisNexis, Sydney, 2014) ch 13.

3 *Ibid.*

4 Lawrence O Gostin, *Public Health Law: Power, Duty, Restraint* (University of California Press, Berkeley, 2nd ed, 2008); Wendy E Parmet, 'Introduction: The Interdependency of Law and Public

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