NUDGING FOR BETTER HEALTH:
IS THERE A ROLE FOR REGULATION?

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Overview

- **Relationship between Nudge and Regulation**
  - Focus on public sector; role of state/government
  - Overview rather than case studies

- **Focus on Health:**
  - Role of Nudges
  - Designing Nudge Policy
  - Role of Regulation

- Concluding comments
Nudges: What’s Not to Like?

• Nudge = Influence
• ‘Low cost, low pain’
• Avoidance: ‘easy and cheap’
• Less coercive, more effective
• Engages both public and private sectors
• Has potential appeal across the political divide
Nudge v Regulation

• Nudge v Regulation

• Dichotomous Framing (in government policy literature)
  ▫ Soft v Hard
  ▫ Influence v Coercion
  ▫ Low Cost v High Cost
  ▫ Easy v Difficult

• So is there a Role for Regulation?
  ▫ Well... it depends
  ▫ How we define regulation
  ▫ Policy aims and objectives
What Do We Mean by Regulation?

A sustained and focused attempt to alter the behaviour of others according to standards and goals with the intention of producing a broadly defined outcome or outcomes, which may involve mechanisms of:-

- standard setting,
- information gathering
- behaviour modification

(see Black, 2005)
Regulatory Toolbox

- Definitions
- Self-regulation
- ‘Command and control’
- Governance
- Where does nudge fit?
Nudge and Regulation

• What is or should be the relationship between nudge and regulation?

• Options:
  ▫ Separate
  ▫ Part of Continuum
  ▫ Nudge inappropriate
  ▫ Regulation preferred
Nudges and Health

General Criteria

- Preferences
- Costs v Benefits
- Public Acceptability

Design Criteria:

- Who the policy affects?
- What type of behaviour is intended?
- How the change will be achieved?

Nudges and Health

• **Aim:**
  ▫ Health-Related Behaviour Change

• **See Policy Design Criteria (previous slide)**

• **Additional Factors:**
  ▫ Autonomy
  ▫ Effectiveness
  ▫ Legitimacy

*(see Reeves, 2009)*
Nudges and Health

- **Health: Political Context; High Media Visibility**

- **Questions of Legitimacy Important:**
  - Who is the choice architect?
  - Ethics: Autonomy, Freedom of Choice, Extent of Intervention
  - Disclosure, Monitoring, Transparency
  - Effectiveness: Design and Outcomes
  - Acceptability: Public and Political
Regulation and Health

Behavioural change for better health outcomes
- Regulation as part of behavioural change toolbox
- Can be direct or indirect

When is hard or legally binding regulation preferred option?
- Evidence shows nudge not working
- Rules are known and visible
- Facilitate compliance (in particular, industry)
- Change structural and environmental factors
- Increase government capacity to act
- Protection of public health
- Enhance legitimacy
Concluding Comments ....

- Relationship between Nudge and Regulation

- Health:
  - Nudges
  - Evidence Base: Design and Outcomes
  - The Role of Regulation

- AND REMEMBER:
  - It’s All About the Politics....