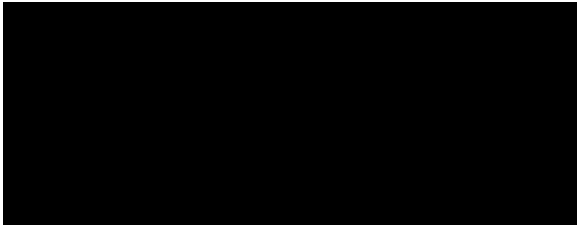


Our reference: **ACTHDFOI23-24.43**



Dear 

### **DECISION ON YOUR ACCESS APPLICATION**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (FOI Act), received by ACT Health Directorate (ACTHD) on **Monday 15 April 2024**.

This application requested access to:

*'All documents, including emails, text and Whatsapp messages, etc, relating to Minister Davidson's refusal to sign a letter to schools about the issue of vaping among young children, which was signed by other federal and territory ministers.'*

I am an Information Officer appointed by the Director-General of ACT Health Directorate (ACTHD) under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act. ACTHD was required to provide a decision on your access application by **Thursday 20 June 2024**.

I have identified 3 documents holding the information within scope of your access application. These are outlined in the schedule of documents included at Attachment A to this decision letter.

#### **Decisions**

I have decided to:

- grant full access to one document; and
- grant partial access to 2 documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as Attachment B to this letter.

In reaching my access decision, I have taken the following into account:

- The FOI Act;
- The contents of the documents that fall within the scope of your request;
- The views of relevant third parties; and
- The *Human Rights Act 2004*.

#### **Full Access**

I have decided to grant full access to the document at reference 2.

#### **Partial Access**

Documents at references 1 and 3 are partially comprised of information that I consider is personal information containing mobile phone numbers of ACT Government employees as well as personal

details of non-ACT Government employees. This information has not been disclosed as this could reasonably be expected to prejudice the protection of the individual's right to privacy.

#### Public Interest Factors Favouring Disclosure

The following factors were considered relevant in favour of the disclosure of the documents:

- Schedule 2, 2.1(a)(i) promote open discussion of public affairs and enhance the government's accountability; and
- Schedule 2, 2.1(a)(ii) contribute to positive and informed debate on important issues or matters of public interest.

#### Public Interest Factors Favouring Non-Disclosure

The following factors were considered relevant in favour of the non-disclosure of the documents:

- Schedule 2, Schedule 2.2 (a)(ii) prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*.

On balance, the factors favouring disclosure are outweighed by the factor favouring non-disclosure as the information would not provide any government information pertinent to your request. Therefore, I have determined the information identified is contrary to the public interest and would not advantage the public in disclosing this information.

#### Charges

Processing charges are not applicable to this request.

#### Disclosure Log

Under section 28 of the FOI Act, ACTHD maintains an online record of access applications called a disclosure log. The scope of your access application, my decision and documents released to you will be published in the disclosure log not less than three days but not more than 10 days after the date of this decision. Your personal contact details will not be published.

<https://www.health.act.gov.au/about-our-health-system/freedom-information/disclosure-log>.

#### Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in ACT Health's disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman

GPO Box 442

CANBERRA ACT 2601

Via email: [ACTFOI@ombudsman.gov.au](mailto:ACTFOI@ombudsman.gov.au)

Website: [ombudsman.act.gov.au](http://ombudsman.act.gov.au)

#### ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal

Allara House  
15 Constitution Avenue  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

**Further assistance**

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email [HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au).

Yours sincerely,



Maria Travers  
**A/g Executive Group Manager**  
Population Health Division  
ACT Health Directorate

18 June 2024

## FREEDOM OF INFORMATION SCHEDULE OF DOCUMENTS

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: <http://www.health.act.gov.au/public-information/consumers/freedom-information>

APPLICANT NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	FILE NUMBER
	<i>'Under the FOI Act I would like to be supplied with all documents, including emails, text and Whatsapp messages, etc, relating to Minister Davidson's refusal to sign a letter to schools about the issue of vaping among young children, which was signed by other federal and territory ministers.'</i>	ACTHDFOI23-24.43

Ref Number	Page Number	Description	Date	Status Decision	Factor	Open Access release status
1.	1 – 3	Email – FW: For action: Due midday 9 February - Joint vaping letter – Principals [Out of scope information removed]	27 February 2024	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
2.	4	MS Teams communication	27 February 2024	Full Release		YES
3.	5 – 9	Email and attachment – RE: ACT letter - National E-Cigarette Working Group Meeting –8 February 2024 [SEC=OFFICIAL] [Out of scope information removed]	8 April 2024	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
<b>Total Number of Documents</b>						
<b>3</b>						

**From:** [Hall, Seriden \(Health\)](#)  
**To:** [Travers, Maria \(Health\)](#)  
**Cc:** [Arnold, Megan \(Health\)](#); [Tournier, Mark \(Health\)](#); [Thompson, Miranda \(Health\)](#)  
**Subject:** FW: For action: Due midday 9 February - Joint vaping letter - Principals  
**Date:** Tuesday, 27 February 2024 14:59:00  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
**Importance:** High

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OFFICIAL: Sensitive

Hi Maria

Is the below something you would potentially be able to talk to Loi about?

The Commonwealth has prepared a template letter to be sent in each jurisdiction to school principals about vaping, cosigned by Commonwealth and local Health and Education Ministers. We provided (urgent) input on this a couple of weeks back and have still not seen a final version of the letter.

DLO now advises the MO will not be cosigning and the reasoning below doesn't quite make sense – I understand all relevant jurisdictional Ministers will be cosigning their version and a bit concerned about us being out of step/missing an opportunity for Minister Davidson to advocate from a health perspective about this issue to a pretty important group of stakeholders. I also have a copy of the NSW letter (not for further distribution) and confirm it's cosigned by all (four) relevant Ministers.

Thanks

Seriden

---

**From:** Gower, Tara (Health) <Tara.Gower@act.gov.au> **On Behalf Of** ACT Health DLO  
**Sent:** Tuesday, February 27, 2024 1:50 PM  
**To:** Hall, Seriden (Health) <Seriden.Z.Hall@act.gov.au>  
**Cc:** ACT Health Office of the Chief Health Officer <ACTHealthOCHO@act.gov.au>; Tournier, Mark (Health) <Mark.Tournier@act.gov.au>; Arnold, Megan (Health) <Megan.Arnold@act.gov.au>; Travers, Maria (Health) <Maria.Travers@act.gov.au>  
**Subject:** RE: For action: Due midday 9 February - Joint vaping letter - Principals

OFFICIAL: Sensitive

Hi Seriden

Below is what was included in the email from MO.

*“As the minister responsible for vaping in the ACT, Minister Davidson is not in a position to be signatory to the proposed letter.”*

I didn't ask any further questions

Thank you

Tara

**Tara Gower | Directorate Liaison Officer | ACT Health Directorate**

Mob: [REDACTED] | Email: [ACTHealthDLO@act.gov.au](mailto:ACTHealthDLO@act.gov.au)

**Office of Rachel Stephen-Smith | Minister for Health**

**Office of Emma Davidson | Minister for Mental Health**

Level 2, Legislative Assembly Building, Civic Square

*ACTH Email signature Values*




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**From:** Hall, Seriden (Health) <[Seriden.Z.Hall@act.gov.au](mailto:Seriden.Z.Hall@act.gov.au)>

**Sent:** Tuesday, February 27, 2024 1:35 PM

**To:** ACT Health DLO <[ACTHealthDLO@act.gov.au](mailto:ACTHealthDLO@act.gov.au)>

**Cc:** ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>; Tournier, Mark (Health) <[Mark.Tournier@act.gov.au](mailto:Mark.Tournier@act.gov.au)>; Arnold, Megan (Health) <[Megan.Arnold@act.gov.au](mailto:Megan.Arnold@act.gov.au)>; Travers, Maria (Health) <[Maria.Travers@act.gov.au](mailto:Maria.Travers@act.gov.au)>

**Subject:** RE: For action: Due midday 9 February - Joint vaping letter - Principals

**Importance:** High

OFFICIAL: Sensitive

Hi Tara

Thanks so much for your advice.

Sorry for additional questions but do you have any background as to the reason Minister Davidson will not be a signatory – will Minister Stephen-Smith be signatory instead?

My understanding from the national meetings is that the intention was for all letters to be cosigned by both local and Commonwealth Education and Health Ministers so keen to get a sense of our approach and whether/why it might differ from the national approach.

Thanks

Seriden

---

**From:** Gower, Tara (Health) <[Tara.Gower@act.gov.au](mailto:Tara.Gower@act.gov.au)> **On Behalf Of** ACT Health DLO

**Sent:** Monday, February 26, 2024 9:29 AM

**To:** Hall, Seriden (Health) <[Seriden.Z.Hall@act.gov.au](mailto:Seriden.Z.Hall@act.gov.au)>

**Cc:** ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>; Tournier, Mark

(Health) <[Mark.Tournier@act.gov.au](mailto:Mark.Tournier@act.gov.au)>; Arnold, Megan (Health) <[Megan.Arnold@act.gov.au](mailto:Megan.Arnold@act.gov.au)>; Travers, Maria (Health) <[Maria.Travers@act.gov.au](mailto:Maria.Travers@act.gov.au)>

**Subject:** RE: For action: Due midday 9 February - Joint vaping letter - Principals

OFFICIAL: Sensitive

Hi Seriden

Letter hasn't been delivered yet.

Minister Davidson will not be a signatory on this letter but I am aware of this morning, EDU are waiting on some advice back from the Cwth before the letter is finalised.

I will let you know once its sent and provide a copy.

Thank you

Tara

**Tara Gower | Directorate Liaison Officer | ACT Health Directorate**

Mob: [REDACTED] | Email: [ACTHealthDLO@act.gov.au](mailto:ACTHealthDLO@act.gov.au)

**Office of Rachel Stephen-Smith | Minister for Health**

**Office of Emma Davidson | Minister for Mental Health**

Level 2, Legislative Assembly Building, Civic Square

*ACTH Email signature Values*



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**From:** Hall, Seriden (Health) <[Seriden.Z.Hall@act.gov.au](mailto:Seriden.Z.Hall@act.gov.au)>

**Sent:** Friday, February 23, 2024 4:41 PM

**To:** ACT Health DLO <[ACTHealthDLO@act.gov.au](mailto:ACTHealthDLO@act.gov.au)>

**Cc:** ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>; Tournier, Mark (Health) <[Mark.Tournier@act.gov.au](mailto:Mark.Tournier@act.gov.au)>; Arnold, Megan (Health) <[Megan.Arnold@act.gov.au](mailto:Megan.Arnold@act.gov.au)>; Travers, Maria (Health) <[Maria.Travers@act.gov.au](mailto:Maria.Travers@act.gov.au)>

**Subject:** RE: For action: Due midday 9 February - Joint vaping letter - Principals

**Importance:** High

OFFICIAL: Sensitive

Hi

Do we have a copy yet of this letter?

If not, do we have a copy of what was sent up for signing?

February 27

2/27 1:35 PM

did you see Tara's email about Minister Davidson not signing this letter to principals?

2/27 2:07 PM

*"As the minister responsible for vaping in the ACT, Minister Davidson is not in a position to be signatory to the proposed letter."*



**From:** [Tournier, Mark \(Health\)](#)  
**To:** [Hall, Seriden \(Health\)](#)  
**Cc:** [Clark, AmyT \(Health\)](#)  
**Subject:** RE: ACT letter - National E-Cigarette Working Group Meeting –8 February 2024 [SEC=OFFICIAL]  
**Date:** Monday, 8 April 2024 08:38:07  
**Attachments:** [image001.png](#)  
[image002.png](#)

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OFFICIAL

Assuming we still have no feedback on why our Minister has not signed and why EDU did not consider our suggested changes?

I think we should discuss pull an education group together one from each sector so we can communicate messaging/updates.

Let's discuss when we have a minute.

Mark

---

**From:** Hall, Seriden (Health) <Seriden.Z.Hall@act.gov.au>  
**Sent:** Tuesday, March 19, 2024 4:00 PM  
**To:** Tournier, Mark (Health) <Mark.Tournier@act.gov.au>; Watson, Cathy (Health) <Cathy.Watson@act.gov.au>; Travers, Maria (Health) <Maria.Travers@act.gov.au>; Singleton, Sally (Health) <Sally.Singleton@act.gov.au>  
**Cc:** Thompson, Miranda (Health) <Miranda.Thompson@act.gov.au>; Docker, Jake (Health) <Jake.Docker@act.gov.au>  
**Subject:** FW: ACT letter - National E-Cigarette Working Group Meeting –8 February 2024 [SEC=OFFICIAL]  
**Importance:** High

OFFICIAL

Hi all

The Commonwealth has now sent through to us a copy of the letter provided to School Principals. This was originally meant to be cosigned by local Education and Health Ministers but for reasons unknown the Minister for Population Health has chosen not to sign (however the letter is still co signed by Minister Butler).

Our input does not appear to have been taken on board as we requested this be sent to all schools, not just ACT Government schools, and had proposed other additional words about where to refer young people to seek help which were not incorporated.

Thanks

Seriden

---

**From:** [REDACTED]  
**Sent:** Tuesday, March 19, 2024 12:24 PM  
**To:** Hall, Seriden (Health) <[Seriden.Z.Hall@act.gov.au](mailto:Seriden.Z.Hall@act.gov.au)>

**Subject:** RE: ACT letter - National E-Cigarette Working Group Meeting –8 February 2024  
[SEC=OFFICIAL]

You don't often get email from [REDACTED] [Learn why this is important](#)

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Hi Seriden

Please see attached in case it hasn't made its way to you.

Regards

[REDACTED]

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**From:** Hall, Seriden (Health) <[Seriden.Z.Hall@act.gov.au](mailto:Seriden.Z.Hall@act.gov.au)>

**Sent:** Thursday, March 7, 2024 4:09 PM

**To:** [REDACTED]

**Subject:** RE: ACT letter - National E-Cigarette Working Group Meeting –8 February 2024  
[SEC=OFFICIAL]

OFFICIAL

Thanks very much [REDACTED] – it's the same on this side and I've only been able to get limited information, so very grateful for any information you have.

Many thanks

Seriden

**Seriden Hall | A/g Director**  
**Alcohol, Tobacco and Other Drug Policy**  
**STI/BBV Policy**

*(pronouns she/her)*

Phone: (02) 5124 9932 | Email: [seriden.z.hall@act.gov.au](mailto:seriden.z.hall@act.gov.au)

Population Health Division | **ACT Health Directorate**

6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



*I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.*



*Please consider the environment before printing this email.*

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**From:** [REDACTED]  
**Sent:** Thursday, March 7, 2024 4:06 PM  
**To:** Hall, Seriden (Health) <[Seriden.Z.Hall@act.gov.au](mailto:Seriden.Z.Hall@act.gov.au)>  
**Cc:** E-Cigarette Control <[E-Cigarette.Control@Health.gov.au](mailto:E-Cigarette.Control@Health.gov.au)>  
**Subject:** RE: ACT letter - National E-Cigarette Working Group Meeting –8 February 2024 [SEC=OFFICIAL]

You don't often get email from [REDACTED]. [Learn why this is important](#)

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Hi Seriden

Apologies for the delay in responding.

We've been seeking an update from our MO on this one as they are managing the letters directly.

I will touch base again once we have more information.

Regards

[REDACTED]

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**From:** Hall, Seriden (Health) <[Seriden.Z.Hall@act.gov.au](mailto:Seriden.Z.Hall@act.gov.au)>  
**Sent:** Monday, March 4, 2024 1:39 PM  
**To:** E-Cigarette Control <[E-Cigarette.Control@Health.gov.au](mailto:E-Cigarette.Control@Health.gov.au)>  
**Cc:** [REDACTED]  
**Subject:** RE: National E-Cigarette Working Group Meeting –8 February 2024 [SEC=OFFICIAL]

OFFICIAL

Hi all

Thanks so much for providing this last month for info.

I'd be keen to speak to someone in the team about the letter if possible – information I've heard on our side is that we might not be sending one (?) and that if it is sent our relevant Population Health Minister might not be signing (?) so keen to get an understanding of the implications of this.

Thanks

Seriden

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**Australian Government**



Dear Principal

We are writing to you about the rising issue of vaping among young Australians, particularly in schools. Vaping poses a serious threat to the health and wellbeing of our students.

Statistics show that one in seven 14–17-year-olds and one in five 18–24-year-olds vape regularly, putting their brain development and future health at risk. In addition, young vapers are three times more likely to take up tobacco smoking, perpetuating a cycle of addiction.

That's why we are proudly partnering across Federal, State and Territory governments on urgent action to stop vapes getting into the hands of students, and to support them to quit vaping.

We have already begun taking decisive action. Starting in 2024, a series of reforms will be implemented:

- **Import bans:** The importation of single use vapes was banned on 1 January 2024, and the importation of all non-therapeutic vapes will be banned by March 2024. This closes the loophole allowing these harmful products into the hands of our youth.
- **Stricter regulations and enforcement:** From July 2024, therapeutic vapes will have limited flavours, reduced nicotine, and pharmaceutical packaging. Marketing tactics targeting young people will be banned. Strengthened laws will make it harder to sell illegal products.
- **Support for quitting:** \$29.5 million will be allocated for quitting resources, including an online hub and mobile app.

In addition to these national reforms, the ACT has developed curriculum resources and professional learning for year 7 and 8 teachers to support education about e-cigarettes and the associated risks. These resources are available via the Education Directorate's [Service Portal](#) that is accessible to all teaching staff. Resources for year 5 and 6 will also be developed and available in semester 2, 2024.

National resources like the Student Wellbeing Hub can also assist schools to educate students about the dangers of vaping, in line with the national curriculum.

We encourage schools to direct students seeking help to access Quitline by telephone on 13 78 48 or via their website at [www.quit.org.au](http://www.quit.org.au). For suspected nicotine dependence, you may wish to advise families to consult their GP, who can prescribe age-appropriate cessation solutions.

Our shared commitment is to provide a safe learning environment and protect our future generation from this public health threat.

Please be assured our governments stand with you in this fight. Together, we can keep our schools vape-free and our students healthy.

Yours sincerely



Mark Butler  
Federal Minister for Health and Aged Care

07/03/2024



Yvette Berry MLA  
ACT Minister for Education

06/03/2024



Jason Clare  
Federal Minister for Education

07/03/2024