

Our reference: **ACTHDFOI21-22.40**



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 **Tuesday 25 January 2022**.

This application requested access to:

*'The evidence base used to make the decision that ACT secondary school students wear face masks in school in term 1 of 2022. In particular, I'm interested in evidence that cloth and surgical masks (the kinds worn by students), reduce transmission of Covid-19.*

*There have been more than a dozen Randomised Controlled Trials on surgical and/or cloth masks to determine whether these masks reduce the incidence of Influenza-like Illnesses and none of these have found any statistically significant benefit. These include several RCTs by Australia's own Professor Raina Macintyre.*

*It is clear from observational data around the world that masks are not suppressing transmission of Covid. For example, Austria, Belgium, France, Spain, Germany are experiencing record infections, despite mask mandates. In fact many of these countries have move to mandate medical-grade masks (N95), such is the ineffectiveness of cloth and surgical masks.*

*For an intervention such as wearing a mask for 6 hours a day, there must be compelling evidence that this will be of benefit in reducing the spread of Covid. It is in the public interest to know this as masks are uncomfortable, they obscure facial expression and can cause hypercapnia. I would like to be assured that there is sound scientific basis for the decision and that the masks are not just being used as talismans'*

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 **Wednesday 23 February 2022**.

#### **Decisions**

ACTHD does not hold documents relevant to the scope of your application in accordance with Section 35(1)(b).

Please see the below links to similar earlier applications relating to the use of face masks available on the ACTHD Disclosure Log;

[https://www.health.act.gov.au/sites/default/files/2021-08/FOI21-22%20ACTHD%20Response\\_DL.pdf](https://www.health.act.gov.au/sites/default/files/2021-08/FOI21-22%20ACTHD%20Response_DL.pdf)

[https://www.health.act.gov.au/sites/default/files/2021-08/FOI21-23%20ACTHD%20Response\\_DL.pdf](https://www.health.act.gov.au/sites/default/files/2021-08/FOI21-23%20ACTHD%20Response_DL.pdf)

[https://www.health.act.gov.au/sites/default/files/2021-10/ACTHDFOI21-22.17%20ACTHD%20Response\\_DL.pdf](https://www.health.act.gov.au/sites/default/files/2021-10/ACTHDFOI21-22.17%20ACTHD%20Response_DL.pdf)

[https://www.health.act.gov.au/sites/default/files/2021-11/CHSFOI21-22.08%20CHS%20Response\\_DL.pdf](https://www.health.act.gov.au/sites/default/files/2021-11/CHSFOI21-22.08%20CHS%20Response_DL.pdf)

As the ACT continues to experience a higher level of community transmission, public health measures to reduce transmission in school settings are essential to protect students and staff, including those that are outlined in the ACT Government's *Health Guidelines for Schools and Early Childhood Education and Care (including out of school hours care)*.

Mask-wearing is one suggested risk mitigation, in addition to check in requirements for staff and visitors, physical distancing, good hand and respiratory hygiene, regular cleaning and disinfecting, ventilation, and the continued advice for students to stay home if they are unwell. The Guidelines have been informed by advice from the Australian Health Protection Principal Committee regarding COVID-19 in schools, and mask-wearing in general.

### **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  
Level 4, 1 Moore St  
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



Vanessa Dal Molin  
**Executive Branch Manager**  
Policy and Support – COVID-19

14 February 2022