

Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025

Submission No: 6
Submitted by: Super Vape Store
Publication: Making the submission and your name public
Attachments: No attachment

Submitter Comments:

This is my third submission to this Committee on vaping regulation in recent years. As I have previously raised, this parliamentary process is structurally flawed as it won't produce any meaningful amendments. The Committee's composition reflects the Government advancing the bill, and the outcome never departs from the original proposal. I think it is important to note that Queensland's LNP is driving the toughest vape crackdown while the federal LNP argues for regulation. That mismatch breaks with your own principles. With that aside, here is my feedback. If this approach continues, smoking rates and crime will get worse, it will continue to deteriorate until a change of direction is unavoidable. The proposed three-month, on-the-spot closures should close down the majority of illicit retail operations. However, closing down retail operations will lead to unintended consequences. Any good governance should anticipate what will happen next. Demand will not vanish, it will shift. When retail storefronts are forced closed, supply will migrate to a fluid environment, this will include street sellers with no accountability and even less product safety. Deals will go wrong and you will see an increase in gangs wanting to secure territory to sell their products. Even if enforcement was perfect and every non-compliant store was closed with no access to vapes anywhere else. What would happen next? Smoking rates will increase as they would be the only legal products available on the market. Seriously what do you think is going to happen when you have 1.7m people in Australia who vape and can't get products. They will either continue to find a way to get them or will switch to a more harmful product. How is that in the best interest of public health? Furthermore the continued defamation towards retailers targeting kids is a disgrace. As such I have requested a Right To Information on the number of complaints Queensland Health has received about retailers selling to minors. The truth is Governments exacerbate the issue for political gain. If retailers were the reason for vape access you should have tens of thousands of complaints and loads of prosecutions. How many retailers has Queensland Health caught selling to minors? I can't guarantee it's not many, if any. The only thing this policy is guaranteed to do is increase smoking rates. Congratulations.

From: Super Vape Store [REDACTED]
Sent: Thursday, 2 October 2025 12:49 PM
To: Health, Environment and Innovation Committee
Subject: Fwd: Thank you for your submission
Attachments: Document 1 (5).PDF; FOI 26-2100 - Notice of Decision (1).pdf; 9936-Introduction-of-Vaping-Bans-Leads-to-Increase-In-Cigarette-Smoking-in-Australia-Press-Release (2).pdf; 2024_ASH_Y10_Snapshot_Topline_smoking_and_vaping_Dec24_FINAL.pdf

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I would like to attach additional supporting material with my submission.

FOI - Supply of Therapeutic Vapes - S3

These documents highlight the non-existent supply of vape-related products through pharmacies. The TGA expected 450,000 people would transition to obtaining vapes through pharmacies. The data proves that less than 8,000 notifications are received per month. If you were to average that out, that's about 1 notification per pharmacy in Australia per month. The Federal Government forced an unworkable policy onto pharmacies that never wanted to dispense these products. This has ultimately pushed 1.7 million active vapers into the illicit market. The Federal Government continues to refuse to start an independent review which must be done before July 2027.

Roy Morgan - Smoking rates increasing since 'vaping sales ban' in 2024

What do you think is going to happen when the only easily accessible products on the market are tobacco products. Common-sense would say smoking rates would increase.

ASH NZ Year 10 Report

"Youth smoking has almost been eliminated in the last decade. In effect, we have a smokefree generation, which is a cause for celebration," Mr Youdan added.

To summarise, the pharmaceutical supply of vapes is non-existent and will never be a viable solution. Smoking rates are increasing as vapes are becoming more difficult to obtain. The smoking rate will exacerbate if tobacco products are the only easily accessible products on the market. Lastly New Zealand, has practically eliminated youth smoking, while now starting to see a decrease in vaping through proper regulations.

Meanwhile Australia's current approach is a disaster and will result in higher smoking rates and ultimately more deaths.

Regards
Zack O'Hare

On Wed, Sep 24, 2025 at 11:45 AM Health, Environment and Innovation Committee
<heic@parliamentcommittees.qld.gov.au> wrote:

Thank you for your submission to the Inquiry into the Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025.

A copy is enclosed for your records.

Regards

Health, Environment and Innovation Committee

Queensland Parliament

P 07 3553 6626

<https://www.parliament.qld.gov.au/HEIC>

Special Access Scheme (SAS): Supply of Therapeutic Vapes

- The data we receive relating to the number of therapeutic vapes supplied in Australia is limited to submissions from health professionals involved in the supply of therapeutic vapes.
- We do not hold prescription or dispensing data for vapes sold in Australian pharmacies.
- There are two lawful pathways for accessing therapeutic vapes:
 1. Pharmacist Model (SAS Category C Schedule 3): Patients aged 18 and over may access therapeutic vapes directly from a pharmacy without a prescription, provided the nicotine concentration does not exceed 20 mg/mL.
 2. Prescription Model (Schedule 4): Patients require a prescription from a medical or nurse practitioner before a participating pharmacy will dispense a therapeutic vape. This includes access via SAS Category B, SAS Category C, and the Authorised Prescriber (AP) pathway.
- Under the prescription model, we do not receive notifications for each dispensed vape.
- Therefore, the notifications we receive do not represent the total volume of therapeutic vapes being supplied through pharmacies, as they do not include the number of products supplied to patients under a prescription from a health practitioner, including via the AP pathway.
- Please note that historical data may differ to previous reports as notifications relating to supply made in earlier months are reviewed and updated to ensure accuracy.

Table 1 - SAS C S3 Pharmacist Notifications of Supply and Unique Consulting Locations*

By Month	Count of SAS C S3 Notifications	Count of Unique Consulting Location†
2024	14755	1026
Oct	4431	618
Nov	4877	647
Dec	5447	687
2025	56626	1526
Jan	6382	678
Feb	6348	677
Mar	6897	727
Apr	7143	696
May	7952	735
Jun	7252	703
Jul	7350	724
Aug	7302	730
Grand Total	71381	1796

*Information about the pharmacies where S3 vaping goods are supplied are recorded as the consulting location, provided to the TGA as a free text field on each SAS submission. Counts of unique consulting locations are obtained by removing duplicates of identical entries. This data is not validated and as such may contain duplicates of single consulting locations where there are variations in the text entered on different SAS submissions.

†As there are duplicates in consulting locations over separate months, unique consulting locations are calculated for the period indicated in each row. The grand total covers the entire requested period (1 October 2024 to 31 July 2025) and is not a sum of the numbers in the column.

**Australian Government****Department of Health, Disability and Ageing**
Therapeutic Goods Administration

Mr Zack O'Hare
Super Vape Store
Email: [REDACTED]

Dear Mr O'Hare

FREEDOM OF INFORMATION REQUEST FOI 26-2100
Notice of Decision

1. I refer to your request dated 1 September 2025 under the *Freedom of Information Act 1982* (the FOI Act) for access to the following documents:

'Due to the ongoing and escalating failure of the government's vaping prohibition policy, where the Health Minister has manipulated and suppressed research, bypassed proper governance, and implemented a prohibition model without any feasibility study, I am submitting this Freedom of Information request.

It must be noted that the Pharmacy Guild publicly opposed the prohibition model before it started. Now, suppliers are withdrawing from the only legal supply pathway. This prohibition framework has no prospect of success. Continuing down this path in the face of rising smoking rates is not just negligent, it is arrogant. But what do we expect considering the conduct from the Government so far around this industry?

I look forward to more taxpayer funding research by government-aligned academics like Becky Freeman, who has reportedly received over \$10 million in grants to support predetermined political agendas, I'm sure she will be able to paint a pretty picture on the 'success' of this policy, somehow.

The government expected over 450,000 people to transition to this pharmaceutical market. That has clearly failed. I doubt you will reach 10,000 S3 notifications this month. It's an embarrassing figure and highlights a catastrophic policy failure.

Please provide Schedule 3 Special Access Scheme (SAS C) pharmacist notifications to TGA of supply of vaping products from 1 October 2024 – 31 August 2025. Please provide a month by month breakdown on the total notifications received, as well as the count of unique locations that have submitted the notifications.'

The timeframe of this request is from 1/10/2024 to 31/08/2025.

Decision Maker

2. I am the Therapeutic Goods Administration (TGA) officer authorised to make this decision under section 23 of the FOI Act. What follows is my decision under the FOI Act.

Scope of the FOI request

3. The TGA has created one document in accordance with section 17 of the FOI Act.

Background

4. On 1 September 2025, the TGA received a request from you under the FOI Act. As part of your application, you advised that personal information of third parties is excluded from the scope of your request.

5. You were advised on 17 September 2025 that I had decided not to impose any charges for the processing of your request and you were notified of the current due date for a decision in relation to your request, being 1 October 2025.

Material Considered in Decision-Making

6. In coming to my decision I had regard to the following:
- the correspondence between the TGA and yourself;
 - the document relevant to the scope of your request;
 - the provisions of the FOI Act, in particular section 17; and
 - the guidelines issued by the Office of the Australian Information Commissioner (OAIC) under section 93A of the FOI Act.

Decision

7. My decision in relation to the document created in accordance with section 17 of the FOI Act is to release it in full.

Reasons for Decision

Relevant Documents

8. The TGA has identified one document relevant to your request. A schedule listing the document is at **Attachment A** and a copy of the document has been provided with this correspondence.
9. The schedule indicates for the document my decision to release in full and refers to the provision of the FOI Act which is claimed to apply to the document.

Section 17 Requests involving use of computers etc.

10. Section 17 of the FOI Act provides that an agency must produce a written document containing information that is stored electronically and not in a discrete written form, if:
- it does not appear from the request that the applicant wishes to be provided with a computer tape or disk on which the information is recorded;
 - the agency could produce a written document containing the information by the use of a computer or other equipment ordinarily available to the agency; and
 - producing such a document would not substantially and unreasonably divert the resources of the agency from its other operations.
11. In this instance, the information you have sought is not available in discrete form in written documents held by the TGA. However, the TGA was able to produce a written document containing the requested information in discrete form by the use of a computer or other equipment available to the TGA. The TGA has therefore, in this particular instance, created a document under section 17 of the FOI Act.

Release of Documents

12. As charges have not been imposed for the processing of your request, the document is being released to you with this decision.

Review and Complaint Rights

13. If you are not satisfied with this decision, you have 30 calendar days to either seek internal review or apply to the OAIC for review of the decision. Further information can be found on the OAIC website at the following link: [Apply for an Information Commissioner Review | Office of the Australian Information Commissioner](#).

If you have any queries regarding this matter, please contact the FOI Team on [REDACTED].

Yours sincerely

Authorised and electronically signed by

Daniel Tebbey
A/g Director
International Regulatory Branch
Therapeutic Goods Administration
24 September 2025

Schedule of Relevant Documents

Doc. No.	Author	Addressee	Date	Description	Pages	Decision	Relevant Sections of the FOI Act
1	TGA	TGA	09/09/2025	Data relating to Schedule 3 Special Access Scheme (SAS C) pharmacist notifications to TGA of supply of vaping products from 1 October 2024 – 31 August 2025.	2	Release in full	Section 17



Freedom of Information Act 1982

11A Access to documents on request

- (5) The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

Note 1: Division 3 of Part IV provides for when a document is conditionally exempt.

Note 2: A conditionally exempt document is an exempt document if access to the document would, on balance, be contrary to the public interest (see section 31B (exempt documents for the purposes of Part IV)).

Note 3: Section 11B deals with when it is contrary to the public interest to give a person access to the document.

17 Requests involving use of computers etc.

- (1) Where:
- (a) a request (including a request in relation to which a practical refusal reason exists) is made in accordance with the requirements of subsection 15(2) to an agency;
 - (b) it appears from the request that the desire of the applicant is for information that is not available in discrete form in written documents of the agency; and
 - (ba) it does not appear from the request that the applicant wishes to be provided with a computer tape or computer disk on which the information is recorded; and
 - (c) the agency could produce a written document containing the information in discrete form by:
 - (i) the use of a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information; or
 - (ii) the making of a transcript from a sound recording held in the agency;
- the agency shall deal with the request as if it were a request for access to a written document so produced and containing that information and, for that purpose, this Act applies as if the agency had such a document in its possession.
- (2) An agency is not required to comply with subsection (1) if compliance would substantially and unreasonably divert the resources of the agency from its other operations.

22 Deletion of exempt matter or irrelevant material

- (1) Where:
- (a) an agency or Minister decides:
 - (i) not to grant a request for access to a document on the ground that it is an exempt document; or

- (ii) that to grant a request for access to a document would disclose information that would reasonably be regarded as irrelevant to that request; and
 - (b) it is possible for the agency or Minister to make a copy of the document with such deletions that the copy:
 - (i) would not be an exempt document; and
 - (ii) would not disclose such information; and
 - (c) it is reasonably practicable for the agency or Minister, having regard to the nature and extent of the work involved in deciding on and making those deletions and the resources available for that work, to make such a copy;
- the agency or Minister shall, unless it is apparent from the request or as a result of consultation by the agency or Minister with the applicant, that the applicant would not wish to have access to such a copy, make, and grant access to, such a copy.
- (2) Where access is granted to a copy of a document in accordance with subsection (1):
- (a) the applicant must be informed:
 - (i) that it is such a copy; and
 - (ii) of the ground for the deletions; and
 - (iii) if any matter deleted is exempt matter because of a provision of this Act—that the matter deleted is exempt matter because of that provision; and
 - (b) section 26 does not apply to the decision that the applicant is not entitled to access to the whole of the document unless the applicant requests the agency or Minister to furnish to him or her a notice in writing in accordance with that section.

27 Consultation—business documents

Scope

- (1) This section applies if:
- (a) a request is made to an agency or Minister for access to a document containing information (***business information***) covered by subsection (2) in respect of a person, organisation or undertaking; and
 - (b) it appears to the agency or Minister that the person, organisation or proprietor of the undertaking (the ***person or organisation concerned***) might reasonably wish to make a contention (the ***exemption contention***) that:
 - (i) the document is exempt under section 47 (trade secrets etc.); or
 - (ii) the document is conditionally exempt under section 47G (business information) and access to the document would, on balance, be contrary to the public interest for the purposes of subsection 11A(5).
- Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).
- (2) This subsection covers the following information:
- (a) in relation to a person—information about the person’s business or professional affairs;
 - (b) in relation to an organisation or undertaking—information about the business, commercial or financial affairs of the organisation or undertaking.
- (3) In determining, for the purposes of paragraph (1)(b), whether the person or organisation concerned might reasonably wish to make an exemption contention

because of business information in a document, the agency or Minister must have regard to the following matters:

- (a) the extent to which the information is well known;
- (b) whether the person, organisation or undertaking is known to be associated with the matters dealt with in the information;
- (c) the availability of the information from publicly accessible sources;
- (d) any other matters that the agency or Minister considers relevant.

Opportunity to make submissions

- (4) The agency or Minister must not decide to give access to the document unless:
 - (a) the person or organisation concerned is given a reasonable opportunity to make submissions in support of the exemption contention; and
 - (b) the agency or the Minister has regard to any submissions so made.
- (5) However, subsection (4) only applies if it is reasonably practicable for the agency or Minister to give the person or organisation concerned a reasonable opportunity to make submissions in support of the exemption contention, having regard to all the circumstances (including the application of subsections 15(5) and (6) (time limits for processing requests)).

Notice of decision to give access

- (6) If the agency or Minister decides to give access to the document, the agency or Minister must give written notice of the decision to both of the following:
 - (a) the person or organisation concerned;
 - (b) the applicant.

Access not to be given until review or appeal opportunities have run out

- (7) However, the agency or Minister must not give the applicant access to the document unless, after all the opportunities of the person or organisation concerned for review or appeal in relation to the decision to give access to the document have run out, the decision to give access still stands, or is confirmed.

Note 1: The decision to give access to the document is subject to internal review (see Part VI), review by the Information Commissioner (see Part VII) and review by the Tribunal (see Part VIIA).

Note 2: For when all opportunities for review or appeal in relation to the decision to give access to the document have **run out**, see subsection 4(1).

Notice and stay of decision not to apply unless submission made in support of exemption contention

- (8) Subsections (6) and (7) do not apply unless the person or organisation concerned makes a submission in support of the exemption contention as allowed under paragraph (4)(a).

Edited copies and business information

- (9) This section applies:
 - (a) in relation to an edited copy of a document—in the same way as it applies to the document; and
 - (b) in relation to a document containing business information—to the extent to which the document contains such information.

27A Consultation—documents affecting personal privacy*Scope*

- (1) This section applies if:
- (a) a request is made to an agency or Minister for access to a document containing personal information about a person (including a person who has died); and
 - (b) it appears to the agency or Minister that the person or the person's legal personal representative (the **person concerned**) might reasonably wish to make a contention (the **exemption contention**) that:
 - (i) the document is conditionally exempt under section 47F; and
 - (ii) access to the document would, on balance, be contrary to the public interest for the purposes of subsection 11A(5).

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

- (2) In determining, for the purposes of paragraph (1)(b), whether the person concerned might reasonably wish to make an exemption contention because of personal information in a document, the agency or Minister must have regard to the following matters:
- (a) the extent to which the information is well known;
 - (b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the information;
 - (c) the availability of the information from publicly accessible sources;
 - (d) any other matters that the agency or Minister considers relevant.

Opportunity to make submissions

- (3) The agency or Minister must not decide to give the applicant access to the document unless:
- (a) the person concerned is given a reasonable opportunity to make submissions in support of the exemption contention; and
 - (b) the agency or the Minister has regard to any submissions so made.
- (4) However, subsection (3) only applies if it is reasonably practicable for the agency or Minister to give the person concerned a reasonable opportunity to make submissions in support of the exemption contention, having regard to all the circumstances (including the application of subsections 15(5) and (6) (time limits for processing requests)).

Decision to give access

- (5) If the agency or Minister decides to give access to the document, the agency or Minister must give written notice of the decision to both of the following:
- (a) the person concerned;
 - (b) the applicant.

Access not to be given until review or appeal opportunities have run out

- (6) However, the agency or Minister must not give the applicant access to the document unless, after all the opportunities of the person concerned for review or appeal in relation to the decision to give access to the document have run out, the decision to give access still stands, or is confirmed.

Note 1: The decision to give access to the document is subject to internal review (see Part VI), review by the Information Commissioner (see Part VII) and review by the Tribunal (see Part VIIA).

Note 2: For when all opportunities for review or appeal in relation to the decision to give access to the document have **run out**, see subsection 4(1).

Notice and stay of decision not to apply unless submission made in support of exemption contention

- (7) Subsections (5) and (6) do not apply unless the person concerned makes a submission in support of the exemption contention as allowed under paragraph (3)(a).

Edited copies and personal information

- (8) This section applies:
- (a) in relation to an edited copy of a document—in the same way as it applies to the document; and
 - (b) in relation to a document containing personal information—to the extent to which the document contains such information.

33 Documents affecting national security, defence or international relations

A document is an exempt document if disclosure of the document under this Act:

- (a) would, or could reasonably be expected to, cause damage to:
 - (i) the security of the Commonwealth;
 - (ii) the defence of the Commonwealth; or
 - (iii) the international relations of the Commonwealth; or
- (b) would divulge any information or matter communicated in confidence by or on behalf of a foreign government, an authority of a foreign government or an international organization to the Government of the Commonwealth, to an authority of the Commonwealth or to a person receiving the communication on behalf of the Commonwealth or of an authority of the Commonwealth.

37 Documents affecting enforcement of law and protection of public safety

- (1) A document is an exempt document if its disclosure under this Act would, or could reasonably be expected to:
- (a) prejudice the conduct of an investigation of a breach, or possible breach, of the law, or a failure, or possible failure, to comply with a law relating to taxation or prejudice the enforcement or proper administration of the law in a particular instance;
 - (b) disclose, or enable a person to ascertain, the existence or identity of a confidential source of information, or the non-existence of a confidential source of information, in relation to the enforcement or administration of the law; or
 - (c) endanger the life or physical safety of any person.
- (2) A document is an exempt document if its disclosure under this Act would, or could reasonably be expected to:
- (a) prejudice the fair trial of a person or the impartial adjudication of a particular case;

- (b) disclose lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures; or
 - (c) prejudice the maintenance or enforcement of lawful methods for the protection of public safety.
- (2A) For the purposes of paragraph (1)(b), a person is taken to be a confidential source of information in relation to the enforcement or administration of the law if the person is receiving, or has received, protection under a program conducted under the auspices of the Australian Federal Police, or the police force of a State or Territory, for the protection of:
 - (a) witnesses; or
 - (b) people who, because of their relationship to, or association with, a witness need, or may need, such protection; or
 - (c) any other people who, for any other reason, need or may need, such protection.
- (3) In this section, **law** means law of the Commonwealth or of a State or Territory.

42 Documents subject to legal professional privilege

- (1) A document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.
- (2) A document is not an exempt document because of subsection (1) if the person entitled to claim legal professional privilege in relation to the production of the document in legal proceedings waives that claim.
- (3) A document is not an exempt document under subsection (1) by reason only that:
 - (a) the document contains information that would (apart from this subsection) cause the document to be exempt under subsection (1); and
 - (b) the information is operational information of an agency.

45 Documents containing material obtained in confidence

- (1) A document is an exempt document if its disclosure under this Act would found an action, by a person (other than an agency, the Commonwealth or Norfolk Island), for breach of confidence.
- (2) Subsection (1) does not apply to a document to which subsection 47C(1) (deliberative processes) applies (or would apply, but for subsection 47C(2) or (3)), that is prepared by a Minister, a member of the staff of a Minister, or an officer or employee of an agency, in the course of his or her duties, or by a prescribed authority or Norfolk Island authority in the performance of its functions, for purposes relating to the affairs of an agency or a Department of State unless the disclosure of the document would constitute a breach of confidence owed to a person or body other than:
 - (a) a person in the capacity of Minister, member of the staff of a Minister or officer of an agency; or
 - (b) an agency, the Commonwealth or Norfolk Island.

47 Documents disclosing trade secrets or commercially valuable information

- (1) A document is an exempt document if its disclosure under this Act would disclose:
- (a) trade secrets; or
 - (b) any other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed.
- (2) Subsection (1) does not have effect in relation to a request by a person for access to a document:
- (a) by reason only of the inclusion in the document of information concerning that person in respect of his or her business or professional affairs; or
 - (b) by reason only of the inclusion in the document of information concerning the business, commercial or financial affairs of an undertaking where the person making the request is the proprietor of the undertaking or a person acting on behalf of the proprietor; or
 - (c) by reason only of the inclusion in the document of information concerning the business, commercial or financial affairs of an organisation where the person making the request is the organisation or a person acting on behalf of the organisation.
- (3) A reference in this section to an undertaking includes a reference to an undertaking that is carried on by, or by an authority of, the Commonwealth, Norfolk Island or a State or by a local government authority.

47B Commonwealth-State relations etc

A document is conditionally exempt if disclosure of the document under this Act:

- (a) would, or could reasonably be expected to, cause damage to relations between the Commonwealth and a State (including a Territory)

47E Public interest conditional exemptions—certain operations of agencies

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

- (a) prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by an agency;
- (b) prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by an agency;
- (c) have a substantial adverse effect on the management or assessment of personnel by the Commonwealth, by Norfolk Island or by an agency;
- (d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

47F Public interest conditional exemptions—personal privacy*General rule*

- (1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).
- (2) In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:
 - (a) the extent to which the information is well known;
 - (b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
 - (c) the availability of the information from publicly accessible sources;
 - (d) any other matters that the agency or Minister considers relevant.
- (3) Subject to subsection (5), subsection (1) does not have effect in relation to a request by a person for access to a document by reason only of the inclusion in the document of matter relating to that person.

Access given to qualified person instead

- (4) Subsection (5) applies if:
 - (a) a request is made to an agency or Minister for access to a document of the agency, or an official document of the Minister, that contains information concerning the applicant, being information that was provided by a qualified person acting in his or her capacity as a qualified person; and
 - (b) it appears to the principal officer of the agency or to the Minister (as the case may be) that the disclosure of the information to the applicant might be detrimental to the applicant's physical or mental health, or well-being.
- (5) The principal officer or Minister may, if access to the document would otherwise be given to the applicant, direct that access to the document, so far as it contains that information, is not to be given to the applicant but is to be given instead to a qualified person who:
 - (a) carries on the same occupation, of a kind mentioned in the definition of **qualified person** in subsection (7), as the first-mentioned qualified person; and
 - (b) is to be nominated by the applicant.
- (6) The powers and functions of the principal officer of an agency under this section may be exercised by an officer of the agency acting within his or her scope of authority in accordance with arrangements referred to in section 23.
- (7) In this section:

qualified person means a person who carries on, and is entitled to carry on, an occupation that involves the provision of care for the physical or mental health of

people or for their well-being, and, without limiting the generality of the foregoing, includes any of the following:

- (a) a medical practitioner;
- (b) a psychiatrist;
- (c) a psychologist;
- (d) a counsellor;
- (e) a social worker.

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

47G Public interest conditional exemptions—business

- (1) A document is conditionally exempt if its disclosure under this Act would disclose information concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, in a case in which the disclosure of the information:
 - (a) would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs; or
 - (b) could reasonably be expected to prejudice the future supply of information to the Commonwealth, Norfolk Island or an agency for the purpose of the administration of a law of the Commonwealth or of a Territory or the administration of matters administered by an agency.
- (2) Subsection (1) does not apply to trade secrets or other information to which section 47 applies.
- (3) Subsection (1) does not have effect in relation to a request by a person for access to a document:
 - (a) by reason only of the inclusion in the document of information concerning that person in respect of his or her business or professional affairs; or
 - (b) by reason only of the inclusion in the document of information concerning the business, commercial or financial affairs of an undertaking where the person making the request is the proprietor of the undertaking or a person acting on behalf of the proprietor; or
 - (c) by reason only of the inclusion in the document of information concerning the business, commercial or financial affairs of an organisation where the person making the request is the organisation or a person acting on behalf of the organisation.
- (4) A reference in this section to an undertaking includes a reference to an undertaking that is carried on by, or by an authority of, the Commonwealth, Norfolk Island or a State or by a local government authority.
- (5) For the purposes of subsection (1), information is not taken to concern a person in respect of the person's professional affairs merely because it is information concerning the person's status as a member of a profession.

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

Tuesday, 1 July 2025

Smoking increases among young Australians since 'vaping sales ban' in 2024

The latest data from Roy Morgan shows Australian smoking rates have increased since the 'vaping sales ban' was introduced in mid-2024 – especially Factory-Made Cigarettes (FMCs); and driven primarily by increased smoking rates for 18-24yr olds.

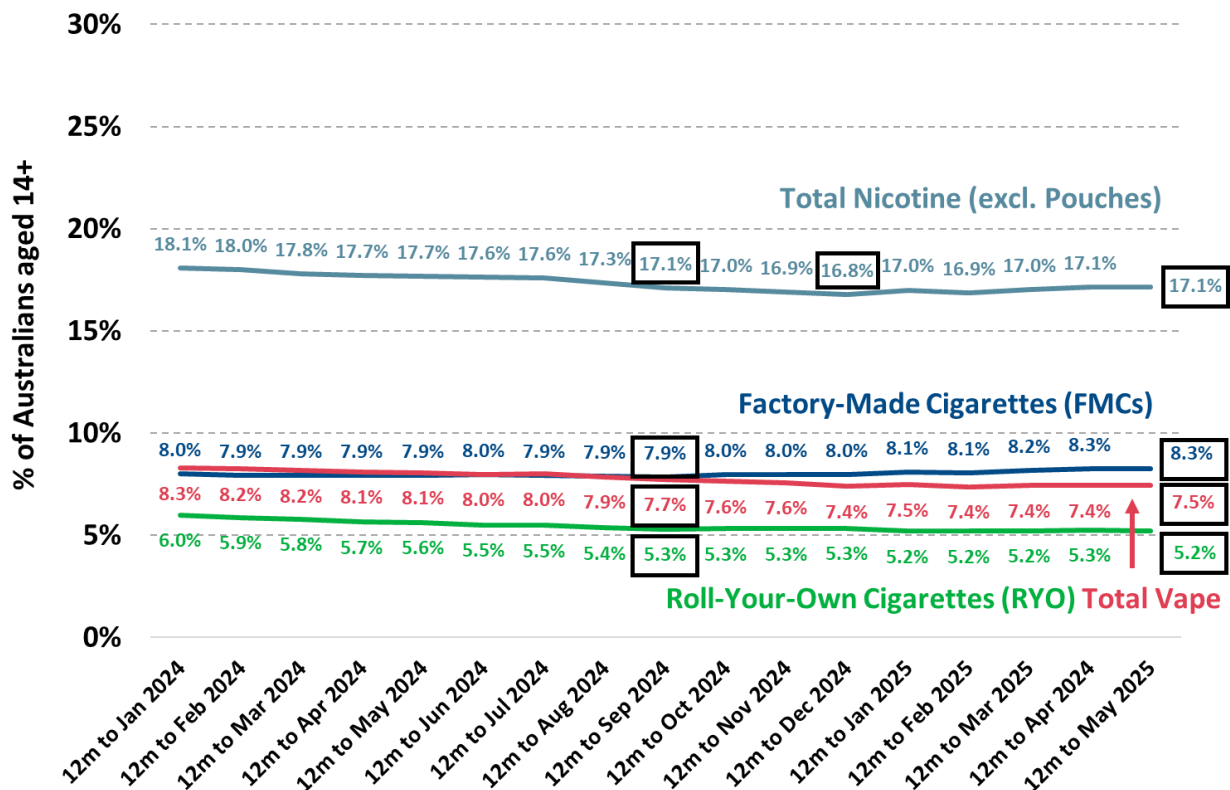
The Roy Morgan survey shows the incidence of Australians aged 18+ smoking Factory Made Cigarettes (FMCs), Roll-Your-Own (RYO Cigarettes) or vaping bottomed at 16.8% (3.59 million) in the year to December 2024. Since then, the incidence of Australians smoking (or vaping) has increased to 17.1% (3.7 million) – an increase of 0.3% points (+110,000).

Driving the increase has been increased smoking rates of Factory-Made Cigarettes (FMCs). Since the year to September 2024 the incidence of Australians smoking FMCs has increased from 7.9% (1.67 million) to 8.3% (1.79 million) – an increase 0.4% points (+120,000).

On July 1, 2024, new legislation prohibited the importation, domestic manufacture, supply, commercial possession and advertisement of disposable single use and non-therapeutic vapes in Australia.

However, this legislation has had only a small impact on overall vaping rates which are now at 7.5% of the population (1.61 million) – down by only 0.2% points (-40,000) since the year to September 2024.

Incidence of Australians aged 18+ who smoke or vape



Source: Roy Morgan Single Source Australia: 12m to January 2024 – 12m to May 2025. **Base:** Australians aged 18+, average interviews per 12m period of n=63,273. *FMC = Factory Made Cigarettes. **RYO = Roll Your Own.

28% of Australians aged 18-24 now smoke or vape

Since the introduction of legislation in mid-2024 prohibiting the importation, domestic manufacture, supply, commercial possession and advertisement of disposable single use and non-therapeutic vapes in mid-2024, rates of smoking – and vaping – have increased among 18-24yr olds.

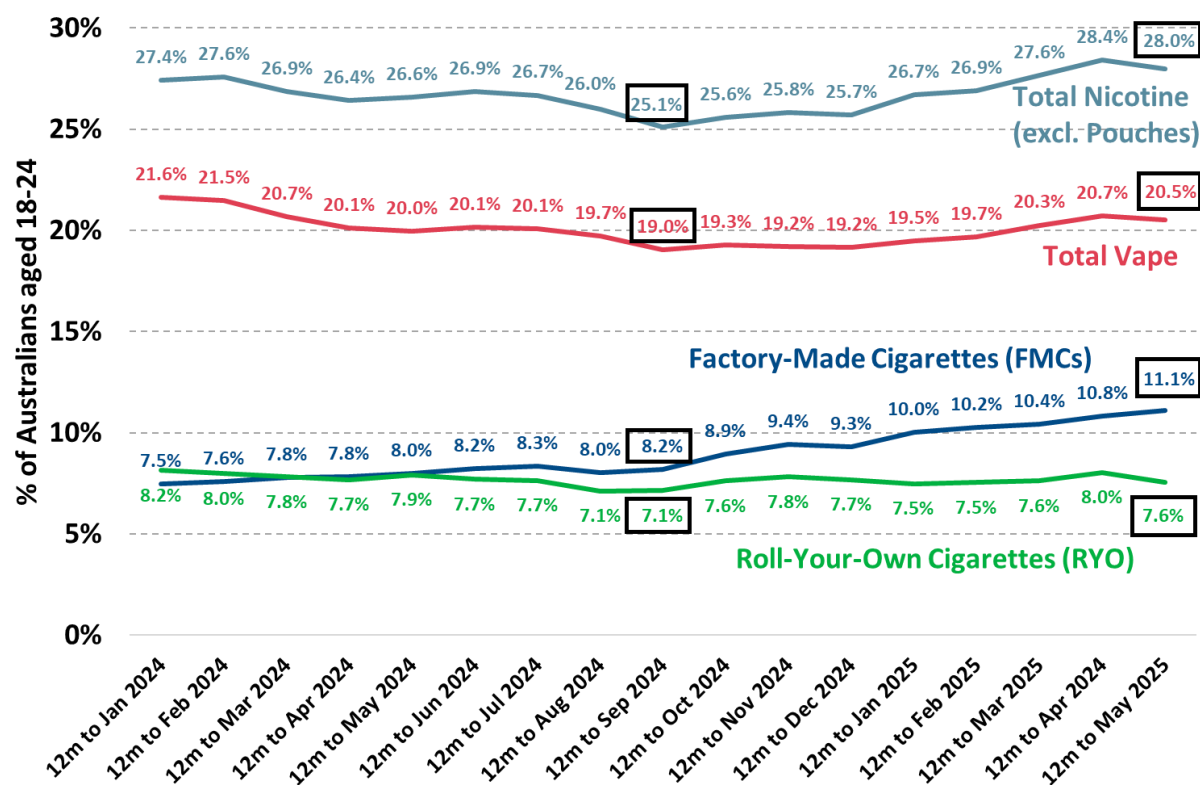
The incidence of Australians aged 18-24 smoking Factory Made Cigarettes (FMCs), Roll-Your-Own (RYO Cigarettes) or vaping bottomed at 25.1% (620,000) in the year to September 2024. Since then, the incidence of 18-24yr olds smoking (or vaping) has increased to 28% (700,000) – an increase of 2.9% points (+80,000). **This is the highest rate of smoking (or vaping) among any age group.**

Despite the new legislation, there have been increased rates of both smoking and vaping for 18-24yr olds. Now over a fifth of 18-24yr olds vape – 20.5% (510,000), up from a low of 19% (470,000) in the year to September 2024. This is an increase of 1.5% points (+40,000) in less than a year. This is the highest rate of vaping for 18-24yr olds since the year to March 2024 – 20.7% (500,000).

In addition, now 11.1% (280,000) of 18-24yr olds report smoking Factory-Made Cigarettes (FMCs), up from 8.2% (200,000) in the year to September 2024 – an increase of 2.9% points (+80,000).

There has also been a slight increase in the rate of 18-24yr olds smoking Roll-Your-Own (RYO Cigarettes) from 7.1% (180,000) in the year to September 2024 to 7.6% (190,000) now – an increase of 0.5% points (+10,000) since mid-2024.

Incidence of Australians aged 18-24 who smoke or vape



Source: Roy Morgan Single Source Australia: 12m to January 2024 – 12m to May 2025. **Base:** Australians aged 18-24, average interviews per 12m period of n=5,393. *FMC = Factory Made Cigarettes. **RYO = Roll Your Own.



Roy Morgan CEO Michele Levine says legislation banning the sale of single-use and non-therapeutic vapes in Australia introduced in 2024 has had little impact on the rate of vaping and coincided with an increase in smoking rates among young Australians:

"The latest Roy Morgan data on smoking and vaping rates in Australia shows rates of smoking have increased since the legislation was introduced in mid-2024 – driven almost entirely by younger Australians aged 18-24.

"The legislation was phased in over several months from July 2024 but has demonstrably failed to reduce overall rates of smoking and vaping – which are higher now than during the second half of last year.

"In particular, in the year to September 2024, over one-sixth of Australians (17.1%) were smoking or vaping – and after briefly dipping, the latest data shows the overall rate of smoking and vaping has now returned to the same level (17.1%) – and the raw number is now higher.

"A comparison of different age groups shows Australians aged 18-24 are driving this increase with the overall rate of smoking and vaping rising 2.9% points for this age group since September 2024. This is a striking contrast with the trends for other age groups with the rate for 25-34yr olds down 0.7% points, down 0.4% points for 50-64yr olds, and down 0.2% points for people aged 65+. The rate is unchanged for people aged 35-49.

"Digging into the data since September 2024 shows more 18-24yr olds are smoking Factory-Made Cigarettes (up 2.9% points to 11.1%), vaping (up 1.5% points to 20.5%), and smoking Roll Your Own cigarettes (up 0.5% points to 7.6%)."

For comments or more information about Roy Morgan's smoking data including for Factory Made Cigarettes (FMCs), Roll-Your-Own (RYO Cigarettes) vaping and other consumer data please contact:

Roy Morgan Enquiries
Office: +61 (3) 9224 5309
askroymorgan@roymorgan.com

Related research findings

View detailed profiles on different smoker types including [Factory-Made Cigarette \(FMC\) Smokers Profile](#), [Roll-Your-Own \(RYO Cigarettes\) Smokers Profile](#), [Pipe Smokers Profile](#), or the [Cigar Smokers Profile](#).

Please click on this link to the [Roy Morgan Online Store](#) to view additional in-depth reports and profiles on consumer data across several industries.

Compiled with data from Roy Morgan's Single Source survey (the largest of its kind in the world, with 65,000 respondents each year), these ready-made profiles provide a broad understanding of the target audience, in terms of demographics, attitudes, activities and media usage in Australia.

About Roy Morgan

Roy Morgan is Australia's largest independent Australian research company, with offices in each state, as well as in the Indonesia, U.S. and U.K. A full-service research organisation, Roy Morgan has over 80 years' experience collecting objective, independent information on consumers.

Margin of Error

The margin of error to be allowed for in any estimate depends mainly on the number of interviews on which it is based. Margin of error gives indications of the likely range within which estimates would be 95% likely to fall, expressed as the number of percentage points above or below the actual estimate. Allowance for design effects (such as stratification and weighting) should be made as appropriate.

Sample Size	Percentage Estimate			
	40%-60%	25% or 75%	10% or 90%	5% or 95%
5,000	±1.4	±1.2	±0.8	±0.6
20,000	±0.7	±0.6	±0.4	±0.3
60,000	±0.4	±0.4	±0.2	±0.2

ASH Year 10 Snapshot Survey 2024

Topline – Youth Smoking and Vaping

The ASH Year 10 Snapshot surveys Year 10 students (aged 14–15 years) in Aotearoa New Zealand every year on their smoking and vaping behaviours and attitudes. It is one of the largest ongoing youth smoking and vaping surveys in the world, with 30,339 students participating in 2024. The Survey uses robust and validated measures and is conducted to a high methodological standard, that has been subject to peer review and ethics approval. It has been carried out every year since 1999, except for 2020 due to COVID-19. All graphs are shown with 95% confidence intervals.

Key findings

Daily and regular smoking remain low; never smoking remains high; daily, regular, and ever tried vaping decrease

- Daily smoking remains low (stable at 1.2%); daily vaping showed a statistically significant decrease (10.0% in 2023 to 8.7% in 2024)
- Regular smoking remains low (stable at 2.8%); regular vaping showed a statistically significant decrease (16.4% in 2023 to 14.1% in 2024) for the third consecutive year. Regular vaping peaked at 20.2% in 2021
- Never smoking remains high (stable at 88.3%); ever tried vaping showed a statistically significant decrease (37.5% in 2023 to 34.7% in 2024) for the third consecutive year. Ever tried vaping peaked at 42.7% in 2021

Daily vaping decreases for European/Pākehā students; regular vaping decreases for Māori and European/Pākehā students; ever tried vaping decreases for Pacific and European/Pākehā students

- European/Pākehā students showed statistically significant decreases in daily vaping (7.5% in 2023 to 5.7% in 2024), regular vaping (13.9% to 11.2%), and ever tried vaping (35.5% to 32.1%)
- Māori students showed a statistically significant decrease in regular vaping (32.0% in 2023 to 29.4% in 2024), in particular for Māori girls (38.7% to 34.9%)
- Pacific students showed a statistically significant decrease in ever tried vaping (48.3% in 2023 to 43.5% in 2024)
- Non-Māori non-Pacific boys and girls showed a statistically significant decrease in daily vaping (boys 5.2% in 2023 to 4.2% in 2024; girls 7.2% to 5.3%), regular vaping (boys 9.2% to 7.6%; girls 13.6% to 10.4%), and ever tried vaping (boys 28.6% to 25.0%; girls 32.1% to 28.9%)
- Smoking and vaping prevalences are highest for Māori students, followed by Pacific, European/Pākehā, and Asian students
- For all ethnic groupings, girls reported higher regular vaping and ever tried vaping than boys
- No statistically significant changes in daily, regular, or never smoking when analysed by ethnicity and by ethnicity & gender.

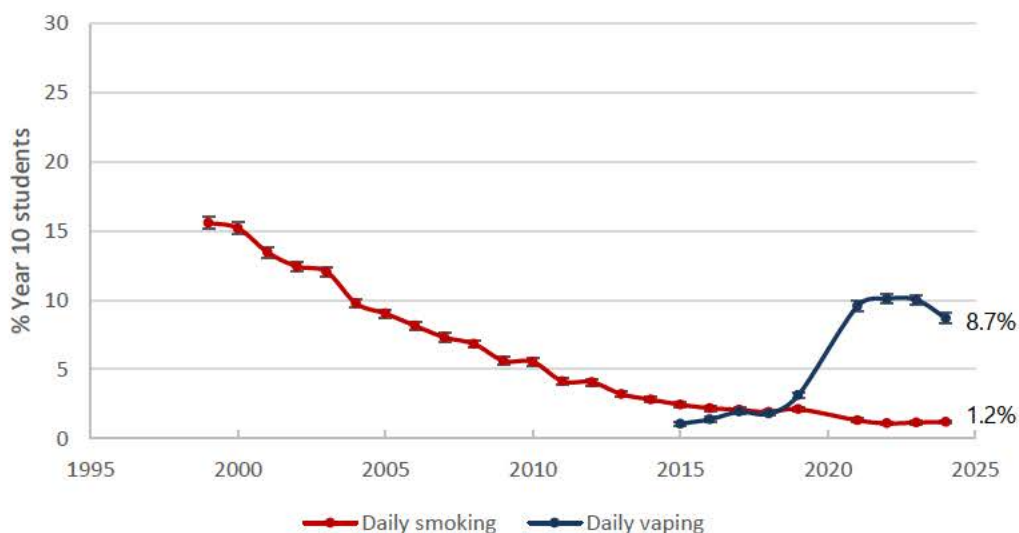
Daily and regular vaping among students who have never smoked decreases

- Daily vaping (4.6% in 2023 to 3.7% in 2024) and regular vaping (9.5% to 7.6%) among students who have never smoked showed statistically significant decreases.

Detailed findings: Daily and regular smoking remain low; never smoking remains high; daily, regular, and ever tried vaping decrease significantly

Daily smoking remains low (stable at 1.2%). **There was a statistically significant decrease in daily vaping** (10.0% in 2023 to 8.7% in 2024) for the first time. Daily use is those who answer that they vape or smoke at least once a day. See Figure 1.

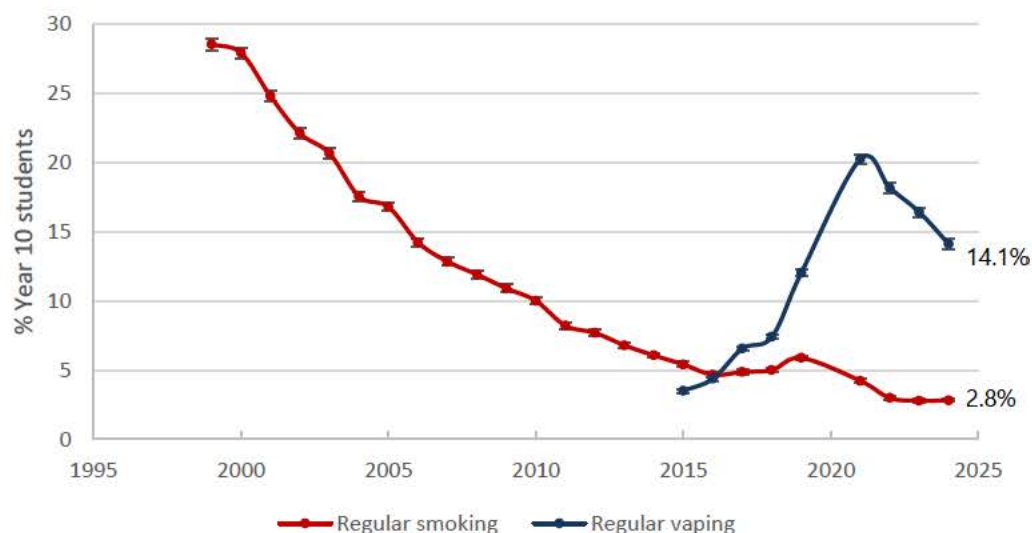
Figure 1: Daily smoking prevalence (1999–2024) and daily vaping (2015–2024) for Year 10 students (14–15 years)



“Regular” use is defined as participants that report smoking or vaping either daily, weekly, or monthly.

Regular smoking remains low (stable at 2.8%). **There was a statistically significant decrease in regular vaping** (16.4% in 2023 to 14.1% in 2024) for the third consecutive year. Regular vaping peaked at 20.2% in 2021 and has steadily decreased since then. See Figure 2.

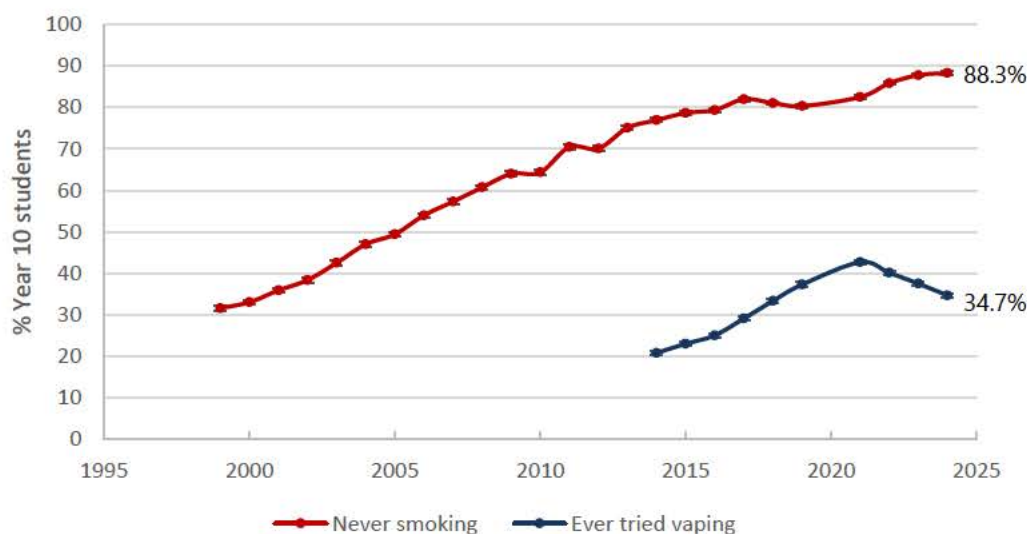
Figure 2: Regular smoking prevalence (1999–2024) and regular vaping (2015–2024) for Year 10 students (14–15 years)



Never smoking prevalence measures the percentage of students who have never smoked a cigarette, even just a few puffs. **Never smoking remains high** (stable at 88.3% in 2024), with no statistically significant change since 2023. See Figure 3.

“Ever tried” vaping is defined as having ever tried a vape, even just a few puffs. It is a measure of overall experimental use and includes both current vapers and one-off experimental use. **There was a statistically significant decrease in ever tried vaping** (37.5% in 2023 to 34.7% in 2024) for the third consecutive year. Ever tried vaping peaked at 42.7% in 2021 and has steadily decreased since then. See Figure 3.

Figure 3: Never smoking prevalence (1999–2024) and ever tried vaping (2014–2024) for Year 10 students (14–15 years)



Results by ethnicity and ethnicity & gender: Daily vaping decreases for European/ Pākehā students; regular vaping decreases for Māori and European/Pākehā students; ever tried vaping decreases for Pacific and European/Pākehā students

There were no statistically significant changes in daily smoking when analysed by ethnicity (prioritised).¹ **There was a statistically significant decrease in daily vaping for European/Pākehā students** (7.5% in 2023 to 5.7% in 2024). There were no other statistically significant changes in daily vaping when analysed by ethnicity. Smoking and vaping prevalences were highest for Māori students, followed by Pacific, European/Pākehā, and Asian students. See Figure 4 and 5.

Figure 4: Daily smoking prevalence by ethnicity (1999–2024) for Year 10 students (14–15 years)

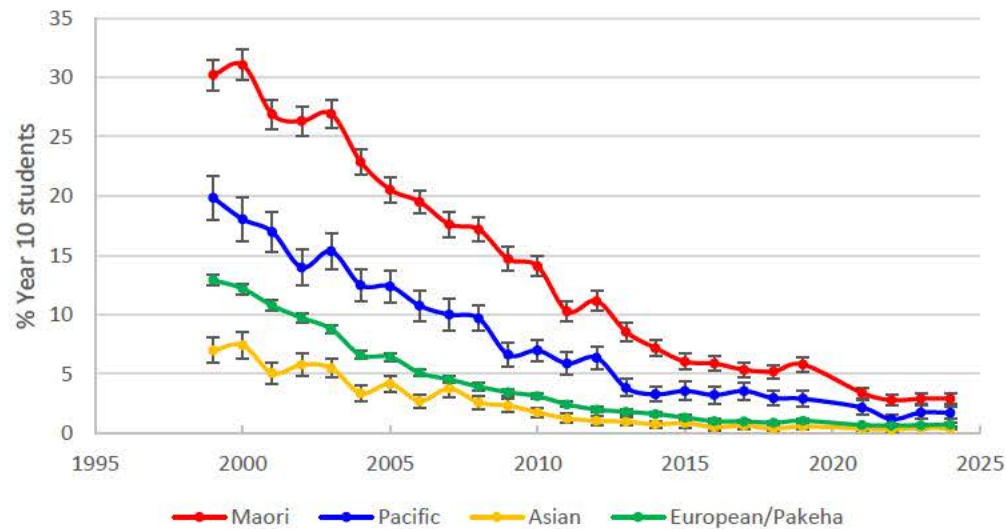
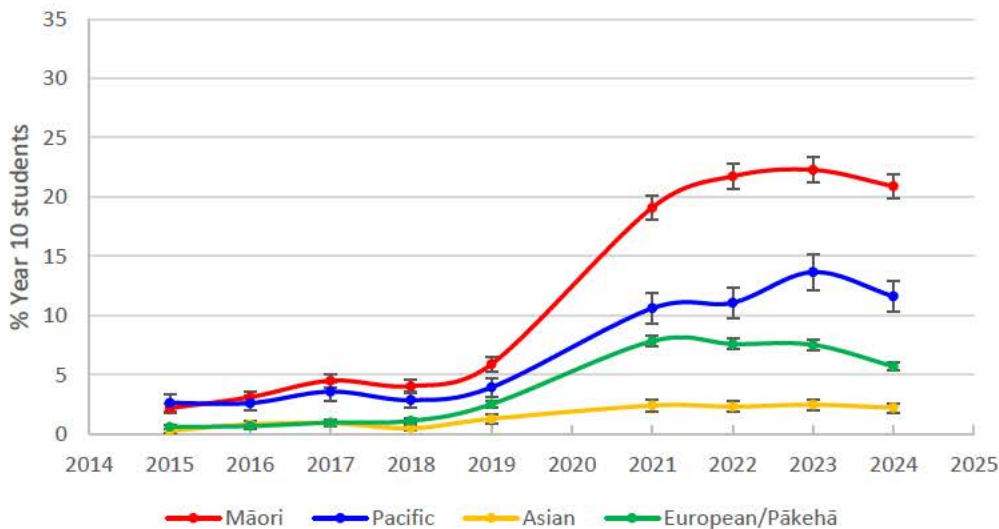


Figure 5: Daily vaping prevalence by ethnicity (2015–2024) for Year 10 students (14–15 years)



There were no statistically significant changes in daily smoking when analysed by ethnicity & gender.

There was a statistically significant decrease in daily vaping for non-Māori non-Pacific boys (5.2% in 2023 to 4.2% in 2024) **and girls** (7.2% to 5.3%). There were no other significant changes in daily vaping when analysed by ethnicity & gender. Māori girls and non-Māori non-Pacific girls reported a statistically higher daily vaping prevalence than Māori boys and non-Māori non-Pacific boys, respectively. See Figure 6 and 7.

Figure 6: Daily smoking prevalence by ethnicity & gender (1999–2024) for Year 10 students (14–15 years)

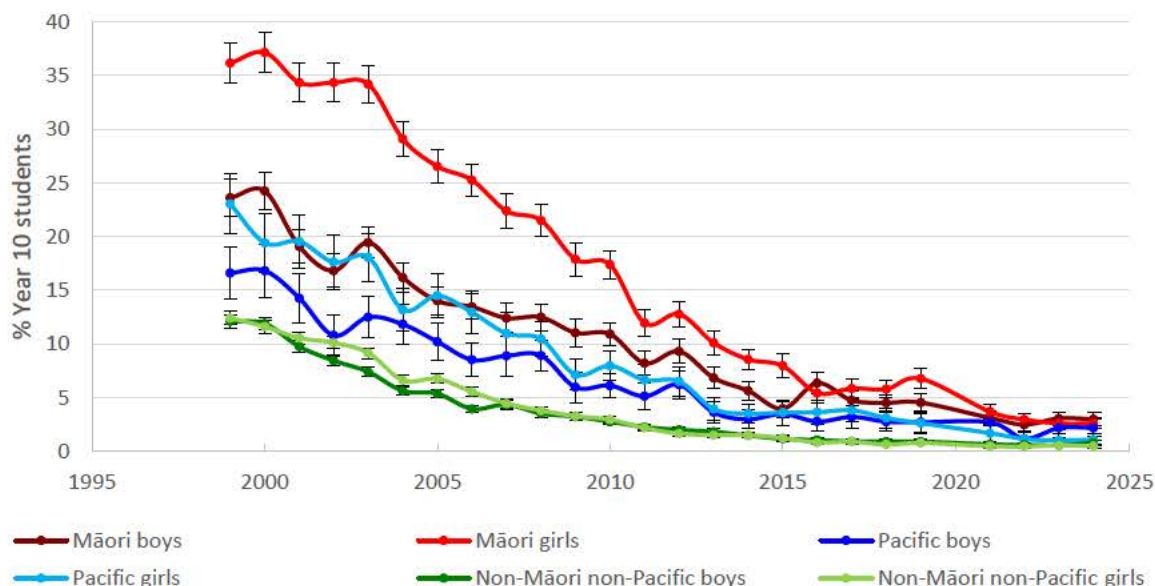
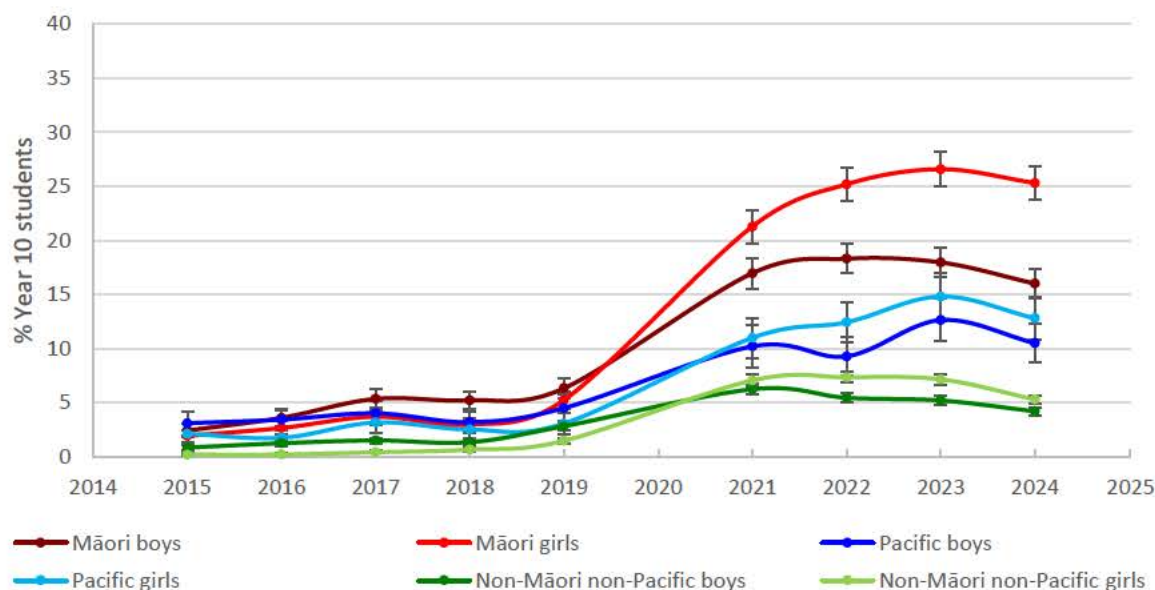


Figure 7: Daily vaping prevalence by ethnicity & gender (2015–2024) for Year 10 students (14–15 years)



There were no statistically significant changes in regular smoking when analysed by ethnicity or ethnicity & gender. There have been large decreases in regular smoking prevalence for all ethnicities since 1999, but there are still differences between the four major ethnic groups. Regular smoking was highest for Māori students (5.9% in 2024), followed by Pacific (3.2%), European/Pākehā (2.3%), and Asian (0.7%) students – all differences statistically significant. There have been large decreases in regular smoking prevalence for Māori girls and boys in recent years, with Māori girls now reporting statistically similar levels of regular smoking (6.3% in 2024) to Māori boys (5.3%). See Figure 8 and 9.

Figure 8: Regular smoking prevalence by ethnicity (1999–2024) for Year 10 students (14–15 years)

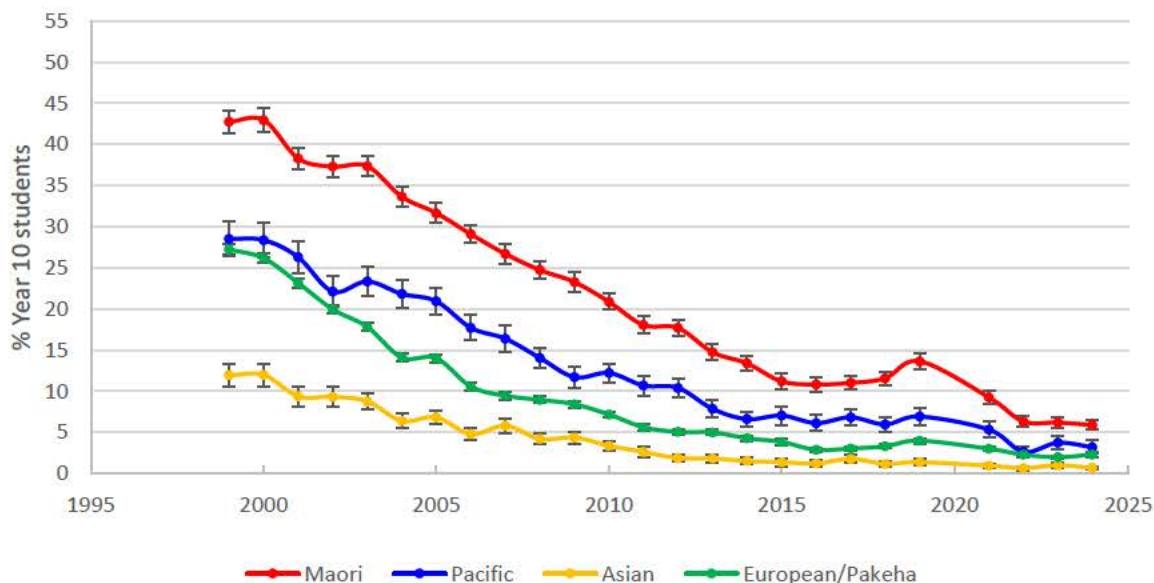
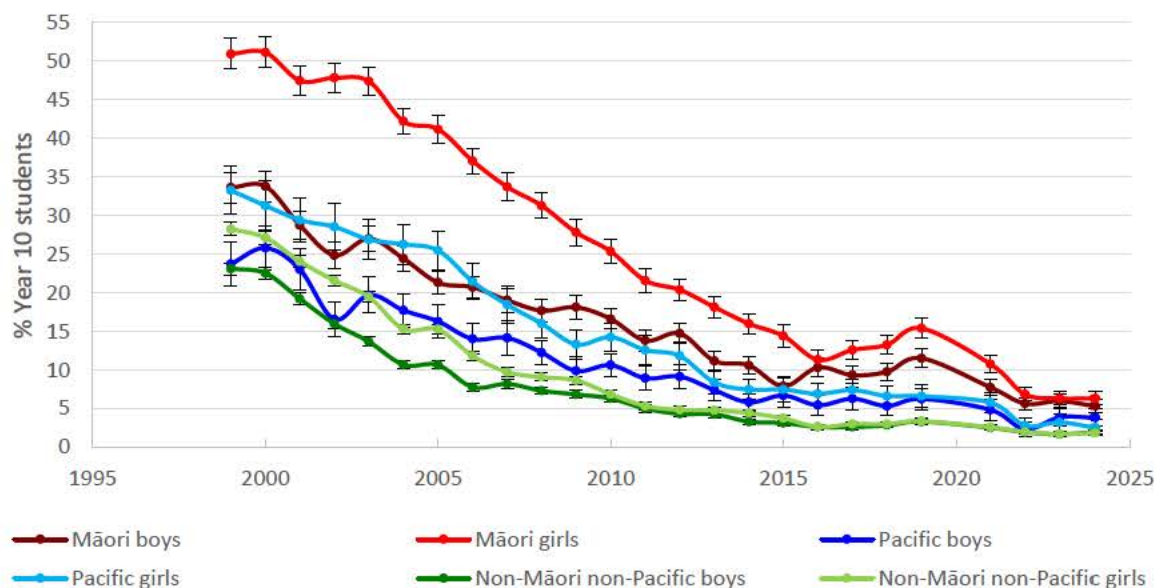


Figure 9: Regular smoking prevalence by ethnicity & gender (1999–2024) for Year 10 students (14–15 years)



There was a statistically significant decrease in regular vaping for Māori students (32.0% in 2023 to 29.4% in 2024) **and European/Pākehā students** (13.9% to 11.2%). There were no statistically significant changes for Pacific or Asian students. Regular vaping was highest for Māori students (29.4% in 2024), followed by Pacific (19.2%), European/ Pākehā (11.2%), and Asian (3.8%) students – all differences statistically significant. See Figure 10.

There was a statistically significant decrease in regular vaping for Māori girls (38.7% in 2023 to 34.9% in 2024), and **non-Māori non-Pacific boys** (9.2% to 7.6%) **and girls** (13.6% to 10.4%). There were no statistically significant changes for other groups. Regular vaping prevalence was highest for Māori girls (34.9% in 2024), and lowest for non-Māori non-Pacific boys (7.6%). For all ethnic groupings, girls reported statistically higher regular vaping than boys. See Figure 11.

Figure 10: Regular vaping prevalence by ethnicity (2015–2024) for Year 10 students (14–15 years)

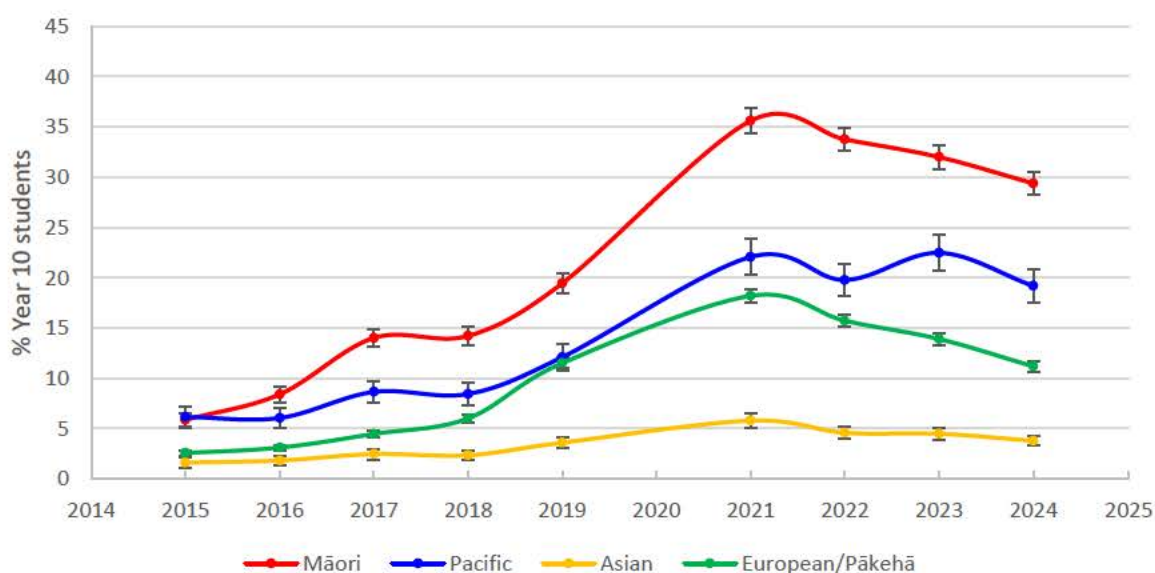
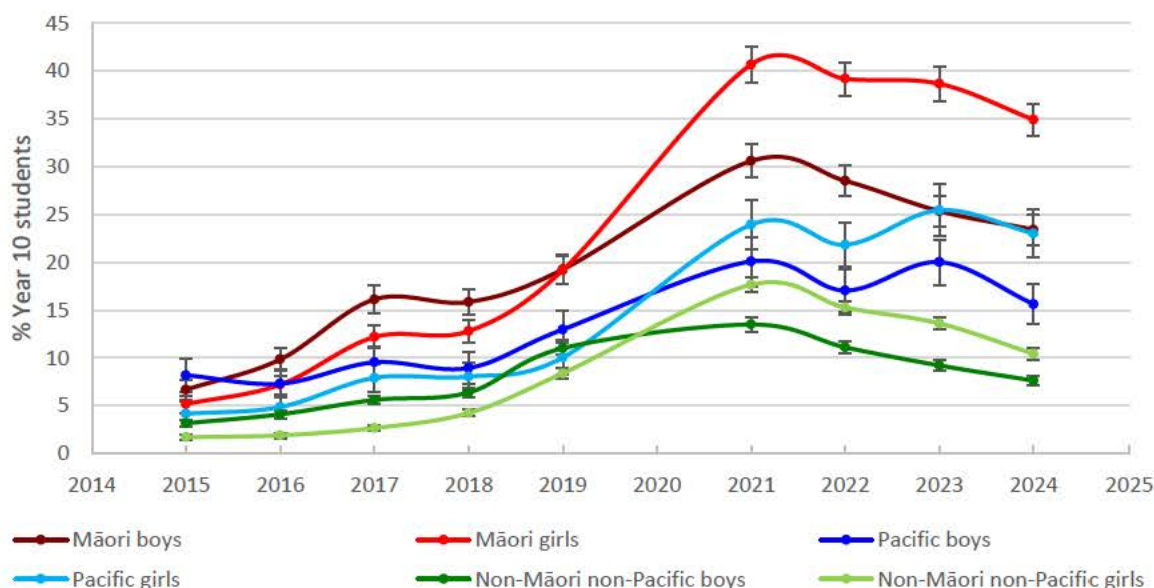


Figure 11: Regular vaping prevalence by ethnicity & gender (2015–2024) for Year 10 students (14–15 years)



There were no statistically significant changes in never smoking when analysed by ethnicity or ethnicity & gender. The never smoking prevalence for Māori students (78.1% in 2024) remains lower than other major ethnicities. Pacific students have a never smoking prevalence of 88.2%, followed by European/Pākehā (90.0%) and Asian (95.4%) students. All differences statistically significant. There have been large increases in never smoking prevalence for Māori girls and boys in recent years, with Māori boys (79.8% in 2024) reporting a higher never smoking prevalence than Māori girls (76.6%) by a small but statistically significant amount. There were no statistically significant differences between girls and boys for other ethnic groupings. See Figure 12 and 13.

Figure 12: Never smoking prevalence by ethnicity (1999–2024) for Year 10 students (14–15 years)

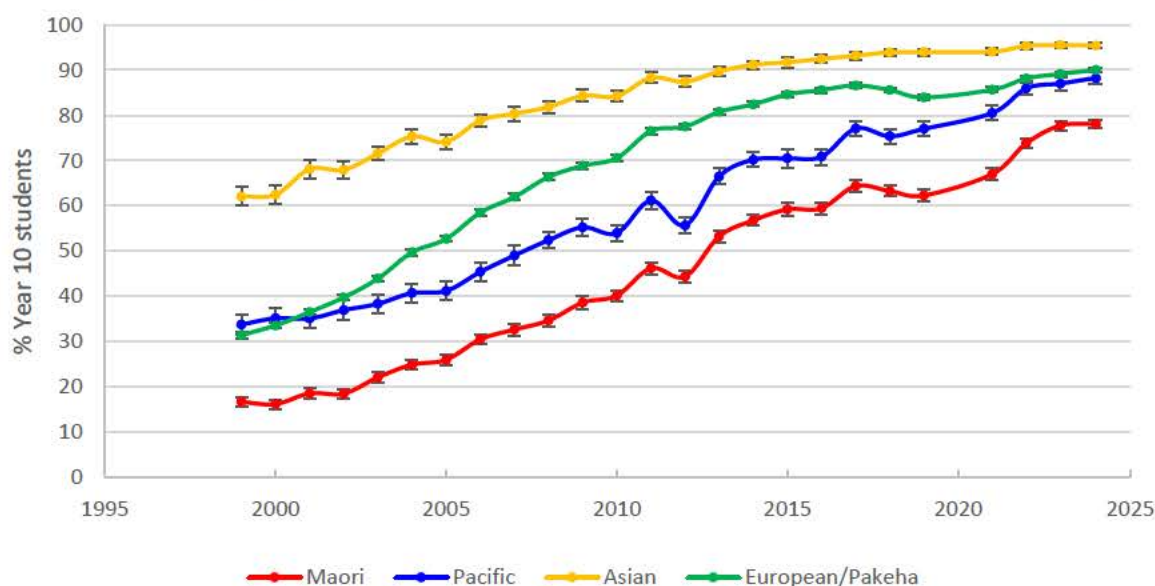
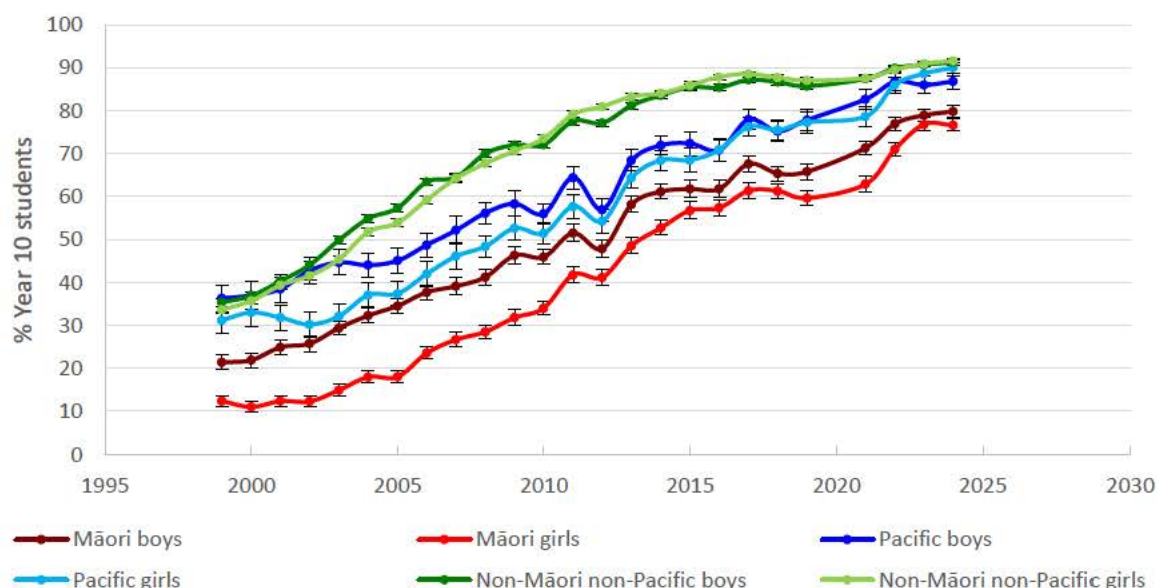


Figure 13: Never smoking prevalence by ethnicity & gender (1999–2024) for Year 10 students (14–15 years)



There was a statistically significant decrease in ever tried vaping for Pacific (48.3% in 2023 to 43.5% in 2024) **and European/Pākehā students** (35.5% to 32.1%). There were no statistically significant changes for Māori or Asian students. Māori students reported the highest prevalence (57.8% in 2024), followed by Pacific students (43.5%), then European/Pākehā students (32.1%), and Asian students (13.5%). All differences statistically significant. See Figure 14.

There was a statistically significant decrease in ever tried vaping for non-Māori non-Pacific boys (28.6% in 2023 to 25.0% in 2024) **and girls** (32.1% to 28.9). There were no statistically significant changes for other groups when analysed by ethnicity & gender. Ever tried vaping prevalence was highest for Māori girls (62.6% in 2024), and lowest for non-Māori non-Pacific boys (25.0%). For all ethnic groupings, girls reported statistically higher ever tried vaping than boys. See Figure 15.

Figure 14: Ever tried vaping prevalence by ethnicity (2014–2024) for Year 10 students (14–15 years)

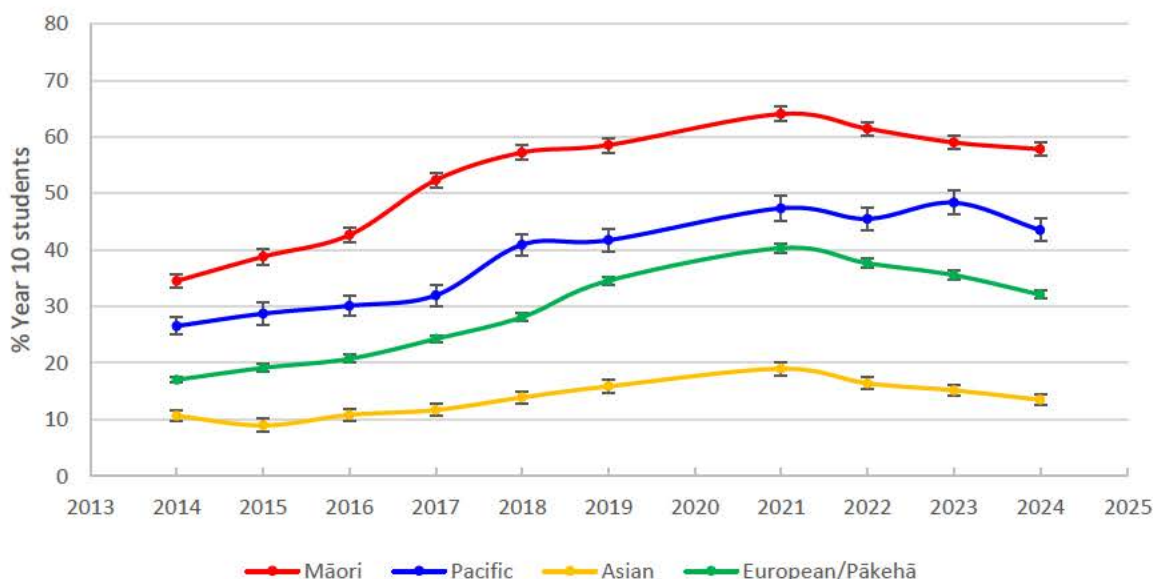
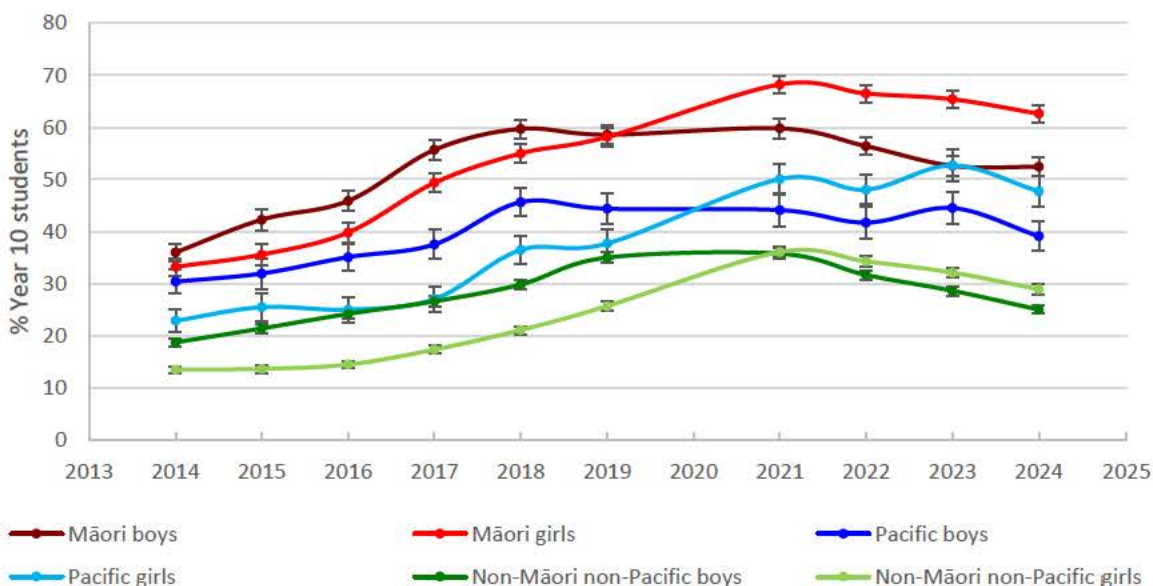


Figure 15: Ever tried vaping prevalence by ethnicity & gender (2014–2024) for Year 10 students (14–15 years)



Daily and regular vaping among students who have never smoked decreases

Daily vaping among students who have never smoked showed a statistically significant decrease (4.6% in 2023 to 3.7% in 2024). Of the 26,1541 students that reported never smoking, 3.7% also reported vaping daily. There was no statistically significant change in daily vaping prevalence among students who smoke daily (85.7% in 2024). See Figure 16.

Regular vaping among students who have never smoked also showed a statistically significant decrease (9.5% in 2023 to 7.6% in 2024). There was also no statistically significant change in regular vaping prevalence among students who smoke daily (92.7% in 2024). See Figure 17.

Figure 16: Daily vaping prevalence by smoking status (2015–2024) for Year 10 students (14–15 years)

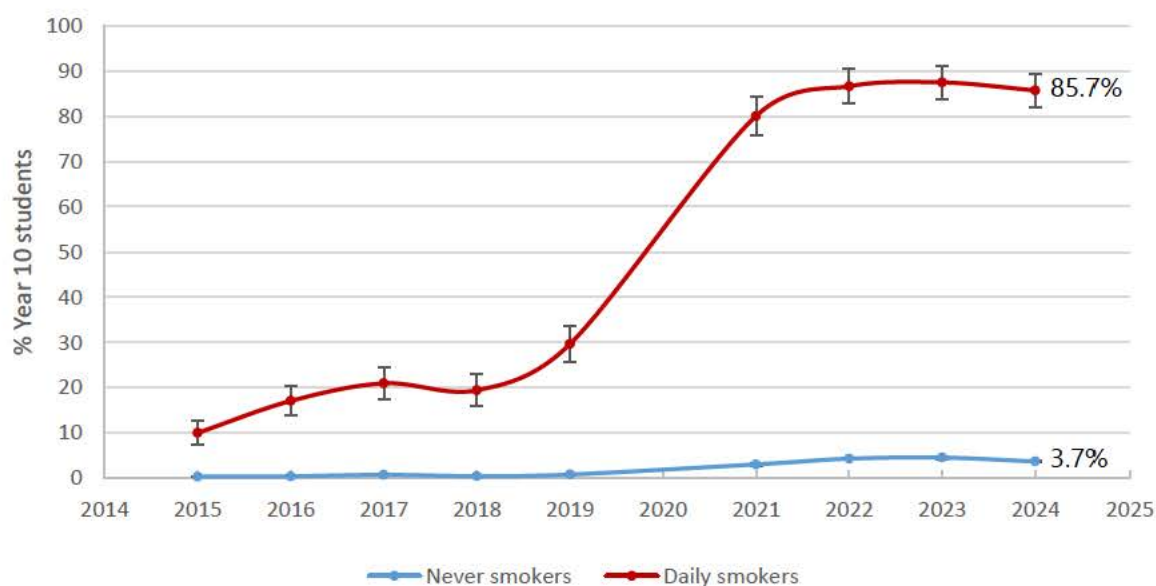
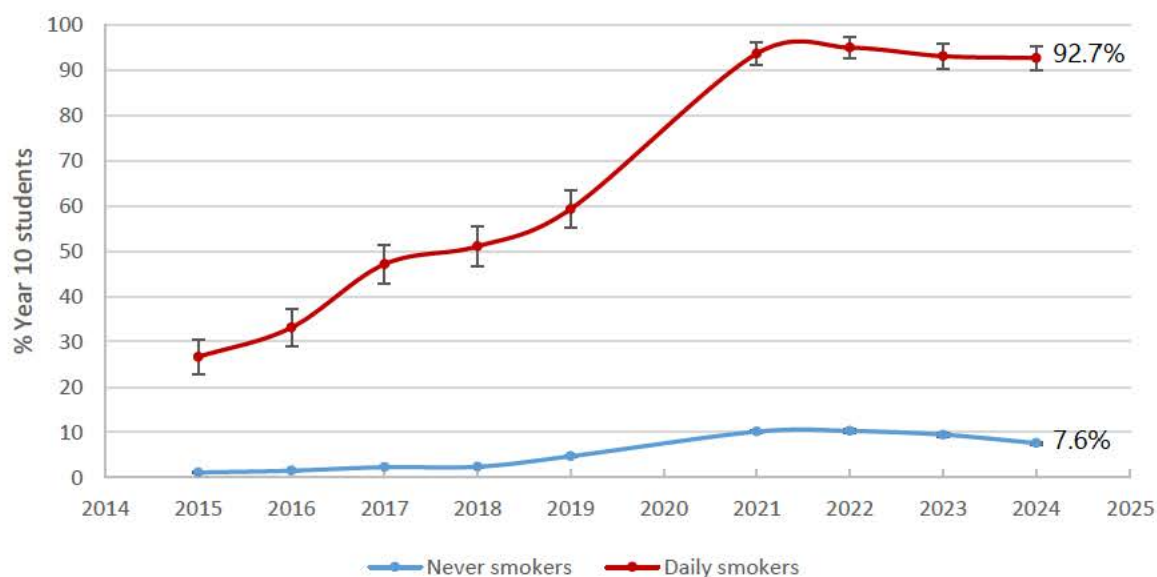


Figure 17: Regular vaping prevalence by smoking status (2015–2024) for Year 10 students (14–15 years)



Smoking and vaping prevalence for Year 10 students (14–15 years) (2024)

	Daily smoking	Daily vaping	Regular smoking	Regular vaping	Never smoking	Ever tried vaping
Total	1.2%	8.7%	2.8%	14.1%	88.3%	34.7%
By ethnicity (prioritised) ¹						
- Māori	2.9%	20.9%	5.9%	29.4%	78.1%	57.8%
- Pacific	1.7%	11.6%	3.2%	19.2%	88.2%	43.5%
- Asian	0.4%	2.2%	0.7%	3.8%	95.4%	13.5%
- European/Pākehā	0.7%	5.7%	2.3%	11.2%	90.0%	32.1%
By ethnicity & gender						
- Māori boys	3.0%	16.0%	5.3%	23.4%	79.8%	52.4%
- Māori girls	2.6%	25.3%	6.3%	34.9%	76.6%	62.6%
- Pacific boys	2.2%	10.5%	3.8%	15.6%	86.8%	39.1%
- Pacific girls	1.1%	12.8%	2.5%	23.0%	90.0%	47.7%
- Non-Māori non-Pacific boys	0.8%	4.2%	1.9%	7.6%	91.2%	25.0%
- Non-Māori non-Pacific girls	0.5%	5.3%	1.8%	10.4%	91.6%	28.9%

Non-Māori non-Pacific: Ethnicity grouping of students who do not identify as Māori or Pacific

Daily use: Students who report smoking or vaping at least once a day

Regular use: Students who report smoking or vaping either daily, weekly, or monthly

Never smoking: Students who have never smoked a cigarette, even just a few puffs

Ever tried vaping: Students who have ever tried a vape, even just a few puffs.

Suggested citation

Action for Smokefree 2025 (ASH). ASH Year 10 Snapshot Survey 2024: Topline – Youth smoking and vaping. December 2024. Available from: <http://ash.org.nz>

References

¹Ministry of Health, 2017. HISO 10001:2017 Ethnicity data protocols. Wellington: Ministry of Health.