

30 November 2018

Open Doors to Renting Reform – Submission from the Heart Foundation Queensland

The Heart Foundation is pleased to make a submission to the Queensland Government's consultation on rental reform. We submit that the issue of smoke drift from tobacco smoking in multi-unit dwellings should be considered a safety issue and given consideration within the scope of this review process, so more smoke-free rental options become available to tenants in Queensland.

The Heart Foundation continues to be contacted by people who are distressed that they and their families are being exposed to second-hand smoke within their homes emanating from neighbouring apartments. Apartment managers and landlords also express frustration with the difficulties of dealing with smoke-drift.

There is no safe level of exposure to second-hand tobacco smoke. Smoking remains the leading cause of preventable death and disease in Australia. In Queensland alone around 3,600 people die from a tobacco-related disease each year and approximately two per cent of those (72 deaths) *are caused by second-hand smoke exposure.*ⁱ We know exposure to second-hand smoke has immediate adverse effects on the cardiovascular system and can cause heart attacks and stroke in non-smokers.

To quantify community concerns about smoke-drift in multi-unit housing, the Heart Foundation, Cancer Council Queensland, and Asthma Australia conducted a survey of more than 2,600 Queenslanders about their exposure to second-hand smoke. The *Smoke-free Places Survey Queensland* conducted in 2017 found:

- 62 per cent of respondents living in multi-unit housing were *exposed to second-hand smoke on a weekly or more frequent basis*; and
- 73 per cent of respondents supported *a ban on smoking in multi-unit housing*.

Further, there is growing evidence that third-hand smoke, which is the residual nicotine and other harmful chemicals left on indoor surfaces by tobacco smoke, lingers for weeks and months potentially posing an ongoing risk. This emerging area of research is producing increasing consensus that third-hand smoke causes significant harm.ⁱⁱ This is of concern for tenants moving into former smokers' homes.

Eighty-nine percent (89%) of Queenslanders do not smoke.ⁱⁱⁱ They deserve to be protected from the adverse effects of smoke drift, including in rented accommodation. More smoke-free rental options need to be made available for all tenants.

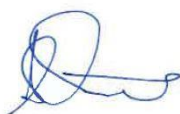
There are many multi-unit settings where smoke-drift is an issue, including in multi-unit housing, social and public housing, mental health settings and retirement settings. We believe smoke-drift should be addressed like other common issues involving cooperation within shared living arrangements. People living in multi-unit settings share space and infrastructure and as a consequence, rules apply that seek to balance the interests of everybody. Rules commonly apply to matters like pet ownership, parking and noise control, but not smoking.

Property Law in Queensland has been under review for the past four years. We have been in regular communication with the Attorney General to make clear our recommendations for addressing smoke-drift within strata regulatory frameworks. Our recommendation is for the creation of a model by-law prohibiting smoking in a community titles scheme which is enforceable if the by-law is adopted by a body corporate by majority vote or is included in the by-laws by the developer or landlord, at the establishment of the scheme.

As mentioned on your website, renting is an important housing option for many Queenslanders, and every Queenslanders has the right to live in a safe home. We ask you to support reform that gives adequate provision for tenants in rental accommodation to be protected from the harmful effects of tobacco smoke.

Further information can be found in the Heart Foundation and Cancer Council Australia joint national position statement [Addressing smoke infiltration in multi-unit housing](#).

Yours Sincerely



Stephen Vines
Chief Executive Officer
Heart Foundation

Further information –
Rebecca Lowe
Advocacy Manager, Heart Foundation
rebecca.lowe@heartfoundation.org.au
07 3872 2527

ⁱ Queensland Health. The Health of Queenslanders 2016. Report of the Chief Health Officer Queensland. Queensland Government. Brisbane 2016

ⁱⁱ Scollo, MM and Winstanley, MH. Tobacco in Australia: Facts and issues. Melbourne: Cancer Council Victoria; 2018. Available from www.TobaccoInAustralia.org.au

ⁱⁱⁱ Queensland Health. The Health of Queenslanders 2018. Report of the Chief Health Officer Queensland. Queensland Government. Brisbane 2018