

Achieving smoke-free apartment living

Information Sheet 7



General information

Relevant NSW legislation

- **The Smoke-free Environment Act 2000**

Web address: http://www.austlii.edu.au/au/legis/nsw/consol_act/sea2000247/

Also see NSW Ministry of Health (formerly Department of Health) fact sheet Smoke-free NSW: What does it mean for strata schemes and community schemes

Web address: http://www.health.nsw.gov.au/resources/publichealth/healthpromotion/tobacco/pdf/070213_strata_schemes.pdf

- **Strata Schemes Management Act 1996**

Web address: http://www.austlii.edu.au/au/legis/nsw/consol_act/ssma1996242/

- **Residential Tenancies Act 2010**

Web address: http://www.austlii.edu.au/au/legis/nsw/consol_act/rta2010207/

- **Landlord and Tenant (Amendment) Act 1948 – Section 62**

Web address: http://www.austlii.edu.au/cgi-bin/sinodisp/au/legis/nsw/consol_act/lata1948257/s62.html?stem=0&synonyms=0&query=nuisance

Peak strata owners' and tenants' representative organisations

Owners' Corporation Network

The Owners' Corporation Network web site states that it is the peak body for owners and investors in residential strata developments. Listed activities of the Network include:

- Educating Executive Committee members and individuals
- Lobbying for necessary changes to Government policy and legislation
- Representing owners on Government, Education and Industry committees
- Playing an active role in the media

The Network's contact details are:

E-mail: enquiries@ocn.org.au

Web address: <http://www.ocn.org.au/>

Postal: Owners' Corporation Network Australia Inc
PO Box Q933, Queen Victoria Building, NSW 1230

Tenants Union of NSW

The web site of the Tenants' Union of NSW states that the organisation is the state's peak non-government organisation for tenants and that it represents the interests of all NSW tenants, including tenants of private rental housing, social housing tenants, boarders and lodgers, and residential park residents.

Web address: <http://www.tenants.org.au/>

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NSW Department of Fair Trading (Strata schemes)

The Department's web site contains comprehensive information on strata schemes in NSW including the composition, role and functions of a strata scheme, its powers and services available to help resolve disputes.

Web address: http://www.fairtrading.nsw.gov.au/Tenants_and_home_owners/Strata_schemes.html

Phone: 13 32 20

Australian tobacco control advocacy organisations

Action on Smoking and Health (ASH) Australia

ASH Australia is national tobacco control advocacy organisation. The ASH web site contains a 'Smoke-free multi-unit housing' page that provides up-to-date information on related developments and resources.

Web address:

<http://www.ashaust.org.au/lv4/housing.htm>

Phone: 02 9334 1900

Non Smokers Movement of Australia

A grass roots tobacco control advocacy group, the Non-smokers Movement of Australia has established a web page titled 'Smoke Drift from Neighbours' containing tips and suggestions for resolving the problem. The Movement welcomes the involvement of members of the community.

Web address: <http://www.nisma.org.au/index.htm>

Postal: The Non-Smokers' Movement of Australia Inc, PO Box K860, Haymarket NSW 1240.

US and Canadian web sites

Smoke-Free Environments Law Project

The US-based Smoke-Free Environments Law Project – an initiative of the Centre for Social Gerontology - comprises a comprehensive overview of the many current and recent smoke-free housing related developments in the USA.

Web address: <http://www.tcsg.org/sfelp/apartment.htm>

Mismoke-free Apartment web site

This initiative of the Smoke-Free Environments Law Project provides interesting advice on legal options, although of course, this is within the context of the US legal environment. Still, the common law possibilities discussed on the site are similar to those in Australia.

Web address: <http://www.mismokefreeapartment.org>

Smoke-free Housing Registry

The Smoke-free Housing Registry will list smoke-free multi-unit housing upon application. Although based in the United States, the Registry provides an opportunity for international listings. Smoke-free multi-unit property owners within Australia may wish to apply to have their properties listed. The contact details of the Registry are:

Email: smokefreeapartments@pacificnet.net

Web site: <http://www.smokefreeapartments.org>

Smoke-free Housing BC (Canada)

Described as the "first dedicated website in Canada designed to encourage and assist strata corporations to create more smoke-free options for British Columbians living in condominium complexes", this site provides resource material including legal information, survey results, "how-to" guides and testimonials.

Web address: <http://www.smokefreehousingbc.ca/strata/index.html>



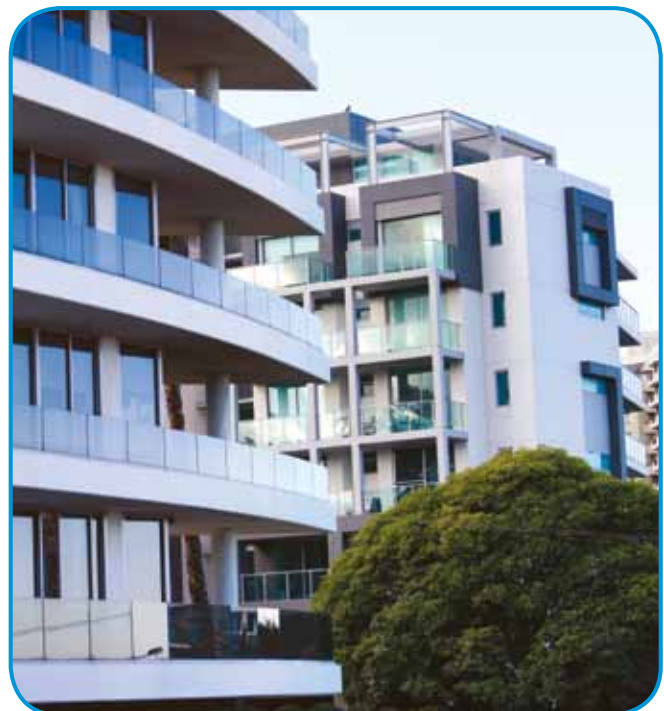
A selection of relevant media reports from Australia and overseas

Australia

- Brown M. Cancer survivor to sue neighbours over their second-hand smoke. *The Sydney Morning Herald*, 29 December 2011. (Web page: <http://smh.domain.com.au/real-estate-news/cancer-survivor-to-sue-neighbours-over-their-secondhand-smoke-20111229-1pdfx.html> - accessed 4 January 2012)
- Eriksson B. Mosman unit block set to ban smokers. *The Mosman Daily*, 19 May 2011. (Web page: <http://mosman-daily.whereilive.com.au/news/story/unit-block-set-to-ban-smokers/#comment-form> – accessed 20 September 2011)
- De Groot V. Apartment smoking should be banned. *Australian Property Investor*, 20 April 2011. (Web page: <http://www.apimagazine.com.au/blog/2011/04/apartment-smoking-should-be-banned/> – accessed 20 September 2011)
- Wellings S, Thomson J. Smoking ban tipped to spark a hot new trend. Domain section of *The Sydney Morning Herald*, 2 April 2011. (Web page: http://newsstore.fairfax.com.au/apps/viewDocument.ac.jsessionid=1F6DA495FC53C242A75E13A8AE8A4092?sy=afr&pb=all_ffx&dt=selectRange&dr=1month&so=relevance&sf=text&sf=headline&rc=10&rm=200&sp=brs&cls=855&clsPage=1&docID=SMH1104021C66R4ITG6H – accessed 20 September 2011)
- Eriksson B. Cancer patient smoked out of his own home. *The Mosman Daily*, 14 January 2011. (Web page: <http://mosman-daily.whereilive.com.au/news/story/victim-in-his-own-home/> – accessed 20 September 2011)
- Campbell Y. Puff no more says by-law. *Hills Shire Times*, 11 January 2011. (Web page: <http://www.ocn.org.au/sites/ocn.org.au/files/documents/110111%20Puff-no-more.pdf> – accessed 20 September 2011)
- Thomson J. There's no butts about it. Domain section of *The Sydney Morning Herald*, 15 May 2010. (Web page: <http://theage.domain.com.au/design-and-living/theres-no-butts-about-it-20100514-v3u6.html#comments> – accessed 20 September 2011)
- Thomson J. Balcony barneys: the ins and outs of smoke and noise. Domain section of *The Sydney Morning Herald*, 4 October 2008. (Web page: <http://www.smh.com.au/news/domain/news/balcony-barneys/2008/10/03/1222651317546.html> – accessed 20 September 2011)

Overseas

- Ryan E. Condo residents take neighbors to court over secondhand smoke. *The Washington Post*, 18 January 2012. (Web page: http://www.washingtonpost.com/realestate/2012/01/10/glQAKz225P_story.html – accessed 25 January 2012)
- Seelye KQ. Increasingly, Smoking Indoors Is Forbidden at Public Housing. *The New York Times*, 17 December 2011. (Web page: http://www.nytimes.com/2011/12/18/us/public-housing-authorities-increasingly-ban-indoor-smoking.html?_r=2&smid=tw-nytimes&seid=auto – accessed 25 January 2012)
- Geisler J. Going Smoke-Free Cuts Stress, Costs for Rental Property Owner and Managers. *The Landlord Times*. On-Site. Vol. 21 Issue 7, July 2011. (Web page: <http://www.thelandlordtimes.com/archives/onsite0711.pdf> – accessed 20 September 2011)
- Karmin C. Smoking bans hitting home. *The Wall Street Journal*, 16 March 2011. (Web page: http://online.wsj.com/article/SB10001424052748704662604576202811992479094.html?mod=googlenews_wsj – accessed 20 September 2011)
- Housing association to build non-smoking flats. *The Copenhagen Post*, 1 February 2011. (Web page: <http://www.denmark.dk/en/servicemenu/news/generalnews/associationtobuildnonsmokingflats.htm> – accessed 20 September 2011)





Achieving smoke-free apartment living

- Eggertson L. Tenants and condo dwellers fighting haze of second-hand smoke. *The Toronto Star*, 20 November 2010. (Web page: <http://www.thestar.com/news/insight/article/892977--tenants-and-condo-dwellers-fighting-haze-of-second-hand-smoke> – accessed 20 September 2011)
- Park A. New Smoke Alarm. *Time Magazine*, 8 November 2010. (Web page: <http://www.time.com/time/magazine/article/0,9171,2028064,00.html> – accessed 20 September 2011)
- Boston should ban smoking in all public-housing units. *The Boston Globe* (editorial), 9 August 2010. (Web page: http://www.boston.com/bostonglobe/editorial_opinion/editorials/articles/2010/08/09/boston_should_ban_smoking_in_all_public_housing_units/?s_campaign=8315 – accessed 20 September 2011)
- McKim JB. BHA pushes for smoke-free housing. *The Boston Globe*, 27 July 2010. (Web page: http://www.boston.com/business/articles/2010/07/27/bha_pushes_for_smoke_free_housing/ – accessed 20 September 2011)
- Dworkin A. Mirrors, no smoke: More Oregon landlords ban lighting up indoors. *The Oregonian*, 30 June 2010. (Web page: http://www.oregonlive.com/health/index.ssf/2010/06/mirrors_no_smoke_more_oregon_.html#comments – accessed 20 September 2011)
- Hughes CJ. For some smokers, even home is off-limits. *The New York Times*, 15 November 2009. (Web page: <http://www.nytimes.com/2009/11/16/nyregion/16smoke.html> – accessed 20 September 2011)
- Lehman C. Apartment Owners Embrace Residential Smoking Ban. *OPB News*, 9 December 2007. (Web page: <http://news.opb.org/article/apartment-owners-embrace-residential-smoking-ban/> – accessed 20 September 2011)
- Strangenes S. No-smoking strategy: Apartment buildings start bans to draw new renters, keep peace among existing ones. *Chicago Tribune*, 4 October 2009. (Web page: http://articles.chicagotribune.com/2009-10-04/news/0910020512_1_no-smoking-smoke-free-leed – accessed 20 September 2011)

World Conference on Tobacco or Health presentations

2009 World Conference on Tobacco or Health

- On the Horizon: Smoke-free Multi-unit Dwellings – Author: Pippa Beck
Abstract - http://www.14wctoh.org/abstract/abs_detail.asp?AbstractID=425
(accessed 20 September 2011)
- The Last Frontier: Second-hand smoke infiltrating apartments – Authors: Jack Boomer, Sharon Hammond, Bobbe Wood, Scott McDonald.
Abstract - http://www.14wctoh.org/abstract/abs_detail.asp?AbstractID=424 (accessed 20 September 2011)

2006 World Conference on Tobacco or Health

- Smoke-free Multi-Unit Housing: The Next Frontier – Author: Joanne Wellman-Benson
Abstract - <http://2006.confex.com/uicc/wctoh/techprogram/P6719.HTM>
(accessed 20 September 2011)
- North American Efforts to Create Smokefree Housing – Authors: Robin Salsburg, Kimberly Weich Reusche, Jack Boomer, Cassandra Fairclough
Abstract - <http://2006.confex.com/uicc/wctoh/techprogram/P8145.HTM>
(accessed 20 September 2011)
Prohibiting Smoking in Multi-Unit Housing: It's Legal!
– Author: Robin Salsburg,
Abstract - <http://2006.confex.com/uicc/wctoh/techprogram/P8880.HTM>
(accessed 20 September 2011)

