



Cancer  
Council



# Second-hand smoke in retirement villages



Frequently Asked Questions

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## 1. What is second-hand smoke?

Second-hand smoke, passive smoking, environmental tobacco smoke or involuntary smoking are all words to describe when someone is forced to breathe in smoke from someone else's cigarettes, pipe or cigar. There are two main types which are side-stream smoke (smoke released from the tip of the cigarette) and mainstream smoke (smoke exhaled by the smoker).

## 2. Why should we address second-hand smoke?

Second-hand tobacco smoke is a cause of cancer and any level of exposure is unsafe. In some cases, second-hand smoke can be more toxic than if you were to inhale the cigarette smoke yourself as it is created at a lower temperature that allows for more toxins to be present. The toxins in second-hand smoke are often smaller than those being inhaled by the actual smoker which means they can penetrate deeper into the lungs.

The risks of second-hand smoke are serious for everyone however, older adults are more susceptible to adverse health effects due to reduced respiratory function and other co-existing health conditions. Involuntary exposure to second-hand smoke is more common among older adults as they spend most of their time indoors and may have limited mobility or independence.

Exposure to second-hand smoke causes immediate adverse effects on the cardiovascular system along with short term impacts including sore throat, itchy eyes, coughing, headaches and nasal irritation. Long term impacts of exposure to second-hand smoke include developing lung cancer, coronary heart disease and respiratory issues such as asthma.

All Australians have the right to breathe clean air, particularly in their own home. In order to protect the health of older adults living in retirement villages, addressing second-hand smoke needs to be made a priority.

For more information on the harms of second-hand smoke, please visit:

<https://www.tobaccoaustralia.org.au/chapter-4-secondhand>

### 3. Why is smoke drift an issue in retirement villages?

Residents of retirement villages are often living in close proximity to their neighbours meaning smoke originating in one residence can easily penetrate nearby lots and common property.

Second-hand smoke has been proven to cause adverse health effects (particularly for older adults), impedes on people's right to enjoy their own home and can cause disputes amongst neighbours. Implementing a 100% smoke-free village rule is the most effective way to protect residents from second-hand smoke and promote a healthy living environment.



### 4. What's the most effective way to address smoke-drift?

The most effective way to address smoke-drift is for the retirement village to adopt a village rule to prohibit smoking on village property or restrict smoking to areas where smoke will not impact others.

A village rule addressing smoking can be adopted via special resolution (i.e. where 75% of votes are cast in favour of the rule). There are three ways to initiate the proposal of a new rule:

1. The Village Operator can choose to propose the adoption of a new rule
2. The Village Operator must propose the adoption of new rule when requested to do so by the Residents Committee via a written letter, or
3. The Village Operator must propose the adoption of a new rule when requested to do so by at least 5 residents or 10% of residents (whichever is greater) via a written letter.

The operator must hold a meeting of residents within 28 days after receiving the request.

Residents will have to vote by special resolution which means at least 75% of residents who participate in the ballot, must support the smoke-free rule.

The operator must notify all residents of the outcome within 7 days.

## 5. What is some potential wording for a smoke-free village rule?

Cancer Council NSW would recommend the following wording for a 100% smoke-free village rule:

*“An owner or resident of a lot, and any invitee of the owner or resident, must not smoke tobacco or any other substance on the lot or common property.”*

A complete ban means people have to smoke off the property and is the most effective way to ensure that residents are not exposed to second-hand smoke.

If your village is unable to implement a 100% smoke-free village rule, Cancer Council would recommend creating a designated smoking area that abides by the following guidelines:

- Located outdoors away from residences to ensure no smoke will drift into nearby lots
- Located away from common areas to ensure no impact on residents or visitors
- Not placed in a desirable location
- Out of view of social areas to lessen visual cues for those trying to quit
- Ensure the designated smoking area is safe and functional but not a place to socialise

The following wording can be used for a partial ban:

*“An owner or resident of a lot, or any invitee of the owner or resident, must not smoke tobacco or any other substance on the lot or common property. An owner, resident or visitor may only smoke in the designated smoking area to ensure smoke-drift does not impact others.”*

## 6. What are the benefits of going smoke-free?

There are numerous health, financial and legal benefits of going smoke-free both for management and residents of retirement villages.

Health benefits include reduced exposure to second-hand smoke, improved respiratory functioning, reduced risk of developing heart or lung problems, improved wellbeing and quality of life. Smoking leaves residue on surfaces such as walls, curtains or carpet long after an active smoker has left meaning the lingering smoke continues to cause health hazards by releasing harmful chemicals into the air. This means that new residents may experience negative health effects and makes homes where previous smokers have lived undesirable for future residents.

Smoke-free homes carry a reduced risk of fire and other cigarette-related damage such as burn marks on carpets, furniture and counters thereby reducing repair or replacement costs. Other financial benefits include cheaper cleaning costs and better resale value.

Implementing a smoke-free village rule means that retirement village management are protected from legal claims of residents exposed to second-hand smoke. By ensuring a healthy living environment for residents, village managers can avoid second-hand smoke cases being raised with the NSW Civil and Administrative Tribunal.



## 7. What legislation is relevant to smoke drift in retirement villages?

The main act which protects the rights of residents who are experiencing smoke drift within their Retirement Village residence is the NSW Retirement Villages Act 1999.

Under this act, smoke drift would be covered based on the tort of nuisance, Section 83(2), which allows individuals to seek recourse where activities of another are harmful or annoying, interfering with the private use and enjoyment of their own property. The tort of nuisance states that:

“[A] resident:

- a) Must not interfere, or cause or permit any interference, with the reasonable peace, comfort or privacy of another resident, and
- b) Must not act in a manner that adversely affects the occupational health and safety of persons working in the village”

The NSW Civil and Administrative Tribunal has jurisdiction to hear such disputes.

For more information on residents’ rights and obligations, please visit:

- <https://www.fairtrading.nsw.gov.au/housing-and-property/strata-and-community-living/retirement-villages/residents-rights-and-obligations>

## 8. We have brought in a smoke-free village rule, what next?

Once your village has agreed to implement a smoke-free village rule, it is important to communicate the new rule and ensure all residents are aware. This could be done by:

- Displaying appropriate smoke-free signage
- Having posters or flyers visible in common areas
- Putting a notice in the village newsletter
- Sending a letter or email to all residents
- Announcing the new rule at a regular meeting
- Advertising the new rule on your village website
- Referring to the new rule when liaising with future residents of the village
- Promoting the benefits of a smoke-free village rule to staff, residents and visitors

It is also important for village management to be aware of the support services available to help residents quit smoking such as the NSW Quitline (13 78 48) and ICanQuit website (<https://www.icanquit.com.au/>).

If you have any questions or would like assistance in developing or implementing a smoke-free village rule, please contact the Tobacco Control Unit at Cancer Council NSW at [tacklingtobacco@nswcc.org.au](mailto:tacklingtobacco@nswcc.org.au).