



Tobacco smoke transfer between NSW homes and support for tobacco control policy options

**Findings from the
NSW Community Survey on Cancer
Prevention 2022**

Cancer Council NSW

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Tobacco Control Unit

Cancer Prevention and Advocacy

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Key Findings

- In NSW apartments, units and flats, 81% prohibit smoking in shared inside areas, 29% prohibit smoking in shared outside areas, 33% prohibit smoking in private balconies and courtyards and 45% prohibit smoking within private indoor living areas.
- Exposure to a neighbour's tobacco smoke within the home is common in NSW, particularly among those living in apartments (36%) and houses attached to one or more houses (29%)
- There is strong community support for smoke-free multi-unit housing (62%) and smoke-free aged care (77%) in NSW.

Why is Cancer Council NSW interested in smoke-free housing?

There is no safe level of exposure to second-hand smoke and it causes or worsens a range of serious health conditions in children and non-smoking adults, including cardiovascular disease, respiratory disease, and cancer (1). Only a small minority of Australian households with children and non-smokers allow tobacco smoking inside the home, however those living in low socioeconomic areas are more likely to be exposed (2,3). Addressing second-hand smoke exposure within the home has been the focus of several health promotion programs and campaigns, but policy options for addressing this issue are limited.

Second-hand smoke can also move between nearby dwellings causing a nuisance and potential health issues for neighbouring residents (4). The regulatory framework for addressing second-hand smoke transfer (or smoke-drift) varies across housing types or is absent altogether, such as for separate freehold residences. However, there are policy approaches that can be adopted, especially for multi-unit housing where the issue is exacerbated by closer living. An understanding of the extent of smoke transfer between homes; and the level of community support for tobacco control policies is critical for advocating for policy change to reduce tobacco smoke-drift between NSW homes.

How was the research conducted?

The Online Research Unit, an Australian survey panel provider, was engaged to recruit a representative sample of NSW adults to participate in the NSW Community Survey on Cancer Prevention. Between 11th February and 10th March 2022, 3,021 NSW residents aged 18 years and older completed the online survey. The final survey sample was raked weighted to ensure the sample was representative of the NSW adult population (18 years of age or greater). Statistical testing established whether the responses of subgroups were statistically significant. The University of Sydney Human Research Ethics provided approval for the research (HREC number 2021/848).

All participants received questions on knowledge of key cancer risk factors and their broader health consequences, ease of attaining products known to increase or decrease risk of cancer (e.g., tobacco, alcohol and fresh fruits and vegetables), COVID-19 health behaviour changes and demographics. Participants were then randomly allocated to answer questions

from two of the four following cancer risk topics: sun protection practices, tobacco, nutrition and food policy issues and alcohol.

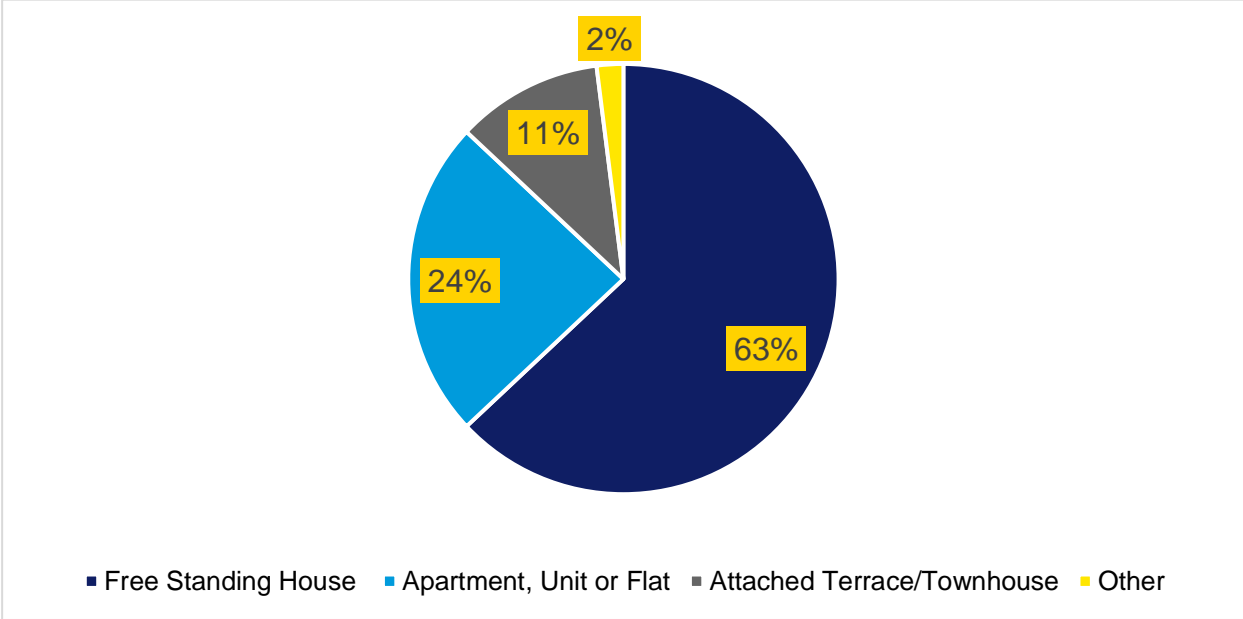
There were 1,506 respondents allocated to the tobacco section of the survey in 2022. This report focuses on the responses relating to second-hand smoke exposure from neighbours across various housing types in NSW; and the level of community support for tobacco control policy options to address this.

What did we find?

Housing in NSW

Respondents were asked about the type of home they live in. Most respondents lived in a free-standing house (63%) followed by an apartment, unit or flat (24%) and a house attached to one or more houses (11%), such as a terrace or townhouse (Figure 1)

Figure 1: Type of dwelling lived in (% respondents)

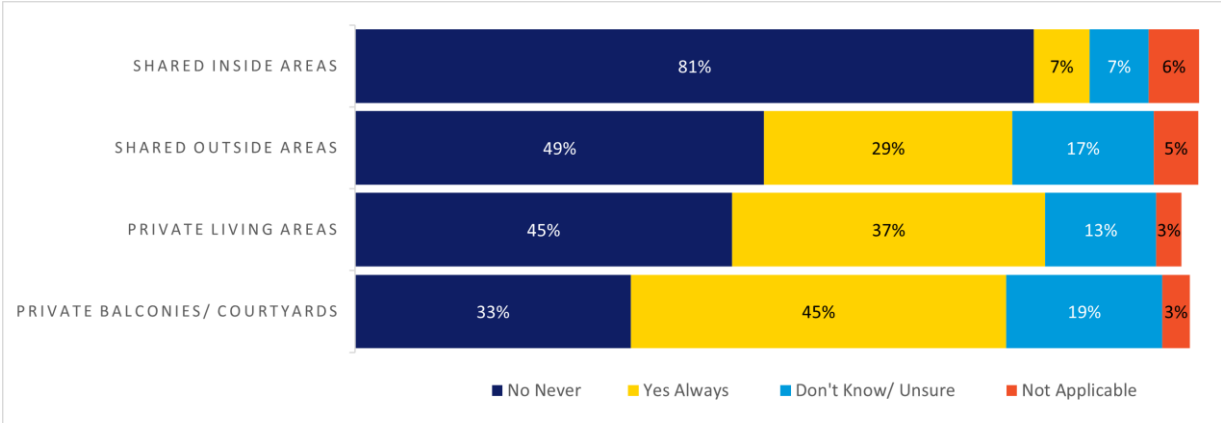


Smoking rules within NSW multi-unit housing

Respondents were asked about places where smoking is permitted in their building. Among respondents living in an apartment, unit or flat (**Figure 2**), 81% stated that smoking in their building is never allowed within shared inside areas with only 7% respondents stating this is always allowed. Allowing smoking in shared outside areas is more common with 49% of respondents stating this is always allowed compared to 29% stating this is never allowed. Smoking is also commonly permitted within private living areas including balconies and courtyards (45%) and within individual units, apartments, or flats (37%). Smoking on private balconies and courtyards, and individual units, apartments, or flats is only prohibited in 33% and 45% of residences respectively.

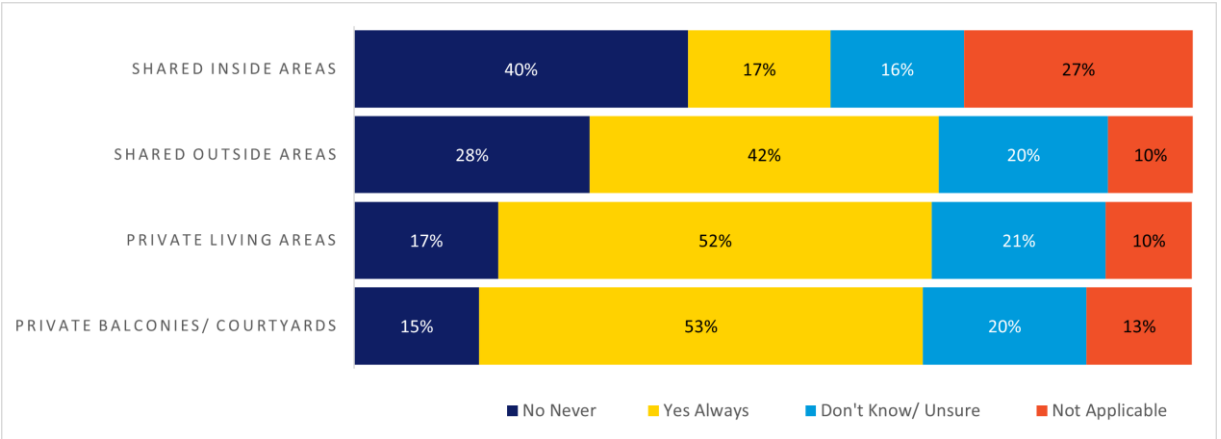
Among respondents living in a house attached to one or more houses, such as a terrace or townhouse (**Figure 3**), 40% stated that smoking in their building is never allowed within shared inside areas with only 17% respondents stating this is always allowed. Allowing smoking in shared outside areas was reported by 42% of respondents compared to 28% stating this is never allowed. Smoking is also commonly permitted within private living areas including balconies and courtyards (53%) and within individual units, apartments, or flats (52%). Smoking on private balconies and courtyards, and individual units, apartments, or flats is only prohibited in 15% and 17% of residences respectively.

Figure 2. Places where smoking is permitted in NSW apartments (% respondents)



Source: Q3.10. Which of the following best describes the rules about smoking in your building or complex? People are allowed to smoke in... (n=303)

Figure 3. Places where smoking is permitted in NSW townhouses and terraces (% respondents)



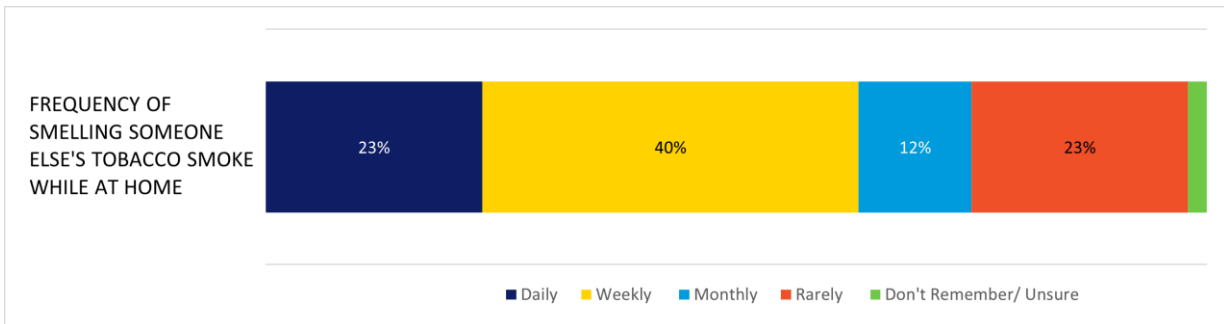
Source: Q3.10. Which of the following best describes the rules about smoking in your building or complex? People are allowed to smoke in... (n=284)

Exposure to a neighbour’s tobacco smoke in NSW homes

To understand the impact of smoke-drift between dwellings, respondents were asked if they ever smelt a neighbour’s smoke within their home and the frequency that it occurred (**Figure 4**). Just over one-fifth of respondents (22%) reported smelling someone else’s tobacco smoke in their home, with 23% of those respondents stating it is a daily occurrence, 40% a weekly occurrence and 12% a monthly occurrence. Respondents who do not smoke tobacco

were significantly more likely to report smelling someone else tobacco smoke (23%) than respondents who do smoke tobacco (16%). Those living in Sydney and surrounding suburbs were also significantly more likely to report smelling someone else's tobacco smoke (24%) than those living in other regions of NSW (17%).

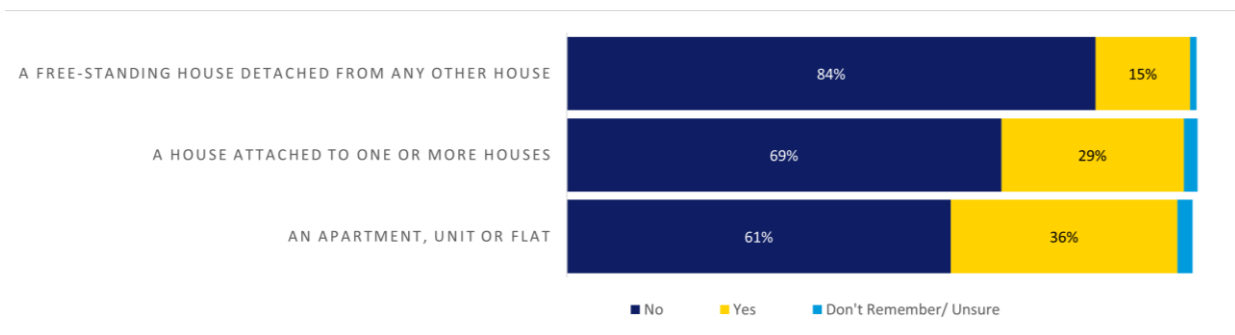
Figure 4. Frequency of smelling someone's tobacco smoke while at home (% respondents)



Source: Q3.15. How often do you smell someone else's (e.g., a neighbour's) tobacco smoke inside your home? (n=329)

The prevalence of exposure to a neighbour's tobacco smoke was also investigated by housing type (**Figure 5**). People living in a flat, unit or apartment were significantly more likely to report smelling their neighbour's tobacco smoke (36%) than those living in a free-standing detached home (15%). Residents of a house attached to one or more houses, such as a terrace or townhouse, were also significantly more likely to report smelling their neighbour's tobacco smoke (29%) than those living in a free-standing detached home (15%). Frequency of exposure was similar across housing types.

Figure 5. Prevalence of smelling someone's tobacco smoke while at home by housing type



Source: Q3.11. Do you ever smell someone else's (e.g., a neighbour's) tobacco smoke inside your home? (n=1,506)

Levels of community support for smoke-free multi-unit housing in NSW

The survey asked if respondents were in favour of, or opposed to, prohibiting smoking in a range of settings (**Figure 6**). Overall, 60% of respondents were in support of prohibiting smoking in multi-unit housing, with only 16% opposed. Support for smoke-free multi-unit housing was significantly greater among those who do not smoke tobacco than among those who do smoke tobacco (66% vs 33%). People with a household income over \$150,000 were also significantly more likely to support smoke-free multi-unit housing than those with a

household income less than \$70,000 (68% vs 56%). Support for smoke-free multi-unit housing was similar among residents from different housing types.

Figure 6. Policy support and opposition to banning smoking in multi-unit housing



Source: Q3.14 Would you support or oppose banning smoking in the following places to help prevent second-hand smoke exposure? (n=1,506)

The legal context

In NSW, the most common multi-unit housing governance scheme is strata, with more than 1.2 million people currently living in buildings with strata schemes (6). The *Smoke-free Environment Act 2000* (NSW) prohibits smoking in enclosed common areas in strata scheme buildings and within 4 metres of any pedestrian access point that is not solely used for residential purposes. There is an obligation on the owners' corporation, as the owner of the common area, to take reasonable steps to prevent smoke caused by smoking in other parts of the building from penetrating the smoke-free area. Additional legal protection for residents from second-hand smoke exposure (e.g. from private lots) is available from:

- section 153 of the *Strata Schemes Management Act 2015* (NSW)
- model by-laws set out at Schedule 3 of the *Strata Schemes Management Regulation 2016* (NSW).

Section 153 of the *Strata Schemes Management Act 2015* (NSW) states that owners, occupiers and other persons 'must not create a nuisance or hazard or interfere unreasonably with any other resident's use or enjoyment of the common property or their own lot'. This can include the movement of smoke from tobacco use into another lot or common property. However, the complainant needs to show that the smoking creates a nuisance or interferes unreasonably with their use or enjoyment of the common property or their own lot, which can be complex.

The model by-laws apply to a strata scheme if either the owners' corporation has formally adopted them, or they were lodged with the strata plan when it was registered with the NSW Land Registry. Model by-law 9 deals with smoke penetration. If one of the two optional model by-laws, or something similar, applies to the strata scheme, a complainant needs to establish that the smoke-drift occurred, but they don't need to prove that it caused a nuisance or interfered unreasonably with their enjoyment of the common property or their own lot. Some strata schemes have developed and adopted a by-law for a **100% smoke-free** complex, even though the Regulations do not include a 100% smoke-free 'model' by-law.

All NSW owners' corporations were expected to review their by-laws within 12 months of the *Strata Schemes Management Act 2015* (NSW) commencing and, in doing so, consider incorporating a model by-law about smoking. It is not known how many owners' corporations

did in fact review their by-laws or whether they made any changes, as there were no consequences for not doing so. Further, some residents will still be affected by exposure to second-hand smoke from other residents, usually from tobacco use on balconies, on common property or from windows left open on other lots, even when a model by-law has been adopted (4). While action can still be taken under general nuisance laws as part of the Strata Schemes Management Act 2015 and the Residential Tenancies Act 2010 (8,9), the process can be more complicated and the outcome uncertain.

Levels of community support for smoke-free aged care in NSW

The survey also asked if respondents were in support of or in opposition to making NSW aged care facilities (nursing homes and retirement living) smoke-free. Overall, community support for smoke-free aged care was strong, with 77% in support of such policy and just 11% opposed. Support for smoke-free aged care facilities was significantly greater among people who do not smoke tobacco than among those who do (81% vs 59%). People aged over 60 years were also significantly more likely to support making aged care facilities smoke-free than those aged less than 40 years (82% vs 74%). People with a household income over \$150,000 were also significantly more likely to support smoke-free aged care facilities than those with a household income less than \$70,000 (84% vs 73%).

What does this mean?

The NSW Community Survey on Cancer Prevention found that exposure to someone else's (e.g a neighbours) tobacco smoke is reported by people in a range of housing types and is particularly common among those living in multi-unit housing. Residents of multi-unit housing are more likely to experience second-hand smoke exposure due to the close proximity they live to neighbours, where smoke can drift between dwellings through windows, doors, hallways and stairwells (4,5). The survey found that over one third of multi-unit housing residents report being exposed to second-hand smoke from neighbours and for many this is a regular occurrence. While most multi-unit residences prohibit tobacco smoking in shared inside areas, smoking is often allowed in shared outside areas and private living spaces, which may contribute to the increased prevalence of smoke-drift reported by these respondents.

In summary, our research found that support for smoke-free multi-unit housing is strong, especially among community members who do not smoke tobacco. With trends towards higher density living, the NSW community needs more support to address second-hand smoke exposure from neighbouring dwellings. Adopting a smoke-free by-law in NSW strata schemes is one practical step that can prevent second-hand smoke exposure and assist affected residents take action.

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