

Our Reference: D24/2004

6 November 2024

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TO WHOM IT MAY CONCERN

HEALTHWAY SUBMISSION – PHASE 1 CONSULTATION ON THE FIVE-YEAR REVIEW OF WA'S STRATA LAW

The Western Australian Health Promotion Foundation (Healthway) welcomes the opportunity to provide a response to the above consultation focusing on issues associated with the *Strata Titles Act 1985 (WA)* (the Act).

Healthway is the only State Government agency dedicated to health promotion efforts in Western Australia (WA). We partner with arts, sport, racing and community organisations, to fund programs that help create a healthier WA where everyone can enjoy better health and wellbeing. We also fund health promotion research to influence policy and practice and positively impact health and wellbeing in WA.

Under our Strategic Plan 2024-2029: *Creating a healthier Western Australia together*, we lead and advocate for action across government to prioritise health promotion and prevention to reduce the escalating impacts of chronic disease. This includes action aligned with our priority health area of preventing and reducing the use of tobacco, e-cigarettes and other novel tobacco products.

This submission addresses 'Theme 2: Enhance strata living', in particular the ability of the Act to adequately address smoke drift. Through our policy and advocacy partners, the Australian Council on Smoking and Health (ACOSH) and Cancer Council WA (CCWA), we understand that cigarette smoke (and vape aerosol) drift is a concern for residents in strata title schemes and there is good evidence of the health harms associated with exposure to second-hand smoke. This data is set out in more detail in the ACOSH and CCWA submissions in this consultation.

As noted in the discussion paper, around one-quarter of the WA population currently resides in strata properties and this is likely to increase as the demand for higher density living rises along with the WA population. People living in strata dwellings are more susceptible to smoke drift which can easily spread through door and window jams, mechanical ventilation, elevator shafts, hallways, stairwells and cracks in walls. This is in addition to the most common sources of smoke drift such as common use areas, yards or gardens, and balconies.

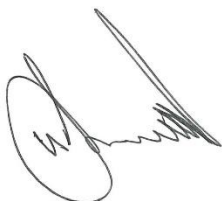
While WA has smoke-free regulations and policies for public areas and workplaces, there are currently limited (if any) restrictions on smoking within strata titles schemes. To guide reforms in this area, we support the following recommendations to strengthen the Act's ability to prohibit smoke drift and respond to community concern in this regard:

- Incorporate a general provision in the Act that prohibits smoke drift that adversely affects others;
- Include options of conduct by-laws restricting smoking in Schedule 2 of the Act, including the option for a scheme to become entirely smoke-free;
- Insert a default conduct by-law in Schedule 2 of the Act that automatically prohibits smoke drift that negatively affects others;
- Require prospective tenants to be provided with information about any smoking restrictions that apply to a scheme; and
- Require the State Administrative Tribunal to monitor and report on the number of disputes it adjudicates each year on smoke drift in strata titles schemes.

Healthway's commitment to help create environments that are smoke and vape free aligns with community expectations to protect against second-hand smoke exposure (particularly for those most vulnerable, such as children and young people) and contributes to the normalisation of smoke-free areas which also supports people in their quit attempts.

We thank Landgate for the consideration of our recommendations and urge you to join us as a fellow State Government agency to protect the WA population from the harms associated with smoking. Should you wish to discuss any aspect of our submission further, please do not hesitate to contact Healthway's Senior Manager Policy and Research, Joanne Graham-Smith, at Joanne.Graham-Smith@healthway.wa.gov.au

Yours sincerely



Colin Smith
Chief Executive Officer