

## Body Corporate and Community Management and Other Legislation Amendment Bill 2023

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**Submitted by:** [REDACTED]  
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[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Committee Secretary, Legal Affairs and Safety Committee  
Parliament House, George Street, Brisbane Q 4000  
[LASC@parliament.qld.gov.au](mailto:LASC@parliament.qld.gov.au)

Dear Legal Affairs and Safety Committee,

Thank you for the opportunity to comment on the Body Corporate and Community Management and Other Legislation Amendment Bill 2023 about second-hand smoke in community titles schemes.

My wife and I live in a Strata Scheme and have been experiencing secondhand smoke-drift for some time now and recently we were encouraged to read about the [Artique \[2021\] QBCCMCmr 596](#) decision by a (BCCM) Adjudicator where smoke drift can now be established as a health hazard. We are even more optimistic that something will occur with this issue after hearing about the proposed BCCM Legislation Amendment Bill 2023

The only concern we have is regarding the proposed legislation enabling a Body Corporate to make a by-law prohibiting smoking in an outdoor area or common property area.

My question is, would such a by-law be sufficient for our situation, where the secondhand smoke drift is emanating from a neighbor's apartment into our floor's common property lift foyer and then into our apartment? They are not actually smoking on common property and the smoke drift still escapes out of their apartment.

If a Strata Scheme's Body Corporate does establish such a by-law to ban smoking in common property areas (e.g., our lift foyer), can this safeguard other residents and guests against the secondhand smoke drift originating from our neighbor's apartment into a lift foyer shared common property area?

Thanks again,

[REDACTED]