




Speech By
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Record of Proceedings, 14 November 2023

BODY CORPORATE AND COMMUNITY MANAGEMENT AND OTHER LEGISLATION AMENDMENT BILL

 **Ms PUGH** (Mount Ommaney—ALP) (12.31 pm): I rise to make a contribution to the debate on the Body Corporate and Community Management and Other Legislation Amendment Bill. I have spoken before in this House about my strong desire to see as many Queenslanders as possible stop smoking. I believe that this legislation will assist. It is great to see the strengthening of provisions around smoking. It will assist people in stopping smoking, as well as put important additional provisions in place to stop people from having to experience second-hand smoke while they are in their own homes, whether they are renting those homes or whether they own those homes.

I have previously spoken in this parliament of when I was a young girl and 80 per cent of my mother's family smoked. Of all her siblings, only one did not. I am proud of almost all of them for quitting. Watching my mum quit let me see how hard it is to give up this habit. By contrast, my children were approaching primary school age before they saw someone smoking casually. My daughter would loudly—but not rudely—exclaim when she saw someone smoking because it was such an oddity for her. This feeling of surprise often experienced by young children when they see someone smoking today is in keeping with the Queensland Health strategy to drive down smoking rates all over Queensland. This bill proposes to amend the BCCM Act to allow bodies corporate to make a by-law that prohibits smoking on a community titles scheme, common property, body corporate assets or a lot's outdoor area.

All members of this House would be aware that second-hand smoking, sometimes called passive smoking, is when somebody breathes in tobacco smoke that was created by another person's smoking product. In other words, it is not smoking that you undertake yourself. It is quite often experienced by people who are not capable of moving away from that smoking hazard. Often it is young children. I am sure many of us have memories of parents smoking and the children in the back of the car being exposed to that. Queensland Health has outlined that passive smoking is a significant and proven hazard to health. There are many hundreds of medical papers that talk about the damage that this causes. I am sure that I am not the only member of parliament who regularly gets complaints about second-hand smoke coming from neighbouring properties. It is not hard to see why people would feel that way.

Reading from a Queensland Health paper titled *A snapshot of smoking in Queensland*, it is great to see that smoking rates in Queensland halved in the 20 years between 1998 to 2018, but smoking continues to be a leading cause of premature death and disease in Queensland. About two-thirds of smokers will die from a smoking related illness. They accounted for 3,600 deaths and 58,700 hospitalisations in the year 2015-16 in Queensland alone. We know that the life expectancy for smokers is 10 years shorter than for non-smokers, that smoking increases the risk of diseases such as lung cancer, chronic obstructive pulmonary disease and coronary heart disease. Critically, exposure to

second-hand smoke, which we are dealing with in this legislation, causes disease and premature deaths in children and adults who do not smoke. Not only do they not smoke so often we see they do not have a choice, especially when they are living in and around smokers who smoke in the home.

I will give members a real-life example of how this legislation could play out and change people's lives for the better. About five years ago my sister Genevieve, her husband and their first child bought their first home in a duplex where the couple next door were chain smokers. The smell from them smoking inside their home, which they owned, would come through the walls and into my sister's home. She was distressed when she became pregnant again because we know from the research that second-hand smoke is not good for pregnant woman. We know that women who smoke during pregnancy increase their risk of adverse birth outcomes and the risk of disease later in life. It should come as no surprise that in its review of the Queensland property law, QUT's property law research centre recommended that bodies corporate be authorised to adopt a by-law without dissent that prohibits smoking in common property or a lot's outdoor areas such as a balcony or a courtyard. When it comes to my sister and the courtyard smoke that was coming through a common wall, it would have made such a difference if that was banned and that ban was enforced.

We recognise smoking is not just a habit, it is an addiction. I believe that this legislation will help smokers break that addiction because it makes it harder to smoke in two ways. It does not just make it socially unacceptable, which is in keeping with Queensland Health strategies, but also, as I said earlier, protects the majority of Queenslanders who do not smoke, especially the most vulnerable Queenslanders like pregnant women and children who do not get a choice.

Currently under Queensland law you cannot smoke at or within five metres of a public transport waiting point, at outdoor pedestrian malls, at or within 10 metres of any part of a skate park, within 10 metres of any part of children's playground equipment ordinarily open to the public, at public swimming facilities, in a patrolled beach area or a prescribed outdoor swimming area and at or within five metres beyond the boundary of early learning centres and care facilities and residential aged care. It makes perfect sense that we would also allow people to enjoy their own home in a smoke-free way.

Further to my point about breaking the addiction of smoking, in addition to protecting young families like my sister and her children, it will help smokers break the habit. I will outline now why I think that is by turning to one of my favourite books, *Atomic Habits* by James Clear, which was recommended to me by the member for Bulimba. As I said, it is important to acknowledge the additional health benefits that this legislation will have in improving the health of Queenslanders. In addition to helping home owners and renters, it will also improve overall health. When you are looking to break or make a habit, according to this book you need to do four things. Firstly, the habit needs to be obvious. Right now you can have your ashtrays and your cigarettes outside. You can head out onto the balcony first thing in the morning and last thing at night. There is very little stopping you from engaging in your habit. It really does not get much easier. Under this legislation you will not be able to do that anymore. It is going to get a whole lot harder. Although it might not seem like much fun at the start, it will support people by breaking that habit because it will not be so obvious anymore.

The second thing you need to do is to make it attractive. It used to be really easy when you could pop out in your pyjamas, but now you will have to put on some clothes and walk downstairs where your neighbours may see you. That may not feel particularly nice. You will know that you are now one of a small number of Queenslanders. The third thing is to make it easy to make or break the habit. As I said, it used to be easy to pop outside, but there is a lot more involved for home owners. We have seen that the measures put in place by local governments throughout Queensland have lowered the rates of smoking. We know that strategy works. The final thing that helps to make or break a habit, according to the book *Atomic Habits*, is to make it satisfying. We are swimming against the tide here because people are fighting an addiction, but three out of four is pretty good.

I note that the bill has specifically outlined that this legislation will only pertain to the effects of second-hand smoking products and it limits its focus to smoking products as defined under the Tobacco and Other Smoking Products Act, which is really important to put people's minds at ease. Until recently, smoking was a socially acceptable activity and, as a result, was one of the greatest threats to public health in living memory. This legislation is another great step in the right direction to stop all Queenslanders from smoking. I commend the bill to the House.