



Submission into the Tobacco and Other Smoking Products (Smoke-free Places) Amendment Bill 2015 - December 2015

QADA is jointly funded by the Queensland and Australian Governments to offer free, confidential and client directed advocacy support to recipients of aged and community care services, and carers of recipients of these services.

QADA also provides professional advice, support and representation to assist adults whose decision making capacity is being questioned, with guardianship and administration matters.

QADA is an independent advocacy service that operates throughout Queensland with a head office in Brisbane and regional offices in Cairns, Townsville, Rockhampton, Mackay, Wide Bay, Toowoomba and the Gold Coast.

QADA's mission is to provide information and support to our clients enabling them to exercise their rights and their responsibilities through informed decision-making. QADA assists vulnerable people and communities, wherever they are throughout Queensland to resolve issues that affect their lives through the provision of high quality advocacy support and representation.

QADA actively participates in consumer engagement activities to identify local issues affecting individuals and communities, to gather information to influence service planning, and to suggest recommendations to make changes at a systemic level for service providers and government.

In the last 12 months QADA supported 735 residents of residential aged care facilities with issues related to their care and ensuring their rights and responsibilities were maintained in relation to their service provision. A number of these issues were related to smoking and the right of the resident to continue smoking in a nominated outdoor smoking place which does not provide harm to others.

The residential aged care facility is the resident's home and they have the right to live in a home like environment (Charter of Care Recipients' Rights and Responsibilities – Residential Care Aged Care Act 1997, Schedule 1 User Rights Principles 2014), this includes partaking in activities which are not deemed illegal and as long as it does not pose a risk of harm to others. In addition, residents of residential aged care often have limited mobility and may find it difficult to access an outdoor smoking place depending on its location.

QADA therefore recommends that the Tobacco and Other Smoking Products (Smoke-free Places) Amendment Bill 2015, Division 8 26VW (3) specify that the nominated outdoor smoking place be made mandatory for all residential aged care facilities and accessible to all residents. This will ensure that all residents who want to have access to this activity as per their right.