

- I am an 83 year old Australian whose wife had MS from the birth of our only child in 1954 but her condition was not accurately diagnosed until 1974.
  - I cared for her for over 50 years and she gave up her brave struggle last December. I really understand all that goes with caring.
  - As a carer I was confronted with all the problems with getting her in and out of a van that had a hoist then driving her to the various appointments she had with specialists and the MS centre and similar. It was not an easy task and it became more difficult as I got older.
  - Parking was particularly difficult with able bodied people occupying spaces for the disabled and the spaces that were available were far too narrow to allow a wheelchair to be unloaded from the side of the van but somehow the problems were overcome.
  - My own health diminished considerably and I am now confined to a wheelchair due to the need for total knee replacements which cannot be done until a couple of chronic leg ulcers are cured which brings me to the point of what I am trying to say and I must be emphatic;
- THE OH & S PROVISIONS FOR DISABLED PEOPLE VISITING SPECIALISTS IN PRIVATE PRACTICE DO NOT EXIST.
- It was necessary that I have angiograms and xrays in order to facilitate ligation of veins so that skin grafts could be done to repair the leg ulcers.
  - This meant attending private specialists and in order for me to be processed it was necessary for me to stand which I can do for short periods.
  - I am 6'3" tall and therefore have a high 'centre of gravity'.
  - The standing procedure was at the top of a 'two step' free standing step ladder which I could not climb ..... so I was seated on an adjustable height narrow couch (with paper spread on it) and the bed was raised so that I could stand on the top step of the 'two step' step ladder which I did ..... with the assistance of two men 'borrowed' from a neighbouring practice.
  - The step which was 20cm wide was covered with paper before I stood on it.
  - One 'borrowed' strong man steadied me whilst during the procedure which took about 25 minutes and it was necessary to turn 180o so that the back of my legs could be accessed.
  - This was very harrowing as the paper on the 20cm top step made the process very very dangerous for me to turn without slipping ..... but it was accomplished and I was able to sit on the dangerous (slippery) 'paper covered' narrow couch until I was able to remount my wheelchair.
  - I took note that everything was in OH&S order for the operator who sat in an adjustable height chair but there was nothing for a person in my condition.
  - I would have been safer on the floor but this would have meant that the person providing the service would need to bend down to perform the function which could have been done ..... but for causing her a little discomfort ..... she was certainly safer than me.

- I have read the OH&S regulations applicable to NSW and am dismayed at the meagre amount of information for people in my situation who are lumped in as 'others'.
- Below is an extract from NSW OH&S which is currently applicable.
- Occupational Health and Safety Act 2000 No 40 (extract)
- Part 2 Duties relating to health, safety and welfare at work
- Division 1 General duties
- 8 Duties of employers
  - (1) Employees
    - An employer must ensure the health, safety and welfare at work of all the employees of the employer.
    - That duty extends (without limitation) to the following:
      - (a) ensuring that any premises controlled by the employer where the employees work (and the means of access to or exit from the premises) are safe and without risks to health,
      - (b) ensuring that any plant or substance provided for use by the employees at work is safe and without risks to health when properly used,
      - (c) ensuring that systems of work and the working environment of the employees are safe and without risks to health,
      - (d) providing such information, instruction, training and supervision as may be necessary to ensure the employees' health and safety at work,
      - (e) providing adequate facilities for the welfare of the employees at work.
  - (2) Others at workplace
    - An employer must ensure that people other than the employees of the employer are not exposed to risks to their health or safety arising from the conduct of the employer's undertaking while they are at the employer's place of work.

- Note. See section 12 for the penalty for an offence against this section and other provisions of this Division. Division 4 makes ancillary provision with respect to those offences, including:
  - (a) section 26—liability of directors and managers of corporations,
  - (b) section 28—defence that compliance not reasonably practicable etc.
- See also Division 2 for duty of employer to consult employees.
- As you will see from the above and the balance of the regulation the emphasis is upon the safety of employees whilst disabled people are left to face the following unexpected terrors.
- A 'two step' paper covered contraption that had steps that were about 20cm wide which was hazardous because of narrowness and the paper cover.
- My shoes are size 12 and overlapped the steps considerably.
- Turning on this was most distressing.
- The paper covered couch again was a major hazard as the paper was slippery upon the vinyl couch covering.
- I understand that the paper is there on the steps and the couch to protect the workplace employee but it does nothing at all except terrorize a disabled elderly person and this concern should be addressed.
- I shall *\*never\** go through it again.
- As I see it the OH & S considerations need to cover disabled people more specifically than it currently does.
- Finally I would add that the sole employee in that workplace was a young female who would have been totally unable to prevent a person from falling in such a situation particularly if she was on her own.