



The Hon Dominic Perrottet MP
Treasurer and Minister for Industrial Relations

The Hon Andrew Constance MP
Minister for Transport and Infrastructure

Reference: P17/940

Ms Eleni Petinos MP
Chair
Legislative Assembly Committee on Transport and Infrastructure
Parliament House
SYDNEY NSW 2000



Dear Ms Petinos,

I refer to the Legislative Assembly Committee on Transport and Infrastructure's report entitled *Workplace Arrangements in the Point to Point Transport Industry* tabled in Parliament on 19 October 2016.

Please find attached the NSW Government's response to the Committee's recommendations.

Please be assured we appreciate the work your predecessor, Mr Alister Henskens SC MP and the other Committee members have undertaken on this issue.

Yours sincerely,

Dominic Perrottet MP
Treasurer
Minister for Industrial Relations

19/4/17

Andrew Constance MP
Minister for Transport and Infrastructure

19/4/17

NSW Government response to the LA Committee on Transport and Infrastructure – Workplace Arrangements in the Point to Point Transport Industry

Recommendation	Government response
<p>1. The Committee recommends that the NSW Government gives consideration to amending section 307 of the <i>Industrial Relations Act 1996</i> (NSW) to remove contracts of bailment from Chapter 6 and thereby taking those contracts out of the jurisdiction of the Industrial Relations Commission.</p>	<p>The NSW Government will continue to monitor developments in the point to point transport industry to determine whether changes to Chapter 6 of the <i>Industrial Relations Act 1996</i> are required at a later time.</p>
<p>2. The Committee recommends that the Point to Point Transport Commissioner provide information to all drivers, as part of the driver authorisation process, on the services offered by the NSW Small Business Commissioner.</p>	<p>Supported</p> <p>Pursuant to point to point transport industry legislative reforms the Point to Point Transport Commissioner will not issue driver authorisations. This will become the responsibility of taxi and booking services providers.</p> <p>As part of the Government’s response to the Point to Point Transport Taskforce report, the NSW Small Business Commissioner has appointed five dedicated business advisors to assist point to point transport providers in managing change.</p> <p>The Office of the NSW Small Business Commissioner also provides a low cost dispute resolution process for small businesses, including for members of the point to point transport industry. In this regard, the NSW Point to Point Transport Commissioner and the NSW Small Business Commissioner have agreed that information relating to the Office of the NSW Small Business Commissioner’s dispute resolution services would be made available on the NSW Point to Point Transport Commissioner’s website.</p>
<p>3. The Committee recommends that the Point to Point Transport Commissioner work with the NSW Centre for Road Safety to provide information to point to point transport drivers on managing driver fatigue.</p>	<p>Supported</p> <p>Given the known risks of fatigue and driving, the NSW Point to Point Transport Commissioner will work with the NSW Centre for Road Safety to develop and disseminate information for drivers about managing fatigue.</p> <p>It is also noted that sections 12 and 13 of the <i>Point to Point Transport (Taxis and Hire Vehicles) Act 2016</i> imposes a primary duty of care for the health and safety of drivers and other persons on taxi companies and providers of booking services for point to point transport.</p> <p>Under the legislation, it is proposed that the Regulation will require that companies have a system for identifying and managing risks to health and safety. It is expected that, in order to comply with these requirements,</p>

companies will have policies and procedures in place relating to managing driver fatigue.

Section 15 of the Point to Point Transport Act also requires point to point transport drivers to take reasonable care for their own health or safety and to comply, so far as they are reasonably able, with any reasonable instruction, policy or procedure of the company