

**Submission  
No 9**

## **WORKPLACE ARRANGEMENTS IN THE POINT TO POINT TRANSPORT INDUSTRY**

**Organisation:** NSW Taxi Operators, Drivers & Owners Association  
**Name:** Ms Anne Turner  
**Position:** President  
**Date Received:** 1 August 2016

Subject: NSW TODA Submission Workplace Relations in the NSW Point to Point Transport( Taxi ) Industry

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" A FAIR SHARE OF A FAIR FARE "

NSWTODA submission is here provided to the NSW Parliament Legislation Assembly Transport and Infrastructure Committee in conjunction of its inquiry into workplace relations in the Point to Point Transport sector.

Document No.10

Refer Chapter 6 of IR Act & Report on Workplace Arrangements in the Point to Point Transport Industry Submission No. 6.

The current situation deals with the requirement for annual holiday, loading and sick pay as outlined in the Workplace Arrangements in the Point to Point Transport Industry Report Clause 1.10. NSW TODA considers this clause as it stands to be flawed and out of data in today's modern workplace arrangements.

NSWTODA suggestion is to introduce a more flexible approach for taxi operators and drivers to comply with this requirement. We recommend an approach more in line with current work practices, reference Chapter 6.

To remove reference to the wording of bailment in the taxi cab industry therefore creating an equal and fairer work environment. The bailment arrangement is no longer suitable or workable with current competitive forces. Note that all taxi drivers must have an ABN number before an authority permit can be issued to drive a taxi cab (therefore becoming a independent small business operator). NSW TODA is proposing, that by removal altogether of the wording bailment within the taxi industry, will make the taxi industry more flexible.

**PROPOSED OPTION: CONTRACT TAXI DRIVERS**

**WHY CONTRACT TAXI DRIVERS?**

Given that taxi drivers are NOT employees and MUST hold a current ABN number and are in fact self-employed small businesses, the taxi operator should be allowed to accept a driver as a contractual driver similar to the current commercial ride share drivers and their distribution entities. This would permit the taxi operators to offer a more competitive rental arrangement, avoiding other IR issues that may arise.

Under this option the driver would be viewed in the same light as a individual hiring equipment to carry out his ongoing work.

It is common today for businesses to enter into rental agreements with companies such as Kennards, Thrifty, Ranger etc.. When this equipment is rented these companies are NOT required to provide annual holiday pay or long service leave or any other benefits to the individual renting and using the equipment to create an income for him or herself. NSW TODA therefore see the driver under

this option being a self-employed small business operator (verified by being a holder of an ABN number) as simply renting equipment (in this case a taxi-cab) to maximize his or her opportunities, working to create his or her own income up and above the agreed rental cost.

#### CONCLUSION

NSWTODA proposes the implementation of contract taxi drivers if this industry is to stay competitive and survive for all key-stakeholders (taxi operators, taxi drivers and taxi owners). Therefore the end result for the taxi industry must be an equal work environment with the new commercial ride share services now in operation.

KIND REGARDS  
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