

SIRA responses to Questions taken on Notice at the Future of Work hearing

1. Gig Economy Reference Group

The CHAIR: Can I invite you to provide us on notice with the terms of reference of the group, the attendees of the group, the number of sessions that were held with the group and any document that you have or that you might be in a position to create that accurately records the findings of the group, or at least the discussion that the group had?

Ms DONNELLY: Yes.

Mr DAVID SHOEBRIDGE: In short, the minutes.

The CHAIR: I am sure the minutes might help if you kept them, yes.

Ms DONNELLY: Of course.

The CHAIR: If you did not keep the minutes—

Ms DONNELLY: No, we did keep the minutes.

The CHAIR: Great.

Ms DONNELLY: And we have discussion papers, the membership and the dates of the meeting, so I am happy to provide that.

ANSWER

The answer to this question was provided in January 2021.

SIRA responses to Questions taken on Notice at the Future of Work hearing

2. The deemed worker provision

Mr DAVID SHOEBRIDGE: Could you come back, if not in terms of the specific contract, but in terms of the kind of arrangements that you see at HungryPanda and others, the efficacy of otherwise of clause 2 in schedule 1?

The CHAIR: That is a question you might be advised to take on notice.

Mr CRAIG: Yes, I might have to take it on notice.

Mr DAVID SHOEBRIDGE: I was expecting you to take it on notice. I might put the same question to SIRA.

Ms DONNELLY: Absolutely. I am happy to take it on notice. Could you clarify what the question was?

Mr DAVID SHOEBRIDGE: Can you indicate the efficacy or otherwise of clause 2 in schedule 1, the deemed worker provision, in terms of covering people in the gig economy?

ANSWER

SIRA will shortly commence public consultation on injury insurance arrangements for gig economy food delivery service providers. This issue will be explored through that consultation.

SIRA will issue a discussion paper and provide examples of potential options for injury insurance to enable stakeholders to provide their views on the best approach. There is no preferred option proposed by SIRA.

The purpose of the consultation will be to inform development of advice to Government. The SIRA advice to Government will be subject to Cabinet confidentiality.

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3. The deemed worker provision

The CHAIR: And perhaps any suggestions for amendment that you might feel are needed as well. That might be the follow-up question.

Mr DAVID SHOEBRIDGE: To the extent that you are allowed, which we know you probably cannot.

The Hon. WES FANG: Point of order—

Ms DONNELLY: Thank you. If we are giving advice on a legislative matter there would be a phase where we would give advice and it would be Cabinet in confidence. If there is an overlap with that, then—

The CHAIR: As I just said, to the extent to which you can. That would be welcome.

Ms DONNELLY: Yes.

Mr DAVID SHOEBRIDGE: I think it is the efficacy or otherwise—

Ms DONNELLY: I have already been clear with you that our assessment is that there is uncertainty, but I am happy to go into more details.

ANSWER

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5. Cost of claim by claim assessments and investigations

The CHAIR: Equally, it would be useful to know the cost to icare of making these claim by claim assessments and of doing the investigations that you are required to do as a precursor to investigation. It does strike me that one cost of a relatively opaque law is that it will result in more expenditure from the operator to have to make that assessment.

Mr CRAIG: Correct.

The CHAIR: It would equally be useful to have this data from SIRA, to the extent to which you have it for all the other insurers in the marketplace. I do not believe any other vehicle platform has self-insured or is using a specialist insurer, to the best of your knowledge.

Ms DONNELLY: To the best of my knowledge, they would all be icare.

The CHAIR: I am very interested in particularly two self-insurers, which are Coles and Woolworths, given that they are starting to use more gig-style work in their operations—as to whether or not anyone has made any claims against those two self-insurers.

Ms DONNELLY: Yes. We can have a look at that.

ANSWER

Coles and Woolworths are licensed workers compensation self-insurers in NSW who report monthly claims data to SIRA. As their reported data does not indicate whether claims involve persons providing gig economy delivery services, SIRA contacted Coles and Woolworths to request this detail. Both companies advised they do not directly employ or contract with gig-style workers, and haven't received any claims from gig-style workers.

SIRA understands that, in the current rapidly changing context, including COVID retail companies are adapting their service delivery to meet the needs of customers and boost delivery capacity as required. Woolworths has indicated to SIRA that it contracts with some delivery platforms to boost delivery capacity as required, thus ensuring deliveries to their customers are not delayed. Coles has indicated to SIRA that while not part of its overarching strategy, a couple of business units within the company are trialling the use of service delivery platforms as required to meet the needs of their customers.

SIRA will continue to engage with these and other self-insurers to monitor the use and impact of gig-economy services.

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6. Making flexible work help people returning to work

The Hon. COURTNEY HOUSSOS: If you could just provide us on notice, Ms Donnelly, any thoughts about how we could make flexible work assist with people returning to work, that would be really helpful. I would be interested in that.

Ms DONNELLY: Yes, happy to.

ANSWER

The answer to this question was provided in January 2021.

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7. McMaster pool proposal

Mr DAVID SHOEBRIDGE: Could I ask you to take on notice whether or not there are any useful reflections SIRA might have upon the model proposed by Mr McMaster in the evidence he gave this morning, in terms of a pool response? I am not asking you to do that now. Could you take that on notice?

Ms DONNELLY: I am happy to take it on notice. I have not had access to the transcript.

ANSWER

SIRA will shortly commence public consultation on injury insurance arrangements for gig economy food delivery service providers.

SIRA will issue a discussion paper and provide examples of potential options for injury insurance to enable stakeholders to provide their views on the best approach. There is no preferred option proposed by SIRA.

SIRA will consider the suggestions put forward by Mr McMaster in his evidence. We note that Mr McMaster did indicate he would provide a supplementary submission on his suggested model and SIRA we will also consider it when it is made available.

The purpose of the consultation will be to inform development of advice to Government. The SIRA advice to Government will be subject to Cabinet confidentiality.

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10. Comparison with New Zealand's Accident Compensation Corporation scheme

Ms DONNELLY: —understanding that you have a longer timeframe The other thing that I would advise you of that you may want to think about, there are other probably more dramatic changes that could provide coverage. If we look at the New Zealand scheme, the Accident Compensation Corporation, which has a more universal approach so that it does not matter where you are insured you would have coverage, there is a connection to the employers, they are on risk and paying premium, but there is also an ability to fund the scheme through other sources.

The CHAIR: I would welcome any suggestions or commentary or papers or explanations that you might have for that scheme and how it might potentially be used to address the objectives of this inquiry. That would be useful. Both organisations.

Ms DONNELLY: It is a very blue sky kind of question, but I think there are other options.

ANSWER

SIRA will shortly commence public consultation on injury insurance arrangements for gig economy food delivery service providers.

SIRA will issue a discussion paper and provide examples of potential options for injury insurance to enable stakeholders to provide their views on the best approach. There is no preferred option proposed by SIRA.

The purpose of the consultation will be to inform development of advice to Government. SIRA will also consider models of injury insurance implemented in other jurisdictions as part of the preparation of its advice to Government.

The SIRA advice to Government will be subject to Cabinet confidentiality.