

24 March 2021

NSW Legislative Council Select Committee on the impact of technological and other change on the future of work and workers in NSW

By email: FutureOfWork@parliament.nsw.gov.au

Response to questions taken on notice

HungryPanda AU Pty Ltd (**HungryPanda**) refers to the appearance of Ms Tina Sun, Administration Manager, to give evidence and answer questions of the Committee on behalf of HungryPanda on Tuesday 23 February 2021 (the **Committee Hearing**).

At the Committee Hearing, the Committee required HungryPanda to provide answers to some questions on notice.

Schedule 1 responds to these questions on notice. This information and the enclosed documents have been provided as required in response to the request from the Committee, for the purpose and functions of the Committee as outlined in its terms of reference.

In providing this information, HungryPanda and I claim the protections afforded to us by law, including those restricting the use or disclosure of this information for purposes other than those of the Committee under its terms of reference.

Sincerely,

Ms Tina Sun
Administration Manager
HungryPanda AU Pty Ltd

Schedule 1

1. How many different people have worked through your platform since you commenced in 2019?

As of 16 March 2021, in Australia, 1,902 people have provided delivery service to HungryPanda since our commencement in 2019. This number includes those people that are not currently actively providing delivery service to HungryPanda.

As of 16 March 2021, in NSW, 958 people have provided delivery service to HungryPanda since 2019. This number includes those people that are not currently actively providing delivery service to HungryPanda.

2. Context: Do you really stand by that statement about trying to keep your workers safe in the light of the evidence this Committee received from two workers earlier today who said they have never seen anything from you about safety—no manual, no directive, nothing?"

Question: Provide evidence of the materials that were provided to riders during onboarding (including the rule handbook).

In my answer advising that:

“On their onboarding we have provided some materials to them, including the rule handbook. I have evidence of that”,

the “they” that I am referencing is delivery riders collectively, not specifically the two riders who provided evidence to the parliamentary inquiry.

In the case of Mr Yang and Mr Sun, at the time of their onboarding in late 2019, they are correct that they were not provided with any manuals or handbook. However, Mr Yang and Mr Sun, have been provided with some materials since this time.

The materials that HungryPanda has provided its delivery partners as part of their onboarding has changed over time since 2019.

Currently, HungryPanda provides a google site link to its delivery partners as part of their onboarding. In the google site, the delivery partner can find the following materials and videos:

- (1) NSW Government Road Users Handbook- in Chinese;
- (2) NSW Government Motorcycle Riders Handbook;
- (3) NSW Government Bicycle Riders Handbook;
- (4) HungryPanda Rider Guide;
- (5) Two videos for Bicycle Rider’s Safe and Appropriate Behaviour; and
- (6) Six videos for Motorcycle Rider’s Safe and Appropriate Behaviour; and
- (7) Website Link to NSW Transport “Staying Safe” web page; and
- (8) Website Link to NSW Transport “Staying Safe - Motorcyclists” web page.

The English versions of the handbooks and HungryPanda’s Rider Guide are provided. The video’s will be provided on a USB.

The website links are:

<https://roadsafety.transport.nsw.gov.au/stayingsafe/index.html>

<https://roadsafety.transport.nsw.gov.au/stayingsafe/motorcyclists/index.html>

3. With regard to the insurances that you require of your independent contractors, I presume that those who operate motor vehicle, a motorbike or the like, do you require copies of their CTP insurance of their registration? How much due diligence does you do on the people that are providing services to your platform?

Currently, during onboarding process, if the delivery tool is a motor vehicle and/or motorcycle, we require delivery partners to provide evidence of their CPT insurance.

Currently, during the process of onboarding, HungryPanda requires the following documents to be provided by delivery partners:

- (1) Copy of the delivery partner’s passport photo page.
- (2) Copy of current valid Visa (Notice of Grant or VEVO Check).
- (3) Copy of certificate of vehicle registration (if applicable).
- (4) Copy of CPT Insurance for motorcycles and cars.
- (5) Verification of Identity (The delivery partner holds their passport and a photo is taken).
- (6) Copy of Australian driving license or translated driving license for oversea license holders.

4. Did the issue of worker groups or health and safety ever come up in the UK since operations began in 2016? Were similar issues raised around worker groups in the UK from 2016 onwards?

There are no similar issues around workplace safety and health worker groups which have been raised in the UK since 2016.

5. How many riders have you determined yourself have been injured while delivering for HungryPanda in the last year?

Since 23 February 2020, we have had twelve reports of incidents occurring where the riders have told us that they were injured while performing delivery service.

6. Context: “The CHAIR: But HungryPanda did not report this to SafeWork NSW at all. Do you agree?

Ms SUN: We did report later because—when the accident happened, I went to the hospital. I have to say, we were not quite familiar with the process, but we did pay very high attention to that accident.”

Question: When you said that you reported it later - how late after the accident? How many days after the accident did you report it to SafeWork NSW?

HungryPanda had an online meeting with a SafeWork NSW Inspector on 6th October 2020 and made a formal notification on 8th October 2020, being 9 days after the accident. HungryPanda reported the accident to NSW Police on 29 September 2020.

7. Context: “The Hon. MARK BANASIAK: Accepting that you are a new company, you have entered this market and you have entered several other markets. My question is: Why have you not done your due diligence when entering a new market in making sure that you know and adhere to all your legal obligations?

Ms SUN: In the Australian market, when we enter that we have legal advice. We have a legal adviser in place, but I have to say that we were relatively new in this market. We were not familiar with every rule here, but we do respect our obligation here. After talking with SafeWork we do understand how we can go from here. I have confidence that we can do it better.”

Question: Who provided that legal advice to you when you entered this market? Was it someone in your own company or was it an external provider? On notice, could you provide the name of that external provider who provided that advice?

At the time of entering the Australian market, legal advice was provided by Cornwalls and accounting advice was provided by ML Tax Solution.

8. Provide a copy of the standard contract that you use for all riders.

A copy of the standard contract as updated in May 2020 is provided.

9. Context: “We have launched a series of different changes, including a system that is allowing the riders to use the app only, rather than taking out phones on the road. We are also improving the system of calculation and the algorithm behind that to make sure our riders can travel less when delivering the order. After that we are working closely with SafeWork on a series of different safety implements. That will be done by next month. Sorry, I hope that will answer your question”.



Question: Provide a copy of that document to the Committee.

Following the incident of Mr Chen, HungryPanda has:

- updated its on-boarding process. A copy of this procedure current in December 2020 is attached.
- established a message communication channel with riders, which does not require instant response, in replacement of phone-calls. This means that riders do not need to pick up the calls on the road. Instead, they can reply to the messages later when they can do so safely.
- started to develop an automatic allocation system based on the distance for delivery and traffic conditions, so that orders are allocated with real time information as much as possible. In the meantime, we are consulting with and listening to the delivery partner's feedback about the proposed change.
- worked to identify an accident insurance policy for riders.

HungryPanda is in the process of complying with the improvement notices that have been issued to it by SafeWork NSW.

As HungryPanda continues to review its processes, we anticipate that further changes will be made.
