



Point to Point Commissioner

Responses to post-hearing questions

Select Committee

Inquiry into the impact of technological and other change on the future of work and workers in NSW

Hearing Date – 18 October 2021

QUESTIONS ON NOTICE

QUESTION:

1. The CHAIR: How many audits did you say you did over what period of time?

Mr WING: This is the last financial year. So the 12 months to 30 June, it was 61 safety audits and 78 advisory visits.

The CHAIR: And of them, are you able to give us a breakdown between rideshare and taxis in that respect?

Mr WING: I do not have an exact breakdown but I could get you a breakdown between taxi service providers and booking service providers. Rideshare, as you know, is not defined in our Act. But, yes, I can get you a breakdown between taxi and booking service providers.

ANSWER:

In the last financial year, the Point to Point Commission has conducted 26 safety audits on taxi service providers and 35 on booking service providers in addition to 23 advisory visits to taxi service providers and 55 to booking service providers.

QUESTION:

2. The CHAIR: On notice, do you mind providing us with a list of the court cases that you have brought and when they were settled?

Mr WING: I am happy to do that. They are probably on the website, but I am happy to do that.

ANSWER:

Information relating to prosecutions is published on the Point to Point Transport Commissioner's website.

QUESTION:

3. Mr DAVID SHOEBRIDGE: Thanks very much, Commissioner. What was the longest delay of those type of failures the Chair was asking you about from Uber in terms of reporting to you that a notifiable matter had occurred which should have been reported to police? What was the longest delay from Uber?

Mr WING: I do not have an exact time, but let us say it could have been in the order of 1½ years.

Mr DAVID SHOEBRIDGE: One and a half years.

Mr WING: If they had failed to identify them in the first place and then picked them up later, those would have been perhaps, yes.

Mr DAVID SHOEBRIDGE: Could you provide us more detail on notice about this?

Mr WING: Yes, of course.

ANSWER:

The longest time taken by Uber to report a notifiable occurrence was 25 months.

QUESTION:

4. Mr DAVID SHOEBRIDGE: Do you know how much has been paid out so far in industry assistance?

Mr WING: Can I get onto the policy department and get back to you on that?

Mr DAVID SHOEBRIDGE: All right, thanks, Commissioner.

ANSWER:

Transport for NSW advises it has paid more than \$145 million in assistance to the point to point transport industry. The NSW Government has committed to providing further assistance to taxi licence owners as part of its response to the Independent Review of Point to Point Transport.

QUESTION:

5. Can you tell me what the budgeted revenue is for this year? You are not able to do that?

Mr WING: I do not have that figure off the top of my head. I would have to check Treasury papers.

Mr DAVID SHOEBRIDGE: Could you provide it on notice?

Mr WING: Yes, of course.

Mr DAVID SHOEBRIDGE: And particularly if there had been an update, given the rather tempestuous year that we have had, could you provide that, rather than just the budget paper figure?

Mr WING: Any update. Yes, obviously it is a very difficult thing to do, given that last year was so difficult for the industry.

ANSWER:

The 2021-22 NSW Budget notes that an extension of the Government's existing \$1 levy on all point to point transport trips is expected to raise an additional \$154.2 million over the three years to 2024-25.

In recognition of ongoing reforms in the point to point sector, this additional revenue will be used to fund a further industry assistance package.

QUESTION:

6. Mr DAVID SHOEBRIDGE: Again, I am now going to ask you if you could—I am going to press it—provide us with the amount that Uber has paid for the passenger service levy. Commissioner, I am happy for you to take that on notice and seek some advice on it: the conflict between your obligation to provide answers to Parliament and your purported secrecy obligations under the taxation Act. Do you want to take it on notice?

Mr WING: Mr Shoebridge, I am happy to take that on notice. As you will appreciate, I will need legal advice on that.

ANSWER:

The Point to Point Commissioner and Transport for NSW do not hold this information. Uber pays passenger service levies to Revenue NSW directly.

QUESTION:

7. Mr DAVID SHOEBRIDGE: What proportion of the trips was it that failed to have been disclosed?

They had failed to disclose 200,000; in that same reporting period, how many had they actually undertaken?

Mr WING: Now we are back into the taxation secrecy provisions. Do you want me to take that on notice?

Mr DAVID SHOEBRIDGE: I am going to press for an answer, Commissioner, and you may want to take it on notice again.

Mr WING: I will take that one on notice as well.

ANSWER:

The *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* limits disclosure of information obtained in connection with the administration or execution of the Act and its associated Regulations, as such this information cannot be provided.

QUESTION:

8. The Hon. ADAM SEARLE: Does your organisation have a policy document or a set of documents that set out how you conduct this and how you select targets or subjects for audits?

Mr WING: We have a risk-based approach. I will have to check whether that has been published on the website or not.

The Hon. ADAM SEARLE: Commissioner, whether it has been published on the website or not, if your organisation operates subject to written policies, could we see those?

Mr WING: Yes. Can I take that on notice?

The Hon. ADAM SEARLE: You certainly may. In relation to prosecutions, again do you have a prosecution policy, a document that sets out the considerations that you would apply in determining whether or not to actually launch a prosecution or to take some other kind of compliance action?

Mr WING: We do. We have a compliance policy—which I think is published on the website, but I will check that anyway—taking into account matters such as the seriousness of the matter, the times that it occurred, and whether or not there is a need here for specific or general deterrence to others. We would also take into account a range of other factors.

The Hon. ADAM SEARLE: If it is on the website, obviously you can draw that to our attention. But if it is not and it is a written policy, I would ask that you share that with the Committee if you are able to. Again,

I am happy for you to take that on notice.

Mr WING: Yes, of course.

ANSWER:

Documents relating to the Point to Point Transport Commissioner's approach to compliance are published on the Point to Point website including the compliance and enforcement policy, and the authorised service provider risk and assurance framework.

QUESTION:

9. The CHAIR: Do you have any form of a protocol with New South Wales Police for the exchange of information between the respective agencies?

Mr WING: We have a high level protocol with the police, yes.

The CHAIR: On notice, are you able to provide us with either that protocol or at least a description of that protocol?

Mr WING: Either the protocol or a description, yes, certainly.

ANSWER:

The Point to Point Transport Commissioner has an information sharing agreement in place with the NSW Police Force for the purpose of the Driver Vehicle Dashboard, allowing service providers to check whether a driver has any disqualifying offences.

If further information is required from the NSW Police Force for an investigation, the Commissioner can request this by issuing a notice to produce under section 121 of the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.

QUESTION:

10. The CHAIR: On notice, can you identify what are the errors they say you have made and give us any status report as to what your staff are up to in terms of their engagement?

Mr WING: You are asking me what is the current—

The CHAIR: If there is any dialogue going on between the commission and Uber since the audit, if you can just provide us on notice a description as to what that dialogue is and specifically identify what Uber says you got wrong.

Mr WING: I think we can certainly give a description of what it is, since Uber has accepted the directions. I am not sure there is anything though at this point they are saying that we have got wrong, but I can certainly give you a description of—

ANSWER:

The Point to Point Transport Commission's Uber safety audit findings are evidence based and based on data provided by Uber. Uber has sought further clarification on Improvement Notices relating to fatigue, incident management, real time identification and disqualifying offences and eligibility.

QUESTION:

11. The CHAIR: But when? On notice, can you tell us when did you give them that direction and what date that they have to comply?

Mr WING: We gave them several months to comply with all the directions and to do a final quality assurance on everything. So I can probably take a date on notice, yes.

ANSWER:

On 28 July 2021, the Point to Point Transport Commissioner issued an Improvement notice for Primary Duty of Care – Fatigue. Uber submitted its rectification proposal on 8 September 2021.

The Commissioner's staff are actively working with Uber to ensure they make the required changes and improvements.

QUESTION:

12. The CHAIR: Are you able to provide us, firstly, the trend data on how many people have the PT code in each of the years since the creation of your office of people who have that PT code?

Mr WING: It is the same data on the PT code year by year. Yes, of course.

The CHAIR: And, equally, if you do have any information about active versus inactive over the same period, that would be really useful as well.

Mr WING: I do not think we would have that, but I will include it as part of it.

The CHAIR: And then whether or not you can, from any of your audits or otherwise, discern the numbers that are providing services through Uber, DiDi, Ola, taxis. That would be useful because obviously those companies keep that information commercial in confidence. Or even if you cannot do it, the level of the platform at least, the numbers that are in rideshare versus the numbers in taxis, that would be useful.

Mr WING: I am not sure it is a meaningful number because people can and do drive for both taxi and rideshare platforms.

The CHAIR: We are just eager for whatever demographic analysis you can provide us on the workforce in the industry. And then do you have the numbers of cars that are eligible to be used in rideshare?

Mr WING: To be eligible to be used in rideshare, they would have to meet certain standards, but they do not require a specific numberplate or licence code. So I do not think I would have the exact—

The CHAIR: But they do require a specific compulsory third party [CTP] policy or disclosure for the purposes of CTP, do they not?

Mr WING: They would require the appropriate CTP. If there are detailed questions about that, I would probably have to refer those to State Insurance Regulatory Authority [SIRA].

The CHAIR: Could you? If we could find out the number of cars in New South Wales that have the specific rideshare CTP disclosure [inaudible] proxy over time as well. We will go to the Hon. Mark Pearson.

ANSWER:

Transport for NSW publish data on drivers who have the PT Code added to their driver licence. This data is updated monthly and can be found on the Transport for NSW website.

The number of active drivers is not held by the Point to Point Commissioner.

The Point to Point Commissioner does not hold data relating to the number of vehicles with specific rideshare CTP disclosure. The CTP 'Greenslip' Scheme is administered by the State Insurance Regulatory Authority.

QUESTION:

13. The Hon. MARK PEARSON: A quick question, and you can take it on notice. Has it been considered at all for there to be surveillance devices installed for the time Uber drivers or other drivers are using their vehicle, looking at the issue of safety and security?

The CHAIR: Cameras.

The Hon. MARK PEARSON: Yes, cameras.

Mr WING: All safety measures are considered from time to time. The change in technology is one which could really affect the camera question, there is no doubt about that. I am happy to take it on notice, but I will say that, yes, we do from time to time consider whether the advances in technology mean that cameras may be feasible in the future.

ANSWER:

In 2015, the NSW Government accepted the Point to Point Transport Taskforce's (the Taskforce) recommendation that working security cameras are required in any taxi providing rank and hail services in NSW. The Taskforce suggested security cameras are needed due to the anonymous nature of rank and hail taxi journeys.

For a booked point to point transport journey, whether it is undertaken in a rideshare, a type of hire vehicle service, or a taxi, there is a record of the booking. Section 41 of the Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017 specifies the records that must be kept for each booked point to point transport journey.

However, taxi and booking service providers are required to identify, record and address safety risks associated with the provision of a passenger service through the development of a Safety Management System. In determining ways to eliminate or minimise risks, each service provider may identify security cameras as an appropriate measure for use in their own individual business, particularly with advances in camera technology.