

**REPORT ON PROCEEDINGS BEFORE**

**SELECT COMMITTEE ON THE IMPACT OF  
TECHNOLOGICAL AND OTHER CHANGE ON THE  
FUTURE OF WORK AND WORKERS IN NEW SOUTH  
WALES**

**CORRECTED**

**Virtual hearing via video conference on Friday 10 September 2021**

**The Committee met at 9:45**

**PRESENT**

The Hon. Daniel Mookhey (Chair)

The Hon. Mark Banasiak (Deputy Chair)

The Hon. Courtney Houssos

The Hon. Shayne Mallard

The Hon. Natasha Maclaren-Jones

The Hon. Mark Pearson

The Hon. Adam Searle

Mr David Shoebridge



**The CHAIR:** Welcome to the first virtual hearing of the inquiry into the impact of technological and other change on the future of work and workers in New South Wales. Before I commence I acknowledge the Gadigal people, who are the traditional custodians of the land on which Parliament sits. I also pay respect to the Elders past, present and emerging of the Eora nation and extend that respect to other Aboriginals who are present.

Today's hearing is being conducted as a fully virtual hearing. This enables the work of each committee to continue during the COVID-19 pandemic without compromising the health and safety of members, witnesses and staff. As we break new ground with the technology, I ask for everyone's patience through any technical difficulties we may encounter today. If participants lose their internet connection and are disconnected from the virtual hearing, they are asked to rejoin the hearing by using the same link that has been provided by the Committee secretariat.

Today we will be hearing evidence from a number of on-demand platforms including DoorDash, EASI and Mable. Later, representatives of the Australian Services Union and the Health Services Union will give evidence to the Committee. Before we commence I will make some brief comments about the procedures for today's hearings. While parliamentary privilege applies to witnesses giving evidence today, it does not apply to what witnesses say outside of their evidence at the virtual hearing. I therefore urge witnesses to be careful about comments you may make to the media or to others after you complete your evidence.

Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. In that regard, it is important that witnesses focus on the issues raised by the inquiry terms of reference and avoid naming individuals unnecessarily. All witnesses have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could only answer if they had more time or with certain documents at hand. In those circumstances witnesses are advised that they can take a question on notice and provide an answer within 21 days.

Today's proceedings are being broadcast live and a video recording will be available on YouTube afterwards. A transcript will also be placed on the Committee's website once it becomes available. Finally, just a few notes on virtual hearing etiquette to minimise disruptions and assist our Hansard reporters. I ask Committee members to clearly identify who questions are directed to, and I ask everyone to please state their name when they begin speaking. Could everyone please mute their microphones when they are not speaking. Please remember to turn your microphones back on when you are getting ready to speak. If you start speaking whilst muted, please start your question or answer again so that it can be recorded in the transcript. Members and witnesses should avoid speaking over each other so we can all be heard clearly. To assist Hansard, I remind members and witnesses to speak directly into the microphones and to avoid making comments when your head is turned away.

**REBECCA BURROWS**, General Manager, DoorDash Australia, affirmed and examined

**PUJI FERNANDO**, Senior Manager, Strategy and Operations, DoorDash Australia, affirmed and examined

**The CHAIR:** I welcome our first witnesses. Would either of you like to start by making a short opening statement?

**Ms BURROWS:** I do have a short opening statement to read. Thank you, Chair. I would first like to thank this Select Committee for inviting us to offer insight into the future of work in New South Wales. Our mission at DoorDash is simple: to empower local economies. We do this by enabling local businesses to better serve consumers' expectations of ease and immediacy and to thrive in today's convenience economy. By building the last-mile logistics infrastructure for local commerce, DoorDash is bringing communities closer, one doorstep at a time. DoorDash launched here in Australia in 2019 and we currently operate in all States and Territories, serving over 5,500 businesses in New South Wales and further reaching over 80 per cent of the Australian population. We are proud that in just two short years we have been able to connect so many Australians across the country with their favourite local merchants.

Our founder, Tony Xu, immigrated to the United States as a young child. As his father studied at university his mother worked up to three jobs at a time to support the family, including one in a Chinese restaurant where young Tony washed dishes alongside her and learned how hard it is for small businesses to make it, even in the best of times. It also underscored the importance of supplemental work opportunities, like those that DoorDash now offers to tens of thousands of Australians working to make ends meet and get ahead.

We especially appreciate the opportunity to introduce the Committee to the over 40,000 couriers that use our platform, called Dashers, over 10,000 of whom dash in New South Wales. DoorDash serves as a vital source of supplementary income for these stay-at-home parents, students, small business owners and others, most of whom work for brief periods of time on the platform. On average Australian Dashers work less than three hours a week on our platform, and many regularly exercise the option to pause work for weeks or months at a time. Overall, 83 per cent of Australian Dashers report that gig work is not their primary source of income. Rather, it is often a critical source of immediate and extra income that allows workers to cover an unexpected expense or ensure all their bills are paid on time. They choose to dash because the platform allows them to work when, where and how they want—all while averaging more than \$32 per hour when on delivery in New South Wales.

As part of our mission to empower local economies, we are committed to continually working with government stakeholders, third-party experts and, most importantly, the Dasher community to ensure we are implementing best practices designed to provide Dashers with opportunities to earn in a way that is best for them. We believe strongly in working with Dashers and take their feedback into account when considering how we can best support them on issues of concern. We maintain a regular dialogue with Dashers across the country and are constantly learning from them regarding ways we can improve the Dasher experience.

We are in the process of comprehensively evaluating our safety programming, including ways that we can use our platform to raise awareness among Dashers and help them stay safe while dashing. We recently announced our participation in the development of Australia's first set of National Food Delivery Platform Safety Principles, which outline our safety commitments over the next 11 months. While we already meet many of these benchmarks, we and others in the industry have pledged to continue to raise the bar for safety through continuing initiatives, technology and research.

We understand and appreciate the rightful interest of the Committee in rider and driver safety while delivering for DoorDash and in any unfortunate fatalities that may have occurred while delivery partners were on the DoorDash platform. We can confirm that there have been, unfortunately, two fatalities in Melbourne since DoorDash commenced business in Australia two years ago. One fatality occurred in October 2020 while the Dasher was using our platform. We provided immediate financial assistance to his family and access to our insurance policy. This is now being processed as a WorkCover claim in Victoria.

The other fatality occurred last September, also in Victoria. We continue to investigate the circumstances of this accident. What we know is that we could have escalated this matter internally more quickly and maintained closer contact with his family. We sincerely regret that and have implemented improved policies and procedures. We are now addressing this matter as a priority and working to support his family. We have recently contacted his family to offer financial support and we continue to offer our assistance. We continue to refine our internal processes, which have already been updated to a more rigorous standard, and maintain our commitment to the

safety of Dashers by building on our existing efforts to improve safety. Any incident that occurs on our platform is heartbreaking, and we take the safety of all Dashers and the entire community very seriously.

Platforms like DoorDash provide a critical source of supplemental income to workers in New South Wales, allowing them access to flexible work when they need it. We believe it is critically important to protect this new form of work while ensuring workers receive the safety protections they deserve. We know that to empower local economies we must work together with the communities we serve. That is why we remain committed to collaborating with Dashers, government and elected leaders as well as industry and third-party stakeholders to help promote the safety and economic vitality of our community. We look forward to continuing engagement with the Committee on these important issues. Thank you.

**The CHAIR:** Thank you, Ms Burrows, for your opening statement. I might start by asking about the disclosure of the death that took place last year. Just to confirm, the October death is known but the second death was not known. Is that fair?

**Ms BURROWS:** Yes. I will talk to each of them briefly. The fatality that occurred in October has been known and has been reported and discussed. This fatality occurred in Melbourne and we have been in conversation with his family. We provided assistance to his family in terms of an interim payment and some funeral expenses and have provided access to our insurance policies, and a claim has been approved. His family have since lodged a WorkCover claim, which was just brought to our attention in the last week or so—it could be just over a week. That is the current status of that claim or of that incident. The second incident that I mentioned in my statement occurred in September 2020. This has come to light in detail most recently as we have been auditing all past incidents, partly in preparation to meet with you today but also as part of a comprehensive review of safety that we are undertaking.

This fatality occurred, as I said, in September 2020 and the Dasher was not on our platform at the time of the incident. We had some early contact from his family and that contact ceased. The position at the time from all parties, which was not disputed, was that he was not on our platform. As we have gone in and looked at this incident ourselves, we have brought that into question as he had been on the platform earlier in the evening and had completed a delivery for DoorDash. We are just getting some more detail around the specific timings and so forth to make sure that we have treated that incident appropriately. We have recommenced contact proactively with his family to engage on that. It is very early days in terms of the discussions that we are having with his family. They have just recommenced recently. As an early indicator we have offered a small payment, as we did with the other case, whilst we investigate and we will make all the relevant provisions available to them.

**The CHAIR:** Just with respect to the second fatality, or the fatality that you just described, did the person meet the definition of being on trip?

**Ms BURROWS:** I will provide some more information on notice as we garner exact information. I do not want to say anything that is in any way inaccurate, and we are in the early days of looking. From the first look at it, he was not on a trip. He completed a delivery for DoorDash and then he had logged off our platform, from my understanding, but he had completed a delivery that evening and that is what we are investigating in terms of the timing.

**The CHAIR:** Does DoorDash draw a distinction in terms of your obligations if a person is on trip or not on trip, in terms of how you are reacting?

**Ms BURROWS:** Yes, our insurance policy has a time. I will provide the policy on notice but it is 15 minutes post trip or when the driver has logged off the platform, which is in line with the rest of the industry from what I understand. That is what we apply, and we are just checking that. So the payment that we have made or offered to that Dasher's family does not take into account that timing. What I do know is that he was not on an active trip and that he did log off our platform on that evening. What I do not know is the timing between those and whether it was 15 minutes, 20 minutes or 30 minutes. The payment that we have offered to the family in terms of a small immediate payment is made regardless of that. It is a goodwill payment, rather than something under any insurance obligations or anything like that, and then it is more a matter of if and how we can apply the insurance. We also do not know if he was on any other platforms in the same evening. As I said, we are just trying to gather as much information as we can as quickly as we can.

**The CHAIR:** Do you have details about the person's age? Were they an experienced rider with your platform or were they relatively new to the industry?

**Ms BURROWS:** Let me just see what information I do have that I can provide on him. The information that I have is that he was 27 years old and it was a car accident. As I said, he was dashing in Melbourne.

**The CHAIR:** Was he an Australian national?

**Ms BURROWS:** I do not believe that he was an Australian national. The point of contact that we have is his brother, who is also living here in Australia. If it is okay with you, I will take it on notice and I will provide some more detailed information on what we know about him and his background and so forth as it comes to hand.

**The CHAIR:** You would accept that not having knowledge of this for a year signals a system failure at DoorDash. Do you accept that?

**Ms BURROWS:** I definitely accept that—my response or our response as we have gone back through all of our safety cases is that this 100 per cent could have been handled better in terms of an escalation so that we would know these specific elements at the time. The contact ceased, I guess, with the early initial finding and then the family also ceased contact with us. We already have got new processes in place to ensure that any incident like this is escalated immediately to operational leaders here within Australia, out of the support process that someone would initially contact us with, and also with our trust and safety team globally. I would agree that it is unfortunate that this was not escalated so that we could close out the incident one way or the other at the time. But we already have new processes in place that would ensure that has not happened again. We have gone back through every incident, which is how we have uncovered this, since DoorDash commenced operation here in September 2019 to ensure that there are not other incidents that should have been escalated that have not.

**The CHAIR:** I understand that you may have improved the procedures around escalation, investigation and notification. But given that there were two deaths in the same city within a month of each other, will you explain what steps you have taken to improve actual safety and the prevention measures that are in place now as a result of these two fatalities?

**Ms BURROWS:** Yes. I would probably point there to the national safety principles that we have signed up to and the steps that we have taken to ensure consistency and a raising of the bar of safety principles across the industry. I have said previously in other forums that we operate obviously in a very highly competitive industry, but safety is not something that I seek to be a competitive advantage. It is something that I think we should collaborate on to ensure that we have the right things in place and that we collectively raise the bar across the board. In those principles there are elements around the training and information that we provide Dashers, the onboarding processes that Dashers go through and the advice that we provide Dashers in their context as independent contractors around equipment. We have provided some free equipment in addition to what we previously did for our Dashers. We have an ongoing program of work holding a mirror to ourselves to improve those, in line with these standards and also what we can do above these standards.

**The Hon. ADAM SEARLE:** Welcome, Ms Burrows. I just wanted to talk about some of the things in your written submission. I think it is at the top of page 2 where you talk about the average earnings being \$32 per hour when on trip. Will you tell us what is the typical number of hours and the total average earnings over that period of time? How do you get that average of \$32 an hour?

**Ms BURROWS:** Thanks for your question. I will talk at a high level and then I might hand to Mr Fernando, who probably has more detail than me on this. The \$32 an hour—when we say on trip, we track that from when a driver accepts a delivery, so the time that they are then active on the platform. That is the average earnings in that time. You could log onto the DoorDash platform, we send you a delivery and you choose to accept that delivery. We then track from there your average earnings, over the next hour in this case.

**The Hon. ADAM SEARLE:** Maybe provide us whatever documents you can on notice. I have some other questions. Further down that same page you say that between March and September last year 17,000 new Dashers joined the platform. That is in addition to the existing 40,000, is that right? Should we assume therefore there are about 57,000 Dashers operating in that time period? Is that correct?

**Ms BURROWS:** The 40,000 is our current number of Dashers that we have active on the platform. We also attract—

**The Hon. ADAM SEARLE:** Just pause there. What is the total number of Dashers that you are referring to on page 2? You say more than 17,000 joined the existing number. Previously in your submission you had said the previous number was 40,000, so what is the total number that you were referring to?

**Ms BURROWS:** I can provide that exact detail on notice if it is more useful.

**The Hon. ADAM SEARLE:** Yes, that would be good. You say that the number of Dashers earned more than \$30 million in income. Do you have a more up-to-date figure than \$30 million? Is it about \$30 million? Is it just a little bit above? Is it a lot more above?

**Ms BURROWS:** That is an approximate number. For any exact numbers, let me see what I can get you on notice and I will provide that.

**The Hon. ADAM SEARLE:** Okay. If you divide \$30 million by—I thought it was 57,000 Dashers, but even if you divide it by 40,000 Dashers, then that is not a lot of earnings per person over the March to September period. Is that how we should read that evidence?

**Ms BURROWS:** That is how that should be read. What I would just refer to is that, as I stated in my opening statement, for the majority of Dashers this is not their primary income. It is a supplementary income, as I have said—an average of three hours that they may be dashing to top up wages or where they are unable to work in their current role, to supplement their income.

**The Hon. ADAM SEARLE:** But, Ms Burrows, if it is 40,000 Dashers earning \$30 million over six months, then that is \$750 in average earnings. If you divide that by six months, they are earning very little per month on average. I am just trying to square that evidence with your \$32 an hour in earnings. These numbers are not adding up for me. Perhaps on notice, unless you can give us a clear and cogent explanation—the figures I am reading here are pretty exploitative of your workforce. Even allowing for the fact that this is not their main source of income, it looks highly exploitative to me. I am open to being persuaded otherwise, but the information you have provided here just does not do that.

**Ms BURROWS:** Let me take that on notice and we will provide the detail.

**The Hon. ADAM SEARLE:** Thank you.

**The CHAIR:** Can I just supplement that, Mr Searle? Just one quick question.

**The Hon. ADAM SEARLE:** Of course.

**The CHAIR:** Will you just explain how a rider is remunerated? Is it according to time worked? Is it according to trips delivered? How do you set the rate that determines a person's remuneration?

**Ms BURROWS:** Mr Fernando, are you able to provide some more detail on that?

**Mr FERNANDO:** I can. Thank you for the question. The way that we calculate pay is based on a few different variables. We do look at distance. We do look at an estimated time to complete the trip, which includes live traffic estimates as well as considers the vehicle that that particular Dasher is travelling on. We also do look at things like the geography and the area that the Dasher is in to set that pay. So we have systems in place, but we also have our strategy and operations team who monitor those pay offers and how they are accepted by Dashers as well. There are a few variables that go into that to calculate the offer which is given to the Dasher for every trip.

**The CHAIR:** The question we asked other platforms and which we will ask of you as well is: Do you provide opportunities either for an individual to bargain with you about their remuneration or for there to be collective bargaining with your organisation about wages, remunerations and conditions?

**Ms BURROWS:** No, we do not have collective bargaining as part of our engagement with the Dasher community. Dashers see information regarding the work that is available when they are on shift and then they are free to accept or not accept that delivery. As Mr Fernando has outlined, we do move the payments available based on conditions at the time and on the day. We do engage with Dashers. Obviously on an individual basis, there are plenty of people in our business that are engaging with Dashers daily. We also have a Dasher community council that we set up in January of this year, where we have a group of Dashers that have come together to engage with us as a business on key issues. They can range, the engagements we have with them, from safety issues, issues they are having with merchants, issues they are having with consumers, product enhancements that they would like to see on the Dasher app to help them, safety, and obviously pay can come up in those conversations. But we do not have any collective bargaining or negotiations at that scale.

**The CHAIR:** Sorry, Mr Searle.

**The Hon. ADAM SEARLE:** That is okay. I was going to ask about the National Food Delivery Platform Safety Principles, which you refer to on the final page of your submissions.

**Ms BURROWS:** Yes.

**The Hon. ADAM SEARLE:** How long will they be in place in the current form? There is a fair bit of criticism that they seem to be a fairly weak form of self-regulation, and they certainly do not deal with the pressure on your Dashers to earn money in the time they have to deliver. How do you think those principles actually meet the needs of your Dashers and keep them safe?

**Ms BURROWS:** These principles that we collectively signed—the content within them or the commitment that we have made is that we will all collectively reach, at a minimum, these standards within 12 months. It is probably now within 10½ or 11 months given when we signed the principles. I guess they represent the first time that the industry has come together to collaborate and agree a set of standards that we can all align with and agree on. That does not preclude any platform going above and beyond those standards. So I guess if we look at them as the minimum principles that we would all adhere to and agree to.

I see them as a very positive step in terms of—as I said earlier, I do not see safety as something that anybody should see as a competitive advantage. I believe very firmly in competition, and in fact that is part of what DoorDash is here in Australia for. But safety is something that is not a competitive advantage; it is something that we all have an obligation and a commitment to. I see it as a very positive step in terms of bringing the industry together to engage on this and as a minimum set of standards that we are working towards meeting together. In 11 months' time, when that initial 12-month period is up, my intention and my expectation would be that we would have continued to engage and we would update these principles and all be looking to raise the bar together.

**The Hon. ADAM SEARLE:** So that sounds like you have made some progress. In terms of the competitive advantage, obviously you would want all participants in your sector to be subject to the same arrangements or the same regime. Do you think that rather than this fairly slow-paced self-regulation, we should perhaps recommend extending chapter 6 of the Industrial Relations Act, which deals with transport work, to the sorts of activities that you and your competitors are engaged in to provide a common framework for you all to operate in?

**Ms BURROWS:** In terms of any comment on that particular regulation, I would have to take that on notice for us to have a look at and provide any detailed commentary. But my view is that the best outcome would be for the industry—and when I say "the industry", I do not just mean the food delivery providers themselves but also stakeholders within the industry—to engage and raise standards together. I think that is the ultimate outcome that you would want, rather than having something that is imposed—as good corporate citizens and good citizens, for us to come together and agree on principles and meet or beat those principles. In terms of the specific regulations that you refer to, we can definitely take that on notice and come back with any commentary. But in terms of what I think should happen, I think the industry should collaborate with interested stakeholders—including elected officials, including government, including the Dashers, including the other players in the industry—to raise standards together.

**The Hon. ADAM SEARLE:** Just on that, last year you signed the Transport Workers' Union [TWU] DoorDash COVID-19 response heads of agreement, if I can term it that way. Two of the things that you touched on there were a commitment to dialogue and engagement regarding workers' interests. Will you inform the Committee how that agreement is unfolding? How are you going discussing Dasher interests with the Transport Workers' Union around emerging risks and challenges for those workers?

**Ms BURROWS:** Sure. I will make some comments and then I might hand to Mr Fernando, who has had some more engagement with the TWU.

**The CHAIR:** [inaudible]

**Ms BURROWS:** I am sorry, I did not—

**The CHAIR:** I said we will go to Ms Houssos after the completion of this answer by Mr Fernando.

**Ms BURROWS:** My understanding of the agreement that was signed with the TWU was particularly around response to COVID, to the pandemic, in terms of provision of equipment, engagement and so forth. In my view those things have been rolled out very effectively to the Dasher fleet, and we continue to provide those same provisions that we committed to at the beginning of the pandemic. Obviously as the pandemic situation has emerged we have had even greater engagement with Dashers around safety in restaurants, safety delivering to consumers and their own safety and obligations under each of the government restrictions in all the jurisdictions. In terms of engagement with the TWU, that engagement does continue. We do have dialogue with the TWU on a fairly regular basis and whilst the Dashers are not an organised group within that, as part of the industry we look



forward to continuing that dialogue with the TWU. Mr Fernando, I do not know if you have anything to add on the engagement that you have personally had with the TWU.

**Mr FERNANDO:** No, Ms Burrows, I think you have covered that we continue to have that ongoing discussion with the TWU. Nothing further than that.

**The CHAIR:** We will go to Ms Houssos now, please.

**The Hon. COURTNEY HOUSSOS:** Good morning, Ms Burrows and Mr Fernando. Can I go back to the very tragic death of the rider that you spoke about earlier, which you revealed this morning? How much is the small payment that is being offered to the family?

**Ms BURROWS:** I will take the amount on notice, just because I do not want to be inaccurate. I am happy to provide that. My understanding is it is between US\$10,000 and US\$15,000 as that initial payment, whilst we continue to engage with the family, but I can provide the exact number on notice.

**The Hon. COURTNEY HOUSSOS:** The US\$10,000 to US\$15,000 is significantly less than the WorkSafe amount in Victoria. If a worker dies in Victoria, the benefit amount that was usually paid out from October 2020 was \$834,200. So it is significantly lower.

**Ms BURROWS:** If I can just clarify what that payment is, when we have a tragic incident or a fatality our initial response before we look into insurances or other responses—so it is more an early payment to relieve immediate challenges the family may be facing—is a payment that is made outside of access to our insurance and so forth. That is what this payment is. It is a short-term payment that we made, as we similarly did for the other tragic fatality that occurred in October. That does not preclude access to our insurance policies, which would have a greater payment associated with it. By all means there is no indication here that that is the end of our engagement. It is actually a short-term piece for the family whilst we go through investigations.

**The Hon. COURTNEY HOUSSOS:** And was the death reported to WorkSafe in Victoria?

**Ms BURROWS:** I will take that on notice. As I said, this has only come to light. When the incident occurred last September, I do not believe it was reported, but I would need to check. So let me come back to you on notice just to be 100 per cent sure. But because it was closed out from us and from the family, as the driver having not been on our platform, I would need to just check that.

**The Hon. COURTNEY HOUSSOS:** Just to be clear, Ms Burrows, are you aware of the death being reported since this began? Since you uncovered the death in your preparations to appear before this Committee, are you aware of the death being reported to WorkSafe?

**Ms BURROWS:** I am not aware, so I would like to take it on notice in terms of the actions that have been taken.

**The Hon. COURTNEY HOUSSOS:** Okay. Will you provide us with some more details around the date or the location of the death?

**Ms BURROWS:** Yes, I can. I do have some information to hand. As I said earlier, as we uncover more information, I am very happy to provide the detail on notice. But the information that I do have to hand is that this incident occurred on 5 September 2020, which was a Saturday, late in the evening—so around about 10.55 p.m. to 11.00 p.m.—in Melbourne. It was a car accident and it occurred on the corner of Palmers Road and The Strand. That is the information that I have to hand, but, as I have said, I will take on notice to provide more information on the incident as we have it.

**The Hon. COURTNEY HOUSSOS:** I just want to come back to the question of support for the family. Are you proposing to provide anything more to the family of the man who died if the death was outside that 15-minute window?

**Ms BURROWS:** As I said, we have remade contact with this man's brother this week. I am just looking to get some more engagement so that we can assess what support would be helpful and that we can provide while we go through this assessment. I would have to take on notice what support we therefore do provide, but our intention is to commence engagement. I am personally more than happy to be in contact with the Dasher's brother as soon as we have some more engagement occurring.

**The Hon. COURTNEY HOUSSOS:** Okay. Can you provide us with any further detail? You have said that you do not know if the man who passed away was an Australian national. Are you aware of where his family is, apart from his brother? His brother is in Australia; you told us that. Are you aware of where else his family is?

**Ms BURROWS:** I do not have to hand where the rest of his family lives.

**The Hon. COURTNEY HOUSSOS:** Or where he is from?

**Ms BURROWS:** I do not have that exact detail to hand, but I can provide it on notice.

**The CHAIR:** We will go to Mr Pearson after this question.

**The Hon. COURTNEY HOUSSOS:** Just one final question. I just wanted to be clear. When you talk about the 15-minute window, is that once they have completed the trip or once they have logged off the app?

**Ms BURROWS:** I will just grab that information so that I can be accurate. The time window in terms of coverage is either when the Dasher logs off the DoorDash app or 15 minutes after their last delivery on the app. This is where we are just working through the detail. Obviously we have the data around when the Dasher logged off the app and also when his last delivery was, and we are just working that through.

**The Hon. COURTNEY HOUSSOS:** I will pass to my colleague.

**The CHAIR:** Mr Pearson, your questions.

**The Hon. MARK PEARSON:** Thank you very much. Just for clarification, have the reviews of the two deaths been completely done by your company—your internal review, Ms Burrows?

**Ms BURROWS:** Sorry, can I just clarify? When you say, "Has the review of the incident occurred completely by DoorDash—

**The Hon. MARK PEARSON:** Yes, that is my question.

**Ms BURROWS:** In terms of each of the incidents, we do have an internal review process.

**The Hon. MARK PEARSON:** I understand that, but have they been completed?

**Ms BURROWS:** No. For the October fatality, which is now subject to the WorkCover claim, our internal review is complete and there is insurance available to that Dasher's family.

**The Hon. MARK PEARSON:** Just in relation to the review, was it found that there was any undue duress placed on the drivers by deadlines or pressure to get the meal or whatever it was to the destination? Was it found that there was any undue pressure or deadlines placed on the worker to force them to take any reckless risks to fulfil the deadline or deadlines?

**Ms BURROWS:** No, that was not found in our investigations.

**The Hon. MARK PEARSON:** Can one of the drivers delegate a job to others once they have taken it on via the app?

**Ms BURROWS:** Yes. Mr Fernando, would you be in a position to talk about delegation?

**Mr FERNANDO:** Yes, I can. Thank you for the question. We do allow Dashers the flexibility of subcontracting their work. The same safety expectations are applied to that subcontracted Dasher and it is the obligation of the initial Dasher to make sure that all of those obligations are met.

**The Hon. MARK PEARSON:** Does your insurance cover the delegated person?

**Mr FERNANDO:** Yes, Mr Pearson, it does. The insurance remains automatically activated at the same levels of insurance, and also there are no additional costs for the delegation of that contracted work.

**The Hon. MARK PEARSON:** Thank you very much. That is it from me.

**The CHAIR:** We have one more minute, so I might ask a question unless Mr Banasiak indicates an interest. With respect to the broader safety audit that you referred to, how many serious injuries did it reveal in both New South Wales and in other jurisdictions?

**Ms BURROWS:** Our safety audit went back to the commencement of DoorDash in Australia, which is back to September 2019, and it revealed 41 incidents. I will just grab the information on the incidents.

**The CHAIR:** Just the time period?

**Ms BURROWS:** Yes—since September 2019, 41 incidents. I am just trying to get my information on the classification of those. We had 41 safety incidents raised with us since September 2019. Fifteen of those were classified as serious incidents. Serious incidents would be Dashers who seek medical attention and/or were

hospitalised. Ten of those were car accidents when a Dasher was in a car and then admitted to hospital, and five of those were when they were on a bicycle and admitted to hospital.

**The CHAIR:** Who is your insurance policy with?

**Ms BURROWS:** Our insurance policy is with Chubb.

**The CHAIR:** On notice, are we able to get either a copy of it or an explanation as to what it covers, how it works and how it has been claimed? The final question is: With respect to the known fatality that took place last year, has that family resolved their claim with the insurance company or is that matter still ongoing?

**Ms BURROWS:** That matter is still ongoing and, as I said earlier, it has come as a WorkCover claim over the last week to two weeks. Where we landed in terms of the insurance—the insurance is available to the family at our maximum rate. We have been working with the family for them to—as they are overseas nationals, they need to lodge some paperwork to access that payment within Australia and we have been providing them advice to do that. The last we heard directly from the family, they were preparing to lodge that paperwork so the payment could be made out by Chubb, but to my knowledge that has not yet occurred.

**The CHAIR:** Thank you very much for your appearance. You have taken multiple questions on notice, for which you will have 21 days to respond. Committee members might have supplementary questions that will be put to you in writing, for which you also have 21 days to respond from the date of receipt of the transcript. Thank you very much for your time this morning. We appreciate your appearance.

**(The witnesses withdrew.)**

**KITTY LU**, Compliance and Public Relations Manager, EASI, affirmed and examined

**WILL WANG**, Legal and Investment Manager, EASI, affirmed and examined

**YOUNG HOU**, Drivers Operations Manager, EASI, affirmed and examined

**The CHAIR:** Welcome. I understand that a fourth witness is sick and unable to appear. So that is why we have a panel of three. Would any of you like to start by making a short opening statement?

**Ms LU:** Yes, I will be doing that. Thank you very much. Good morning, honourable Ministers. EASI is honoured to be here, being one of the selected committees participating in today's hearing and to discuss how to create a better future of work towards our industry. EASI is an Australian e-commerce online food delivery platform established in late 2014, providing a marketplace to engage and interact with three groups of users: customer users, merchant users and delivery users. We were founded in Melbourne and came to Sydney in early 2017 as the very first step of expansion and are now operating in 11 cities in Australia, including two in New South Wales—hence Sydney and Wollongong. In New South Wales specifically, EASI has roughly 2,000 registered merchant users and 5,000 delivery users. On a daily basis, approximately 300 to 500 delivery users will be actively online looking for money-making opportunities.

As an e-commerce company, EASI is focused on developing and providing the most vast technology with intelligent algorithms to support and facilitate business transactions conducted through our platform for all three groups of users. On the other note, as an Australian company, EASI understands our social responsibility when engaging people in business and has been working proactively with SafeWork NSW to keep on building a better business environment that helps our delivery users to self-regulate and to stay safe. Throughout the pandemic, every food delivery platform, including EASI, has been a career hub for many who have lost their jobs from other industries and there is no doubt food delivery drivers have been a lifeline to keep the community and other related industries open and running. Hence, in consideration of their safety and wellbeing, EASI shall continue working on necessary improvements and we want to also call out on the Government at the same time to provide more support and infrastructures, including more bike lanes and car park spaces, where required to allow this industry and the gig economy as a whole to grow and better serve the general public. Thank you.

**The CHAIR:** Thank you so much. I might start by asking you just some very basic questions.

**Ms LU:** Sure.

**The CHAIR:** EASI is a food delivery platform that specialises predominantly in Chinese and other Asian food deliveries. Is that correct?

**Ms LU:** Yes.

**The CHAIR:** How many people do you currently have as of today who would be working for EASI?

**Ms LU:** In New South Wales, we have approximately 5,000 registered delivery users but on a daily basis, in consideration to the reality, about 300 to 500 delivery users will be actively online.

**The CHAIR:** Sure. Are the specific geographies of delivery all of New South Wales?

**Ms LU:** We only deliver in Sydney and Wollongong. In Sydney, we do not cover all suburbs but mainly the CBD area, a bit of North Shore and some other areas. We are happy to provide the list of suburbs that we operate in, after the meeting if needed.

**The CHAIR:** Thank you very much. In your treatment of this workforce, are they classified as independent contractors or are they classified as employees?

**Ms LU:** To us, as we mentioned, we are an e-commerce company. So we regarded them as one of our group of users. They use our platform to—looking for money-making opportunities.

**The CHAIR:** Can I infer, therefore, that they are treated as independent contractors from your perspective [disorder]?

**Ms LU:** In our knowledge, we regarded them as users in accordance to our terms and conditions when they are trying to register and accepted.

**The CHAIR:** Do the people who ride for EASI treat this as effectively full-time employment?

**Ms LU:** No. In the nature of this particular industry, I believe all of the delivery drivers have their own control in when, where and how, which platform they want to associate with. Therefore, the majority of time they can work for multiple platforms at the same time.

**The CHAIR:** Sure. Can you tell us what the average remuneration on an hourly basis for a person who rides for EASI is?

**Ms LU:** As we mentioned, because in terms of how we operate, we don't have hourly rates. They are actually calculated by how many orders they completed. Let me quickly explain how EASI operates, if you don't mind.

**The CHAIR:** Sure.

**Ms LU:** When a customer user place an order through our platform, the order will be passed on to the merchant to review. If the merchant decided to accept the order and started preparation accordingly, at the same time this particular order will be throughout our smart and hybrid system to find a delivery user who is committed to perform this particular job. Hence they head to our merchant to pick up the order and deliver to the customer's door step at a timely manner. So the customer users will make a payment on EASI app when they place an order, and then EASI then settle the merchant for their food sales less the platform commission and also settle the delivery user for their delivery service income less platform administration fee. So both settlement normally is conducted in a weekly manner, and both of merchant and our delivery users makes money as per each order they complete. In saying that, our delivery user with EASI in average makes about \$8 to \$9 per order and they normally could complete about four to five orders within one hour generally; it depends on the situation. The reason why is EASI adopts a smart algorithm system which allow delivery users to do two to three pick-ups and drop-offs at the same route at once, which we think is more efficient as well as producing higher value for their time and effort invested in this particular trip.

**The CHAIR:** Do you offer any incentive payments or programs if a rider performs more trips per hour or more trips per set of time?

**Ms LU:** Well, EASI does provide extra subsidies to our delivery users under severe weather or if they travel to a relatively long distance upon real situation and some other special conditions when applicable.

**The CHAIR:** Just to be clear, if a rider performs more than a set amount of trips per hour or per shift, are they entitled to access an additional payment?

**Ms LU:** We don't calculate by hour or by shift. It is calculated as per trip

**The CHAIR:** [Disorder].

**Ms LU:** Not trips. We do have rewarding programs, but we don't calculate by hours or a particular shift or a particular trip.

**The CHAIR:** Can you explain to us what those reward programs are?

**Ms LU:** We are happy to provide you a written reward program document after the meeting if possible.

**The CHAIR:** On notice. That is fine. Since you charge riders an administration fee as well as you charge restaurants an administration fee, what is the administration fee that you charge riders?

**Ms LU:** Ten per cent.

**The CHAIR:** Of what?

**Ms LU:** Of the whole delivery income.

**The CHAIR:** So are riders entitled to a percentage of—how are they remunerated? Do they get a fixed fee per trip? Do they get a percentage of the bill? How does it work?

**Ms LU:** We do have a fixed fee calculation by kilometres. I might not be the best person to explain the whole system. I look after compliance but do not look after the operations myself. Therefore, we are happy to provide you with more information if needed after the meeting.

**The CHAIR:** Sure. I will just ask one more question before I probably pass to Mr Shoebridge. The question is in respect to the workforce, do you provide the opportunity for your riders to either bargain with you directly about what their remuneration is or bargain with you collectively about what their remuneration should be?

**Ms LU:** What do you mean by bargaining with us?

**The CHAIR:** Well, for a rider, is their level of remuneration effectively on a "take it or leave it" basis, or do you actually allow a rider to come and talk to you about what they think they should be paid, either individually or as a group?

**Ms LU:** Currently, our delivery users accept the delivery income they are actually getting—not commission structure, sorry—

**The CHAIR:** [Disorder].

**Ms LU:** —the delivery income. We are happy to take any information from the drivers if they have any requests. We do have communication channels created, both in-app as well as in social media. We do allow people to talk to us, but we haven't been receiving too much negative feedback around how our structures are set up.

**The CHAIR:** Okay. I will pass to Mr Shoebridge, and then we will go probably to Mrs Houssos.

**Mr DAVID SHOEBRIDGE:** Thanks, Chair, and thank you all three of you for your attendance today. As I understand it, EASI made some commitments to SafeWork—or some commitments with SafeWork—about changes to the way in which their app would operate. One of those is a fatigue management reminder. Can you tell me how you have worked out the definition of "fatigue" and how that would work?

**Ms LU:** Yes, definitely. We have been participating in the roundtable workforce meetings over time and fatigue has always been one of the key topics everyone is talking about. We perfectly understand, especially under the pandemic, it is a very hard and stressed condition for people. What we do at EASI is we actually set up a particular function to send out notification to drivers at the eighth hour they have been consistently online, the tenth hour as well as the twelfth hour to remind them they have been online for a long time and they need to take a rest. However, in saying that, because we are an open platform and the nature of this particular economy, this particular industry, actually allows our delivery users to log on with different platforms at the same time, so we cannot determine whether they are working for someone else at the same time. Therefore, what we have been doing is send out reminders to keep reminding them and if we see them being logging on for a long time, we might proactively contact them and suggest it is probably time to take a rest.

**Mr DAVID SHOEBRIDGE:** So if a rider has been logged on for 12 hours, they are still able to remain logged on to the app and accept orders. Is that right?

**Ms LU:** At this time, yes, but generally we do not have a lot of riders consistently be online for such a long time. With our app, we do send out reminders at the eighth hour and tenth hour already.

**Mr DAVID SHOEBRIDGE:** What about if someone has been logged on for 16 hours? Would they still be able to receive orders if they have been logged on for 16 hours?

**Ms LU:** For this particular issue, I think I need to confirm that—Mr Hou can confirm that for us.

**Mr DAVID SHOEBRIDGE:** Mr Hou, you know that answer is yes, don't you—that no-one gets bumped off the app? You know that is the case, don't you?

**Mr HOU:** Yes.

**Mr DAVID SHOEBRIDGE:** So 24 hours, you do not get bumped off the app either, do you?

**Mr HOU:** No, it is maximum 16 hours.

**Mr DAVID SHOEBRIDGE:** Sixteen hours?

**Mr HOU:** Yes.

**Mr DAVID SHOEBRIDGE:** And then how long do they have to be off the app before they come back on again for another 16 hours?

**Ms LU:** Well—

**Mr DAVID SHOEBRIDGE:** Sorry, Mr Hou? This question is for Mr Hou.

**Mr WANG:** May I add a little bit on top of Ms Lu and Mr Hou's answers?

**Mr DAVID SHOEBRIDGE:** By all means.

**Mr WANG:** I think although they open up the app and keep the app logged on, but sometimes it does not necessarily mean they are doing deliveries. They may open multi-platform applications at the same time and we do not know whether or not they are delivering for us just because they are logged on.

**Mr DAVID SHOEBRIDGE:** Well, indeed the hours they are logged on to your app may well understate the amount of hours they are actually trying to work, isn't it? So it actually makes the situation even more concerning, doesn't it, Mr Wang? Almost certainly the chances are it will be underestimating rather than overestimating if people are logging on to multiple apps.

**Mr WANG:** From our perspective, since we cannot monitor if the driver is working for other platforms, we only consider and we can only do the surveillance monitoring of our delivery drivers and their service hours. I may think it is the opposite way just from EASI platform's perspective, because we don't know if they have stayed active to accept orders.

**Mr DAVID SHOEBRIDGE:** I understand you do not know how long people are logged on to other apps.

**Mr WANG:** Yes.

**Mr DAVID SHOEBRIDGE:** But what I am saying to you is that makes the fatigue issue even more significant because in addition to the time people are working for EASI, they are very likely to also be performing extra hours for other apps and it makes the fatigue issue even more significant, doesn't it, Mr Wang?

**Mr WANG:** Up to a point, I agree with you. But if you really need this food delivery industry's drivers to have maybe, say, a fatigue notice or something like that, we are happy to do that.

**Mr DAVID SHOEBRIDGE:** All right. Mr Hou, once someone has been on for 16 hours, they get logged off. Can they then just log on again or is there a waiting time?

**Mr HOU:** No, I just say if they are online 16 hours, our app will remind it is a rest.

**Mr DAVID SHOEBRIDGE:** I am sorry—the app will what, sorry?

**Mr HOU:** It will remind the driver user to rest.

**Mr DAVID SHOEBRIDGE:** So it will be another reminder at 16 hours?

**Mr HOU:** Yes.

**Mr DAVID SHOEBRIDGE:** But they will remain on the app?

**Mr HOU:** Yes.

**Mr DAVID SHOEBRIDGE:** So they could remain on the app indefinitely, just continuing, and there will be, what, eight-hour reminders. Is that right?

**Mr HOU:** Yes.

**Mr DAVID SHOEBRIDGE:** Can I ask you, Ms Lu, how is that in any way a fatigue management policy?

**Ms LU:** Well—

**Mr DAVID SHOEBRIDGE:** How is just simply sending riders reminders but then straight after that sending them further orders in any way an effective fatigue management policy?

**Ms LU:** Well, as a food delivery platform, we are here and we are an open platform. It is sometimes beyond our ability to really control where they have been working elsewhere. For EASI, we do not consider waiting time is their break time. We consider waiting time—so if they are actively online but they are not actively grabbing delivery jobs for us, it is break time for them. They have all the freedom to decide whether they would like to provide their service to users from another platform, which is ultimately the core of gig economy to us as well, which is flexibility. I perfectly understand where you are coming from. I think this particular fatigue management will probably also need every platform to work together and more regulations to be in place because as one company, we won't be able to monitor their whole activity—

**Mr DAVID SHOEBRIDGE:** So would it be EASI's—

**Ms LU:** —apart from our platform.

**Mr DAVID SHOEBRIDGE:** So would EASI be willing to comply with regulations, if they were made, requiring this kind of data to be shared to a common data source and then having compulsory fatigue management processes that come out of that?

**Ms LU:** Yes. We are an Australian company. We are always participating and very cooperative with any regulation to be made, and we are happy to share and comply if there are any further regulations to be made.

**Mr DAVID SHOEBRIDGE:** My last question on this point is have you undertaken a work health and safety review of the fatigue issue? Have you spoken with your workforce and undertaken a work health and safety review of the dangers and the procedures that are needed to protect your delivery riders from fatigue?

**Ms LU:** Well, we are working closely with SafeWork NSW and there is a bit of other work that we are working together. One of them is to build on an agreed consultation arrangement, which means we are going to involve more delivery riders, delivery users, in our future communications to understand their needs and to build up better policies going forward.

**The CHAIR:** We better go to Mrs Houssos.

**The Hon. COURTNEY HOUSSOS:** Good morning, Ms Lu. I wanted to ask you about the sacking of a food delivery driver who raised concerns about worker safety in Brisbane earlier this year. Can you explain why that worker was sacked?

**Ms LU:** Firstly, I probably need to address EASI Brisbane is a franchisee city. Therefore, it is actually not controlled or managed by EASI Australia head office. We are also participating in the investigation process and there is very limited information I will be able to enclose here because it's not managed by us.

**The Hon. COURTNEY HOUSSOS:** What requirements do you have on your franchisees for them to provide a safe working environment for their delivery drivers?

**Ms LU:** I believe every State has different requirements and we are working with them closely to find out if there are any improvements they need to make. I will be more than happy to provide you with more information after the hearing if specific information is needed.

**The Hon. COURTNEY HOUSSOS:** This has been publicly reported that a worker was sacked after raising concerns about worker safety. What is your response to that?

**Ms LU:** We have also been talking with other media inquiries as well. From what we have been hearing, there are other issues involved; there are privacy issues involved there as well. So I do not feel comfortable enclosing this particular information here, but we are happy to provide you with further details after the hearing.

**The Hon. COURTNEY HOUSSOS:** Ms Lu, there was a worker who—Mr Shoebridge has pointed out the long periods that riders are able to be on your platform. There was a rider who specifically raised concerns about worker safety and was then removed from the platform. What are you doing to ensure that workers who do raise safety concerns are not treated in this way in the future?

**Ms LU:** To us, the information that we have received from this particular issue is a little bit different from what they have been accusing. That is the reason why I think this particular matter needs to be—we would prefer to be talked after this particular meeting because the information is not perfectly matching.

**The Hon. COURTNEY HOUSSOS:** Ms Lu, I am asking you about, though, if someone does raise safety concerns, what is the process that you believe should be in place for EASI riders?

**Ms LU:** If that's managed by EASI head office at this point in time, we normally provide our delivery users three counselling sessions and we do provide them communication channels to talk to us. So we do not suspend or deactivate their account straightaway.

**The CHAIR:** Sorry, Mrs Houssos. Do you mind if I just ask a supplementary question there?

**The Hon. COURTNEY HOUSSOS:** Of course.

**The CHAIR:** Ms Lu, you said that the action was undertaken by a franchise of EASI. How many franchises of EASI are there?

**Ms LU:** Mr Wang?

**Mr WANG:** Can I answer this question, Mr Daniel?



**The CHAIR:** Yes, Mr Wang. Of course.

**Mr WANG:** I think there are about 10 franchisees within Australia currently.

**The CHAIR:** Is that franchise organised on a city basis? How do you decide [disorder]?

**Mr WANG:** Some of them are on city basis and some of them may be the State basis.

**The CHAIR:** Okay. On notice, are you able to provide us a list of who the 10 franchisees are?

**Mr WANG:** Yes, I am happy to provide you with the list of all the franchisees after the meeting.

**The CHAIR:** Mr Wang and Ms Lu, are you effectively saying that EASI corporate or head office does not control the actions of their franchises?

**Mr WANG:** Yes, sure, the reason being—as a franchisor-franchisee relationship, we only license them the software and the trademark for them to operate and manage their business. We are totally different entity, legally separate entity, and they have their own directors and they are in charge of the daily management as well as how to interact with the three group of users by the franchisees themselves. We are not liable for managing them.

**The CHAIR:** Okay. But, Ms Lu, when you told us earlier about the thousands of people who have engaged with EASI, are they engaged with EASI's franchisor or the franchisees? Are they directly employed by the corporate office or are they employed by these 10 franchises?

**Ms LU:** The 5,000 registered delivery users was calculated since EASI came to Sydney in 2017, hence it is over a period of time, accumulated for a period of time, which does not reflect in the current status. Again, I am sorry, we don't employ them. They registered through our online platform.

**The CHAIR:** Sure. But who are they registering with? Are they registering with your platform, as in legally you, or are they registering with your 10 franchisees?

**Ms LU:** The 5,000 delivery users we are talking about reflects EASI head office.

**The CHAIR:** Okay. So you set the policies, therefore, around termination of people from the platform?

**Ms LU:** Yes. In accordance to T&C, they accept when they register.

**The CHAIR:** So if you are the people who are determining the procedures for termination, how is it possible that your Brisbane franchise has terminated this person when it is your legal power and your legal prerogative?

**Mr WANG:** Mr Daniel, I will be explaining this question. Our franchisee has its own terms and conditions. You can have a look by going through our website or we can provide you with the document after the meeting. It is—

**The CHAIR:** Mr Wang, does a rider who wishes to access your platform have to enter into a contract with the franchisee or with you or with both?

**Mr WANG:** If the delivery driver is providing his services in the geographical region in the franchisee's area, then during his set-up registration process he needs to read the terms and conditions with the franchisee, not EASI head office.

**The CHAIR:** I am sorry, but I am confused because Ms Lu said that the contract was engaged in with the platform and they are contracting directly with the platform.<sup>1</sup>

**Mr WANG:** Yes, although with the platform, we just divided into geographical regions as we have maybe, say, 10 franchisees within Australia. That's why we need to ensure that, as a separate legally independent entity, we need to make sure they have their own terms and conditions, not all drafted by EASI or EASI's lawyers.

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<sup>1</sup> In [correspondence](#) to the committee dated 14 October 2021 Ms Kitty Lu, Compliance Manager and Public Relations Manager, EASI Group clarified her evidence.

**The CHAIR:** One final question, because I have very rudely interrupted Mrs Houssos and I will pass back to her. Mr Shoebridge was asking you extensive questions about fatigue management policies and other workplace health and safety. Really simply, who is actually in charge of setting the policies that Mr Shoebridge was talking about? Is it the corporate head office or is it the franchisees?

**Ms LU:** For New South Wales specifically, Sydney is operated mainly by our head office. So, therefore, I was the one, as the compliance manager, interacting with SafeWork NSW and these policies were definitely communicated through the head office. Once we have new policies in place, we will share this document with our franchisee cities for their consideration.

**The CHAIR:** But do you not compel them to follow your policies?

**Ms LU:** I'm probably not the best person to answer this question.

**The CHAIR:** Who is? If head office in Sydney sets a policy, does EASI in Brisbane have to follow it when it comes to something like fatigue management?

**Ms LU:** I believe Queensland and New South Wales probably have separate laws and safe work authorities as well. So we respect them to work with safe work in Queensland instead of we giving them command straightaway.

**The CHAIR:** Sorry, Mrs Houssos, if you wanted to finish.

**The Hon. COURTNEY HOUSSOS:** No, thanks, Mr Chair. You just said, Ms Lu, that Sydney is mainly operated by EASI's head office. Do you have a rough idea of how many franchisees are operating in Sydney?

**Mr WANG:** I think we will provide you with all the information about the franchisees after the meeting but as far as I know, roughly it is about three but the accurate information will be provided after this meeting.

**The Hon. COURTNEY HOUSSOS:** So there are approximately three franchisees that are operating under the EASI banner in Sydney and each rider's terms and conditions will depend on which franchisee they have signed up to. There is no standard terms and conditions; there is no requirement from head office about minimum fatigue management or what the arrangements are for the driver. Is that correct, Ms Lu?

**Ms LU:** Again, I normally do not associate with our franchisee cities. However, to my understanding, with Melbourne and Sydney—Victoria and New South Wales specifically—it is predominantly managed by EASI head office. Therefore, in general, they are following all the policies; they should follow all the policies that the head office distributed to them.

**The Hon. COURTNEY HOUSSOS:** Ms Lu, you said that riders are charged an admin fee of 10 per cent per delivery. Is that the only admin fee that riders who register with EASI head office are charged?

**Ms LU:** Yes.

**The Hon. COURTNEY HOUSSOS:** What about a \$400 up-front registration fee?

**Ms LU:** Again, this is not our policy. From our understanding, it was a deposit, but I am very sorry because I do not associate with franchisee cities that much. Therefore, I won't be able to answer you this question.

**The CHAIR:** Mr Wang?

**The Hon. COURTNEY HOUSSOS:** Mr Wang, are you able to answer that question?

**Mr WANG:** You mean \$400 deposit for what? I have never heard of it as to our headquarter.

**The Hon. COURTNEY HOUSSOS:** It has been reported that riders wishing to ride with EASI are required to pay a \$400 up-front fee. You are not aware of that, Mr Wang?

**Mr WANG:** No. Sorry—

**The Hon. COURTNEY HOUSSOS:** Mr Wang, can you explain whether your head office covers riders who would be in Chatswood?

**Mr WANG:** Chatswood? That's too operational and I need to check our back-end system to see whether or not EASI's headquarter or franchisees cover that area. I'm sorry. I'm not the best person to answer that question.

**The Hon. COURTNEY HOUSSOS:** Well, perhaps you can take that one on notice. Ms Lu, are you aware of head office providing—I think we spoke about this earlier—a bonus payment to riders who complete a certain number of deliveries?

**Ms LU:** We used to have a bonus system, yes, and I have been working with SafeWork NSW and we have already updated this particular system to a point and level system that has launched to Sydney. It has been also reviewed with SafeWork as well.

**The Hon. COURTNEY HOUSSOS:** Can you explain then about an incident that occurred in Chatswood, if you are aware of it, where two riders actually got into an altercation that resulted in a rider being stabbed over this \$50 bonus payment?

**Ms LU:** Yes, we are aware of that. From our understanding, it happened at a time both of these delivery users were not on job. So it is after they have already both got offline from EASI, and there is a conflict between them and one of the drivers stabbed the other.

**The Hon. COURTNEY HOUSSOS:** Well, that is not what has been publicly reported, Ms Lu. What has been reported is that they were caught in this conflict because they were desperately trying to get the \$50 additional payment because one driver had completed 32 deliveries and needed to complete 33 in order to get that \$50 additional payment.

**Ms LU:** In fact, in our records as well, which we can also provide you as per evidence, that particular order they were claiming, arguing about has been allocated to the driver and the driver has actually got his bonus. There is an argument between them that we are aware of, in which we also have reviewed our order distribution process, which I can quickly explain to you if needed. I can also—

**The CHAIR:** Maybe on notice if you could provide—

**Ms LU:** Yes, we can provide you with this document.

**The Hon. COURTNEY HOUSSOS:** I am mindful I have taken much time. Thank you, Mr Chair.

**The CHAIR:** Can I just ask very quickly. Are riders for your platform covered by any insurance?

**Ms LU:** Yes. Considering the nature of relationship between EASI and the drivers, platform and users, we don't buy WorkCover for our delivery users but we always put drivers' safety as priority. Therefore, we have purchased a group professional indemnity [PI] and personal accident [PA] insurance from the company called Point Insurance for our delivery users at the company's cost, yes.

**The CHAIR:** We have asked this from other platforms, but can we on notice get a copy of your policy or at least an explanation as to what it covers?

**Ms LU:** Yes, definitely. [Disorder].

**The CHAIR:** Can we also on notice get how many claims have been made on the policy and how many of them have been resolved in favour of a payment and how many in which a payment was declined?

**Ms LU:** Yes, that can be provided.

**The CHAIR:** Have you ever had a rider die or suffer a fatality in any connection to EASI whatsoever?

**Ms LU:** No. Not on any record, no.

**The CHAIR:** Have you had any serious safety incidents?

**Ms LU:** We did have several incidents, which we have also reported to SafeWork NSW, but mainly not major incidents. Some of them are in—

**The CHAIR:** How many notifications—sorry, Ms Lu.

**Ms LU:** Yes, I will be able to provide you with a record that we have kept in the system after the hearing if needed.

**The CHAIR:** Thank you. How many notifications have you made to SafeWork NSW since EASI commenced operations?

**Ms LU:** We have reviewed our incident report system with SafeWork NSW very recently, and after we reviewed the system, we have reported one in the last month.

**The CHAIR:** You had to make an additional report of one?

**Ms LU:** Formally report one, yes.

**The CHAIR:** Can we on notice get a breakdown of the number of notifications that you have given SafeWork NSW by year since 2014 when you commenced operations?

**Ms LU:** Yes, I will have a look.

**The CHAIR:** Thank you. Just on this particular question, have you been issued with infringement notices by SafeWork NSW?

**Ms LU:** We have.

**The CHAIR:** How many?

**Ms LU:** I can provide you with that information but up to now, all the infringement notice has been complied.

**The CHAIR:** Have you reported all incidences which you were meant to report?

**Ms LU:** To be very honest, we have been fined once with the incident that we have not been reporting, and it is on record. After that, we have reviewed the system and we have been practising the newly agreed and updated process going forward ever since last month. So we have been recording every incident that we received to SafeWork since last month, yes.

**The CHAIR:** So for one month since your commencement in 2014 [inaudible].

**Ms LU:** In New South Wales, it is 2017.

**The CHAIR:** Okay. The incident that you did not notify, for which you were penalised, was the stabbing incident Mrs Houssos was referring to?

**Ms LU:** Yes.

**The CHAIR:** Okay. Our time has come to an end there. You have taken multiple questions on notice for which you will have 21 days to provide a response from the date you receive the transcript from the secretariat.

**Ms LU:** Yes.

**The CHAIR:** Equally, there is a chance that Committee members may wish to ask you some supplementary questions in writing for which you will also have 21 days to respond.

**Ms LU:** Definitely, yes.

**The CHAIR:** We thank you for making your appearance this morning and for spending time with us. We will now go on to a break for 15 minutes. I just remind Committee members we will continue to livestream, so you are encouraged to mute yourselves and turn your videos off unless, of course, you wish to have all of YouTube see what you are doing. Thank you very much.

**(The witnesses withdrew.)**

**(Short adjournment)**

**PETER SCUTT**, Co-founder and Chief Executive Officer, Mable, sworn and examined

**The CHAIR:** Mr Scutt, would you like to make a short opening statement?

**Mr SCUTT:** I would. Thank you Chair and Committee members for the opportunity to appear today. I co-founded Mable in 2013 in response to the experience of my elderly parents who lived in Wagga Wagga, where I grew up. They were struggling with home care provided by a large traditional provider and the daily changing roster of workers. It was clear they wanted to choose people to support them from their community—people they could form a relationship with that would allow them to live on their terms with dignity. From the outset, the guiding principle of Mable's approach to aged care and disability support is that we are a safeguarded marketplace that offers choice. That is, choice for support providers, nurses and allied health professionals who want to choose their hours, services, rates and clients, and also choice for consumers who want to select the person who enters their home and who also want maximum say in the design of their care.

Mable is not part of the gig economy. Mable does not set rates, allocate jobs or dictate terms. It does not take advantage of oversupplied and low-skilled labour markets. There is no race to the bottom. Instead, we connect people and give them the power to choose what is right for them. Instead of gigs, we enable relationships which drive better connections between clients and providers. Mable is a leader in what we term the "relationship economy". It is well understood that there is an undersupply of disability support and aged-care workers in Australia and that the sector is broadly struggling to attract, retain and develop the workforce needed right now and into the future. What Mable does to address this problem is threefold. Firstly, we increase the supply in the market by enabling flexibility to allow people who would not otherwise participate to do so. Secondly, our platform helps match carers and consumers, allowing relationships of choice to emerge and improving outcomes for both parties. Thirdly, we facilitate more hours of face-to-face support at higher rates of pay on average, which increases productivity, consumer outcomes and carer income.

Mable is a safeguarded online platform with an accessible environment focused on safety and quality. Our approach is built on the particular requirements of disability support and home care for person-centred support that responds to an individual's unique needs, preferences, abilities and interests, and where relationships enable independence and counter the feelings of disconnectedness and loneliness. It is about giving consumers and support providers choice and control. It is also about making Home Care and NDIS funding go further, enabling more hours of support, ensuring carers receive more of the money themselves and attracting a new workforce to the sector. By enabling people to come together in local communities via mutual choice in a safeguarded, transparent and efficient framework, everyone can be better off. We are proud of what we have achieved. We are open and collaborative and willing to work with governments and the sector broadly to solve these important challenges for the common good. I look forward to answering your questions today. Thank you.

**The CHAIR:** I will start by asking some preliminary questions about the Mable enterprise. Is Mable privately owned or publicly owned?

**Mr SCUTT:** It is privately owned; it is a profit-for-purpose business.

**The CHAIR:** How many people seek the provision of care services through the platform?

**Mr SCUTT:** Today it would be around 9,500 people.

**The CHAIR:** Is that on a daily basis or a weekly basis?

**Mr SCUTT:** That would typically be the number of people engaging over a monthly period, for example.

**The CHAIR:** Are they people who are predominantly requiring aged care or disability care?

**Mr SCUTT:** It is both. It is essentially people who need care and support to live independently in their own home and community and who need to access a diverse set of services in order to do so.

**The CHAIR:** You have been provided with the default contract by the Commonwealth Government for the provision of services in the NDIS. Is that fair?

**Mr SCUTT:** No, that is not the case. We have not had a contract with the Government in relation to that.

**The CHAIR:** What about in aged care?

**Mr SCUTT:** Typically, the way the Mable platform works is to connect people with people. They are people with NDIS funding or Home Care Package funding who come to the platform to connect with small business providers—sole traders predominantly. The contract you are referring to was only in the context of the COVID outbreak last year and the potential for community transmission and the potential for the loss of the aged-care workforce broadly. In that context, because we had some unique capabilities, we were part of the contingent workforce solution that in the event the sector lost the volunteer workforce or the home care workforce or other aged-care related workforces, this was another option for the sector if its usual workforce solutions failed.

**The CHAIR:** Is that contract still in place?

**Mr SCUTT:** It is not.

**The CHAIR:** When did it finish?

**Mr SCUTT:** It was 30 September, I believe, last year; it was during the initial outbreak.

**The CHAIR:** Dealing with 8,000 to 9,000 people who are seeking services, how many people provide services to them through your platform?

**Mr SCUTT:** Visible in search results today, about 11,000 support providers have gone through our onboarding and approval process.

**The CHAIR:** Are those 11,000 people direct employees of Mable?

**Mr SCUTT:** No. Mable enables small businesses, including sole traders, to be able to enter this sector and provide support to people in their local community. I think small businesses have a really significant role to play to help NDIS participants and help people live at home because they operate locally, they are part of their community, they understand their community, they are typically quite flexible and responsive to client needs, and they operate with lower overheads. We see small businesses as playing a really important role in filling the workforce shortages but also being able to support people in communities around Australia because older people and people with a disability live everywhere.

**The CHAIR:** I am picking up from your lexicon, Mr Scutt, that you term the people who are providing labour as "small businesses".

**Mr SCUTT:** They are small businesses and sole traders predominantly, but Mable is agnostic as to how the parties engage. If the parties want to engage via an employment relationship, we can actively support the administration of that relationship.

**The CHAIR:** As a for-profit business enterprise, how do you make revenue?

**Mr SCUTT:** The small businesses on the platform are in complete control of their own business. They decide what services to offer, to whom, when, where, whether to take on clients and the rates they charge. They have complete choice and control, and they agree on hourly rates or fixed rates and the services directly with their clients. When a client or a consumer comes to Mable, they engage directly with service providers in their local community. If they agree on a rate of, say, \$40 an hour, we have a 5 per cent consumer platform fee and a 10 per cent worker platform fee. In that example of \$40 an hour, we would add \$2 an hour and we would deduct \$4 an hour. Essentially our fee would be \$6 an hour and based on what the consumer pays at \$42 an hour, that is a 14.3 per cent margin. Almost 86 per cent of what the consumer pays ends up in the hands of the service provider.

**The CHAIR:** Okay, but it is 14.6 per cent of which—

**Mr SCUTT:** It is 14.3 per cent—the consumer ends up paying for the service.

**The CHAIR:** Are you in a position to tell us as to whether or not, as you put it, the small businesses or the sole traders are performing work as full-time work or for supplemental income?

**Mr SCUTT:** I think the workforce on a platform is as diverse as the people who need support via the platform. We would have people who would be running a small business where they are looking to build out a client base that enables them to work 40 hours a week or provide services for 40 hours a week. Similarly, we would have people who simply want to work flexibly around their other life commitments. These are community-based services and often the people providing those services have family responsibilities or caring responsibilities and they are able to work flexibly in direct relationships with their clients and they may be looking to do five or 10 or 15 hours of services per week.

**The CHAIR:** Do you keep statistics about what is the typical average remuneration that a person who is working full time through Mable would earn?

**Mr SCUTT:** The statistics of what they earn, I do not have off the top of my head in terms of being able to articulate that. But what I have provided in the submission, which I think is indicative of the platform, is that on average, Monday to Friday, people offering social support and domestic assistance type services—help with shopping, meal preparation, help around the house, things that people need to live independently—get about \$37.50 an hour. I think it is now about \$38.50 an hour. People offering personal care type services—they have a Certificate III or a Certificate IV—are typically earning close to \$40 an hour, and that is after platform fees.

**The CHAIR:** You accept, though, that in providing a platform to facilitate the arrangement of work by people requiring aged care and disability, that does come with additional risk.

**Mr SCUTT:** Actually, I do not accept that. I think that if you look at the NDIS as social reform, for example, it is specifically designed to enable people to get the support they need to live a life of their choosing and to be included socially and economically and to not live rostered lives. The legislation was built on the fact that people could self-manage their funding and choose registered or unregistered providers. NDIS participants, for example, can choose anyone to support them, and that is specifically contemplated to improve quality of life. Mable, in that context, is not a risk enabler. It is actually a risk mitigator because it has multiple layers of safeguards in place to allow people to have that level of choice and control intended by the scheme but with safeguards to help manage the relationships that they are engaged in via the platform. Those are things like worker screening, ratings and reviews, incidents and complaints management processes, access to the latest compliance information or health orders and a pathway to learning and development.

All of those things that Mable offers support choice and control in a safeguarded way and we think they are critically important to driving the outcomes of the NDIS and aged care at home. Certainly within home care, Mable operates within that regulatory framework. Somebody coming to the platform with a Home Care Package still has an approved provider that hosts that funding and is responsible for the quality outcomes, but they are also supporting people to have more choice and control over the individuals who comes into their lives in very personal ways and the diverse needs of people in the sector.

**The CHAIR:** How many people per year would you exclude from offering their services on the platform because they are not qualified or alternatively how many have you had to remove in the wake of any complaints or incidents?

**Mr SCUTT:** I guess the broader answer to that question is: If you offer personal care on the platform or nursing services or therapy services, for example, you will need to evidence qualification. In personal care it is a Certificate III or a Certificate IV or an equivalent qualification. With nursing services you have to provide your Australian Health Practitioner Regulation Agency [AHPRA] registration number, which we check with the AHPRA database for example. There is a qualification level of screening for those services. For other services that are important to people who live independently—help with shopping, meal preparation, companionship, engaging in their community—you would not need a specific qualification. You will need police checks, working with children checks, reference checks, for example, but you would not need a specific qualification for those entry-level services.

Our goal is to enable, say, in a rural community, somebody on a nearby farm to be able to support somebody on a nearby farm with accessing their community—buying groceries, for example—and then allow those people to upskill through professional development and accredited training opportunities so they can broaden those services over time and potentially become approved for personal care. With regard to removing people off the platform, it can happen in instances where, for example, they breach the NDIS code of conduct, which applies to anyone providing a service to an NDIS participant. Whether they are an employee or a sole trader, registered or unregistered, that code of conduct applies. If there are material breaches to that or repeated breaches of that, then we would take the action of removing them from the platform and quite likely report them to the NDIS Quality and Safeguards Commission.

**The CHAIR:** But how many have you actually had to remove and then report?

**Mr SCUTT:** I would have to take that on notice, if I may. I do not have that data with me.

**The CHAIR:** Do you know how many complaints you would receive on a monthly basis?

**Mr SCUTT:** We have an active incidents and complaints management process in the sense that we encourage people to report incidents and complaints [audio malfunction]. I just do not have the data on that, and rather than speculate and give you the wrong data I would rather come back to you on notice if that is okay.

**The CHAIR:** Okay. I think we will go to Mr Searle.

**The Hon. ADAM SEARLE:** [Audio malfunction].

**The CHAIR:** Mr Searle, you are muted.

**The Hon. ADAM SEARLE:** How is that? Can everyone hear me?

**Mr SCUTT:** I can.

**The Hon. ADAM SEARLE:** Okay, good. Following up on the questions that the Chair was asking about the disciplinary process, how does that work and what rights do service providers or the workers have to challenge any adverse decisions that you might make about excluding them from the platform?

**Mr SCUTT:** That is a good question. We actively encourage people to report complaints or incidents—that is everyone engaging via the platform—and we have a team that logs those incidents and complaints and helps the parties resolve those incidents and complaints. Principally, those two parties are working towards resolving them and we support them with that process and we try to understand what the root cause of any incident or complaint was in order to continuously improve. But we would take a very measured approach to that. One of the benefits of the platform is that we are able to see feedback that multiple consumers may have provided about that particular service provider. If it is a complaint in regard to behaviour around a client, which can happen at times, we are able to see how multiple service providers have provided feedback on that experience with that client.

We have a rating and review process where we are able to collect a lot of information around the experience of people on the platform. You tend to be able to triangulate and make the best judgement you can. But where, for example, there are codes of conduct that apply in the sector, as is the case in the NDIS, then breaches of that code of conduct are serious. We alert people to the code of conduct when it applies to them. We alert people to the code of conduct training. If they provide evidence that they have done that training, it is on their profile. If there is a breach that was not material, we would ask that they do that training and actually evidence that they have done that training. But anything that was a material breach or a repeated breach, we would have no option but to remove them from the platform and report them to the Quality and Safeguards Commission.

**The Hon. ADAM SEARLE:** How many of these workers have you excluded from the platform?

**Mr SCUTT:** As I said before, I would need to take that question notice because I cannot give you the answer at this time.

**The Hon. ADAM SEARLE:** Thank you. Let us say that you have done this investigation, you have spoken to the service provider and the client and you have reached the view that this person should be excluded from participation on the platform. What sorts of rights does the worker have to challenge that ruling or decision?

**Mr SCUTT:** We have a team of people that make very considered decisions around this. We understand that it is a diverse sector and we want to make sure that we are collecting enough information to make the right decisions, but we are essentially also guided by the codes of conduct that exist in the sector. They are there for a reason and we—

**The Hon. ADAM SEARLE:** Sure. But, Mr Scutt, none of that answers my question. When you make the decision to exclude a worker from the platform, what rights, if any, does that worker have to challenge that decision or is that simply the end of the road for them?

**Mr SCUTT:** I think they would escalate it. If there was a challenge around that, it would get escalated up the organisation and we would make the best decision we can, balancing the welfare of all parties. We want to balance the welfare and the rights of everyone that engages via the platform. We are not heavy-handed around this. We are not unthoughtful about the best way to proceed to safeguard people who are engaging via the platform.

**The Hon. ADAM SEARLE:** Can you provide us any documentation you have got around those processes? I am still not getting a very clear picture from you about what happens when Mable makes a decision to exclude a worker and whether that worker has any rights of appeal or how many opportunities they have to put their case. It does not really matter what the answer is, I am just interested to know what it is. I am not hearing it from you.



**Mr SCUTT:** Happy to take that on notice.

**The Hon. ADAM SEARLE:** Okay. Referring to the payment, the person purchasing the services pays the money to Mable. Is that correct?

**Mr SCUTT:** The Mable platform—what happens is they document an agreement via the platform if they reach a decision to engage in services. Once a service provider completes a service, they will log that via the platform where they will log the service. That will go to the consumer for acceptance or rejection; they will work out whether they have any issues around the service that has been logged. As soon as that is approved, the platform will generate an invoice collection on behalf of the service provider and the platform will collect payment on behalf of that service provider. It is actually an entity called Mable Payment Services; it collects payment on behalf of the service providers on the platform. That allows us to collect payment from however the consumer holds their funding. Whether it is through a particular approved Home Care provider, whether it is through a particular plan manager, whether they are self-managing their NDIS funding, payment will be collected from the consumer's source of funds after we verify that that source of funds will pay the invoices generated by the platform. We do a payment run to workers every day for all invoiced amounts collected the prior day.

**The Hon. ADAM SEARLE:** The consumer pays the money to you and you pay the money to the service provider.

**Mr SCUTT:** [Disorder]. Yes, as agent for the service provider. The platform simplifies that because consumers could be coming with different types of funding, with different plan managers, paying privately. It is a service that makes it easier for those small businesses to verify that the clients have funding and a willingness to pay for these services and simplifies the collection of that payment because of the ways that these sectors operate.

**The Hon. ADAM SEARLE:** If any of the service providers are injured during the course of providing this work, does Mable have any overarching insurance policy or is that a matter for them as a—I think you used the term—small business provider to look after their own injury insurance if they are injured?

**Mr SCUTT:** We have been quite thoughtful about this. In fact, when we first opened up the platform and onboarded the first 50 workers in December 2014 and then in January started to enable people to come to the platform, on behalf of the support workers on the platform and the providers on the platform we worked to put in place insurance policies that covered public liability, personal accident, professional indemnity and medical malpractice cover. If they are providing services via the platform, they have the benefit of those policies. There is information about those policies widely available on the platform. They were provided by Zurich Australia initially and now are provided by Berkshire Hathaway.

**The Hon. ADAM SEARLE:** Are you able to provide to the Committee any documentation to give us a sense of the benefits that that policy provides?

**Mr SCUTT:** Yes. As I said, there is a link on our platform to all of the information around insurances. I am happy to provide that in summary.

**The CHAIR:** How many people have made claims?

**Mr SCUTT:** Claims history is relatively positive. As we have always thought, when people are empowered and taking responsibility running their own small business, they tend to rise to that opportunity and so the claims history, I think, has been relatively good. But I just do not have that data; I would have to come back to you.

**The CHAIR:** Mr Scutt, I accept that it is your view that it is good, but it is hard for us to take you at face value if we have not got the data.

**Mr SCUTT:** But I do not want to give you the wrong data. It is not data that I have with me today but I am happy to provide it.

**The CHAIR:** Can you give us an estimate as to how many people would be claiming per month or per year?

**The Hon. SHAYNE MALLARD:** He has taken it on notice, Mr Chair.

**The CHAIR:** I am just pushing, Mr Mallard.

**Mr SCUTT:** I am happy to take it on notice and give you the right data. I would rather not speculate and give the inquiry the wrong data.

**The Hon. SHAYNE MALLARD:** Mr Scutt, thank you for your submission. I apologise for being a bit late to this. There are two parallel inquiries plus overlaying meetings. It is getting pretty hectic today. From your submission, I note that you are essentially providing a digital platform for small businesses as opposed to individuals and you are providing a service that is different to dropping off pizzas. You are providing a very intimate human-based service—care at people's homes and so forth. Can you just outline that issue of small businesses that you are supporting on the platform? I also want to go to the issue of your competitors and what model they have.

**Mr SCUTT:** I am happy to provide an answer. As you would be aware, the workforce shortages in these sectors have been described as chronic. The direct care workforce in aged care has to go from about 240,000 today to almost one million people by 2050. I think almost 80,000 support workers need to enter the disability sector in the next few years in response to the NDIS and the actual people in services need to be much more diverse than what we have had historically. We are talking about a fundamental social reform that shifts disability support from, for example, support to live. One person with a disability described it to me like this and I think it is powerful. The old system was about support to live; the system under the NDIS is support to live a good life and to be included, and so the types of support need to shift and the types of people. It might be support to live independently, to find a job, to study or to pursue my passions. This is all about engaging a new workforce, and the NDIA is really trying to change the perceptions of disability support work.

We know that there are people in communities across Australia willing to support people in their community if they can do it flexibly and on their terms. We know there are a lot of people who are recent retirees who have enormous life experience that they can share with a person with a disability who wants to live a good life. Opening up this sector to small businesses and sole traders we think is actually critically important to the success of the scheme and the success of consumer directed care and home care. Small businesses have these incredible capabilities around operating locally, knowing their community, being flexible and responsive, being creative because they have got niche businesses and operating with lower overheads. When people talk about where the workforce of the future is going to come from and they talk about immigration being the only solution, we are also saying, "No, the workforce will come out of communities everywhere if you offer them empowerment and the ability to be valued and earn more and have flexibility." Opening up this sector to small business, which is the backbone of the Australian economy, I think is critically important.

Mable offers a technology platform, a data safeguards platform that enables small business to enter this sector. It is a marketing channel for them, it is a safeguards framework, it creates administrative efficiencies and it is a pathway to learning and development. That is the model and I would say that in these sectors, mixed models and diverse models are critical. People have diverse needs; people that want to provide support have diverse needs. We need mixed models so that everyone gets a chance to participate with choice and control. That is the model we are really focused on and we think it plays a critical role. I think without models like Mable you will struggle to find enough to people to staff the support that is needed by older Australians. You will not find the diversity of people that people with a disability need to live a good life.

**The Hon. SHAYNE MALLARD:** About a year or two ago I was on the NDIS inquiry and I noted that the services in the package that you can negotiate could include artists or renovations to your house or gardeners. Is that the sort of area that you are going into?

**Mr SCUTT:** Yes, I think that most people perceive disability support or aged care as more of the clinical piece of that or the personal care piece of that. But specifically in the aged care royal commission, they are talking about quality of life. People want to live a life with meaning and purpose in their own home and still want to be engaged. The support people need in the Home Care Package can be everything from "I still want to be able to go weekly to the bridge club I always used to go to and meet my friends. I do not want to be left alone," so finding someone who loves bridge that can go with you; to "I still want to be involved in my church on a Sunday, so finding somebody from my church who can take me to church and who is really part of my community."

That is critically important for that quality of life and to avoid this loneliness and disconnectedness, and it is the same for disability. People want to live a life of meaning and purpose and inclusion, and that is different for everyone. If I have a passion for music and I would love as a person with a disability to go to a music gig when we hopefully finally can, then you would rather a support person that truly shares that passion and you do those things together. You might have a bigger team of people doing very specific things for you. But it is certainly not

all about personal care; it is about the support you need to live a life independently and be included to live a good life.

**The Hon. SHAYNE MALLARD:** I think one of the concerns coming out of the gig economy is the depersonalisation of the interaction of the worker with the platform, which seems to be some sort of remote entity, and the consumer. I note in your submission that you are essentially saying you are not really what we would call a traditional gig economy provider. You are providing an intimate human service. At your organisational level, what is the level of human engagement with the platform and the providers? Related to that, I heard that this was a criticism of this platform or this notion of a platform: Say someone does go with someone to the church but then says there is a depression issue that needs to be dealt with, how do they red flag that for another provider to pick up on?

**Mr SCUTT:** I guess there are a few questions there that I will try to make sure I cover. I think one of the first things to understand is the different nature of platforms. Because they are a platform and they are online, they operate very differently, and so it is generally understood—certainly the Victorian on-demand workforce inquiry teased this out really clearly—that there are platforms that are more vertical in nature in the way they operate versus horizontal. A vertical platform is typically the rideshare platform or the food delivery platform where the platform itself is inserting itself between the users and they are setting the terms, including price. They are dictating the terms of the engagement. That is very different to the horizontal platforms, which enable the parties to connect directly. Again, when a consumer comes to Mable looking for support, they are not engaged with Mable directly, they are engaging with the small business service providers in their community that they are finding through search or posting jobs and they are working it out together.

But what Mable wants to do is to let people know that we are only a phone call away in the sense that if they need help navigating that platform, they can call and there is a support team here that will provide that level of support. If you are a service provider on the platform, they belong to close Facebook groups. They are regularly in contact with each other. In fact, there is really interesting functional discussions about what people should charge and how to value themselves. They are obviously connected to other providers and often work in teams. The platform is quite different, and, fundamentally, it is not a transactional site. It is not about one-off transactions; it is about relationships that form on the things that matter to people. I think that is very different and important to the outcome for both parties.

Again, it is all about choice. There is a shortage of workers in the platform. If you want to engage in the sector being an employee of a care organisation, there is plenty of opportunity to do that. There is a shortage of workforce. But we are also enabling people choosing to engage in a different way to come into the sector. Keeping in mind, for example, that many of the consumers who come into the platform with a Home Care Package have an approved provider that is responsible for those care outcomes, have a care manager working on the individualised care plan in keeping in contact with that consumer and actually can have a login to the Mable platform. They are connected to their clients using the platform; they are connected via their clients to the service providers. They are engaging; they can see ship notes; they can be informed of incidents and complaints. They actually can support their client.

**The Hon. COURTNEY HOUSSOS:** Thanks for your time, Mr Scutt, and for your submission. You talked about the process of a 5 per cent consumer charge and a 10 per cent—I missed the name of it.

**Mr SCUTT:** The provider platform fee. The consumer platform fee is 5 per cent and the provider platform fee is 10 per cent.

**The Hon. COURTNEY HOUSSOS:** Do you monitor those rates to ensure that they are to award wage?

**Mr SCUTT:** We do not set rates on the platform. We are not trying to dictate rates, and what we see is service providers being very capable in setting their rates in conjunction directly with their clients, like any other small business. What you can see are those average rates that I have shared in the submission which over time continually increase. One of the, I guess somewhat, criticisms of some of those vertical-oriented platforms I talked about earlier with food delivery and rideshare is that often the provider of that service cannot advance themselves. They cannot change the terms of their engagement and so often they are forced into squeezing in another delivery, for example, to try to advance themselves. Whereas, because they are genuinely running their business via Mable and often outside of Mable, they are able to invest in their learning and development and they are able to delight their clients to get positive ratings and reviews and raise their rates. They are able to advance themselves. It is a model that is allowing people to value their services and to set those rates directly.

**The Hon. COURTNEY HOUSSOS:** Yes, I understand what you are saying, Mr Scutt. You do not actually monitor the rates that are being paid. You talked about how you do police checks and other various checks, but you do not actually monitor those rates that are being paid.

**Mr SCUTT:** What we do is that via the terms of use we ensure people do not engage at less than \$25 an hour as a layer of protection. But also what we are trying to recognise is the diversity of services that are engaged via the platform and it relates to what I said earlier. It is not just about personal care or people, if they are employed, who fit under an award. This can be somebody providing companionship to a neighbour. It can be somebody engaging in sports with a young boy with a disability—a uni student kicking round a football after school or taking them to watch a football game on a Sunday. It can involve some gardening; it can involve personal training. There is a wide diversity of services on the platform and we are trying to give the community as much flexibility as possible to agree to how they engage and the rates they engage at. What is clear is consumers really value the people that support them. They want them to be valued and they want them to be fairly paid. There is a shortage of workforce and that is why we continue to see average rates rising.

**The Hon. COURTNEY HOUSSOS:** On the ongoing relationship between consumers and providers on Mable's platform, do you do any tracking of that? Do you map to see whether most of your providers or your workers have a longer-term relationship or whether it is a shorter-term relationship?

**Mr SCUTT:** We do not necessarily track the length of relationships as such because it is a diverse community that engages. For example—and these are real examples—if I am a person with a disability and I am travelling to Brisbane to attend a family funeral, I might be engaging somebody to support me in Brisbane over that weekend. That might be a very short-term engagement versus living in my hometown and building out a team to support me. Some of the supports may be on a particular basis where I want to engage somebody to help me prepare myself for work. That could be a three-month process of how to write resumes and what to expect versus somebody that might engage somebody for ongoing personal care. It varies and in some cases people with a disability really value a stable team and in other cases relationships might expire naturally over a six-month period. It is a diverse set of needs and services and it is difficult to draw a conclusion. It is not traditional personal care. It is not limited to that although that can be a component of it.

**The Hon. COURTNEY HOUSSOS:** You cannot provide us with any insights about what the average length of the engagement would be.

**Mr SCUTT:** I honestly cannot provide you with that. I could take it on notice and see what information I can provide. But, again, it is just difficult to draw any specific conclusions because of the diversity of services that are facilitated via the platform.

**The Hon. COURTNEY HOUSSOS:** I understand. Have you sought to engage any of the relevant trade unions like the Australian Services Union, the Health Services Union or the Australian Nurses and Midwives' Association?

**Mr SCUTT:** I have not had specific engagement with them. I have certainly been involved in conferences where we have been on panel discussions together. Often I think we are all on the same side in terms of improving outcomes for people who provide services in this area. It is so critical that the people who provide these services are valued, feel well remunerated and work and provide services on good terms. Certainly, we are absolutely aligned around that but we also recognise the importance of these diversity models. We will really struggle to give people a good life and attract the workforce we need if we do not have mixed models. In the way we operate our model we are very much built around quality and safeguards respectful of the regulatory environment. The future of this is about improving outcomes to all sides that engage via Mable. We have not had any direct engagement but certainly we would be open to it.

**The CHAIR:** Mr Scutt, earlier in your evidence you made the point that you facilitate the opportunity for skills development and workforce development. Does Mable pay for skills training or workforce training for any person who uses your platform?

**Mr SCUTT:** We do a number of things. One is that a support provider that is approved by the platform gets access to our learning hub. There are 140 professional development courses that are made available free of charge, working with subject matter experts like Dementia Australia and La Trobe University. People can get foundations in disability support through to upskilling in autism or dementia so they can have that professional development pathway. We have also been working closely with the VET sector to make some of the subsidised accredited training opportunities available to small businesses on the platform because the State governments are funding a lot of that training and trying to upskill people. It is a goal of government to upskill the workforce.

**The CHAIR:** Indeed, but I am wondering: Do you provide remuneration for people who wish to undertake that training or is that taken on their expense and time?

**Mr SCUTT:** No, I think this is how small business advance themselves. They invest in themselves and in their capability and skills to be able to improve the services and ultimately be better remunerated. One of the great things—and you are probably aware of this—is that only 38 per cent of people who start a Certificate III, for example, complete it. They realise that it is not for them. But workers on our platform running their own small business are actually very motivated to invest in themselves.

**The CHAIR:** Sure. Mr Scutt, in respect of your interactions with workplace health and safety regulators, does Mable consider it has obligations under workplace health and safety laws?

**Mr SCUTT:** The workplace health and safety laws I think are intended to make sort of risk and safety everyone's responsibility. They are far-reaching and encompassing. I think everyone has a [disorder].

**The CHAIR:** Sure, but do you consider yourself to be a person conducting a business or undertaking [PCBU] with legal obligations to act in accordance with the requirements of workplace health and safety laws?

**Mr SCUTT:** If you look at the engagement of support by a person with a disability, multiple people would be PCBUs. For us as the operator of the platform, we would be a PCBU. The provider of the service would be a PCBU. [Disorder].

**The CHAIR:** True, but I am asking you specifically, how are you acquitting your obligations as the PCBU each time a worker is entering the home of a person requiring care and assistance?

**Mr SCUTT:** We have a role to play as an operator of the platform around work health and safety and we have certainly done reviews that look at the risk of people engaging via the platform. We have a continuous improvement culture; we have a culture of risk mitigation and identification—all the things that you would expect a company that takes work health and safety seriously from its own perspective and from the people providing service via the platform. For example, via the platform we provide codes of conduct and tools that help them make an assessment of the environment they are working in. When you look at the learning hub, there are lots of courses around work health and safety that small businesses can do to upskill [disorder].

**The CHAIR:** But do you have health safety representatives under those laws?

**Mr SCUTT:** Because of the nature of that question, I might have to take it on notice to answer that specifically and correctly.

**The CHAIR:** Thank you. Have you had to provide any notifications to SafeWork NSW of any incidents that you have become aware of?

**Mr SCUTT:** I am not aware that we have, but, again, I might take that on notice just to make sure I am giving you the right answer.

**The CHAIR:** Have you had to make any references to police for any criminal behaviour that has come to your attention?

**Mr SCUTT:** Again, I will take that on notice and make sure I give you the right answer.

**The CHAIR:** But are you aware of any?

**Mr SCUTT:** The only incident I can recall is where there has been a criminal matter discussed with a client and they were reluctant to report it and we reported it because we were aware of the incident and allowed the police to decide what to do with that. That is the only incident that I can recall, but I do not have the details around that specific—

**Mr DAVID SHOEBRIDGE:** I would like to thank you for coming, Mr Scutt, and for your submission, which actually was thorough and informative. You say that 50 per cent of the providers you work with are new to the industry. How do you ensure that they have the capacity and the checks and balances in place to work with, particularly, vulnerable people?

**Mr SCUTT:** That is a good question. People with a disability have long been wanting to engage people from their community to support them. One of the great things about Mable is it is attracting a new workforce. The workforce goes through a series of screenings—police checks, working with children checks, reference checks, et cetera. They are also directed towards the NDIS code of conduct training so they learn more about the sector. Once they are approved, people are able to engage them and provide a lot of feedback around that

experience. Again, when somebody is engaging somebody to share with them some skills around living independently and it is a recent retiree, then the person engaged in that support would find it difficult to engage with the traditional sector and may not even want to engage somebody that comes with disability training because they are actually looking more for life experience in that situation.

**Mr DAVID SHOEBRIDGE:** But if they are new to the sector, they do not have a work history. That sounds to me like you get a police check and that they confirm that they are willing to be bound by the code of conduct. But in ensuring that they are able to provide assistance safely and effectively to a particularly vulnerable cohort, what are the checks and balances that you have in place? Or do you say that is not your responsibility, that is ultimately the responsibility between the client and the provider?

**Mr SCUTT:** Again, it depends on the nature of the services. Personal care absolutely need to have qualifications; there is a high level of touch. They absolutely need to have qualifications and that is strictly applied. Within personal care, if you want to offer assistance with medication, you have to show that module of learning. There are a lot of safeguards built into that piece. This is widely the approach in the disability sector: There are diverse disabilities and if you are looking for somebody who has a genuine passion for music to support you to go to a music event, then the people with a disability are saying, "I do not necessarily need somebody with a qualification. In fact, I want somebody who has a passion for the things I share and I have the capacity to judge whether that person can support me in the way I need to attend that event." Again, the NDIS is founded on a level of choice and control and the assumption of capacity for people being able to make decisions about their lives and their support. We put layers of safeguard around that, but the actual judgement of what is right for you has to be with the person in that situation, and there are safeguards in place, again, if it is personal care.

**Mr DAVID SHOEBRIDGE:** If something goes wrong, do you accept responsibility?

**Mr SCUTT:** We have a role in terms of making sure the safeguards are in place across the platform. We take that really seriously. We have a multi-layered approach. I think it goes well beyond the regulation. As a platform we can actually provide a series of safeguards. But the actual service provision on the platform is provided by the small business owner. We absolutely want to do everything we can to ensure quality and safe outcomes and that is why we take our role so seriously in our how we run the platform.

**The CHAIR:** Mr Scutt, thank you very much for taking the time to appear today and for putting in a submission, which, as other members have pointed out, is quite comprehensive. You have taken a number of questions on notice and you have 21 days from the date you receive the transcript to provide answers to those. In addition, you might receive some supplementary questions from members and you also have 21 days from the date of receipt to answer those. We thank you very much for joining us.

**(The witness withdrew.)**

**NATALIE LANG**, Branch Secretary, Australian Services Union (NSW & ACT Branch), sworn and examined  
**ANGUS McFARLAND**, Assistant Secretary, Australian Services Union (NSW & ACT Branch), affirmed and examined

**GERARD HAYES**, New South Wales Secretary, Health Services Union (NSW, ACT & QLD), sworn and examined

**LAUREN HUTCHINS**, Division Secretary, Aged Care & Disabilities, Health Services Union (NSW, ACT & QLD), affirmed and examined

**The CHAIR:** Thank you. We welcome our next set of witnesses, which is a panel of trade unions with representatives of the Australian Services Union and the Health Services Union. We now will give each organisation the opportunity to make a short opening statement, if you wish. Mr Hayes has volunteered to go first. Please make your short opening statement.

**Mr HAYES:** Thank you, Chair. What we are very interested in at the moment is that technology assists the human function, it does not replace the human function. We are starting to see around the world more interest in artificial intelligence [AI], robotics, and a range of things like that. We are focused today predominantly on aged care and we are seeing an aged-care crisis that has not only been clearly identified throughout the aged care royal commission, we are now seeing it being exemplified through the pandemic on a whole range of matters that have been subject to under-resourcing, underfunding, and looking at ways of dealing with elderly Australians living in aged care without dignity as opposed to trying to facilitate the appropriate human interaction.

We are looking at different sorts of platforms that connect workers with end users without any major responsibility taken along those lines. I think we can shortsheet elderly Australia only so long. I think we are at a tipping point that has been clearly identified through a royal commission and exemplified through a pandemic. I think what we can do to go forward is ensure that the resourcing is in place to be able to treat people with dignity as opposed to continually relying on platforms and other areas to deal with the financial bottom line and get people who are existing in aged care—not living, existing in aged care—to be able to be somewhat comforted. Thanks very much.

**The CHAIR:** Thank you, Mr Hayes. Would either Ms Lang or Mr McFarland like to make an opening statement? You are on mute, Ms Lang. I am sorry, Ms Lang, you are still on mute.

**Ms LANG:** I am not on mute now. That is working?

**The CHAIR:** Yes.

**Ms LANG:** Great. The old to turn it off and turn it on again trick. Works every time. Thank you, Committee. The Australian Services Union [ASU] is the union for non-government, community and disability services in New South Wales. This includes workers in the National Disability Insurance Scheme [NDIS]. I want to speak with the Committee about three key problems that we see with the rise of the gig economy and platform providers in the NDIS.

First problem: The NDIS is meant to provide one in five new jobs in New South Wales over coming years, yet the NDIS features one of the highest levels of insecure work in the economy. There are less than 15 per cent full-time permanent jobs in the NDIS; 40 per cent of the jobs are casual; the rest are permanent part-time. No platform provider in the NDIS provides paid leave or permanent jobs for NDIS workers. This is a particular problem when the Doherty Institute report into ending lockdowns is based on high vaccination rates combined with ongoing test, trace, isolate and quarantine [TTIQ]. How are NDIS services, platform providers in particular, going to be able to sustain services with no leave or support for workers expected to regularly TTIQ in one of the professions with the highest occupational exposure rate?

The second issue is that there is no requirement for any training or professional development under the NDIS despite it being a heavily regulated system in many other respects. For example, there is a code of conduct that workers can be fined or banned if they breach but there is no requirement that workers undertake any accredited training program about that code. Not only is there no requirement for training, there is no ongoing professional development for the sector that is meant to provide a wide range of services to meet the diverse needs of people with disability. How can the NDIS reach its promise when the gig economy workers in the NDIS are not supported with access to quality accredited training on the job?

The third issue is that wage suppression and fraud in the system exist. Disability supports under the NDIS are priced by the National Disability Insurance Authority [NDIA] based on assumptions about the relevant minimum award pay rates. The problem is that there is no corresponding obligation for NDIS agencies to pass on to their workers the minimum rates of pay. So we see platform providers in particular undercutting the minimum wage and pocketing the difference, effectively ripping off people with disability and the taxpayer simultaneously. These problems can be solved via an enforceable safety net and a portable entitlement scheme in the NDIS.

Portable leave, especially isolation leave in the COVID world, is critical for all NDIS workers to access. It could be implemented via portable leave schemes that already exist in New South Wales and other States. Portable training would also provide workers with the opportunity to accrue training credits with TAFE as they work in the NDIS to build training and qualifications over their career. This would strengthen the NDIS and the supports available to participants. Finally, a simple regulation that required NDIS agencies, including platform providers, to pass on minimum wage increases to their workers would ensure that wages are not suppressed in the disability sector and would level the playing field between platform and traditional providers, most of whom already pay award minimum rates. Thank you, Committee.

**The CHAIR:** Thank you, Ms Lang. Ms Lang and Mr Hayes, if possible, can you email a copy of your opening statements, if you have one, to the secretariat. That will assist Hansard. Thank you. I will kick off with some basic questions. Ms Lang, you made the point that there are, as you put it, platforms that are undercutting the provision of the minimum wage in the NDIA. Which platforms are you specifically referring to?

**Ms LANG:** There is a host and it is an ever-emerging field. Unfortunately, a number of those platforms were given particular prominence during the COVID pandemic last year when the Federal Government promoted them on their website for surge workforces. I am speaking about platforms such as Mable or Hireup for example, and there is a host of others.

**The CHAIR:** Mr Hayes, is it your view that the platforms pose or present a similar problem in the aged-care sector?

**Mr HAYES:** Yes. I think our view would be consistent with Ms Lang's view that particularly platforms like Mable, when they are charging 10 per cent service fees and taking no real responsibility for the engagement of the employee or any ongoing issues for the employee, or indeed the end user, they are a major concern going forward.

**The CHAIR:** It is the case, is it not, in the aged-care sector and the NDIS that if a person is engaged through a contract of employment, they are remunerated on a time basis—by the hour?

**Mr HAYES:** Yes.

**The CHAIR:** It is not on a trip or a performance basis, is it?

**Ms LANG:** That is not piecework.

**The CHAIR:** No. Can you explain to us what the difference is between structures that remunerate people according to effectively piecework for some minimum hour in terms of whether or not that results in all workers being paid for all services that are performed?

**Ms LANG:** What we see in the NDIS is that there is a very significant proportion of the work that is undertaken by NDIS workers that they are not remunerated for at all. Often it is simply the direct face-to-face work that they are being paid for, but we know that issues like case notes, reviewing people's support plans, behaviour support plans—restrictive practices are of course prohibited in the NDIS, except for when they are encompassed in a behaviour support plan. So for workers to be able to execute their duties with the level of compliance with regard to the regulations for things like the code of conduct, then there is a lot of work that needs to happen prior to and after that direct face-to-face service provision. Those are the areas where we are seeing workers not being remunerated for.

**The CHAIR:** Mr Hayes, can you explain to us what it means for an elderly person in need of aged care to have access to the services that are provided through effectively piecework?

**Mr HAYES:** What we are seeing in aged care, and it has been clearly identified, is that there is a lack of follow-through and it is an indicated resourcing in aged care. So having these sorts of platforms coming in as an agency or a backup perspective, you are barely getting engagement, let alone getting the full follow-through in relation to the residency. It has been raised recently by the health Minister that, you know, for aged-care residents this is their home. So taking people out of their home is something that is destabilising for aged-care residents. So



also bringing people in who are not fully understanding of the routine and those sorts of things is a major concern as well.

So what we are seeing effectively at this point in time is that not only is it difficult to get agency work, but if people are coming in in relation to some of these platforms, the bare minimum is being done. The follow-through, the reporting, the proactive working relation to identifying risks, hazards and so forth or indeed reporting on any kind of clinical or observing any kind of mental health change is just not there and it becomes a very transactional relationship. That is not something that the aged-care residents or indeed the aged-care industry is going to be able to deal with in the longer term.

**The CHAIR:** Did the panel or any members of the panel have the opportunity to see the evidence provided by Mable prior to this session? No. The view that we heard was that they provide a platform, which I guess is typical of other platforms, in which they provide the opportunity to connect people in need of help with, for want of a better term, small businesses, sole traders and other entrepreneurs who are practising their business skills. Is that a fair way of characterising the provision of labour through these platforms?

**Mr HAYES:** Lauren Hutchins might have a good view on that and a comparison, actually.

**Ms HUTCHINS:** Absolutely not. I mean, in terms of the work that is being performed, to say that this is—Mable has given evidence, and I believe it was in the royal commission, where they described those entrepreneurs as their actual customers. Let's be very frank about this. These are care workers who are providing the most intimate care to people in their homes or, as we saw last year, in COVID-positive residential care facilities, which is an incredibly dangerous workplace for both residents and for workers. To say that this is just small businesses setting up to sell a service is absolutely a very convenient definition on their part and it allows them to negate their responsibility to both the worker—and let's be honest, the worker—and the end care recipient. They can just say, "All we're providing is some IT here and we have no responsibility to either client nor worker."

**Ms LANG:** If I can add, we also need to consider this from the frame of what services are being undertaken here. We are not talking about discretionary spending on a meal. We are talking about really essential services. That is why the government funds those essential services. That is why the governments fund aged care and disability, as governments should. The issue is that when we see the commoditisation of work and of service delivery, we see the buck being passed about who takes responsibility for ensuring that work is carried out to an adequate standard, that we have a whole safety net that wraps around really vulnerable members of our community who rely on these services. Whose role is it to be looking out for where there is potentially shortfalls in the quality of care that is being provided? Who is it that is able to look at and advocate for the needs that are perhaps being overlooked by vulnerable people who rely on these services? This idea that "I am simply a middleman and there are small business entrepreneurs at the other end" is actually fairly negligent when we think about the down-the-river implication of quality services for people who are relying on quality NDIS and aged-care services from the government.

**The CHAIR:** I invite the Hon. Mark Pearson to ask questions now and then we will go to the Hon. Courtney Houssos and then to Mr David Shoebridge.

**The Hon. MARK PEARSON:** Just for some clarification, we have the provider being engaged with a person who is seeking service and then they engage the service to be given. Is there any monitoring or feedback that is obtained from the recipient of the service by any independent body and also any independent body who oversees the quality of care that is provided by the worker?

**Mr HAYES:** In the—

**Ms LANG:** One of the—sorry, Mr Hayes.

**Mr HAYES:** That is all right. Away you go.

**Ms LANG:** One of the issues that we see in the NDIS is there is a significant gap in the regulation of the scheme. There is a Quality and Safeguards Commission. There are registered providers and there are also non-registered providers, which is what we largely see in operation in the gap platform gig-based service provision area. We cannot have regulation and compliance with professional and quality standards to be something that you opt into or you do not opt into when we are delivering really essential services to vulnerable members of the community. I think that puts everybody at risk.

**Mr HAYES:** And I think it is fair to say that aged care is exactly the same. There is a quality oversight in terms of the commission, but getting to that point on a micro level is very difficult. We have seen recently on

the South Coast that we have had issues of one aged-care facility that could not get agency staff at all due to where COVID is now and relying on some of these platforms. These platforms, people have not turned up or if they have turned up, they have chosen not to go through with the contract, given that they were concerned about what they were facing. So that does not escalate it necessarily through a commission. These matters will happen on a daily basis and yet it does not get elevated. We have concerns that if there is not good oversight, good regulation, it becomes a situation where it is totally out of control and it becomes between two individuals and ultimately whether that is highlighted to a level—more than likely not.

**The Hon. MARK PEARSON:** There is another question that you raised. What does the contract not include not only the face-to-face care of the client but also the documentation that is required to ensure that anybody else who comes to care for them can see a management plan or a care plan et cetera? Why is the agency not of the view that they should pay for documentation as well as the actual face-to-face care? To me, it would just seem automatic and necessary.

**Ms LANG:** I guess I do not disagree but we do need to again look at the implication of not asking for documentation and not keeping records in place. To go to Mr Hayes' point, trying to step out and say, "Oh, it is simply a matter between the individual participant and the individual person delivering the service", we are actually talking about two people who are both quite vulnerable in their own ways. We are talking about a worker who is quite vulnerable in terms of the regulation in which they work, in terms of the low pay and precarious nature of their employment. If they are in a situation where they are contact traced and they understand, as we move to phase B of the national plan for reopening our community, if that worker does not have paid leave, they are in quite a vulnerable position in terms of their own income and their own livelihood. So you have got a worker who is particularly vulnerable. You then have an NDIS participant who is particularly vulnerable on the basis of health, on the basis of access to other community participation, on the basis of access to advocacy. So it is a real problem that essentially those who are connecting the worker and the NDIS participant are not taking responsibility to ensure that we have what is an enabling environment for safety, for compliance and for professional standards.

**The CHAIR:** I am conscious that there are multiple members with questions.

**The Hon. MARK PEARSON:** Thank you.

**The CHAIR:** We will go to the Hon. Courtney Houssos or the Hon. Adam Searle.

**The Hon. ADAM SEARLE:** Thank you, Chair, and thank you to the panel for your submissions. I wanted to touch on a point Ms Lang touched on, which is particularly in the COVID pandemic there are a lot of health and safety issues in the provision of aged care anyway and of course in the provision of disability care in people's homes. What implications does the Mable model have—and this is to the panel generally—for work health and safety for workers? It seems that there is no-one supervising the performance of work or ensuring any kind of workplace safety standards or that plans are in place? If each of you would like to address that?

**Ms LANG:** This is absolutely one of our most significant concerns about this model of service delivery. Work health and safety has to be paramount in any workplace but especially a workplace where you are delivering very personal services in a very high-risk environment to very vulnerable people. We do not see any active role being played by the platform providers with regard to the ordinary risks that you would see about, you know, what is happening with the steps in and out of the residence; is there a handrail—the things that we have all come to assess for every other workplace we deal with. But especially in a COVID environment where what we have seen, based on the National Skills Commission's mapping of occupational risk and exposure and proximity to exposure of COVID-19, is that disability support workers have one of the highest occupational exposure rates in the Australian economy—not as high as a dental hygienist but otherwise extremely high rates.

We are talking about people who could potentially become super spreaders amongst a cohort of our population, many of whom will not be able to get vaccinated because of contraindications. Those who do contract the virus will often have comorbidities when they are receiving NDIS services. So this is a real work health and safety crisis for the workforce but also for NDIS participants. I would wager and I would argue that the New South Wales Government provides \$3.6 billion of funding every year for NDIS services into the national scheme and the Federal Government is the funder. I would hope that our government, at both the State and Federal level, would see that they have a responsibility in ensuring the health and safety in a COVID environment. We would suggest that a new and additional paid leave entitlement, regardless of an employee's status—so regardless of whether they are employed by a traditional NDIS provider or a platform provider—those workers would need to

have paid test, trace, isolate and quarantine leave. Otherwise we are going to see a massive blowout of transmissions that are going to occur in our community and in our community of people with disability.

**The Hon. ADAM SEARLE:** Mr Hayes, what about your part of the industry? What is the impact for workers and clients?

**Mr HAYES:** I think it is very similar to what Ms Lang has indicated. My big concern here is that there is no oversight governance or regulation for people. So, effectively, if you swipe left or swipe right, we will connect you with a person and then the protocols, the standards and the requirements of good clinical care are not there and they are just subject to the individual. In home care, that is a real concern, similar to what the disability areas are in home care. We are seeing also now, because of the lack of retention and attraction to aged-care residents areas, that people do not follow the protocols, do not follow the standards that are set by the organisation, and in fact can get through part of a shift or, as I said before, get to a shift, know what they are confronted with and just walk away. So, at the end of the day, for the residents that is a major issue but for the worker themselves it is really a matter for them to support their own, I guess, professional standards, their own professional interests in relation to workers compensation and those sorts of things. Clearly, they are not in a position where they are paying 10 per cent premium on the minimum wages that they are to be able to absorb those sorts of costs.

**The Hon. ADAM SEARLE:** Just on that point, we heard from Mable today that they charge a commission, if you like, from both the customer and the worker. The worker pays, I think, 10 per cent of their earnings to Mable to have access to the work. What implications are you seeing for worker pay? Are workers working through these kinds of platforms actually receiving less than the statutory minimum pay rates?

**Mr HAYES:** Absolutely they are and really it becomes a race to the bottom at the end of the day. The only other thing I can think of is when you have negative options: who is going to do it for the lowest price. Now, that is not good for the worker. The worker then has to undertake a whole range of, you know, potentially insurances for themselves. They have to do a lot more work to be able to make ends meet, which is not going to give good quality control and the ideal outcome that we would want, particularly in these vulnerable settings. You know, I can only think that it is pretty good work if you can get it that you take a commission off both ends because you just join people up. It is quite remarkable that governments can entertain this and employers can entertain that a premium is going to a group of people so they can have an app. There are other names for those apps. The reality here is that there are vulnerable people at the end of this app and it is not like something you should be doing on a Saturday night.

**The Hon. ADAM SEARLE:** My last question is really to do with what do we do about this? Clearly the award system is being undermined by these sorts of situations. I am conscious that a Senate inquiry interim report has recommended giving a tribunal broad powers to make binding pay determinations in non-standard forms of work. Is that the sort of thing we need to look at in this inquiry as well?

**Mr HAYES:** Can I say I think there is a bigger picture in this, and this is a picture of where we are going to in the future. It is one thing to have places like Airtasker or that who will knock a nail in or put a board up for you and if it falls over it does, but this is something that is totally different. As Ms Lang said, these are vulnerable people. There are very invasive things that are going on in the privacy of someone's home. I get major concerns in relation to people's safety, whether it is the worker or whether it is the person utilising the service. That oversight of regulation and governance just is not there and this is something that I think, as indicated before, the aged care royal commission has shown a whole range of deficiencies. The pandemic has showed quite clearly how exposed we are. So now it is about what can be done now to ensure the future and not let this opportunity go. Otherwise I think that we will get to in aged care and an ageing population, if we go down this path, that people will be living in their own excrement and that will be the way it goes. Do we accept that as a society? I think that is the real point here.

**Ms LANG:** Can I also very quickly add that in the NDIS context the government funding contemplates workers being paid appropriately under the award. The pricing methodology is transparent. It is there; you can view it. The line items as they are priced contemplate workers being paid appropriately under the award, the Social, Community, Home Care and Disability Services Award. It also contemplates other entitlements that workers should be enjoying, including, the pricing methodology suggests, that workers would receive 100 per cent of the benefit of long service leave and funds accordingly. Where the failure is in the lack of regulation that requires that funding to be passed onto workers in the form that it is contemplated. The methodology says, "These are the award entitlements. This is the award wage that the worker should be receiving. These are the other entitlements they should be receiving." But the system fails to then demand, by regulation, that that is passed on to the worker.

So you have the middlemen appearing into this marketplace. They are adding no extra benefit or value to the marketplace. They are not adding safer services. They are not adding more professional development. Instead, they are actually just taking a whole lot of that fund that should be there for the worker. If it went directly to the worker, it would be adequate. What we are seeing is the proliferation of either State-sanctioned wage theft or wide-scale fraud against the taxpayer. If we do not have that regulation in place, that is what we are going to continue to see. It is the exploitation of the working poor in this industry, and that is not how you deliver a great social reform such as the NDIS that we are all deeply committed to.

**The CHAIR:** We will go to Mr David Shoebridge, please.

**Mr DAVID SHOEBRIDGE:** Thank you all for your evidence and attendance today. I might go to you, Ms Lang, first. We saw last year with the COVID infections in Victoria how a casualised workforce, particularly in the aged-care sector, was actually one of the key vectors for spreading COVID and how indeed the casualised workforce creates a whole series of work health and safety issues for the workforce but also for the people they are caring for. Do you want to speak to that at all?

**Ms LANG:** Thank you very much for that question. It absolutely is one of the biggest risks. If we were looking at this from a risk management point of view, which I sincerely hope the Government would be doing, one of the greatest risks to the safety of people with disability, NDIS participants, is the casualised nature of the workforce. We know that many platform workers will be visiting upwards of 20, 30 even 40 clients in a week to deliver services, and that is what happens when you are paid for an hour of service here or there in these platform providers. I will go to though that I am deeply troubled and I am deeply concerned about what is going to happen as we enter phase B of the national plan right now to transition away from widespread lockdowns.

The Doherty Institute report is exceptionally clear that as we move into phase B we are going to see an increase in community transmissions of COVID-19. Those transmissions we have already seen, where they exist, are largely fuelled in a home environment, which is how NDIS services are provided, and in workplaces, which again is NDIS services. The Doherty Institute report is exceptionally clear that if we start to move away from widespread lockdowns, we need high rates of immunisation and we need a comprehensive plan of test, trace, isolate and quarantine [TTIQ]. I do not believe that the way the NDIS sector is currently arranged it is in any way going to be able to deliver a TTIQ approach as is called for and required by the Doherty Institute report. If we do not have a TTIQ paid leave entitlement that is portable for all the NDIS workers, this is going to be an absolutely devastating circumstance. The next time I think we get together it will be in a royal commission when something has gone terribly wrong.

**Mr DAVID SHOEBRIDGE:** Thanks, Ms Lang. Does any other witness have anything to add to that?

**Ms HUTCHINS:** I just might add to that quickly, in terms of aged care and home care, only 54 per cent of the workforce can identify as permanent. Of that permanent staff, 96 per cent of those are part-time arrangements. So the issue is not just necessarily the casualisation of the workforce. It is low-hour contracts that drive workers into multiple employment settings, including Mable, and we saw that play out in real time in Victoria with the number of aged-care workers who were exposed at work because of working across multiple sites. But compounding that issue, particularly in aged care, are the incredibly low wages that are afforded to both permanent, casual and contract staff. That means that even if you were working full-time hours, and not that you have a full-time job—let's be honest about that; you are a part-timer working full-time hours—you need to work across multiple employers just to make ends meet.

In this last outbreak in New South Wales, the Federal Government has funded single-site arrangements in residential aged care so that a worker is to work on one site. But that means disclosing how many hours you work. We had one member who came to us fearful of telling her multiple employers how many hours she worked in a fortnight in order to access that funding. She worked 155 hours in a fortnight across three providers because she needed to make ends meet to live in metropolitan Sydney. So compounding the issues of the Mables of the world and the casualisation are the wages of care workers across both aged care and disability.

**Mr DAVID SHOEBRIDGE:** And, of course, Ms Hutchins, you then have the fatigue factor if you are working those hours and the ability to provide a high level of care if you are working with such fatigued workers. I assume that just exaggerates those problems?

**Ms HUTCHINS:** Absolutely. We saw the evidence in the aged care royal commission of an incredibly stretched workforce. Let's be honest about this, those three employers, none of them asked her how many hours she is working at her other places. It worked in their benefit to have this part-time worker working multiple hours for them and at the end of the day, you know, she is having to go from one job, literally changing out of one

uniform into another uniform, to provide care to the most vulnerable and the most exposed group in terms of really bad outcomes from COVID.

**Mr DAVID SHOEBRIDGE:** And the population that is being helped and assisted by your members are people with disability, people who are elderly and frail in particular, and they also tend to be some of the most economically deprived in the community. Do you have any observations about how that adds to their vulnerability? I note the recent reporting that showed in fact poor Australians are four times more likely to succumb to COVID than are other Australians. Do you have any observations about the vulnerability of the cohort?

**Ms LANG:** Absolutely. I think that has been very well documented, the particular vulnerability in terms of succumbing to the worst outcomes of COVID. I have to admit that when I was reading the Doherty Institute report, the part that was really upsetting me was in the table that says this is how many fatalities we still expect when we reopen. Those numbers in that table are human beings. I am sure everybody in this forum now knows between us that the people who are going to be those numbers in those tables are going to be people who are elderly and frail, are going to be people with disability with comorbidities and with challenging underlying health issues.

I do not feel comfort on the daily press conference when we hear how many people have died overnight. I do not feel comforted when that is qualified with the statement that, "Oh yes, but the person had an underlying health issue." That does not give us comfort. That says to us that we are talking about people who are dependent on quality NDIS and aged-care and health services. If we allow insecure work, a lack of regulation of the workforce and a lack of paid leave entitlements to proliferate COVID infection among this cohort, I am not going to be comforted when the daily press conference continues to tell us of escalating numbers of people who have succumbed to the virus overnight that they had underlying health issues. That is not acceptable to us.

**Mr DAVID SHOEBRIDGE:** So it would be fair to sum it up as a really volatile mix of the extremely vulnerable part of the population that is being served by your members together with an extremely vulnerable workforce and, in fact, that is, if you like, almost a multiplying effect of the dangers, especially in a COVID environment.

**Ms LANG:** Absolutely. And to take your earlier point, Mr Shoebridge, about the financial impact as well around the financial vulnerability of NDIS and aged-care recipients, we are not talking about consumers who have a big war chest that they can draw upon to exercise choice and control in the sense of, "But I will purchase the more expensive, safer service." That does not exist. We are talking about people who are reliant on government funding. The amount that is in that funding package is the amount that is in that funding package. So I would really appreciate if we could look at the help that is needed to ensure that the amount that is in that funding package was required to flow to the workers, so that we could have some security and stability in that service delivery.

**The CHAIR:** We will now go to the Hon. Courtney Houssos, who has now overcome her connection issues. Over to you, Mrs Houssos.

**The Hon. COURTNEY HOUSSOS:** Thanks very much, and apologies for that earlier. Thanks very much to all the witnesses today. Your information has been incredibly valuable. The main question I have is that it seems as though there is a clear distinction between the work that we have been talking about through most of this inquiry with delivery drivers and the nature of that work and the fundamentally different nature of the work of the members you represent. A fundamental part of that relationship is a caring relationship and, as I say, it is an ongoing relationship. Do you think that the nature of that work—perhaps first to you, Mr Hayes, and then Ms Lang—is actually incompatible with this kind of platform-based economy?

**Mr HAYES:** It is totally incompatible. If we want to treat our elderly as commodities, sure you can do this but there is a major outcome failure. We have been down this path prior to getting into these sorts of platforms just through contracting out. I think I mentioned the last time I appeared that one group who would just supply people would not pay appropriate rates of pay, would not have leave, would have people work seven days a week, would not have group certificates, would not have payslips and would be paid in cash. If we let a deregulated industry fly, this is what happens. If we take that now a step further that you can just do all that electronically and have no responsibility for the individual at the other end of that, there is a real concern there.

You are absolutely right. These are not people that we put on shelves or who work at Bunnings who if you drop a can, you get a dent. If you drop a resident, they die. It gets also to that point where residential aged care is about fragile, vulnerable people who are insecure, who need constant care and need constant surrounds around them. So having a workforce that comes and goes and may be interested or not is not going to be helping the last days of these people. I think there is a really serious issue in terms of being able to be a platform that you

can just connect people for whatever reason as opposed to connecting people to have a relationship. I would sort of draw the point that many of our members sit with their aged-care resident as they are dying and hold their hand because they are not a client, it is like an extension of their family. That is why I think we make aged care a dignified place to grow old and to pass away as opposed to being a commodity aspect where we will pay someone and they will just be a part of that process.

**The Hon. COURTNEY HOUSSOS:** Thanks very much, Mr Hayes. Ms Lang, did you have anything to quickly add to that?

**Ms LANG:** I would completely echo Mr Hayes' points around this being a particularly high-risk environment of service delivery but I would also add that this is skilled work. Despite the best efforts of some to try and ensure there is no regulation so we do not recognise it is skilled work, it actually is incredibly high-skilled work. The Quality and Safeguards Commission has recently undertaken a really impressive piece of work, which is the NDIS capability framework, where they have sought to articulate and really put down what are the skills that are required by NDIS workers from the perspective of NDIS participants. So what is an NDIS participant expecting to receive in service delivery and what is the skill set then that a worker needs to have to be able to deliver that? What is the knowledge base that they would need to have?

It is incredibly skilled work. The capability framework is incredibly comprehensive. It starts at the same fundamental starting point as the NDIS Act. This is about Australia meeting their obligations under the human rights convention of the rights of people with disability. The starting foundation of skills and knowledge of the workforce is a fundamental understanding of that human rights basis. What is restrictive practice? What are other ways of delivering services? This is highly skilled work but it is also government funded. So the difference where we can see between the private sector places and what we are seeing here is really like that third sector, the community sector, which does have some private sector providers coming into it, is we are talking about government-funded services. The government controls the purse strings; they set the price. The NDIS participant has to work within that pricing package to purchase services.

We need regulation. The idea that this is an open free market is farcical. The idea that NDIS participants who are seeking services have the financial ability to drive the innovation and influence what kind of service level they wish to receive is farcical. We are all dependent on the government funding. We just need to make sure that the government funding is regulated to get to the end worker because that that would deliver secure jobs. That would deliver decent entitlements. That would deliver the leave that workers need to deliver their services safely, without the risk—to go to Mr Shoebridge's, Mr Hayes' and Ms Hutchins' earlier point—of fatigue. It would be without the risk of widespread COVID infections around the community because of people working for multiple employers and not having test, track, isolate and quarantine leave. So I think those are the distinguishing differences.

**The Hon. COURTNEY HOUSSOS:** Can I ask one final quick question, which is we have talked about some of the other gig economy providers and putting additional restrictions on them. I asked Mable earlier today, "Do you check that people are paid under the award rate?" They do police checks and they do some other checks but they do not check award rates. Do you think that that is something we should require these kinds of platforms to be checking?

**Mr HAYES:** Absolutely. Otherwise it is just a race to the bottom and these platforms will consume vulnerable people, vulnerable workers. It is just an absolute disgrace. If there is no bottom standard, God help this country.

**Ms LANG:** It is an alarming state of affairs if we could possibly accept that a once-in-a-lifetime social reform like the NDIS, which is built on the foundations of meeting our obligations under human rights principles, that our minimum standard is a police check and nothing more.

**The CHAIR:** Thank you. That brings to an end our public hearing for today. I thank this panel of witnesses for the evidence they have given. I do not think anyone took questions on notice in this particular session but if you did, the secretariat will provide the information to you and you will have 21 days to return an answer. It is possible that Committee members might have some supplemental questions as well, which will be delivered to you by the secretariat and for which you also have 21 days to respond. Thank you very much.

**(The witnesses withdrew.)**

**The Committee adjourned at 12:04.**