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**From:** Elizabeth Greenwood <Elizabeth.Greenwood@businessnsw.com>

**Sent:** Friday, 28 May 2021 9:39 AM

**To:** WCR Stakeholder Engagement <wcrstakeholderengagement@sira.nsw.gov.au>

**Cc:**

**Subject:** RE: Consultation on injury insurance arrangements for gig economy food delivery riders

Dear Helen,

Thank you for sending through Darren's invitation to participate in this consultation.

Given the current level of consultation and analysis at this point in time, we note that:

- The current workers' compensation legal framework remains fit for purpose, despite there being no judicial consideration of the definition of worker as it relates to gig economy food delivery drivers (this is borne out by the current working arrangements and practices within the NSW residential construction industry).
- Justification for the establishment of a separate statutory scheme for such a narrow market segment requires a thorough cost-benefit analysis coupled with close consideration of the current legal and commercial framework, including (to name a few):
  - the technical legal meaning of 'vulnerable' as it relates to the risk of injury (compared with the way gig economy food delivery drivers are being described as being 'vulnerable');
  - whether and to what extent the proposed solution will interact with the contractual terms and conditions and working arrangements already agreed to between the parties;
  - how to distinguish between the risks peculiar to the cohort under consideration from those risks that are common to all drivers and motor vehicles (as observed in *Acciarto v Anthony Parcel Services Pty Ltd*); and
  - the extent to which there is a need to overcome a perceived deficiency in current insurance product offerings in the market.

We look forward to participating further in this process, especially once the report of the Select Committee on the impact of technological and other change on the future of work and workers in New South Wales has been released.

Regards,

Liz

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