

INDUSTRIAL RELATIONS AMENDMENT (TRANSPORT SECTOR GIG WORKERS AND OTHERS) BILL 2025

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The NSW made an election commitment to extend Chapter 6 provisions the *Industrial Relations Act 1996 (IR Act)* to cover gig workers (including food delivery and rideshare) in the transport sector. The commitment also extended to removing exemptions for those involved in the delivery of bread, milk and cream.

Stakeholder feedback is supportive of the proposed legislative amendments to ensure that gig workers have access to the protections of the NSW Industrial Relations Commission and can have their pay and conditions set by means of enforceable industrial instruments (contract determinations and contract agreements), while clearly containing provisions around the interaction with recent amendments to the *Fair Work Act 2009 (Cth) (FW Act)*

The feedback also supportive of proposed amendments to the dispute resolution powers of the Industrial Relations Commission and the extension of dispute powers to others in the contractual chain.

Objectives: What is the policy's objective couched in terms of the public interest?

It is well recognised that gig work is now an established part of the labour market. Yet, gig workers do not have the same access to fair secure, terms of employment as most workers in NSW. A large amount of research has been undertaken globally which has found that gig work is precarious, low-paid, competitive and can be dangerous. There appear to have been 18 deaths of food delivery riders in Australia since 2017.

The amendments proposed in the Bill will allow the industry to be regulated for the first time by NSW industrial legislation in a fair and equitable manner, to establish minimum pay and conditions of employment and provide for access the independent Industrial Relations Commission to conciliate and arbitrate disputes.

Options: What alternative policies and mechanisms were considered in advance of the bill?

Recent Commonwealth government legislative amendments to the FW Act do provide protections for all digital or platform workers, but the FW Act does recognise the ongoing operation of Chapter 6 provisions the IR Act for the transport sector in NSW. The Bill addresses interactions between the two legislative regimes.

Analysis: What were the pros/cons and benefits/costs of each option considered?

All options were considered to determine effectiveness, ease of administration and unintended consequences. As there are currently no minimum standards orders for rideshare and food delivery workers in the federal system, these workers remain unprotected. One benefit of the proposed amendments is that NSW legislation will continue to operate in NSW so there are no gaps for the vulnerable group of workers undertaking work via a digital platform or app to access minimum rates and condition..

Ultimately, legislative amendments were deemed to be the most appropriate path to ensure Chapter 6 meets the needs of the modern road transport industry and delivers on the Government's election commitment to provide protections for gig workers in NSW.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

The Bill proposes that provisions relating to gig worker provisions will not commence until eighteen months after the date of assent, and changes relating to other 'expansion contracts' will commence six months after assent. All other provisions of the Bill commence on assent. Applications for determinations or the making of new Contract Determination will be made to the Industrial Relations Commission by the industrial parties or the Commission itself.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The Government has welcomed the views of stakeholders during the development of the Bill and ensured that where possible, those views have been adopted. The views of employer representatives, employee representatives, platform companies, businesses, government agencies and the general public were actively sought via 'round table' meetings and both the Governments 'Have Your Say' webpage and the Industrial Relations webpage.

Ongoing engagement continued to occur with employer groups, unions, platform companies and other businesses in the development of the Bill following the release of the public consultation draft.