



New South Wales

Work Health and Safety Amendment (Food Delivery Riders) Regulation 2022

under the

Work Health and Safety Act 2011

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Work Health and Safety Act 2011*.

ELENI PETINOS, MP
Minister for Fair Trading

Explanatory note

The object of this Regulation is to regulate food delivery service work by requiring—

- (a) a food delivery booking provider to supply a food delivery rider with the following—
 - (i) high-visibility personal protective equipment, including a retroreflective outer clothing item and a bag or container for safely transporting food or drink,
 - (ii) induction training and verification when the training is successfully completed to ensure that the food delivery rider is trained before delivering food or drink, and
- (b) a food delivery booking provider to keep records, and
- (c) a food delivery rider to keep evidence of successful completion of induction training available for immediate inspection while delivering food or drink.

This Regulation is made under the *Work Health and Safety Act 2011*, including section 276, the general regulation-making power.

Work Health and Safety Amendment (Food Delivery Riders) Regulation 2022

under the

Work Health and Safety Act 2011

1 Name of Regulation

This Regulation is the *Work Health and Safety Amendment (Food Delivery Riders) Regulation 2022*.

2 Commencement

- (1) This Regulation commences on 1 January 2023, except as provided by subsection (2), and is required to be published on the NSW legislation website.
- (2) The following provisions commence on 1 July 2022—
 - (a) Schedule 1[1], except to the extent that it inserts clauses 184R–184U,
 - (b) Schedule 1[2].

Schedule 1 Amendment of Work Health and Safety Regulation 2017

[1] Part 4.11

Insert after Part 4.10—

Part 4.11 Food delivery riders

184P Definitions

In this Part—

bicycle has the same meaning as in the *Road Rules 2014*.

food delivery booking provider means a person carrying on a business established primarily for the purpose of providing an online platform designed to enable the person to engage a food delivery rider to deliver food or drink to users of the online platform.

food delivery induction training means a course of training provided by a food delivery booking provider that includes the following—

- (a) hazard and fatigue management,
- (b) general road safety,
- (c) the selection, fit, use, wearing, testing, storage and maintenance of high-vis personal protective equipment,
- (d) work, health and safety duties applying to food delivery riders and food delivery booking providers.

food delivery rider means a person—

- (a) engaged by a food delivery booking provider to deliver food or drink, and
- (b) who delivers the food or drink using a bicycle or motor bike.

high-vis personal protective equipment includes the following equipment substantially comprising high-visibility material—

- (a) a retroreflective outer clothing item, complying with AS/NZS 4602.1–2011, *High visibility safety garments, Part 1: Garments for high risk applications*,
- (b) a bag or container used for safely transporting food or drink, comprised of material that complies with AS/NZS 1906.4:2010, *Retroreflective materials and devices for road traffic control purposes, Part 4: High-visibility materials for safety garments*.

motor bike has the same meaning as in the *Road Rules 2014*.

training verification record means a record containing the following information—

- (a) the food delivery rider's name, address, date of birth and photograph,
- (b) the date on which the food delivery rider completed the food delivery induction training,
- (c) the date on which the food delivery rider received high-vis personal protective equipment.

184Q Duty to supply personal protective equipment

A food delivery booking provider must supply high-vis personal protective equipment to a food delivery rider engaged by the provider to deliver food or

drink unless the rider is able to use high-vis personal protective equipment made available to the rider by another food delivery booking provider.

Maximum penalty—

- (a) for an individual—70 penalty units, or
- (b) for a body corporate—345 penalty units.

Note— Clauses 44 and 46 apply to the use of personal protective equipment, including the equipment provided under this clause.

184R Duty to provide food delivery induction training

A food delivery booking provider must ensure food delivery induction training is provided to a food delivery rider engaged by the provider to deliver food or drink.

Maximum penalty—

- (a) for an individual—70 penalty units, or
- (b) for a body corporate—345 penalty units.

Note— Clause 39 applies to the provision of information, training and instruction to a worker, including the induction training provided under this clause.

184S Duty to ensure food delivery rider has been trained

A food delivery booking provider must not direct or allow a food delivery rider to deliver food or drink unless the food delivery rider has—

- (a) successfully completed food delivery induction training, and
- (b) been issued with a training verification record for successfully completing food delivery induction training.

Maximum penalty—

- (a) for an individual—70 penalty units, or
- (b) for a body corporate—345 penalty units.

184T Duty to keep records

- (1) A food delivery booking provider who provides food delivery induction training to a food delivery rider must keep a record that includes the following details—
 - (a) the name of the food delivery rider who has completed the training,
 - (b) the date the food delivery induction training was provided to the food delivery rider,
 - (c) the content of the food delivery induction training provided to the food delivery rider,
 - (d) the date the food delivery induction training was successfully completed by the food delivery rider.
- (2) A food delivery booking provider who provides high-vis personal protective equipment to a food delivery rider must keep a record that includes the following details—
 - (a) the name of the food delivery rider who was provided the high-vis personal protective equipment,
 - (b) the date the high-vis personal protective equipment was provided to the food delivery rider,
 - (c) a description of the high-vis personal protective equipment that was provided to the food delivery rider.

- (3) The food delivery booking provider must keep the records for at least 5 years.
- (4) A food delivery booking provider must provide a copy of a record required to be kept under this clause to the regulator within 5 days after the food delivery booking provider receives a written request for the record from the regulator.
Maximum penalty—
 - (a) for an individual—15 penalty units, or
 - (b) for a body corporate—70 penalty units.

184U Duties of food delivery riders

- (1) A food delivery rider must, while delivering food or drink, make the training verification record issued to the food delivery rider available for inspection by an inspector or a police officer.
Maximum penalty—15 penalty units.
- (2) A food delivery rider must, while delivering food or drink, use or wear high-vis personal protective equipment.
Maximum penalty—15 penalty units.

[2] Schedule 18A Penalty notice offences

Insert “184Q,” after “184O(1),” in the matter under the heading **Offences under this Regulation** in the table, Column 1.

[3] Schedule 18A, table, Column 1

Insert “184R, 184S,” before “225(2)–(5),” in the matter under the heading **Offences under this Regulation**.

[4] Schedule 18A, table, Column 1

Insert “184T, 184U(1) and (2),” after “184J,” in the matter under the heading **Offences under this Regulation**.