

RESPONSE FORM: *FUTURE OF SMALL PASSENGER SERVICES – CONSULTATION PAPER*

There are no questions for Sections 1, 3 and 6–10.

You do not need to fill out every section.

How we will use your submission

We will consider your responses, along with other responses from the public, the small passenger service sector, and other interested organisations, to develop recommendations for the Government's consideration.

A summary of submissions will be published on the small passenger services page on www.transport.govt.nz. This summary may include the names of the organisations or individuals that made submissions. It will not include their contact details.

Your submission may be made public

Once you make your submission, anyone can ask for it under the Official Information Act 1982.

If you don't want anything in your submission released, you should let us know what material you want withheld, and why, at the time you make your submission.

Under the Official Information Act, we decide whether to release or to withhold material and can only withhold information in accordance with the provisions set out in that Act. Further information is available at www.legislation.govt.nz.

Request to withhold material

I request that the Ministry consider withholding the release of some or all of my submission:

☐ Yes

☒ No

If yes - describe the reasons why:

[Happy for release.](#)

Your details

What is your interest in future of the small passenger services sector? Are you:

- ☐ A private individual
- ☒ Part of the small passenger services sector

Your name (optional): [Lindsay Ferguson](#)

Your address (optional):

Your email (optional): info@e-recordkeeping.com

If your submission is made on behalf of an organisation, please name that organisation here:

Would you like us to email you with the results of the consultation process?

- ☒ Yes – please provide email address
- ☐ No

Section 2 – The need for change

Question 1 – *What are the important factors driving the need for change for the small passenger services sector?*

Tick the factors below you think are driving the need for change

- ☐ Technology is changing the transport sector
- ☐ The current rules are no longer fit for purpose and flexible for the future
- ☐ The need for a more innovative sector that delivers improved customer service

If there are other factors you think are important, enter them below:

All of the above factors. Also I think that there is a problem for government agencies in this area being able to do things in a nimble and expeditious way. e.g. the snail's pace of police vetting.

Section 4 – Features important in the future sector

Question 2 – *What are the important features you would want to see from the small passenger services sector in the future?*

Tick the features below you think are important for the future sector

- ☐ Responsive to supply and demand
- ☐ The compliance burden is as low as it can be while achieving regulatory objectives
- ☐ Transparent fees and charges
- ☐ Effective choice so people can travel where they wish in a timely manner
- ☐ Incentivises improved customer services
- ☐ Mitigates safety risks for passengers and drivers

If there are other factors you think are important, enter them below:

All of the above. We also need to add to the list more speed from government agencies and simplification of processes. An example of time and effort wasting was the need to do a 2 day course on the law around operation of a small passenger service in which people had to achieve 100% at the end of each module and then there was the requirement to do a 2 and a half hour exam run by

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[a different organisation covering the same ground with a significant fee charged..](#)

Section 5 – Summary of options for the future

Question 3 – Which of the five options do you think will be best for New Zealand’s small passenger services sector in the future?

The Ministry of Transport’s review team concluded that option 4 would be best for New Zealand’s small passenger services sector in the future. Do you agree?

- ☐ Yes
- ☐ No – If you do not agree, tick the option below that you think would be best

☐ Option 1 – status quo – modified

☐ Option 2 – reinforce separate taxi/private hire markets and their regulatory burdens

☐ Option 3 – drivers responsible under new single class system (reduced regulatory burden)

☐ Option 5 – existing taxi requirements apply to all operators (higher regulatory burden in new single class system)

Why do you prefer this option over option 4?

I am not very keen on any of the options. They appear to be framed more to suit the convenience of the bureaucracy than providing a modern and flexible small passenger service sector.

However in saying that, I do acknowledge that the Ministry has a “whole of NZ” focus whereas people like myself are operating in a specific area which is very different to say a rural setting.

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Section 11 – Definitions for exemptions

Carpooling would be exempt under all options

Question 4 – *Do you agree the exemption for carpooling should apply where:*

- the people in the vehicle already know of each other (for example, they are friends, members of the same sports team or work for the same company). The driver and passenger may agree to share the responsibility of driving or the passenger will contribute money towards the driver's costs for the trip (that is, the operating costs of the vehicle such as petrol and depreciation, but not any payment for the driver's time).

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Yes

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No – if you disagree that carpooling should be exempted in the above circumstance, please explain why

[Yes](#)

and –

Question 5 – *Do you agree the exemption for carpooling should apply where:*

- the people in the vehicle (who may not know each other) are travelling to similar destinations at similar times and use a third party to connect them. The passenger(s) will contribute money towards the driver's costs for the trip (that is, the operating costs of the vehicle such as petrol and depreciation, but not any payment for the driver's time).

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Yes

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~~No – if you disagree that carpooling should be exempted in the above circumstance, please explain why below~~

[Yes](#)

Exempting companies providing communications functions only

Question 6 – *Do you agree the exemption for companies providing communications functions should apply where:*

- a company (for example, a call centre company) providing back office communication functions for a completely unrelated small passenger service company.

And would not include:

- a company providing technology or communications, but actually participates in the small passenger services market in a manner similar to other operators (this company would be required to comply with the relevant rules).

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Yes

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No – if you disagree that communications companies be defined in this way, ~~please explain why~~

[Agree to exemption for both](#)

Applying the rules to ridesharing services

Question 7 – *Do you agree that the requirement for ridesharing services to meet the same rules as the rest of the small passenger services sector should apply where:*

- third parties (often a technology-based company using apps) connect people who are driving to a destination with other people who want to travel to a similar place. The third party that connects a driver and passenger receives revenue from the transaction, commonly by taking a percentage of the money paid by the passenger to the driver.

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Yes

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No – if you disagree that ridesharing service be defined in this way, please explain why

[Yes.](#)

Section 12 – Common requirements under options 3 and 4

What are the right core passenger safety rules we need for the future small passenger services system?

Question 8 – Do you agree that the core requirements for passenger safety can be achieved through:

- *P endorsement* – all drivers would have to hold a 'P endorsement' issued by the NZ Transport Agency. A person applying for a P endorsement would have fewer requirements to meet than now. To obtain a P endorsement, a driver would have to pass a criminal record and driving record check, be medically fit to drive, and have held a full New Zealand driver licence for at least two years. A P endorsement identification card would have to be displayed in the vehicle.

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Yes

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No – if no, please explain why

Yes agree entirely about the medical check, police check and driving test. The key thing from my (and I suspect Uber's point of view) is that these things can be arranged and carried out much faster than they are now.

Question 9 – Do you agree that the core requirements for passenger and driver safety can be achieved through:

- *work time limits* – to ensure that drivers were not fatigued, they would have to comply with work time limits that set a maximum number of work hours and require rest breaks. Drivers would need to maintain logbooks covering all of the time that they worked. All drivers could work to the existing time limits for taxis, of up to 7 hours before a rest break is required.

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Yes

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No – if no, please explain why

I think a mandatory break after 7 hours is reasonable. Some thought could be given even to 15 minute breaks like public service tea breaks. You could consider a ten hour shift with either a half hour break in the middle or two 15 minute breaks between hours 1 and 9.

Question 10 – Do you agree that the core requirements for passenger safety can be achieved through:

- reporting serious complaints to the NZ Transport Agency – to ensure a P endorsement holder remains fit and proper, the person or company responsible for providing the service* would be required to notify the NZ Transport Agency of any complaints received alleging serious improper behaviour by a driver. The person or company responsible would also be required to support the NZ Transport Agency or the NZ Police in undertaking any regulatory or compliance action.

*This would be a driver under option 3 or an approved transport operator under option 4

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Yes

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No – if no, please explain why

Yes I agree. I have now done over 3,000 trips for Uber and been very disappointed to hear from literally hundreds of young women about problems they have had in old world taxis. When I started with Uber I had a neutral-positive view of taxi companies. However I very quickly became aware of issues that young women, in particular, were having with a variety of rorts being pulled on them. There is clearly a substantial problem that needs to be addressed as many women have commented that when they complain to the companies they are simply brushed off. Uber's rating system is a major step forward in this area and gives considerable confidence to passengers that they have a voice. They can also e-mail Uber and be assured of a professional response. In short Uber is widely perceived by passengers to be much safer than old world taxis and passengers need to be confident that unsuitable people can be quickly identified and smartly exited.

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What are the right core driver safety rules we need for the future small passenger services system?

Question 11 – Do you agree that the core requirements for driver safety can be achieved through:

- power to refuse to accept some passengers – this enables drivers to refuse to accept passengers if drivers consider that their personal safety could be at risk.

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Yes

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No – if no, please explain why

Yes. As a general rule the driver should be the sole arbiter of who can hire them.

Question 12 – Do you agree that the core requirements for driver safety can be achieved through:

- *duty to promote driver safety* – this requires drivers (under option 3) or approved transport operators (under option 4) to make business choices from the range of mechanisms available to them. Such measures would be in addition to the mandated safety requirements.

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Yes

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No – if no, please explain why

[Yes](#)

What are the right core in-vehicle security camera rules we need for the future small passenger services system?

Question 13 – *Do you agree that the core requirements for in-vehicle security cameras can be achieved through:*

- *in-vehicle security cameras* – all passenger service (all taxi, private hire, shuttle, dial-a-driver, and rideshare) vehicles would have to meet the existing rules for in-vehicle security cameras that currently apply to taxis.

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Yes

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No – if no, please explain why

No. Whether or not the vehicle has security cameras should be entirely at the discretion of the owner of the vehicle. People should not be forced to the time and expense of obtaining them. I certainly do not need them and I feel that vehicle operators are best placed to make the decision around them.

Question 14 – *Do you agree that the core requirements for in-vehicle security cameras can be achieved through:*

- *exemption from camera requirement* – the NZ Transport Agency would exempt a vehicle from the camera requirement where a driver (under option 3) or an approved transport operator (under option 4) met all of the following criteria:
 - *providing services to registered passengers only* – the service is only provided where the passenger is registered with company or driver
 - *collection of driver and passenger information* – when registering with the company or driver, a passenger and driver must provide their name, photo, address, and phone number
 - *availability of driver and passenger information* – before each trip starts, the company or driver makes the name and photo of the passenger and driver available to each other
 - *retaining a record of each trip* – the company or driver keeps a record of each trip, including the start and end points.

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Yes

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No – if no, please explain why

Yes. This is pretty much the Uber model. I do not however think that registered customers should have to supply a photograph as their other details are perfectly adequate to cover virtually all situations. Insisting on a photograph is a step too far.

What are the right fatigue management rules we need for the future small passenger services system?

Question 15 – *Do you agree that the core requirements to mitigate driver fatigue can be achieved through:*

- *work time and log books* – current requirements permit taxi drivers to drive for up to 7 hours before taking a break, and the rest of the sector up to 5.5 hours before a break. The review proposes applying the work time requirements for taxi services to the whole sector under the single class approach.

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Yes

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No – if no, please explain why

[Yes. Being required to keep a log in some media or other is reasonable.](#)

What are the right vehicle safety rules we need for the future small passenger services system?

Question 16 – *Do you agree that the core requirements for -vehicle safety can be achieved through:*

- *Certificate of Fitness* – this is a general safety check. It is more robust than a Warrant of Fitness for private cars and is required every six months.

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Yes

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No – if no, please explain why

[I think that having a WOF should be sufficient. I have a relatively late model vehicle and my AA mechanic and I have been very surprised by the very trivial nature of some of the COF requirements.](#)

What are the right consumer protection rules we need for the future small passenger services system?

Question 17 – *Do you agree that the core requirements for consumer protection can be achieved through:*

- *agree the basis of the fare* – drivers would have to agree the basis of the fare with the passenger before the trip starts. This could be a set fare or a per km rate. The fare could also be agreed between the passenger and the company at the time of booking.

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Yes

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No – if no, please explain why

Yes.

Question 18 – *Do you agree that the core requirements for consumer protection can be achieved through:*

- *driver to take most advantageous route* – this would require the driver to take the route that is most advantageous to the passenger (unless agreed otherwise for example where multiple passengers are going to different locations within the same trip).

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Yes

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No – if no, please explain why

Yes. From the complaints I have received from many young women the old world taxi companies need to be reminded of this regularly.

Question 19 – *Do you agree that the core requirements for consumer protection can be achieved through:*

- *Driver to accept first hire offered* – this imposes a duty on the driver to accept the first hire offered (subject to exceptions for driver safety) so a driver could not refuse to take passengers only travelling short distances.

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Yes

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No – if no, please explain why

Yes. Many women have complained to me about old world taxis declining to take them short distances at night. I think that this is appalling as they (taxis) are placing a few dollars ahead of the safety of those women.

What rules are no longer needed to control specific outcomes, leaving companies to their own business decisions?

Question 20 – Do you agree that the following is no longer required?

- *registered fares* – the Ministry of Transport's review proposes removing the rules governing pricing that require taxis to register their fares with the NZ Transport Agency and charge using a meter. Instead, the Ministry of Transport's review proposes that all small passenger service drivers should have a duty to agree the basis of pricing with the passenger prior to the commencement of the trip or when the booking is made. This would mean the NZ Transport Agency would no longer have a role to intervene in fare disputes between passengers and drivers, and existing consumer protection law (Consumer Guarantees Act 1993 and the Fair Trading Act 1986) would be relied on.

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Yes

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No – if no, please explain why

I like Uber's model. With regard to old world taxi companies many women have had no luck complaining to the old world companies about fare rip-offs etc so some easy to access independent complaints system needs to be available.

Question 21 – Do you agree that the following is no longer required?

- *regulated signage (including Braille)* – the current rules set out specific signage requirements for taxi services that relate to the operator's brand, taxi roof sign, contact details, and fares. We propose removing these requirements. Operators would be able to make a choice about what signage they used and the information provided in it. The current rules require information in Braille: the name of the taxi organisation, its contact telephone number and the vehicle's fleet number. The Ministry of Transport's review proposes removing this requirement. Blind passengers can use alternative ways to obtain the information currently provided in Braille, such as enquiring at the time of booking, and using smartphone apps that provide a record of the trip.

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Yes

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No – if no, please explain why

Yes. Should be left up to the operators as to what (if any) signage they display.

Question 22 – *Do you agree that the following is no longer required?*

- *area knowledge* – taxi drivers in urban areas are required to have passed an area knowledge test. The purpose of the requirement is to ensure that drivers are able to take passengers on a direct route to their destination. The Ministry of Transport's review proposes removing the area knowledge requirement and leaving companies to make their own decisions. Technology, such as GPS systems, provides alternative means to achieve the objective. Passengers are also able to use this type of technology to track the route that the driver is using.

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Yes

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No – if no, please explain why

[Yes. Modern GPS works quite well.](#)

Question 23 – *Do you agree that the following is no longer required?*

- *English language* – taxi drivers are required to have a sufficient knowledge of the English language. The Ministry of Transport's review proposes removing the English language requirement and leaving companies to make their own decisions about the language competency of their drivers. The NZ Transport Agency considers that few drivers are currently tested.

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Yes

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No – if no, please explain why

[No. Passengers have complained to me about problems communicating with old world taxi drivers, particularly where there has been an incident. Basic oral proficiency in English should be required.](#)

Question 24 – Do you agree that the following is no longer required?

- *panic alarms* – currently, taxis are required to have in-vehicle panic alarms. There are no mandated driver safety requirements for private hire vehicle drivers. The Ministry of Transport's review proposes removing the mandatory requirement for panic alarms. Drivers should be able to refuse to accept a passenger where they consider their personal safety could be compromised and passenger service operators should have a duty to promote driver safety. Passenger service operators should make their own business decisions on how they promote driver safety (which could include the use of panic alarms or other technologies).

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Yes

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No – if no, please explain why

Yes. Whether or not the vehicle has such an alarm should be entirely at the discretion of the owner of the vehicle. People should not be forced to the time and expense of obtaining them. I certainly do not need them and I feel that vehicle operators are best placed to make the decision around them.

Question 25 – Do you agree that the following is no longer required?

- *passenger service licence (PSL)* – regulatory compliance is currently managed through a range of mechanisms including approved taxi organisations, passenger service licence and driver obligations. The Ministry of Transport's review proposes requiring all passenger service operators to be an approved transport operator. A key responsibility of approved transport operators would be making sure all of their drivers had a P endorsement, worked within work time limits, and drove vehicles with a valid Certificate of Fitness.

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Yes

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No – if no, please explain why

No. I have a PSL and would be concerned that the replacement licence (Approved Transport Operator???) could be more expensive and unnecessarily more onerous.

Question 26 – Do you agree that the following requirement is no longer required?

- *24/7 service* – taxis are currently required to provide services 24/7 in large cities. There is no similar requirement for private hire operators (or carpooling or ridesharing). The Ministry of Transport's review proposes removing the regulatory requirement for taxis to provide a 24/7 service, and leaves operators to provide levels of service in response to their understanding of demand.

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Yes

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No – if no, please explain why

[Yes. It should be left to operators to set their hours although I can see the point of 24/7 in some areas.](#)

Question 27– Do you agree that the following is no longer required?

- *restrictions on private hire services connecting with customers* – currently, private hire services can only take pre-booked customers. Taxis can take pre-booked or hailed customers. Shuttles can only take passengers travelling between specific destinations. The Ministry of Transport's review proposes removing the restrictions on how passenger service operators can connect with customers. This will promote enhanced competition and improved customer service.

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Yes

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No – if no, please explain why

[Yes. I think that it should be opened up to allow open competition across the sector thus allowing the customers wider choice. Those not providing a quality service would fall by the wayside quite quickly.](#)

Question 28 – Do you agree that the following is no longer required?

- *driver passed driving test in last five years* – all P endorsement holders have to have passed a full licence test in the five years preceding their applying for their P endorsement. The Ministry of Transport's review proposes removing this requirement. A fully licensed New Zealand driver is deemed competent to be on the road without having to sit ongoing tests (certain circumstances excluded). The existing provision of having passed a test in the last five years imposes a cost on the driver, with little benefit.

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Yes

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No – if no, please explain why

[Yes. Having to hold a licence for 2 years should be adequate.](#)

Question 29 – *General comments on the proposals in the Future of small passenger services — consultation paper*

Please add any general comments here:

I think that Uber's business model is way ahead of the old world taxi companies and I hope that the Ministry is not intimidated by the entrenched and backward self interest that they represent.

I hope that the Ministry in framing its final recommendations looks to a future where increasing changes in technology will enable new ways of operating for the technically savvy small passenger service providers. Therefore I think that there should be a reduction in the current amount of regulation and that government agencies involved in the sector (especially the Police and NZTA) should be looking at ways of speeding up their processes so that people wanting to work in this sector can do so much faster.

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