

SPSV Review Taxi Industry, Private Hires.

Reply to the Key Issues.

Panic Alarms. It is amazing that the removal of this safety device is even considered, the other option means outsourcing to third parties and via a Cellphone or Tablet. Currently at Blue Star, we have a manned 24/7 phone room that performs this task, the method used is just a flick of a switch, which opens up the Query Channel, this enables Query to hear exactly what is going on in the Taxi, be it an assault, medical issue or an accident. There are various reasons why a Cellphone or a Tablet will not be able to perform this task adequately. The reasons for this will be dealt with in the **submissions** process of this review. Contracting safety out to Third parties should not be considered as liability becomes blurred.

Providing Customers access to 24/7 Taxi services. It is clear that this requirement is still required, there are obviously more customers in larger Cities, therefore the demand for said services in the/during the unprofitable hours, notably 'Drink Driving', Medical, Work related issues, etc. I believe that by default that there is a "Social Contract" that your call would be answered and a Taxi sent, this won't be the case with Private Hires as there is no social compulsion to provide that service **unless** it becomes economically Viable, surge pricing should do that. Along with the **24/7** requirement comes the need to manage those **Panic Alarms**. **24/7** handles the issue of **Lost property, Complaints**. Removing this option from Customers is to remove a service that they rely upon, this is more particular with the Elderly. Again this will be further highlighted in the **Submission Process**.

Consumer protection, pricing , and Fares. There is sufficient regulation in this Industry, that's called '**Competition**' there is a stringent complaints process should something become amiss, further to this is the prospect that no matter what system is in place there may always be complaints. Taxis are required by Law to display a 'Fare Schedule' outlining the various fare charges and the various fee's that Taxis pay, yet pass on (Airport). The Law, as you will agree states that the pricing is only an "invitation to the offer'er" and really is no different to say, Shoe Stores which advertise the same 'shoe' but for a different price. Without said 'fare schedule' nothing is set, also nothing may not be added in acceptance, there is only a verbal contract to which the Courts could rule on. There cannot be an assumption the fare agreed will be the fare paid. Taxis today have that option to negotiate that fare in favor of a particular customer, Private Hires also have that option today, in fact some are using Taxi Meters. Again, this will be highlighted in, and expanded upon in the **Submission Process**.

Regulation of Ride sharing. I'm suprised that the Government would concentrate on the rights on a Third Party to charge for this service, surely that would be better left to the market to decide, of note would be the protection of the first 2 parties, after all this appears to be the focus of the whole review. To me it seems like **Uber** wish to enter this perceived market so it becomes a case of " How can we change things to suit **Uber**". This now appears to be totally appalling in the way that the review is directed.

May I refer Land Transport to the Auditor General's report on the Taxi Industry 2005 by the then Labour Govt.

Ridesharing v Carpooling = Competition for Public Transport.

Booking or hailing SPSV Services. My argument to this would be simply make Private Hires Taxis, the Law was there for a reason. This was to create a distinction for Limousine services and other niche market operators without going through the extensive compliance costs of Taxis and performing the role of Taxis. This part of the review doesn't exactly imply to what means or checks that will apply to those people that wish to casually enter

this market. Today the Law is pretty clear, this doesn't exactly rule out competition as those Private Hires can simply use their booking system and conform with current legislation. Personally I don't see the need for any Private Hire like **Uber** to support this, as when the customer doesn't use the 'app' the likes of **Uber** cannot 'clip' the ticket. This will also mean that those Private Hires would abandon the 'pre-booked work in favor of the easier pickup work. This is currently a problem with some Taxi Companies today. As an aside, should **Uber** put in place measures to in fact calculate the amount of work lost, and charge a fee for such, then, the terms and conditions of their contractual arrangements with their Drivers changes to one of employee-employer. Once more this will be expanded upon in the **submissions process**.

Safety. The need for a **P endorsement** should never change and I question the motives behind those that wish to do away with such. The problem with the current system is only in the human error side of things and when the wrong person slips through. No other system would have the type of information that the Police and Land Transport have, Private companies would have privacy issues to contend with, and as such a person with less than desirable credentials can block the surrendering of said information or file sharing. The call to remove this barrier could be logically carried over to the vetting that applies to teachers etc. After all what would then be a barrier to perceived safety risks.

Removing the **Certificate of Fitness** and replacing with a normal warrant of fitness will not take into account that Taxis drive over 7 times the distance during the parallel 6 monthly renewals of either certificate, compared to the general public, you surely would be aware that given this all things mechanical wear faster, it stands to reason. The **Certificate of Fitness** is the only measure that is in place to minimise this risk by raising the standard of inspections.

I note that **Uber** has made the review committee aware of the failure rates in Taxis by using the data that is not only 10 years old, but before the **Auditor General's 2005** findings. Today if a Taxi has a high failure rate, they run the risk of losing their **PSL licence**, which is the ability to operate one's business. Given **Uber** wishes to remove this safety requirement, perhaps Land Transport can supply the industry with the rate at which the normal cars pass and fail their warrant of fitness checks, furthermore given that **Uber** state that taxi drivers are in fact working for **Uber**, could they then supply the statistics for those drivers. One must remember the same drivers that were errant in their obligations yesterday, will also be the drivers of **Uber** tomorrow. Given this, there will be no checks as **Uber** contract out of this as they are basically only an 'App'. With the current system at least the basic checks are there and it doesn't become a race to the bottom with safety being the first casualty.

In Car Cameras. There is no technology that captures a chain of events like a camera, the method of the customer knowing what the driver looks like doesn't happen with hail work or other casual pickups. The **Apps** don't take into account of changes in people's appearance either natural or deliberate. Then there is the constant checking if in fact the person despatched looks like the person arriving. **Cameras** also help in other complaints and issues of lost property, without that video/picture nothing could be proved. The Police in the Opus report have noticed a decline in Taxi offending/assaults assaults the Taxi Industry will report that they feel safer. The Police in that Opus report stated that on several occasions they could not proceed as the Taxi either had faulty equipment or refused to hand over such information. **This issue will again surface in the submission stage.** Of note it was mentioned that in some cases, guilt was so obvious that the respective cases never went to trial.

Area knowledge Certificate. This is not, it seems part of the review, but I would like to state it's importance. The most common complaint against Taxis is the fact that they don't know where they are going. GPS navigation systems have been around for over 12 years, yet this problem persists. I believe that it is a mark of Professionalism that a Taxi Driver knows exactly where they are going. Today, despite the many Taxi Companies that have said

systems, this problem persists. The problem is in providers that skim over the issuing of the **Area knowledge certificate** as they clearly have a vested interest in getting that driver into that system working for them.

Removal of the PSL. This issue appears in the "**Option stage**" of this draft review. This is remarkable in the fact that the Area knowledge certificate and the **P endorsement certificate** are up for discussion, therefore the question should be asked "Just who exactly is working in the Industry?" Then it becomes a matter of a person's obligations under the New Zealand Taxation System, the review has just made the whole Private Hire Industry, underground. No controls no Standards, compliance removed. The **PSL** makes individuals responsible for the running of that particular Taxi operation and that they are conversant in all matters in Law. This is very much the method used in getting **ATOs** to seek registration as being run by 'fit and proper' people. The **ATOs** become responsible for the people within the Company, another strong safety feature. **Yet again to be raised in the submission process.**

SPSV Review Option 1. Status Quo.

Some points.

- A)** In Car Cameras and Alarms should be carried in Private Hire Vehicles as they carry the same type of customer as Taxis.
- B)** Private Hire Cars should carry Emergency alarm systems, the drivers should have the same safeguards as Taxis, also it should become compulsory for Employers to provide such systems to their Employees to contact emergency services should the need arise, for both Taxis and Private Hires.
- C)** **Without 24/7 coverage** there is no effective system to call any type of support in case of trouble or medical.
- D)** In respect of the Complaints Register, there must be a 'physical' address to answer such concerns as they arise in either written form, or where the Police can gather information.
- E)** Keeping the Status Quo should include options to remove some of the compliance issues all parties face, particularly the Taxi Industry.
- F)** The status quo should reinforce exactly when a contract for payment happens, or simply reinforce the Operator License Rule for Private Hires.

6.1(5) A driver of a private Hire may not use a meter to determine a fare.

6.1(6) A driver of a private Hire vehicle may only charge a set fare or an hourly rate as agreed

with the prospective passenger as agreed the time of booking.

The Industry has no problem with Uber, this Industry has a problem with the definition on what constitutes a time frame between a booking and being 'on demand'. Booking Apps are no different to phones!, It's what constitutes that difference that matters.

SPSV REVIEW. OPTION 2 Modified status quo.

Some points.

A) Ride Sharing should be in the Private Hire field as this would be no different to a Taxi's ability to Multi Hire. Ride sharing appears to be a 'red herring', I feel that they are more in competition with Shuttles in the fact that shuttles were denied this work in the first place.

B) The safety requirements for Taxis should be visited on Private Hires and Ride Sharing, we after all carry the same people. Do we then assume that those that use Private Hires are of a different calibre and therefore said Cameras won't be required.

C) Given the demand of having a 'Complaints Register' on all parties, why would you then not have Cameras to assist in that process of resolution, and the concession that all parties do indeed have complaints, why place that onus on Taxis.

D) Again given we all have complaints and must have a process of correlating them, why would Private Hires and Ride Sharing be denied protection in the form of an "Emergency Alarm" System.

E) As in the comments in the "Status Quo", Why would there be no requirement for a fixed address should either the Police or Land Transport wish to visit to check, or investigate. This would encourage Private Hires to not only have this information in Cyber Space, but in a different country under a different set of privacy considerations and a cost to retrieve said information.

F) What process would be used to determine if a Private Hire is 'cruising for hire', given that they have currently no markings. (the incident in Hamilton where Mohamed Ali Essa is facing serious sexual charges and disguised as private hire).

G) How would a 'Ride Share' register their fare schedule and what process would be in place to determine whether or not it's correct, considering they have no meters. If they use GPS who, and by what method used checks this, given traffic and road conditions. And given that they have no fixed address. . .

H) Why would Taxis have to record their 'Log on, Log off, given that there major competitors don't. The requirements that Taxi Companies record such information is a large expense.

J) I believe Ride sharing is a non issue in regards of payment as do you prevent some passenger "chipping in for Petrol", who then defines the different parameters with carpooling v Ride sharing, and if it's different, how does one effectively complain.

K) Taxis have always done prebooked jobs.

L) Pre-booking at 60min for Private Hires would clearly reinforce the definition with Taxis.

M) Given the 'red herring' that is Ride Share, why would the Government not expand on the requirements that govern the Shuttle Industry. This doesn't make sense as this would be impossible to either monitor or enforce given the fact that these cars would not need to have signage. **All this so a foreign company can 'clip the ticket' at 20-30% and dissappear behind an 'App'.**

SPSV REVIEW OPTION 3

Some points.

A) **Fare basis agreed prior to trip.** Given that there is no complaints register, this cannot be enforced if circumstances change during the trip, or even if some unsavory elements are factored into. Burdon of proof dissappears.

2 You will openly have disputes on Taxi stands over cut pricing fares, an example is in **Ireland**.

3 You will not obviously have binding contracts before the journey starts.

4 Given that nothing has to be in writting, explain the Tax requirements and the ability for the driver to declare everything, given that with an **ATO**, a record is kept.

5) Complaint resolutions, this will result in an increased workload for Land Transport, and given the investigative process. Without **Cameras** and a recorded history that an **ATO** can supply via the Complaint file of the respective person, resolution will be nigh on impossible, **unless** Land Transport has the duty of recording complaints.

B) The Government brought in **Cameras** for driver safety, now not only do they dissappear, but so to does the **Emergency Alarm** switch.

1 furthermore, nobody is now required to staff any Phoneroom to oversee any problems that arise, and then there is the **Medical issues** that may arise with the customer, or driver.

2 What compulsory safety measure will now be introduced to protect everybody's safety.

3 Does the review panel that makes the recommendations to the Minister have any reliable statistics that show that once you remove all safety measures, no incident will ever occur, thus guaranteeing everyone's safety.

4 **Will the Minister accept personal liability should an incident occur.**

C) There is no longer 24/7 coverage, this in fact ends all safety liability with the former ATO'S. Today Taxis perform vital emergency services that would otherwise tie up St Johns. Therefore where would be the protection for those customers, and then there are those that we service that would never entertain the thought of 'bartering' for a service when they have an urgent medical condition or are simply at the mercy of the 'Hire' driver.

2 Land Transport along with the Taxi Industry have worked together to remove some of the unsavory drivers that otherwise would not have been brought to the attention for the relevant Authorities. Now there are no checks.

3 Nobody is now equiptment to deal with those drivers that work beyond their hours, all liability has been relaxed for the benefit of an overseas company that makes 30%. Today **ATO'S** are given the role of ensuring the Law is followed, now compliance rests with nobody.

4 I take it as given that those 'Braille' stickers are no longer enforceable, and does the Minister have any reliable

statistics that confirm that once those stickers are removed, those passengers are not in anyway disadvantaged. Therefore just who mis-lead the Minister in bringing them in, in the first place.

5 Will the new standards apply under the new "Health and Safety Bill" currently before Parliament, if this doesn't apply and given that some "Transport Network Companies" are/will be employing 'drivers', would there be other Legal requirements not covered in this "briefing ".

6 This Industry has **PSL** requirements that enable one to effectively run a small Business within the framework of acknowledging all the Legal requirements being Land Transport Law. Further to this there is the question of your Taxation, GST, ACC, and Kiwi Saver contributions. To run this as a Business or a 'going concern' was this **PSL**. When this is removed it becomes easier to effectively dissappear from the system and use the Business purely for cash purposes, The Black Economy as everyone will use this as secondary income. Added to this is the fact that the respective Private Hires will become untraceable as they carry no signage.

7 Public Liability issues given that no single entity monitors their activities.

8 Land Transport, as said before have limited information in revoking somebody's **P** Endorsement.

9 We become harder to find, Lost property becomes a nightmare, at least **Cameras** could prove something, complaints will have no emphasis on resolution as its in nobodies interests to form a company, except a loose bunch of drivers, like **Ireland**.

10 Taxation. Enough said.

SPSV Review Option 4.

There appears very little difference between Option 3 and 4 except the acknowledged requirement of having a **PSL**. As with option 3 this will make little difference as one can get said Licence, but given the fragmented nature that is 'individual' Private Hire, Administering just where you are working is problematic.

SPSV Review Option 5. Single Class with TNC Having Responsibility for Compliance.

Some points.

This appears to be the favored option by Land Transport and the Government, all safety features have been removed despite the urgency that the **Cameras** introduction held. All drivers would effectively have no protection and any measure would be on a volunteer basis, this hasn't worked in the fishing industry or with Forestry/Logging let alone the Trucking Industry. All drivers would become isolated, then there is the medical issues that arise with both driver and passenger, notably the Elderly, or disabled. Belonging to a **Transport Network Provider** would only become a shelf company as the obligations have either not be spelt out or do not exist. Therefore just who is Contracting out of the **Health & Safety Act**, and why.

We now go to a bartering system whereby a customer 'A' walks down a line of Cars at Wellington Airport asking, "Who will do Upper Hutt for \$60" or customer 'B' who wants to go to the doctors in Tawa from Lincoln Ave to Tawa, and is offered a price of \$30, as this job is not "**Economically viable**". This is the example of what **is** going to happen at that 'Social Contract' that Taxis once had is now replaced by "**what's best for business**".

Then we have no Complaints Register, good luck with that. This becomes a free for all and all return to some of the behavior that was recorded in that **Auditor General's findings 2005**. Sexual complaints? Prove it! Lost property? Who cares as it's not "**Best for Business**".

Then having removed the basic controls, where does the obligations to Inland Revenue sit, and just how do you account for income over expenditure, remembering that nobody will ever check the validity of a **GST receipt**. You will never know the work that I do or the prices that I charge. Those **Logbooks**, well you can never cross reference, you won't even know of any secondary employment, until it's too late, of course

Option 6 SPSV Review. Single Class with All Regulated as Taxis.

All the safety features remain, everybody works within a recognized frame work. Except that Private Hires would become disadvantaged. The compliance costs for Hires would make that business unprofitable as they carry out some services that actually help the Taxi Industry. Classic Cars for special occasions, daily a driver, the requirements to provide 'clean cars' for VIP use.

All that the Taxi Industry require is the definition of what constitutes a 'booking' from being 'on demand'.

The submissions stage is the next step. [Wayne Branks](#)