

11 March 2015

Mike Wesley-Smith
Reporter, Campbell Live

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Dear Mike

Request made under the Official Information Act 1982

Thank you for your email of 5 February 2015 to Andy Knackstedt requesting information relating to sexual assault complaints made against Taxi Drivers.

In regards to part 1 and 2(a) of your request:

- 1. Annually, for the last 10 years how many sexual assault or indecent assault complaints have been made against Taxi Drivers in New Zealand.**
- 2. How many of those complaints have resulted in a:**
 - a) Police Prosecution and**
 - b) conviction.**

The NZ Police were consulted and the information is not held for question 1 and 2(a). This is because police statistics are based on legislative definitions of offences. Whether or not an accused person is a taxi driver is immaterial to the offence of sexual or indecent assault under legislation.

In regards to part 2(b) of your request, the Ministry of Justice was consulted and the information is not held because of the way information is recorded in its Case Management System. Without searching every court record the Ministry of Justice cannot be sure if a conviction for an assault charge is in relation to a taxi driver or a general member of the community. This level of detail is not available in the datasets used to analyse its statistical data.

Consequently your first two requests are declined under 18(e) of the Official Information Act 1982 as the information you seek does not exist.

3. How many drivers have had their P-Endorsement cancelled as a result of such complaints annually over the last ten years?

From 16 January 2006 there have been 335 P-endorsements for small (eg a taxi, maximum 12 seats) and large vehicles (eg bus and shuttle drivers - more than 12 seats) that have either expired, revoked or declined because of sexual offending.

Information for sexual offences by taxi drivers is not readily available because of the way the data is recorded by the Transport Agency and is declined under section 18(f) of the Official Information Act because the information requested cannot be made available without substantial collation or research.

In the same period, an average of 22,000 current P-endorsements for small vehicles and 12,600 current P-endorsements for large vehicles were held.

Information prior to 16 January 2006 cannot be provided as the Driver Licence Register does not hold this data.

4. What investigation process does the NZTA follow when notified such a complaint has been made against a driver?

The Transport Agency has established procedures in place to guide the investigation of serious complaints made against drivers. The action taken with drivers depends on the nature of the charges. The following legislation provides the guidance on what must be considered when assessing any driver facing charges of a serious nature:

The LTA - Subpart 2 Fit and Proper Person Test, Assessment Criteria is provided in - Clause 30C General Safety criteria and Clause 30D - Additional criteria for small passenger service vehicles and vehicle recovery..

Section 29(A) of the LTA specifies the serious offences that prohibit a person from holding a passenger endorsement:

The Land Transport Rule: Operator Licensing 2007 (OLR), section 8.5 Operating requirements Clause (l) and (m) also specifies that the Approved Taxi Organisation (ATO) must report to the Transport Agency, within 48 hours the termination of drivers or members for improper behaviour and complaints of a serious nature.

The majority of complaints to the Transport Agency are received this way. Serious offences can also be notified to the Transport Agency's Palmerston North Office Licensing team by NZ Police where they involve a commercial driver licence.

In addition to the investigation of complaints, the Transport Agency's Palmerston North Office checks all drivers' offences when drivers apply for a new P endorsement or the renewal of existing P-endorsements. This office also undertakes an annual review of all P-endorsement criminal history for drivers of small passenger vehicles that have renewed their licences for five years.

The decision on any Fit and Proper assessment is made by the Adjudications or Driver Licensing Teams.

5. What measures are in place to protect passengers (from assaults) and drivers (from false complaints) i.e. cameras etc.

ATOs are required by section 8.4 of the ORL to have security cameras in all vehicles. Drivers are reminded when logging on to ensure the camera is operational and to have an unobscured view of the interior of the taxi.

The footage recorded by the camera must be retained for at least 168 hours. Access to this footage is covered by the ATO rules to protect the privacy of individuals.

The rules require ATOs to record all complaints and refer complaints that are of a serious nature to the Transport Agency not later than 48 hours after the complaint is lodged.

ATOs must have a monitored telecommunications system, emergency alert and response facility for drivers. The requirements for this is provided in OLR section 8.5 clause (t) and (y).

Under section 28(3) of the Official Information Act 1982, you have the right to apply to an Ombudsman for an investigation and review of the decision to decline parts of your request. The address is:

Office of the Ombudsmen
PO Box 10152
Wellington

Please note that this response will be published on the Transport Agency web within 48 hours of you receiving it. If this conflicts with a dead line and/or if you would like to discuss this reply with the NZ Transport Agency, please contact Andrew Knackstedt, National Media Manager, by email to Andrew.Knackstedt@nzta.govt.nz or by phone on 04 894 6285.

Yours sincerely

A handwritten signature in blue ink that reads "Kate Styles". The signature is cursive and somewhat stylized.

Kate Styles
National Manager Operations
For Chief Executive