

22 June 2023

[REDACTED]

REF: OIA-12393

Dear [REDACTED]

Request made under the Official Information Act 1982

Thank you for your email of 6 April 2023 requesting information regarding the small passenger service sector under the Official Information Act 1982 (the Act).

As advised in our letter dated 8 June 2023, there were parts of your request which we would be in a position to provide a response to on or before 22 June 2023. Responses to these parts of your request are set out in turn below.

Unfortunately, we have been unable to provide complete data on all aspects of your request and as such, we would like to take the opportunity to discuss this in further detail with you. Andrew Galloway, Portfolio Manager Upper North Island, will arrange this with you.

4.2 Pre-Negotiated Pricing

There have been numerous reports made to Waka Kotahi and to reputable media outlets around issues with pre-negotiated pricing. These include fares not being pre-negotiated in practice but simply demands being made of a customer upon conclusion of a journey.

4.2.1 What information does Waka Kotahi hold on these complaints?

Waka Kotahi NZ Transport Agency has received a small number of complaints about fares not being pre-negotiated. Passengers are often not aware of the need to agree fares before the trip starts. We have interrogated our systems and found the following.

- Waka Kotahi has received 25 reports for driver dishonesty/poor service/over-charging between July 2022 and June 2023.
- Five cases were created in response. These were entered into our reactive workstream. The remaining 20 were classed as reactive insights (closed with no further action).

4.2.2 Has Waka Kotahi seen an increase in complaints of this nature?

Yes. Many of these have come via the small passenger service association members.

4.2.3 Can Waka Kotahi provide statistics around complaints of this nature?

Yes. However, due to the broadness of this question, you would need to specify with due particularity what statistics you require.

You can submit a request for specific statistics to official.correspondence@nzta.govt.nz and we would be happy to consider it under the provisions of the Act at that time.

4.2.4 If Waka Kotahi cannot provide statistical information around complaints of this nature, why not?

Please refer to the response to question 4.2.3.

4.2.5 Of the complaints Waka Kotahi can find, what was the outcome of these complaints?

Two drivers received a warning, two drivers were entered into our system for a compliance review. All other cases were logged in the system for future awareness however no action was taken.

5.8 What meaningful steps have been taken to improve data collection in the past 12 months in relation to the small passenger service industry?

In the last 12 months, we have implemented a digital platform to capture and assess all complaints received by the Waka Kotahi Safer Commercial Transport team. This has provided oversight of all risk assessed complaints and enabled the ability to report more meaningfully on these using Power BI.

- The complaint (or Notification) classification has been broken down to be more specific of the actual complaint received and allows a more targeted risk assessment to be performed.
- The source of the complaint is now captured to track the origin of the complaint, eg. 0800 customer number, Rideshare inbox.
- Data that continues to be captured where relevant is when the driver in question holds a Small Passenger Service Licence (SPSL), Passenger endorsement, and what Service Provider or organisation they are working under, eg. Uber, Taxi. We do not have the category 'Independent Taxi' as this is difficult to define or measure.
- We have migrated all historical complaint datasets (former National Complaints Register) held dating back to June 2015, together into one digital dataset (SharePoint List). This will enable easier oversight and reporting over a longer timeline to be developed.

7.5 How many random roadside audits has Waka Kotahi carried out for each of the last five years?

Waka Kotahi does not carry out roadside audits, rather, it carries out random roadside checks. However, we do not keep a formal record of these checks and are unable to provide a response on the number of random checks we have done.

As such, we are required to formally refuse this part of your request under section 18(e) of the Act as the document alleged to contain this information does not exist.

7.6 How many complaints registers has Waka Kotahi audited of taxi companies, rideshare company's or individual small passenger service providers for each of the last 5 years?

Waka Kotahi does not record specifics of “auditing” complaints registers. During the course of a compliance review or an investigation into a complaint, the regulator will ask to see the operator’s complaint register and record their findings in a report. This is not an audit.

7.8 How many small passenger service operators have ‘self-reported’ any complaints of a sexual nature or other complaints which are notifiable to Waka Kotahi for each of the last 5 years?

Prior to 1 July 2022, we did not capture complaints by their source, so do not have data of ‘self-reported’ complaints. Therefore, this part of your request is refused under section 18(e) of the Act as the document alleged to contain this information does not exist or despite reasonable efforts to locate it, cannot be found.

However, due to improvements that we have made in how we now collect information on complaints of this nature, we are able to provide numbers from 1 July 2022 to 7 June 2023. These are set out in the table below:

Source	Type	1 July – 31 December 2022	1 January – 7 June 2023
Rideshare Inbox	Sexual – inappropriate advances/requests/threats	9	15
	Sexual - touching	9	8
	Sexual – rape & sexual assault	5	2
	Drugs/alcohol	2	2
	Dangerous/bad/unsafe driving	5	3
	Assault	6	3
	Inappropriate verbal suggestions	7	4
	Poor service	2	0
Taxi Company	Sexual – inappropriate advances/requests/threats	0	3
	Sexual - touching	0	0
	Sexual – rape & sexual assault	0	0
	Dangerous/bad/unsafe driving	3	0
	Overcharging	2	0

7.12 How many ‘independent’ small passenger service operators have been audited for each of the last 5 years?

We have included the total number of compliance reviews, compliance audits, investigations and monitoring verifications for passenger endorsement holders and SPSL holders completed each year.

These figures are provided for you below:

Year	Total number of compliance reviews, compliance audits, investigations and monitoring verifications completed
2019	311
2020	243
2021	270
2022	291
2023 (as at 6 June 2023)	140

7.13 How many and how often have taxi or rideshare companies been audited for each of the last 5 years?

Our systems do not identify or differentiate types of operations.

This part of your request is refused under section 18(e) of the Act, as the document alleged to contain this information does not exist or despite reasonable efforts to locate it, cannot be found.

8.8 How many notifications did Waka Kotahi make to NZ Police and vice-versa regarding small passenger service operators charged or convicted of a serious offence in each of the last 5 years?

The information we hold is in relation to licence holders that hold a passenger endorsement from 2018 to 2022. A passenger endorsement can be applied for as either a Small, Large, or Both – the results given cover passenger endorsements in total.

Those convicted of a “Specified Serious Offense” are as follows:

Year	Convicted of a “Specified Serious Offense”
2018	1
2019	0
2020	2
2021	1
2022	0

8.9 How many notifications did Waka Kotahi make to NZ Police and vice-versa regarding small passenger service drivers whose licence or endorsement has been suspended or revoked in each of the last 5 years?

For context, when an individual has had their licence or endorsement suspended, their driver licence record in the Driver Licence Register (the Register) is updated. There is an automated process where the system NZ Police use to view the status of driver licences and endorsements is updated overnight with the current information that is held in the Register. This allows NZ Police to have up to date information on the status of an individual’s licence or endorsement which they can look up at any time.

The information we hold is in relation to licence holders that hold a passenger endorsement from 2019 to 2022. A passenger endorsement can be applied for as either a Small, Large, or Both – the results given cover passenger endorsements in total.

The number of passenger endorsements suspended or revoked are as follows:

Year	Number of passenger endorsements suspended or revoked
2018	42
2019	75
2020	51
2021	111
2022	63

8.10 The SPSA have been informed by Waka Kotahi that any complaints that are potentially of a criminal nature get referred to the Police to action. How many complaints of this nature have Waka Kotahi referred year on year for the last five years?

These would be referred to NZ Police on a case-by-case basis. We do not centrally collect or report on the number of referrals of this nature.

This part of your request is refused under section 18(e) as the document alleged to contain the information does not exist, or despite reasonable efforts to locate it, cannot be found.

11.4 How many complaints registers has Waka Kotahi audited of taxi companies, rideshare company's or individual small passenger service providers for each of the last 5 years?

Please refer to the response to question 7.6.

11.5 How many small passengers service operators have 'self-reported' any complaints of a sexual nature or other complaints which are notifiable to Waka Kotahi over the last 5 years?

Please refer to the response to question 7.8.

12.5 How many complaints relating to overcharging have been lodged by consumers with Waka Kotahi each year over the last 5 years?

The table below sets out the number of complaints received, and the number investigated by Waka Kotahi.

Year	Number of Overcharging Complaints	Investigated
2023 (to 7 June)	5	1
2022	13	1
2021	18	14
2020	21	12
2019	38	17

12.6 How many of those complaints relating to overcharging have been investigated by Waka Kotahi each year over the last 5 years?

Please refer to the response to question 12.5.

12.7 Pre-negotiated Fares; How many operators has Waka Kotahi investigated for allegedly not abiding by Rule 3.7(3) ‘ A driver of a vehicle used in a small passenger service must agree with the prospective hirer the scale or basis of the fare prior to the start of the trip’?

Please refer to the response provided to question 12.5.

Under section 28 of the Act, you have the right to complain to the Ombudsman about our decision to refuse parts of your request. The contact details for the Ombudsman can be located at www.ombudsman.parliament.govt.nz.

In terms of the information we have been unable to supply in this response, as advised at the beginning of this letter, Mr Galloway will meet with you to discuss these responses and elaborate on what improvements we are making in terms of data collection, so that it can be more efficiently reported on going forward.

At this time, Mr Galloway will also discuss the remainder of your request with you, which does not require a response under the provisions of the Act, as stated in our response of 8 June 2023.

In the meantime, if you have any questions, please contact Mr Galloway, by email at andrew.galloway@nzta.govt.nz.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized, cursive 'D' followed by a horizontal line extending to the right.

Dylan Hunt
Senior Manager Safer Commercial Transport