



Ministry of **Transport**
TE MANATŪ WAKA

WELLINGTON, NEW ZEALAND

PURSUANT to sections 152(a), (b) and g(i), 155(b),
158(b)(xvii) and 159(1) and (2) of the Land Transport Act
1998

I, Steven Joyce, Minister of Transport,

HEREBY make the following ordinary Rule:

Land Transport Rule: Operator Licensing Amendment

SIGNED AT Wellington

This *21st* day of *December* 2010

[Signature]
Steven Joyce
Minister of Transport

Land Transport Rule Operator Licensing Amendment (No 2) 2010

Rule 81001/4

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Land Transport Rule

Operator Licensing Amendment
(No 2) 2010

Rule 81001/4

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Objective of the Rule

Land Transport Rule: Operator Licensing Amendment (No 2) 2010 (the Rule) amends *Land Transport Rule: Operator Licensing 2007* (the Operator Licensing Rule), which specifies the requirements for obtaining and renewing a licence to operate a passenger, rental, vehicle recovery or goods service. It sets out requirements that apply to transport service drivers, ‘dial-a-driver’ services and approved taxi organisations.

The objective of the Rule is to amend the Operator Licensing Rule to provide increased safety to taxi drivers and their passengers. The measures set out in the Rule were agreed by Cabinet in August 2010 following the deaths of two working taxi drivers, and other serious assaults on drivers.

The Rule requires that:

- approved taxi organisations (ATOs) install a security camera system in each of their taxis operating in major towns and cities;
- in major towns and cities:
 - all taxis must have a telecommunications system that can provide monitored communications 24 hours a day, seven days a week from a fixed location; and
 - ATOs must ensure that their drivers are provided with an emergency alert and response system.

Security cameras fitted in taxis must comply with minimum specifications set out in the Rule. The Operator Licensing Rule currently requires ATOs to operate in accordance with operating rules that have been submitted to, and approved by, the NZ Transport Agency. ATOs are required to update their operating rules to reflect the new requirements in the Rule.

The Rule is intended to sit alongside existing legislation, such as the *Privacy Act 1993*, and existing police powers to obtain information.

Extent of consultation

Following the death of a second driver within 13 months, the Ministers of Labour and Transport met on 10 February 2010 to discuss safety options with representatives of the taxi industry, who advocated strongly for the Government to intervene to improve taxi driver safety. The Minister of Transport received a report from transport officials on 17 March 2010 examining these options, and he met with taxi industry representatives to discuss the report's recommendations.

Formal consultation on the proposals agreed by Cabinet began on 13 September 2010 when the NZ Transport Agency released the consultation (yellow) draft of the Rule for public comment. The NZ Transport Agency sent a letter or emailed advice about the availability of the yellow draft to about 980 groups and individuals who had registered their interest in the Operator Licensing Rule and *Land Transport Rule: Passenger Service Vehicles 1999*. The availability of the draft amendment Rule was publicised in the daily newspapers in Auckland, Hamilton, Wellington, Christchurch and Dunedin, in selected regional daily newspapers and in the *New Zealand Gazette*.

The NZ Transport Agency received 35 submissions on the draft amendment Rule. The submissions were taken into account in redrafting the amendment Rule before it was signed by the Minister of Transport.

Part 1 Rule requirements

Section 1 Application

1.1 Title

This Rule is *Land Transport Rule: Operator Licensing Amendment (No 2) 2010*.

1.2 Commencement

This Rule comes into force on 1 February 2011.

1.3 Scope of Rule

This Rule amends *Land Transport Rule: Operator Licensing 2007*.

Section 2 Amendments relating to Rule requirements

2.1 Security in taxis

2.1(1) The Rule is amended by inserting the following section after *section 4*:

“Section 4A In-vehicle security cameras

“4A.1 In-vehicle security camera systems

“4A.1(1) This clause applies to an in-vehicle security camera system in a taxi that is:

- (a) currently in use, or available for use, as a

taxi but not at other times; and

- (b) used by a taxi driver to accept a hire in an area listed in *Schedule 5* unless that hire is as described in *4A.1(4)*.

“4A.1(2) A person must not cause or permit a taxi driver to accept a hire in an area listed in *Schedule 5* unless the taxi is fitted with an in-vehicle security camera system that:

- “(a) has been approved by the Agency; and
- “(b) is operating; and
- “(c) has an unobscured view of the interior of the taxi.

“4A.1(3) A taxi driver must not accept a hire in an area listed in *Schedule 5* unless the taxi is fitted with an in-vehicle security camera system that:

- “(a) has been approved by the Agency; and
- “(b) is operating; and
- “(c) has an unobscured view of the interior of the taxi.

“4A.1(4) Despite *4A.1(2)* and *4A.1(3)*, a taxi driver may accept a hire that was booked prior to the commencement of the hire and has a destination that is outside of the areas listed in *Schedule 5*.

- “4A.1(5) An in-vehicle security camera must be visible to passengers and fitted so as to record facial images of persons sitting in a normal manner in any seating position.
- “4A.1(6) A person must not interfere with, or cause or permit interference with, an in-vehicle security camera system, in a manner that is likely to prevent or impede the proper working of the system.
- “4A.1(7) A notice to advise passengers of the operation of the in-vehicle security camera system must be clearly and prominently displayed inside the vehicle.
- “4A.1(8) A notice or sign that indicates the vehicle is fitted with an in-vehicle security camera system must be clearly and prominently displayed on the outside of the front passenger door of the vehicle.
- “4A.1(9) An in-vehicle security camera system that is fitted to a taxi before 1 February 2011 is deemed to be an approved system until 1 February 2012.
- “4A.1(10) Despite 4A.1(2) and 4A.1(3), a taxi may be operated without an approved in-vehicle security camera system before 1 August 2011.

“4A.2 Approval of in-vehicle security camera systems

- “4A.2(1) A person may apply to the Agency for approval of an in-

vehicle security camera system for use in a taxi.

- “4A.2(2) An application under *4A.2(1)* must be made on a form approved by the Agency and include:
- “(a) the system specifications; and
 - “(b) details of how the system is installed; and
 - “(c) any other information or equipment requested by the Agency.
- “4A.2(3) The fee for an application under this clause is:
- “(a) prescribed under *regulation 6* of the *Transport Services Licensing Regulations 1989*; and
 - “(b) specified in *Schedule 1* of those regulations.
- “4A.2(4) The Agency may approve, with or without conditions, an application made under *4A.2(1)* if it is satisfied that the camera system meets the minimum specifications set out in *Schedule 6*.
- “4A.2(5) The Agency must give notice of an approval of an in-vehicle security camera system to the applicant and publish a list of approved systems.

- “4A.3 Material recorded by in-vehicle security camera systems**
- “4A.3(1) This clause applies to material recorded by an in-vehicle security camera system described in *4A.1(1)*.
- “4A.3(2) A person must not access material recorded by and stored in an in-vehicle security camera system unless they are a person in *4A.3(3)*, *4A.3(4)* or *4A.3(5)*.
- “4A.3(3) A police employee, or a person acting under the direction, or authorisation, of a police employee, may access an in-vehicle security camera system in the execution of police duties.
- “4A.3(4) A person identified in an approved taxi organisation’s operating rules as authorised to access, delete, copy or use material recorded by an in-vehicle security camera system may access the system for one of the following purposes:
- “(a) to provide information to a police employee for law enforcement purposes;
 - “(b) to manage personal information in accordance with the *Privacy Act 1993*;
 - “(c) to investigate a complaint that has been recorded in the

register of complaints referred to in 3.5(2);

“(d) to repair, maintain, test or assess the operation of the camera system.

“4A.3(5) A person authorised in writing by an approved taxi organisation may access material recorded by an in-vehicle security camera system, that is installed in a taxi operated by a member of that organisation, for the purpose of maintaining, testing or repairing the system.

“4A.3(6) Material recorded by an in-vehicle security camera system must be retained for at least 168 hours.”

2.1(2)

Clause 8.4 is amended by inserting the following subclauses:

“8.4(4) An approved taxi organisation must comply with the organisation’s approved operating rules.

“8.4(5) A member of an approved taxi organisation, the holder of a passenger service licence who operates a taxi and the driver of a taxi must all comply with the operating rules of the relevant approved taxi organisation.

“8.4(6) An approved taxi organisation’s operating rules must include the details of the telecommunications system through which its services are made available to the public.

“8.4(7)

If any of an approved taxi organisation’s members operates a taxi to which 4A.1(1) applies, the approved taxi organisation’s operating rules must include:

- “(a) procedures for the operation of an in-vehicle security camera system, including the means of compliance with the rules, how the camera system will be initially and periodically checked, maintained and repaired, how the recorded material will be handled, and how access to it will be controlled; and
- “(b) details of the telecommunications system through which its emergency alert and response facility will be provided; and
- “(c) procedures for managing an emergency alert received from a driver, including sending notification to the police and establishing a two-way communication with the driver, and notifying the approved taxi organisation.

“8.4(8) An approved taxi organisation to which 8.4(7) applies that held a current approval immediately before 1 February 2011 may continue to operate under its approved operating rules until all required changes to its operating rules have been approved by the Agency in accordance with 8.4(1) or until 1 August 2011, whichever occurs first.”

2.1(3) *Paragraph 8.5(1)(c)* is amended by substituting “a publicly available” for “the White Pages of the”.

2.1(4) *Paragraph 8.5(1)(e)* is amended by substituting the following for *subparagraph (iii)*:

“(iii) the unique fleet number assigned by the organisation to each vehicle, the registration plate details of that vehicle, and whether the vehicle is fitted with an in-vehicle security camera and if it is, the date of fitting and the identification of the system fitted.”

2.1(5) *Subclause 8.5(1)* is amended by inserting the following paragraphs after “Agency” in *paragraph (s)*:

“; and

“(t) ensure that if any one of its members is operating a taxi to which 4A.1(1) applies, the telecommunications system includes a telephone number for calls from the public that:

“(i) connects to a person at a fixed location; and

- “(ii) is published in a publicly available telephone directory; and
- “(u) ensure that, if any one of its members is operating a taxi to which *4A.1(1)* applies:
 - “(i) the taxi is equipped with equipment to enable two-way telecommunications between the taxi driver and the person in *subparagraph(t)(i)*, while the taxi is operating in the area; and
 - “(ii) an approved in-vehicle security camera system has been fitted to that taxi in such a manner as to be fit for purpose; and
- “(v) ensure that a taxi to which *4A.1(1)* applies, has an in-vehicle security camera system that is fully operational and the taxi driver is reminded, when logging on, to ensure that the camera is operating and has an unobscured view of the interior of the taxi; and
- “(w) ensure that all material recorded by an in-vehicle security camera system, in a taxi to which *4A.1(1)* applies, is protected from unauthorised access; and
- “(x) not authorise a taxi driver to have unsupervised access to material recorded by an in-vehicle security camera system

while that driver was driving the taxi; and

- “(y) ensure that every driver who is a member of the organisation or is employed by a member of the organisation or by the organisation itself, and who drives a taxi to which *4A.1(1)* applies, is provided with an emergency alert and response facility that:
- “(i) is easily and quickly activated by the taxi driver; and
 - “(ii) initiates a two-way communication with a person able to arrange assistance; and
 - “(iii) establishes the identity of the driver or the taxi; and
 - “(iv) establishes the location of the driver or the taxi; and
- “(z) ensure that the person who receives an emergency alert from a driver knows what to do and is able to respond, as required by the approved operating rules, in that event; and
- “(aa) ensure that every driver who operates a taxi to which *4A.1(1)* applies is competent to operate the in-vehicle security camera system fitted to it.”

2.1(6)

Clause 8.5 is amended by inserting the following subclause:

- “8.5(5) An approved taxi organisation that held a current approval immediately before 1 February 2011 does not have to comply with 8.5(1)(t), (u), (v), (y), (z) and (aa) until all required changes to its operating rules have been approved by the Agency in accordance with 8.4(1) or until 1 August 2011, whichever occurs first.”

Section 3 Amendment to Definitions

3.1 Insertion of definition

Part 2 Definitions is amended by inserting in the appropriate places the following definition:

“**In-vehicle security camera system** means a system of one or more cameras installed in a vehicle and associated components, whether in the vehicle or not, that:

- (a) records images of the occupants of the vehicle; and
- (b) includes any means by which the material recorded by the camera is stored; and
- (c) includes all wiring and connections that may be required for operation of the camera system.”

Section 4 Amendments to Schedules

4.1 Amendments to Schedules

4.1(1) *Schedule 4* is amended by substituting the following for the first item:

“Auckland metropolitan:

“The areas that immediately before 1 November 2010 were identified as North Shore City, Waitakere City, Auckland City, Manukau City, and Papakura City.”

4.1(2) *Part 3 – Schedules* is amended by adding the Schedule set out in *Schedule 1* of this Rule as *Schedule 5*.

4.1(3) *Part 3 – Schedules* is amended by adding the Schedule set out in *Schedule 2* of this Rule as *Schedule 6*.

Part 2 Schedules

Schedule 1 New Schedule 5 added [Ref. 4.1(2)]

“Schedule 5, Areas for which an in-vehicle security camera system and an emergency alert and response facility are required for a taxi [Ref. 4A.1(1)]

Whangarei	Okara Ward and Denby Ward.
Auckland	The areas that immediately before 1 November 2010 were identified as North Shore City, Waitakere City, Auckland City, Manukau City, and Papakura City.
Hamilton	Hamilton City and Hamilton Airport and its precinct.
Tauranga	Otumoetai-Bethlehem Ward, Te Papa-Welcome Bay Ward and Mount Maunganui-Papamoa Ward.
Rotorua	Rotorua urban area including the Ngongataha area, and the Rotorua Airport and its precinct.
Gisborne	Gisborne Ward.
Napier	Napier City.
Hastings	Hastings Ward and Havelock North Ward.
Palmerston North	Papaioea Ward, Takaro Ward, Hokowhitu Ward, and Awapuni Ward.
New Plymouth	New Plymouth City and the New Plymouth Airport and its precinct.
Whanganui	Whanganui City Ward.
Wellington	Hutt City, Upper Hutt City, Porirua City and Wellington City.

Nelson	Nelson City.
Christchurch	Christchurch City excluding Banks Peninsula Ward.
Dunedin	Mosgiel-Taieri Ward, Waikouaiti Coast-Chalmers Ward, Cargill Ward, Hills Ward, South Dunedin Ward, Green Island/Saddle Hill Ward and the Dunedin International Airport and its precinct.
Queenstown	Queenstown urban area and the Frankton District.
Invercargill	Invercargill District.”

Schedule 2 New Schedule 6 added [Ref. 4.1(3)]

“Schedule 6, Specifications for in-vehicle security camera system [Ref 4A.2(4)]

An in-vehicle security camera system must have the following minimum function and design features:

1. The camera system must record and securely store images and enable the retrieval of those images for copying, viewing and printing.
2. The camera must be designed to be fitted inside a taxi in a position that:
 - (a) is clearly visible to persons seated in the vehicle; and
 - (b) enables it to record the faces of all persons seated in the taxi.
3. The recorded images must be of a sufficient quality to enable facial identification of all occupants seated in the taxi, in all lighting conditions including complete darkness.
4. The camera system must record images at a rate of at least one image per second.
5. The recorded images must contain a unique and unambiguous identification of the camera, the taxi it belongs to, and accurate time and date information.
6. The camera system must be marked with a unique means of identification.
7. The camera system must be capable of storing images for at least 168 hours.
8. The camera system must undertake regular self-testing in order to check that it is recording and storing images.

9. The camera must have a system status indicator, that is clearly visible to the vehicle's driver and that indicates when the system is operating and when the system has detected that it is not recording or storing images or both.
10. The camera system must create an automatic log of activity including accessing of recorded material and modifying settings.
11. The recorded images must be protected from unauthorised access.
12. The camera system must not interfere with other electronic devices or systems likely to be found in a taxi and must not be adversely affected by a vehicle's electrical system.
13. The camera system must meet all operating requirements, including storage of images, without the need for any manual processes during normal operation."