

22 December 2021

IR-01-21-34518

James

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Dear James

I refer to your correspondence received on 22 November 2021 in which you requested information relating to New Zealand Police and the use of police vehicles for personal use.

I have considered your request under the Official Information Act 1982 (OIA) and my response to each of your information requests can be found below.

*Could you please provide: Any policies or non-confidential generic agreement letters around personal use of vehicles.*

Please refer to Appendix A, Police's *Vehicle Agreement Policy* and Appendix B, the relevant section of Police Instructions: *Use of Police vehicles*, as it relates to private use of Police vehicles.

*Could you please provide: A list of roles allocated personal use vehicles and what the personal use is (i.e. limited or full use).*

The roles that are entitled to contract vehicles that allow for personal use under the terms of the *Vehicle Agreement Policy* are as follows:

- All positions at Assistant Commissioner and Executive Director level (12 positions).
- All Positions at Deputy Commissioners and Deputy Chief Executive level (18 positions).
- Commissioner of Police (1 position. Note: The current Commissioner of Police has not taken up his eligibility for a contract vehicle).

*Could you please provide: The total number of personally allocated vehicles within the New Zealand Police.*

Police currently have 30 contract vehicles allocated to District Commanders and Police Executive Members (as per the positions listed above) subject to the terms and conditions in the *Vehicle Agreement Policy*.

There are several roles within Police where staff (both constabulary and employees) are required to retain a police vehicle for their sole use for their operational role or for a specific work purpose. This may involve the staff member

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having to keep the vehicle with them outside their normal hours of work if they are in an 'on-call' situation or for operational requirements (e.g. Staff in rural 1-2 person stations, Police photographers, Radio Service Engineers). This may require them to hold the vehicle overnight at their place of residence in accordance with the Police Instructions: *Use of Police vehicles*.

I trust this information is of use to you. You have the right, under section 28(3) of the OIA, to ask the Ombudsman to review my decision if you are not satisfied with the way I have responded to your request.

Yours sincerely



**Inspector Brian Yanko**  
Manager, Fleet Management  
Fleet Management Group  
Police National Headquarters

# Vehicle agreement policy

## Introduction

This policy sets out terms and conditions that apply to senior employees who are entitled to use a Police vehicle as part of their employment agreement.

## Transitional provisions

This policy applies to new appointments and all police contract vehicles at the time of replacement. Employees currently entitled to the use of a Police vehicle will have that entitlement met under the provisions of Schedule C of their current employment agreement (unless agreed otherwise).

## General terms and conditions of use

1. The vehicle remains the property of Police throughout the agreement.
2. The car is provided for work use, but can be used in a private capacity.
3. The employee has the use of a Police vehicle in accordance with this policy.
4. The employee will at all times take reasonable care of the vehicle, and shall use the vehicle responsibly.
5. The employee may either:
  - i. select to sacrifice part of their total remuneration in return for the use of a Police vehicle or
  - ii. select not to have the use of a Police vehicle and receive their full total remuneration.

The latter option may not be available to all employees as it is mandatory that District Commanders must elect to take the vehicle due to operational requirements.

6. With the exception of District Commanders the remunerative value of the vehicle will be assessed using the following formula:

Purchase price + on road costs + approved accessories (excluding GST) x ICE/PHEV/BEV % = remunerative value.

Internal Combustion Engine (ICE)	Plug-in Hybrid Electric Vehicles (PHEV)	Battery Electric Vehicles (BEV)
40%	27.5%	20%

For District Commanders the calculation is based on \$12,000 + approved accessories (including GST) = remunerative value.

The remunerative value will be deducted from the employee's total remuneration when the employee has the use of a Police vehicle. Where an eligible employee elects not to accept the use of a Police vehicle no deduction to total remuneration will occur.

7. The vehicle shall not be driven by any person impaired by alcohol (outside of the legal limits) and/or drugs (including medication).

### **Vehicle selection and replacement**

Police will allocate the employee with a vehicle. Where no vehicle is available the employee may select a vehicle from the approved list of standard Police vehicles available. No deviation from this list is permitted.

Constables entitled to a Police vehicle will be required to have their vehicle fitted out with operational equipment such as flashing lights, a radio and a siren (unless exemption is granted from a Deputy Commissioner).

The vehicle will be replaced 3 years from the date of Police purchase or after travelling 100,000kms, whichever comes first. Any replacement vehicle must be selected in accordance with this policy.

### **Approval for additional features and accessories**

Any additional features and accessories over and above the standard Police vehicle shall be added to the purchase price of the vehicle. Approval must be gained from the Procurement Group at PNHQ for any additional attachments or modifications.

There are three categories that must be taken into consideration when requesting additional features and accessories to be fitted to the vehicle. A few examples of these are listed below for each category.

- a) Those where the Police shall pay the cost, where justified:
  - Cell phone installation equipment (District to pay for);
  - Tow bars (included in the purchase price of the vehicle).
- b) Those where the employee shall pay the cost:
  - Approved GPS;
  - Approved Holden floor mats
- c) Those that are not permitted:
  - Non-standard wheels;
  - Motor modifications;
  - Graphics;
  - Personalised number plates;
  - Number plate covers;
  - Seat covers;
  - Radar detectors.

## **Responsibilities**

### **Use of vehicle**

The employee will at all times take reasonable care of the vehicle, and shall use the vehicle responsibly.

Only the employee or authorised persons may drive the vehicle. For the purposes of this policy, an authorised person must have a full driver's licence for the relevant vehicle. Authorised people include:

- the employee,

- members of the employee's immediate family authorised by the employee,
- any person who has the prior written permission of the Commissioner to drive the vehicle, or
- other persons necessary for the employee to discharge their obligations.

For the purposes of this policy immediate family is deemed to be a partner or relative of the eligible employee permanently residing in their residential home.

Where the vehicle is fitted with operational equipment such as a police radio, a siren and flashing lights, the employee is to exercise judgment in deciding who is an authorised person to drive the vehicle.

If the employee permits or does not reasonably prevent an unauthorised person to drive the vehicle, the employee will be responsible for any loss, damage or injury caused while the vehicle is driven by that person.

### **Pool Use**

When the employee is not using the Police vehicle it must be available for "pool" use. Therefore during work hours when the employee is at work the car is to be available for use by other Police employees for work-related travel.

### **Parking in Police areas**

The entitlement to parking in Police parking areas will be determined by the Controlling Officer.

### **Vehicle-related costs**

The costs of registration, insurance, warrants of fitness, servicing, and necessary maintenance and repairs will be covered by the Police. All vehicle running costs will be covered by the Police.

### **Loss or damage to or caused by the vehicle**

If a situation arises where loss, damage or injury occurs by reason of the driver's failure to comply with the terms of this vehicle policy, the total responsibility for that loss, damage, liability and/or compensation for damage and/or injury will rest with the driver personally.

### **Payment of fines**

The employee will be responsible for the payment of any parking and traffic fines incurred whilst they or immediate family members nominated as authorised persons are using the vehicle. In the case of a fine being incurred by another Police employee whilst using the vehicle, the Police employee who incurred the fine will be responsible for payment.

### **Break-down of vehicle**

Should the vehicle be unusable, Police will make every effort to provide the employee with a replacement vehicle. Any work-related transport costs incurred by the employee will be covered in accordance with relevant Police reimbursement provisions.

## **Change in employment status**

### **Termination**

In the event that the employment agreement is terminated or the employee is appointed to another position not eligible for the vehicle entitlement, the vehicle is to be returned to the Commissioner in good condition, subject to fair wear and tear.

Alternatively, the employee may apply to purchase the vehicle in the event of satisfactory completion of employment with NZ Police. This will be at a price agreed between the General Manager: Finance and the employee.

### **Full-time study leave/secondments**

Should the employee be transferred/ seconded to another office or overseas on behalf of the Police, the vehicle benefit will be renegotiated.

Where an employee is seconded into a position where there is a vehicle entitlement, they will be allocated the existing vehicle or allocated a car that is surplus to requirements for the duration of the secondment.

Where the employee is granted full-time study leave, the vehicle benefit shall be reviewed by the Deputy Commissioner Resource Management.

### **Suspension**

In the event of suspension, the employee may apply to retain the vehicle for personal use. All costs associated with running the vehicle must be met by the employee. Any application will be considered on a case-by-case basis.

Where the vehicle entitlement is removed due to suspension there will be no vehicle deduction from total remuneration for the period of the suspension.

### **Dispute resolution**

Matters arising from this policy that are not able to be resolved locally are to be referred to the General Manager: Human Resources.

## Appendix B:

### Use of Police vehicles

#### No private journeys or unauthorised passengers

Police vehicles must not be used for private journeys or for the carriage of unauthorised passengers or private goods, nor must material deviations from routes be made in the course of authorised journeys.

#### Carriage of family members

Police employees, who work in a rural environment or commence duty from home, may take members of their family in their vehicle **providing the vehicle is not used for operational purposes** whilst conveying the family member subject to these rules:

- prior written approval of their manager/Area Commander is required;
- the travel must be necessary for official purposes;
- no undue additional mileage must be run;
- times of commencement and return from the duty trip must not be varied to suit a private purpose; and
- the utmost discretion must be exercised in taking advantage of this privilege. There can be unfavourable comment from members of the public, if they see a Government employee frequently carrying their family or friends as passengers in a Government vehicle.

#### Exemption for senior Police employees

Constables above the position of Inspector, or other Police employees of equivalent position, may carry members of their family or friends when they are required to travel on duty in a Police vehicle, as set out in the Vehicle Agreement Policy (schedule 3) of their employment contract.

However, their presence in the vehicle should not interfere with the duty to be performed. This privilege is subject to these rules:

- the travel must be necessary for official purposes;
- no undue additional mileage must be run;
- times of commencement and return from the duty trip must not be varied to suit a private purpose; and
- the utmost discretion must be exercised in taking advantage of this privilege. There can be unfavourable comment from members of the public, if they see a Government employee frequently carrying their family or friends as passengers in a Government vehicle.

**Note:** Constables above the position of Inspector, or other Police employees of equivalent position, may authorise other Police employees under their control to take family members and friends with them in the course of a work trip in a Police vehicle, subject to the rules above. The authority must be **in writing** and specifically name the persons who may be carried.

## **Retaining vehicles overnight**

Police employees may be authorised to retain vehicles at home overnight, if:

- such use of the vehicle is necessary (such as on-call or operational requirements);and
- keeping the vehicle at home will not limit operational efficiency.

If practicable, reasonable and possible, the vehicle should be parked in a place that reduces the risk of damage.

**Note:** *There needs to be a degree of flexibility depending on a Police employee's circumstance (for example*

*a 1-2-3 person station employee, as per the collective agreement).*

*Only a member of the Police Executive, District Commanders, Directors and Service Centre Managers may give written authorisation for retaining a Police vehicle overnight. A separate approval is required for each occasion (except for senior employee's contract vehicles) and must specify the nature, occasion and duration of the purpose. In an emergency, approval may be given by the Area Commander or O/C station, but approval must be confirmed by the District Commander or Director at the earliest opportunity.*

**Note:** *If a district has an ongoing operational requirement for a Police employee to retain a vehicle at night, this can be authorised in writing by the District Commander and is not required to be completed on a daily basis.*

*(Source: New Zealand Police: Police Instructions: Police Vehicle Management)*