



NSW Police Force

**COST RECOVERY AND USER CHARGES
POLICY**

May 2010

Commissioner's Foreword

The New South Wales Police Force administers "user charges" policing services in accordance with Government policy.

There are times when police are required to provide public policing services that go beyond their general responsibilities to the community and which help our clients meet both their business needs and their responsibilities to the community.

Recovering this cost from clients ensures that normal policing services to the community can be maintained.

I encourage all of our clients to consider how their activities may impact on public safety and to cooperate fully with police so that their particular interests and the interests of the wider community can both be addressed.

Mr Andrew SCIPIONE
Commissioner, NSW Police Force

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1.0 Overview and Statutory Framework

The New South Wales Police Force has a general responsibility to provide policing services for all people of NSW.

User Charges cover a wide variety of services provided by the NSW Police Force under cost recovery principles on request. User Charges services go beyond the agency's general responsibility to the community to promote public safety and protect community interests.

The Department of Premier and Cabinet guidelines¹ define user charges as “a payment to an agency [producer] for the acquisition of a particular good or service of direct benefit to the payee”.

The aim of the policy on user charges services is to achieve an efficient and equitable use of scarce public resources by ensuring that the cost of providing these services is passed on to those who derive commercial or other benefits from them.

The User Charges scheme is a statutory scheme pursuant to:

- Section 208 of the *Police Act 1990* (NSW);
- Clause 134 of the *Police Regulation 2008*. and
- Section 8 of the *Police Act 1990* (NSW).

This legislative framework outlines the terms under which NSW Police Force can demand payment for user charges services.

Section 8 of the Police Act describes the Commissioner's ability to enter into commercial arrangements:

(4A) The [Commissioner](#) (on behalf of the Crown) may make or enter into contracts or arrangements with any person for the carrying out of works or the performance of services or the supply of goods or materials in connection with the exercise of the functions of the [NSW Police Force](#).

The person requesting the user charges services should plan to meet the cost of the service as part of budgeting. So both parties understand their obligations NSWPF requires clients to enter into an agreement for the provision of particular services for an agreed cost.

¹ *Whole of Government Policy for the Application of User Charges for Major and Special Events*

2.0 Types of Services Provided Under Cost Recovery Arrangements

NSWPF provides the following Goods and Services under cost recovery arrangements:

Special events - crowd and traffic control, public order - these services may be provided for events such as sporting and entertainment events, including fairs, film and stage premieres, exhibitions and agricultural shows, whether at closed venues or stadiums, or open events such as on road cycling events and fun runs, or outdoor concerts.

Criminal record checks - provided for government and non-government agencies to check the background of employees and applicants for employment and for the issuing of visas.

Interviews with police – provided where Police are requested to provide information to legal representatives.

Vehicle and pedestrian traffic management services - provided where police powers are exercised to promote public safety for exclusive use and benefit of the owner or transport contractor, including film shoots, wide load and other vehicle escorts, crane operations, traffic signal maintenance, road closures and building sites.

Supplementary policing services - is an arrangement where a client requests additional policing services in a designated location (eg. markets, commercial shopping centres) and contributes to the cost of providing those additional policing services. The service is provided by police officers who would not otherwise be rostered for duty. The supplementary policing services should not involve static guard duty.

Technical and Forensic Services - the NSW Police Force provides photography and photogrammetry services through the Forensic Services Group.

Information and reports for insurance and other commercial purposes - Police provide information and reports for insurance investigations and assessments. The information may be an interview with police or in written form.

Provision of police officers, wardrobe and props services to the film, television, advertising and media industries – Police resources can be provided to this industry for traffic management duties and also for major productions including television shows and commercials.

Intellectual property, training and consultancy - where there is a specific need for police expertise, NSW Police Force may enter into commercial contracts for the provision of educational or consultancy services.

Attendance for false alarms - under section 209 of the *Police Act 1990*, police may charge the owner or occupier of a building \$200 for attending false security alarms at non residential premises, where there has been more than one false alarm within a 28 day period (provided section 209 of the *Police Act* has been satisfied)

Other services - NSW Police Force provides a number of other services on a cost recovery basis including:

- Mounted Police
- Water Police
- Aviation services
- Dog Units
- Police Band
- Firearms registration services
- Security industry licensing services

Other miscellaneous services - this policy also covers any other services provided by the NSW Police Force where it is appropriate to apply the cost recovery principles as set out in the provisions above

3.0 Principles for Cost Recovery

Fees for user charges services are generally set to recover full cost, in accordance with New South Wales Treasury *Guidelines for Pricing of User Charges*².

Charges for special events are set to recover only avoidable cost in accordance with the New South Wales *Whole of Government Policy for the Application of User Charges for Major and Special Events*. Avoidable costs are those costs that would be avoided by the NSW Police Force if the good or service were not provided. The event organiser is not being charged for overhead costs that would have been incurred in running the non- commercial activities of the NSW Police Force.

The principle of user charges and the basis for charging for these services has been accepted nationally through the Australasian Police Ministers' Council, *Principles for the Application of User Pays Policies for Police Services*, 1995.

² Available at: http://www.treasury.nsw.gov.au/__data/assets/pdf_file/0018/3843/tpp01-2.pdf

4.0 Requesting User Charges Services

The business unit providing the service generally administers user charges. For example, the Local Area Command or specialist unit providing the service will also charge for the service.

Advance notice and full details about the service are needed to plan the provision of policing services. NSW Police Force relies on the client to provide timely and accurate details enabling an assessment of policing needs.

When requesting User Charges services, the client must provide NSW Police Force with a completed *Notice and Request for Services* form in accordance with the prescribed notice period set out below:

- minor cultural/sporting event:- at least 60 days prior to the event;
- major cultural/sporting event: - at least 90 days notice prior to the event. A major event is one lasting for more than one day, requiring more than ten police, and/or an event that crosses the boundaries of Local Area Commands or poses unusual risk or logistical challenges.
- Complex events, such as event Category A, B and C defined in Chapter 5.1 below, require six month or annual planning cycles.

If NSW Police does not receive adequate notice of the event/service the relevant Commander may impose a short notice labour rate which takes into account the impact the request has had on normal, core policing duties. Clients should therefore provide a minimum of 72 hours notice to Police to avoid the short notice rate being applied. This will facilitate providing Police with adequate time to plan and roster for the event / service.

The completed *Notice and Request for Services* is to be provided by the client requesting the service to the Local Area Commander where the event is to be held and will provide the details police need to assess the implications of the event. In many cases it will be necessary to meet to discuss and assess the need for police services at the event. Clients are expected to take likely user charge costs into account in planning and budgeting for their event, such as the setting of ticket prices.

NSW Police Force will then provide the client with a User Charges Commercial Agreement which details the Terms and Conditions under which services will be provided. The client then signs the agreement, this results in the formation of a binding agreement for the provision of User Charges services.

Different charges apply to different types of services. A full list of User Charges Services and Fees are contained in the NSW Police Force's Cost Recovery and User Fees and Charges Schedule, which is found on the NSW Police Force internet and intranet sites.

4.1 Invoicing and Payment

For clients who have an unfavourable payment history, demonstrate inability to finance the event or forecast making a considerable financial loss for the event, NSWPF can vary terms of payments and request upfront, full or partial, payments.

Within seven working days of completion of services, the client will receive a tax invoice along with a Final Statement for Services from NSWPF outlining the terms and conditions of payment.

Payment for police services shall be settled within 30 days after the receipt of a tax invoice. This term may be varied at the discretion of the Commissioner by providing reasonable notice before the event in writing to the client. If any part of the charges is not paid, the balance owing may be recovered by the Commissioner in any Court of competent jurisdiction as a liquidated debt together with interest thereon at the rate set from time to time by the *Supreme Court Act, 1970* calculated from the date of completion of the event.

5.0 SPECIAL EVENTS

Section 208 of the Police Act 1990 and clause 134 of the Police Regulation 2008 are linked and provide that if a member of the NSW Police Force attends a sporting or entertainment event, at the request of the person conducting or organising the event for the purposes of “maintaining order”, then the Commissioner of Police can demand payment, either as to such amount as prescribed by the regulations or if no amount is prescribed, any such amount as the Commissioner of Police “thinks fit”. Importantly, the key points are:

- There must be a request from the person conducting or organising the event for Police to attend the event; and
- Their attendance must be for the purpose of maintaining order.

NSW Police Force cannot demand an amount, under the statutory scheme, in the absence of a request for the Police to attend the event or if the purpose of Police attendance is not for the maintenance of order.

Accordingly, user charges services for special events are:

- Provided on request from a person or organisation conducting or organising the event
- Provided for events held for a commercial or other benefit
- Provided to maintain public order
- Additional to usual local policing services to the community
- Provided by police employees who would not otherwise be on duty.

5.1 Definition of Special Events

Special events include sporting and entertainment events, and other events where spectators, participants or general members of the public assemble. These events require attendance to maintain public order and safety while a lawful commercial activity is conducted. Special events include, but are not limited to:

- Concerts
- Exhibitions
- Parades and pageants
- Festivals and fairs
- Agricultural shows
- Film and stage premieres
- Fun runs
- Football
- Cricket
- Basketball

- Bicycle rides and races
- Motor rallies and races
- Triathlons
- Boxing
- Tennis
- Golf

5.2 Whole of Government Assessment for Major Events of State and/or National Significance

Some events of state or national significance may be eligible for whole of government exemption or a reduction of government user charges.

The New South Wales *Whole of Government Policy for the Application of User Charges for Major and Special Events* provides for a classification of events into five (5) categories, determined by criteria that include economic and business benefits, social and cultural benefits, event impact, event logistics and coordination, event commerce and relevance to Government policy.

An event organiser may apply to the Event Policy, Planning and Delivery Unit within the Department of Premier and Cabinet for assessment of an event. At the same time, adequate notice should also be given to NSW Police Force to prepare its resources for the event to minimise/avoid any delays once a decision is made. Events classified as category A, B or C may be eligible for exemption from all government user charges. Each event will be assessed on its merits and the fact an event falls within category A, B or C does not automatically mean Government would sanction the waiving or reduction of user charges.

The five (5) categories of events are:

- Category A Mega Events – one-off events with an international audience that provide substantial economic and social benefits to the State. These events are logistically complex and have significant impact on surrounding areas and the strategic road and transport networks. Extensive Government coordination is required. Examples include Olympic Games, Commonwealth Games, Rugby World Cup, World Cup Soccer, World Fairs.
- Category B Hallmark Events – one-off or recurring events that enhance awareness, appeal and profitability of a destination at a particular time. These events typically have an international and /or national audience and provide significant economic and social benefits. They involve complex logistics and have a high impact of a medium to short term duration on surrounding areas and the strategic road and transport networks. Government coordination involving a number of agencies is required. Examples include New Year’s Eve, Gay and Lesbian Mardi Gras.

- Category C Commemorative/Ceremonial Events – one-off or recurring events that celebrate or commemorate significant events/achievements in the nation’s/state’s history. Minimal economic benefits, however significant social and cultural benefits. Impact on the surrounding area and strategic road and transport networks is of a moderate to high level, event logistics are complex and require the involvement of a number of government agencies. Examples include Anzac Day, Australia Day, Ticker Tape Parades and State Funerals.
- Category D Major Cultural/Sporting Events – one-off or recurring events that generally attract more than 20,000 people and/or have a major impact on the traffic and transport network.
- Category E Minor Cultural/Sporting Events - one-off or recurring events that generally attract less than 20,000 people and/or have an impact on the traffic and transport network. Examples include street fairs, local festivals, and regular season sporting fixtures.

Most events are major or minor cultural or sporting events and will not be assessed on a whole of government basis. Applications under event categories A, B, or C are to be submitted to the Department of Premier and Cabinet at least six months prior to the event. Applications under category D and E should be submitted to LAC Commander.

Further details about the whole of government policy may be obtained from the Event Policy, Planning and Delivery, NSW Department of Premier and Cabinet on (02) 9228 4613.

5.3 Recoupment of Costs of Police Services for Special Events

The Commissioner is entitled to demand payment under section 208 of the *Police Act* 1990 for services to maintain public order where the attendance is at the request of the person conducting or organising the event.

Charges levied by police include the cost of police resources at the event, planning, supervision, transport and provision of equipment or other resources for the event.

Closed events

In the case of events held in an enclosed stadium or other venue, the charges will include the costs of police deployed:

- Inside the venue, and
- Outside the venue

for the purpose of controlling and directing patrons and traffic near venue entrances and exits and at nearby roads, car parks and public facilities and maintaining order.

Open events

In the case of events not held in an enclosed area, the charges will include the costs of police deployed to:

- Isolate event participants from persons not participating
- Isolate non-participating traffic from the routes of the event, and
- Maintaining order.

5.4 Policing Levels for a Special Event

The number of police deployed to an event is the minimum number to maintain order as required by section 208 of the Police Act. The policing requirements will be assessed against risk factors associated with the event including, but not limited to:

- The size and type of venue and event
- The type and age group of spectators
- Facilities available at the venue
- Availability of alcohol
- Experience at similar events
- Emergency management requirements
- Private security arrangements
- Other risks impacting on the event
- Time and place of the event (eg. no single police units are available for some work after dark, some areas may require work in teams etc)

The Commissioner of Police maintains powers to deploy police to maintain order at events and to demand payment to recover the cost of police deployed. In setting police resource requirements clients shall accept police advice on planning the event and the number of police required. The Commissioner of Police has absolute discretion to set the police resources requirements for an event. Where differences in resourcing requirements cannot be resolved, then either party may terminate the arrangement.

5.5 Conditions of Police Deployment for Special Events

Terms and conditions for Special Events are detailed in the User Charges Commercial Agreement which will be provided along with the quotation for acceptance by the client. Commands can enter into period agreements for clients who regularly request user charges police for Special Events. Further conditions in relation to use of Specialist resources at Special Events are detailed below:

- 5.5.1 A police dog and handler are engaged for services as a team. The fee for a motor vehicle also applies as it is required to transport and contain the dog. Only a certified NSW Police Force handler may work with the dog.
- 5.5.2 Mounted police services require the engagement of a horse and an officer as a team. Further, float charges to transport the horses will also be recovered from the client.

5.6 Application for Exemption or Reduction of User Charges for Special Events

Applications for exemptions or reductions in charges shall be made to the Local Area Commander at the same time as notice is given of the event.

A general exemption applies for any event that can be easily policed using personnel ordinarily on duty at or about the location of the event. The Local Area Commander will usually make this determination. When the general exemption does not apply, the organisation and the event must meet the following criteria to qualify for an exemption or reduction in charges.

Full Exemption

A 100% exemption for user charges applies where an event meets both the organisation and event criteria.

Organisation Criteria

- The body organising the event is authorised to collect donations under the *Charitable Collections Act 1991* **or** it is an incorporated non profit community organisation: **and**
- Has insufficient reserves or resources to meet the costs.

Event Criteria

- The event is free of charge to spectators; **and**
- The event is conducted solely for the benefit of a charitable or community organisation and not conducted in whole or in part for the commercial gain of the organiser or commercial sponsor.

Reduction

A 50% reduction for user charges is applicable when:

- The client meets the organisation criteria but not the event criteria; **or**
- The client meets the event criteria but not the organisation criteria: **or**
- The event is sponsored (cash and/or in-kind support) by a Government agency **and** the event may not be economically viable if full charges are levied.

Proving the status of an organisation will include presenting copies of a certificate issued under the *Charitable Collections Act* (by the NSW Office of Liquor, Gaming and Racing) and the articles of association (constitution) of the organisation

Proving inability to pay will include presenting copies of all audited accounts for the previous financial year's operations of the organisation and the financial plan for the event being organised,

including details of all cash reserves, administration costs, income streams and funds to be raised in conducting the event, including sponsorship (cash and/or in kind), ticket revenue, royalties, sale of rights or any other sources.

Review of Police Decision regarding application for exemption

Should a client requesting exemption/reduction wish to have the decision of the police reviewed, a written application can be made requesting an internal review. The application should be addressed to the NSW Police Force User Charges Review Committee. The committee is comprised of relevant Corporate Services staff and the Region Commander responsible for the LAC where the services were requested. The committee will review the original user charges decision in accordance with this policy and communicate its decision.

Should the client still be dissatisfied with the outcome the client can make an application to the Administrative Decisions Tribunal of New South Wales.

6.0 OTHER USER CHARGES payable under section 208 of the *Police Act* (excluding SPECIAL EVENTS)

Section 208 of the *Police Act* also entitles the Commissioner to levy a charge in respect of the following services:

- Where, at the request of a person, NSW Police Force provides an escort for a vehicle or trailer carrying a long or wide load.
- Where a member of NSW Police Force provides any information to a person, at the person's request, in respect of a visa application.

6.1 Conditions of Police Deployment

Terms and conditions for vehicle and wide load escorts are detailed in the User Charges Commercial Agreement which will be provided along with the quotation for acceptance by the client. Commands can enter into period agreements for clients who regularly request user charges police for wide load escorts. The client may be liable to pay for travelling and accommodation expenses for wide load and other transport escorts at current award entitlements and rates.

7.0 OTHER COMMERCIAL SERVICES

Other commercial services include:

- Crane operations
- Film shoots / policing at film locations
- Road closures / traffic management not related to special events
- Traffic signal maintenance
- Public safety at building sites and keeping the public at a safe distance from operations and equipment
- Miscellaneous commercial arrangements where police services might be required.

7.1 Conditions of Police Deployment for General Commercial Services

Terms and conditions for general commercial services are detailed in the User Charges Commercial Agreement which will be provided along with the quotation for acceptance by the client. Commands can enter into period agreements for clients who regularly request user charges police for Special Events.

- 7.1.1 Any cancellation / postponement / reduction that may occur due to breakdowns or inability of the client to start work on time once police commence duties, will result in the client being charged for time police spent arriving to a job, vehicle and equipment cost, 1 hour minimum charge and return time for the police, vehicle and any equipment.
- 7.1.2 Note for provision of police officers, wardrobe, props and locations for the film and television industries:
- a. The minimum start-up cost for any equipment / vehicle / aircraft / watercraft is three hours plus the cost of recommended police officer / operators. Any jobs over three hours will be cost recovered as per clause 5.5.
 - b. Police appearances on-camera will be subject to approval of the Director, Public Affairs, NSW Police Force. For further information please refer to the Media Policy.
 - c. Motor vehicles and some operational equipment are to be operated by certified NSW Police Force officers only. At no time will unauthorised persons be permitted to operate or drive NSW Police Force vehicles.
 - d. Filming at all NSW Police Force locations will incur a cost of minimum two police officers. Their duty will commence from the “the start of the film set up” to the “completion of cleaning the site after filming”. NSW Police Force reserves the right to engage professional cleaners at the client’s expense if the client does not clean the site properly within 24 hours after filming has closed.
 - e. Filming at operational and non-operational premises must not interfere with any police operational requirements.

8.0 SUPPLEMENTARY POLICING

Terms and conditions for supplementary policing are detailed in the User Charges Commercial Agreement which will be provided along with the quotation for acceptance by the client. Commands can enter into period agreements for clients who regularly request user charges police for Supplementary Policing.

8.1.1 Note for Supplementary Policing:

Supplementary policing is defined by Clause 134 of the Police Regulation 2008 as a service (other than a service described in section 208 (1) of the Act) that is provided by a police officer who would not otherwise be rostered for duty. The Commissioner of Police can charge for the provision of supplementary policing where:

- (i) the services are provided at the request of the person, and
 - (ii) the services are provided in accordance with conditions agreed between the Commissioner and the person.
- a. Either party may terminate a supplementary policing arrangement by giving written notice to the other party, such termination to be effective 14 days from notice being given, or at such earlier time as agreed, on the strict basis that no compensation is payable by the other party in the event of such termination, provided that the client will pay the Commissioner for any services already provided.
 - b. The minimum period for supplementary policing services to be negotiated between parties is two months. However, the parties may negotiate a shorter period for requirements such as special sales and promotions at shopping centres.
 - c. The minimum hours charged per officer for supplementary policing shift is one hour per officer.
 - d. A minimum of two police officers must be provided for each supplementary policing shift, to ensure there is sufficient backup in problem situations.
 - e. NSW Police Force does not enter into a supplementary policing arrangement for the sole benefit of licensed premises, registered clubs or the casino. The arrangement is possible only where these bodies are beneficiaries through a larger area receiving supplementary policing services, ie. the policing benefits a broader cross-section of the community and the services to licensed premises is incidental.
 - f. NSW Police Force will only enter into supplementary policing arrangements with a local council where the council warrants that it is not contributing to the costs of the service. Council applications for supplementary policing services should be integrated with broader local crime prevention and community safety plans, where possible.
 - g. If NSW Police Force cannot meet the demands of two or more organisations interested in supplementary policing, then it should provide the services that it assesses will provide the greatest benefit to the community as a whole (eg. preference might be given to the provision of supplementary policing in higher crime areas).
 - h. The supplementary policing services should not involve static guard duty.
 - i. The Police are to consider a client's request to change the supplementary policing area, the time of the service or the number of officers involved in providing the service,

as soon as possible after receiving that request (but in any event not later than 21 days from receipt), unless there are operational, resourcing or officer safety issues that make the arrangement impractical (if differences cannot be resolved, then either party may terminate the service).