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**OFFICE OF THE METROPOLITAN REGION
COORDINATOR**

MAJOR EVENTS COORDINATION UNIT

**POLICE COST RECOVERY
AND
FEE FOR SERVICE
POLICY**

FEBRUARY 2011

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1. General Principals for Cost Recovery

Western Australia Police provide services to contribute to a safe and secure community environment to enhance the well being of all West Australians. As part of this service, police provide resources across a wide spectrum of situations and activities. Whilst police are resourced to provide services to the community, there are circumstances that go beyond this general responsibility. Consequently when these circumstances occur and go beyond this general responsibility it is reasonable for police to request certain costs to be recovered.

The objective of cost recovery is to assist in achieving efficient, effective and equitable use of police resources so that all members of the community can benefit. Cost recovery places the onus for payment for the service on the beneficiary rather than the police.

This policy is designed to provide the framework where costs for police services are recovered for certain major events. A major event is defined in the *Police Act 1892* as an event that is expected to attract at least 5000 attendees or participants or an event of less than 5000 attendees/participants that the Commissioner reasonably considers it is necessary or desirable to assign at least 10 police officers to police the event.

It is a principle of this policy that the costs associated with the attendance of police at the event are passed on to those who derive commercial or other benefits from the services police provide to them. Where cost recovery will be passed on, the person, corporation, incorporated body or organisation should plan to meet the cost of the services provided.

The principal of cost recovery and the basis for charging fees for services provided have been accepted nationally through the Australasian police Ministers Council, *Principles for the Application of User Pays Policies for Police Services*, 1995.

2. Definitions

Commissioner – means the Commissioner appointed under section 6 of the *Police Act 1892* or a Police Officer who has been delegated the responsibility to act on behalf of the Commissioner in accordance with section 39M of the *Police Act 1892*.

Major event – as defined by section 39F of the *Police Act 1892*.

Event Organiser – means the person that is responsible for planning, coordinating, resourcing and running an event as an individual or as part of a corporation, incorporated body, association, sub contractor, event management company or community organization.

Government Sponsored Event - as defined by section 39E of the *Police Act 1892*.

3. Services Subject to Cost Recovery for Policing Services

Section 39G of the *Police Act 1892* enables the Commissioner to charge the event organiser for police services at major events.

Services subject to cost recovery for policing services include:

- the planning, supervision and provision of administrative and operational support for the deployment of personnel;
- the deployment of personnel at the event generally; and
- the deployment of personnel where they are required to provide traffic management to an extent to ensure that all traffic entering and leaving the event is controlled and merges in an orderly manner with general traffic.

Costs for the above services are calculated at a flat rate as prescribed in the regulations under section 39I of the *Police Act 1892*. This rate takes into account factors that enable police to provide those services including pay rates, allowances and rank structure. Fleet costs, travel, incidental allowances and the supply of utilities and equipment costs are not part of the cost recovery fee structure.

Cost recovery charges are set to recover salaries for police officers providing services and not full costs incurred.

Costs incurred by police conducting associated duties that are not part of the agreed costs will not be charged to the event organiser.

4. Administration of Cost Recovery Charges

Where a request for services is received and cost recovery will be applied under section 39G it is the responsibility of the Police Major Event Coordination Unit to advise the event organiser.

It is the responsibility of the Major Event Coordination Unit, in conjunction with the local police providing services, to consult with the event organiser to determine services to be provided and determine the cost of those services.

5. Determining The Police Services To Be Charged For

The number of police required at a major event, and how those police will be deployed at that event will be determined by the Commissioner in consultation with the event organiser, the local councils, the Office of Racing and Gaming (where applicable), and any further identified stakeholders that the Commissioner may consider appropriate to consult with.

The Major Events Coordination Unit in conjunction with the local police providing the services will undertake this consultation on behalf of the Commissioner.

The number of police and manner of deployment will be determined to ensure public safety at the event and safety of the attending police. The policing requirements will be assessed against risk factors associated with the event including, but not limited to, the following:

- the number of people likely to attend the event;
- the size and type of venue and event;
- the type and age group of those likely to attend the event;;
- facilities available at the venue;
- availability of alcohol;
- the public profile of the event;
- the impact on local traffic in the vicinity of the event;
- experience at similar events;
- emergency management requirements;
- National Threat Assessment levels
- private security arrangements; and
- time and place of the event;

6. Exemption to Cost Recovery

The *Police Act 1892* provides certain events to be exempt from cost recovery. Events that may be exempt include -

- an event run for a charitable purpose;
- an event run by a charitable organisation;
- an event run for the benefit of a local community (eg Street Fair)

An event organiser may apply to the Minister for Police to have a Government Sponsored Event exempted from cost recovery. For the Minister to exempt an event under section 39H of the *Police Act 1892*, the Minister must be satisfied that the event –

- will provide significant economic benefits to the State;
- will provide significant publicity for the State through media coverage;
- or
- will contribute significantly to the State's national or international profile as a host of sporting, entertainment or other events.

An application for a Government Sponsored Event to be exempt must be made in writing to the Police Major Events Coordinator who will assess the application and forward to the Minister of Police with a recommendation. Regardless of whether the application is supported, the application must be forwarded to the Minister for a decision.

Under section 39K, the Commissioner retains the discretion to provide a fee exemption or reduction for any other event as considered appropriate on a case by case basis.

Application for exemption/reduction of fees must be made in writing to the Police Major Events Coordination Unit.

The following circumstances will be taken into consideration by the Commissioner in deciding whether it is appropriate to waive or reduce charges for a particular event –

- The ability of the event organizer to raise sufficient funds to cover the cost of police services;
- The degree of impact the event is likely to have on local police resources;
- The purpose or beneficiary of profits derived from the event;

Any application for exemption from charges must be submitted at least 60 days prior to the event.

Notification of the outcome of the application for exemption/reduction will be provided to the event organiser in 10 working days after the receipt of the application.

7. Application for Police Services

Planning and liaison with the event organiser must occur with sufficient lead-time for operational orders to be finalised. The event organiser must provide Police Major Events Coordination Unit with a completed Notice and Request for Services form at least 60 days prior to the event.

The Police Major Events Coordination Unit will endeavor to provide the event organiser with a Quotation for Services within 10 working days of receiving the Notice and Request for Services. To meet this timeframe, it is necessary for the Event Organiser to make themselves available immediately following submission of the notice to ensure timely consultation can take place so agreement can be reached on the police numbers required for the event.

Cost recovery will be calculated based upon the information provided in the Notice and Request for Services and other details as provided in writing by the event organiser and from consultation with the event organiser and Police Commander for the event.

If agreement can not be reached between the Police Major Event Coordination Unit staff and the Event Organiser on the numbers of police to be provided at the event, the matter is to be referred to the Commissioner or his delegate to make the final decision on numbers for the event.

9. Conditions of Police Deployment

- 1 Police providing services at an event are not under the employment or control of the event organiser, but remain autonomous to provide services to members of the public at that event.
- 2 The attendance of police at an event does not limit or diminish the requirement for the event organiser to provide licensed security guards or licensed crowd controllers in accordance with any permits or licenses issued.
- 3 The Commissioner will keep a record of attendance, start and finish times, and the number of hours each officer spends at the event.
- 4 The Police Commander at an event will establish liaison and maintain communication with the event organiser or nominated representative during the deployment at an event.
- 5 The event organiser will be charged for a minimum of 3 hours per officer attending the event.
- 6 If the event runs beyond the period of time stated in the Quotation for Services the event organiser will be required to pay additional charges at the set hourly rate for each hour or part thereof in quarterly increments.
- 7 If the event runs shorter than the period stated in the quotation, but in excess of the minimum 3 hours, the event organiser will pay actual hours or part thereof in quarterly increments.
- 8 If any part of the charges is not paid, the balance owing may be recovered by the Commissioner in any Court of competent jurisdiction.
- 9 Police officers deployed to the event shall:
 - 9.1 deploy to the location agreed between the event organiser and WA Police and provide services agreed between the event organiser and the Commissioner;
 - 9.2 at all times will be employees of WA Police;
 - 9.3 at all times are subject to the control and direction of the Commissioner;
 - 9.4 at all times be subject to the provisions of the *Police Act 1892* and be able to exercise all of the powers, and fulfil all of the functions and duties, of a police officer;
 - 9.5 be in full WA Police uniform unless the event organiser and WA Police otherwise agree in writing;
 - 9.6 have access to their arms and appointments in the manner prescribed by law and instructions issued by the Commissioner or his delegate;

- 9.7 be subject to the provisions of the *Occupational Safety and Health Act 1984*;
- 9.8 provide their own meals and travel to and from the event including those in Regional centres;
- 9.10 if required to be in attendance for a period in excess of five (5) hours, be entitled to a meal break of forty (40) minutes. (The event organiser will pay for time including meal breaks);
- 9.11 not perform duties at the event for a continuous period of more than twelve (12) hours unless required by the Police Commander;
10. Where police officers have to leave an event as a consequence of an incident arising from that event, the event organiser is still liable for time taken to resolve that incident whether those police officers return to the event or not. (e.g. arrests and conveyance to watch house)
11. The Commissioner reserves the right to utilise any member(s) of WA Police deployed at the event for police emergency operations and may at any time and without any prior notice withdraw such members for purposes of dealing with an emergency. The Commissioner shall not be held responsible or liable in respect of any damage, injury or loss arising because of withdrawal of any members of WA Police. In the event of a withdrawal, the Commissioner shall pro rata any amounts due for the services, based on time actually provided before the withdrawal and adjust the amount paid or payable by the event organiser accordingly;
12. The event organiser shall notify the Commissioner immediately of the cancellation, postponement or reduction of required police at the event. At least 24 hours notice of cancellation / postponement is required and 24 hours notice for reduction in police numbers. This allows rostering to conform to the WA Police Enterprise Bargaining Agreement;
13. The event organiser shall have adequate insurances for the event including public liability insurances in the amount not less than \$10 million per single event covered. The event organiser will produce the evidence of such insurance to WA Police on demand; and,
14. 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 event organiser.

10. Forms

- Notice and Request for Services form
- Application for Exemption/Reduction of Fees form
- Quotation for Services form

- Tax Invoice form

11.Contact Details

WA Police
Major Event Coordination Unit
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WA 6000.

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