

# Policing Major Events

---

*CHARGING POLICY*

*V1.0*

*Date: 10-Jan-18*

## Contact Us

Major Events Coordination Unit (MECU)

Western Australia Police Force

Police Headquarters

2 Adelaide Terrace, Perth WA 6000

Phone: 08 9222 1801

Email: [Major.Events.Coordination.Unit@police.wa.gov.au](mailto:Major.Events.Coordination.Unit@police.wa.gov.au)

## CONTENTS

1	OVERVIEW .....	4
	General Principles for Cost Recovery .....	4
	Purpose of this Charging Policy.....	4
	Definitions .....	5
	Services subject to Cost Recovery for Policing Services .....	6
	Administration of Cost Recovery Charges .....	6
	Determining the Police Services to be charged .....	6
	Cost Recovery Exemptions .....	7
2	APPLICATION FOR POLICE SERVICES .....	8
	Resolution of Disputes.....	8
	Rates.....	9
3	CONDITIONS OF POLICE DEPLOYMENT .....	9
4	FORMS .....	12

# 1 OVERVIEW

## General Principles for Cost Recovery

The Western Australia Police Force (WA Police) provide services to contribute to a safe and secure community environment that enhances the wellbeing 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, particularly when commercial operations are profiting from holding major events. In these circumstances, WA Police have been provided the legislative authority to recover costs for providing policing services at major events.

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 reasonably expected by the promoter, organiser or Commissioner of Police to attract at least 5,000 attendees or participants; or
- for which the Commissioner of Police reasonably considers it necessary or desirable to assign at least 10 police officers to provide police services.

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.

Cost recovery is not for profit. It enables the WA Police to plan and deploy policing services to major events without impacting on day-to-day operational business requirements and recover these costs minimising any impact on public safety.

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*.

## Purpose of this Charging Policy

The purpose of this document is to articulate the WA Police Charging Policy for cost recovery of policing services provided to police major events in Western Australia.

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 provided 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.

## Definitions

**Charitable Organisation** – means:

- a) a public benevolent or religious institution;
- b) a public hospital or a hospital carried on by an association or other body of persons other than for purposes of profit or gain to the individual members of that association or body;
- c) a university;
- d) a government college, a government school, or a college or school carried on by an association or other body of persons otherwise than for purposes of profit or gain to the individual members of that association or body;
- e) a trust, the moneys of which may be applied only for charitable purposes;
- f) an institution established for any other charitable purposes; and
- g) a society, institution or organisation established, and carried on, solely for the purpose of raising money for, or otherwise promoting the interests of, an entity that is a charitable organisation under any of paragraphs (a) to (f).

**Commissioner** – means the Commissioner of Police appointed under section 5 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*.

**Event** – means:

- a) an event of a sporting or entertainment nature (whether it takes place wholly or partly in a public place or on private property), where –
  - i) a charge is made for admission to the event or to participate in the event; or
  - ii) the event is run for commercial gain; or
  - iii) the event is promoted, advertised or sponsored under a commercial arrangement;
- b) but does not include –
  - i) an event run wholly or mainly for a charitable purpose as defined in section 5 of the *Charitable Collections Act 1946*; or
  - ii) an event run by or for the benefit of a charitable organisation; or
  - iii) a public event that celebrates or commemorates a day of national or local significance (i.e. Australia Day public fireworks display or ANZAC Day parade); or
  - iv) an event run for the benefit of a local community (i.e. a street fair); or
  - v) a government-sponsored event exempted by the Minister under section 39H; or
  - vi) any other event or class of event exempted and documented in the Regulations.

**Event Organiser** – means the person or other legal entity responsible for planning, coordinating, resourcing and running an event.

**Government Sponsored Event** – means an event sponsored by a local government, regional local government, State Government, or Commonwealth Government.

**Major Event** – is defined as an event that:

- a) is reasonably expected by the promoter or organiser, or the Commissioner of Police, to attract a least 5,000 attendees or participants; or
- b) for which the Commissioner of Police reasonably considers it necessary or desirable to assign a least 10 police officers to provide police services.

**Police Services** – in relation to an event, means the attendance of police officers at the event in order to do any of the following –

- a) keep order;
- b) provide an immediate emergency management capability; or
- c) provide traffic management in the immediate vicinity of the event.

## Services subject to Cost Recovery for Policing Services

If the organiser of an event requests the Commissioner of Police to provide police services for an event, section 39G of the *Police Act 1892* enables the Commissioner to charge the event organiser for the service provided.

Services subject to cost recovery for policing services include:

- planning, supervision and provision of operational support for the deployment of police officers at an event;
- attendance of police officers at an event generally;
- attendance of police officers required to provide traffic management at an event; and
- deployment of specialist police services such as aircrafts, boats, horses, dogs etc.

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.

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

Charges for overheads are set to reasonably recover costs associated with the deployment of specialist resources and assets that accompany police officers on deployment, such as vehicles, horses and specialist equipment.

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

## Administration of Cost Recovery Charges

Where a request for service is received and cost recovery will be applied under section 39G, it is the responsibility of the Major Events Coordination Unit (MECU) to advise the event organiser of such. Consultation will be undertaken with all interested parties to determine services to be provided and the cost of those services.

## Determining the Police Services to be charged

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 and any other stakeholders that the Commissioner may consider appropriate.

MECU in conjunction with local police 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 as well as the safety of 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 and regulation 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.

## Cost Recovery Exemptions

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; and
- an event run for the benefit of a local community (e.g. street fair).

Additionally, each of the following events is expressly exempted from Part IVB of the Act -

- a) the Perth Royal Show;
- b) the Perth Gay and Lesbian Pride Parade; and
- c) the Perth Pride Fair Day.

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 and forwarded to MECU who will assess the application and forward to the Minister of Police with a recommendation. Regardless of whether the application is supported by WA Police, the application will be forwarded to the Minister for a final decision.

Under section 39K, the Commissioner may reduce, waive or refund the whole or any part of the amounts payable where the Commissioner considers it appropriate. The following will be taken into consideration in deciding whether to reduce, waive or refund costs for an event:

- the ability of the event organiser 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; and
- the purpose or beneficiary of profits derived from the event.

Any application for reduce, waive or refund fees must be submitted in writing to MECU using a Form 2 at least 45 days prior to the event. The Commissioner (or his delegate) will take into consideration the circumstances outlined in the request along with the planning, preparation, proposed or actual deployment and any other factor deemed appropriate. Notification of the outcome of the application will be provided to the event organiser within 10 working days of receiving the application.

## 2 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 submit a Form 1 - Request for Police Services at least 60 days prior to the event.

WA Police will endeavour to provide the event organiser with a Form 4 - Quotation within 10 working days of receiving the Form 1. To meet this timeframe, it is necessary for the event organiser to make themselves available immediately following submission of the Form 1 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 Form 1 and other details as provided in writing by the event organiser and information obtained during consultation between the event organiser and WA Police.

There is no obligation upon the Commissioner to provide services for a major event, however every request will be considered on its merits, in consideration of the prevailing security risk and threat environment, section 39G (3)(a) *Police Act 1892*.

### Resolution of Disputes

In the event that a request for police resources does not meet the needs or expectations of the requesting event organiser (in terms of numbers and/or costs), the first avenue for resolution should be MECU. All parties are encouraged to communicate their position and make best efforts to reach an agreement that ultimately is in the best interests of community safety and the safe conduct of the event.

If agreement cannot be reached 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 in accordance with section 39G (3)(b) *Police Act 1892*.

If the Commissioner of Police reasonably considers it is necessary or desirable to assign at least 10 police officers to provide police services and the organiser is still in dispute with the



assessment they may apply to the State Administrative Tribunal for a review of the decision on the grounds that what they are promoting or organising is not an event as defined in section 39E *Police Act 1892*.

## Rates

The current rates are listed in Schedule 2 – Charges for major events, of the Police (Fees and Charges) Regulations 2017. These rates are updated annually in line with all other WA Police fees and charges.

There are essentially three rates that are used to recover costs. Those are for planning, attendance and overheads.

Planning charges cover the costs of planning an event from receipt of the request through to deployment of resources to an event. These charges will be used to reasonably recover costs involved in planning an event, arranging and deploying resources as agreed.

Attendance charges will be incurred for officers who are deployed to events. Charging times will commence and cease from the designated deployment centre. In addition to the time spent actually deployed on site, the event organiser will be charged for a minimum of 2 hours (being 1 hour pre-event and 1 hour post event ) per officer deployed to the event. This will vary depending on the logistical requirements of each deployment but enables police officers to kit and de-kit with appropriate uniform and accoutrements of the day as well as be briefed on the duties for the day. Attendance charges may also be incurred for officers designated to work at other locations, away from the venue, but specifically dedicated to the event for which they are being paid. This may include officers deployed to the Traffic Operations Centre, Maylands Incident Control Centre, or other locations as required.

Overhead costs are incurred, in addition to attendance charges, for any resource that is deployed in conjunction with an officer. These resources include, but are not limited to, motor vehicles, motor cycles, horses and boats. Air support in the form of a helicopter or fixed wing plane, dedicated to an event, are charged separately as these are high value resources that require separate overhead charges. These are charged as an additional fee per hour.

## 3 CONDITIONS OF POLICE DEPLOYMENT

1. WA 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 fact that WA Police agree to provide police services for a major event does not limit the ability of the Commissioner to redeploy any police officer for another purpose that is considered a higher operational priority (of which the Commissioner is the sole judge).
3. 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.
4. The Commissioner will keep a record of attendance, start and finish times, and the number of hours each officer spends at the event.

5. The WA Police Forward Commander at an event will establish liaison and maintain communication with the event organiser or nominated representative during the police deployment at an event.
6. In addition to the time spent actually deployed on site, the event organiser will be charged for a *minimum* of 2 hours for pre and post event activities per officer deployed to the event. This will vary depending on the logistical requirements of each deployment but enables police officers to kit and de-kit with appropriate uniform and accoutrements.
7. If the event runs beyond the period of time stated in the Form 4 - Quotation, or officers deployed to the event undertake duties that extend longer than expected (i.e. arrest of an offender that requires follow up activity by those officers) the event organiser will be required to pay additional charges at the set hourly rate for each hour or part thereof in quarterly increments. These costs will be detailed in a final invoice after the event.
8. 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 being one-tenth of the hourly attendance rate for each full period of 6 minutes that the police officer spends.
9. If any part of the charges is not paid, the balance owing may be recovered by the Commissioner in any court of competent jurisdiction.
10. Police officers deployed to the event shall:
  - a) remain employees of WA Police at all times;
  - b) at all times be subject to the control and direction of the Commissioner;
  - c) 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;
  - d) be in full WA Police uniform unless the event organiser and WA Police otherwise agree in writing;
  - e) have access to their arms and accoutrements in the manner prescribed by law and instructions issued by the Commissioner or his delegate;
  - f) be subject to the provisions of the *Occupational Safety and Health Act 1984*;
  - g) if required to be in attendance for a period in excess of 7 hours, be entitled to a break of 35 minutes unless directed otherwise by the Police Forward Commander due to operational requirements; and
  - h) not perform duties at the event for a continuous period of more than 12 hours unless required by the Police Forward Commander.
11. 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 (i.e. arrests and conveyance to the nearest police facility / Watch House).
12. 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 this situation occurring, time actually provided before the withdrawal will be taken into account and adjustments made to the final invoice payable by the event organiser.
13. The event organiser shall notify the Commissioner immediately of the cancellation, postponement or reduction of police required at an event. At least 48 hours notice of

cancellation, postponement or reduction in police numbers is required. This allows police to conform to their industrial requirements. Failure to provide 48 hrs notice may result in invoicing for all quoted and agreed resources.

14. In the event that an event is cancelled, in writing, the amount chargeable is for each police officer who spends time planning the deployment of police officers for the event, at the rate of one-tenth of the hourly planning rate for each full period of 6 minutes that the police officer spends.
15. 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 acknowledge appropriate insurance coverage in their request and produce the evidence of such insurance to WA Police on request.
16. Payment for police services shall be settled within 30 days of the invoice date. This term may be varied at the discretion of the Commissioner by providing reasonable notice before the event in writing by the event organiser. Failure to pay may result in court proceedings.
17. WA Police may request up front payment for policing services based on estimated costs prior to an event. The up front payment may be full or partial. This is at the Commissioner's discretion and will be communicated to the event organiser. In these situations, and following the event, the event organiser will be required to pay any difference between the up front payment and the actual cost recovery charges or, in the case where actual costs are less than the up front payment, the Commissioner will refund the difference to the event organiser.

## FORMS

Form 1 - Request Police Services

Form 2 - Request Commissioner to Reduce, Waive or Refund Costs

Form 3 - Request Ministerial Exemption for an Event

*Refer to Western Australia Police Force Internet Site for Forms*

Form 4 – Quotation Form