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NSW Police Force

**NSW POLICE FORCE
USER CHARGES GUIDE FOR CLIENTS
FINANCE AND BUSINESS SERVICES**

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Document Control Sheet

Document Properties

Title	User Charges Guide for Clients
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1.0	10/2024	FABS	Original document created as part of the review and update of the ' <i>NSW Police Force Cost Recovery and User Charges Policy</i> '

Executive summary

This document should be read in conjunction with the ‘NSW Police Force Cost Recovery and User Charges Policy.’

This document outlines key points for clients to be aware of in relation to proposed or actual user charges agreements with the NSW Police Force.

A user charge is defined as “a payment to an agency for a particular good or service that benefits the payee directly”, in accordance with the NSW Premier’s Department ‘NSW Government User Charges Policy’.

The NSW 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. User charges services go beyond the NSW Police Force general responsibility to the community to promote public safety and protect community interests.

Clients requesting user charges services from NSW Police Force have a number of responsibilities and obligations which this document seeks to assist in summarising, to complement the ‘NSW Police Force Cost Recovery and User Charges Policy’.

Information is provided regarding the process of requesting user charges police services, responsibilities of event organisers, invoicing and payment, the process for seeking a reduction or exemption of fees, and the dispute resolution pathway and associated escalation process. A summary flowchart is also provided for both the administrative process and the policing process associated with a user charges event from the police perspective, for the awareness of prospective or actual clients.

Requesting user charges police services

The Police Area Command (PAC) or Police District (PD) providing the service will generally administer user charges and will charge the client for the service as per the ‘[User Fees and Charges Schedule](#)’.

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:

- For a minor cultural/sporting event - at least **60 days** prior to the event.
- For a major cultural/sporting event - at least **90 days** prior notice 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 the PAC/PD or which poses unusual risk or logistical challenges.
- For a major event – **six-monthly or annual planning** cycles required.

NSW Police Force **must** receive adequate notice period of the event/service. However, the relevant commander can impose a short notice labour rate, which may impact the request 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 'Notice and Request for Services' form must be completed by the client, including the type of event, description of activity involved, where the event is to be held, and the details police need to assess the implications of the event. In many cases it will be necessary to discuss and assess the need for police services and estimate of number of police officers required 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 provide the client with a 'User Charges Short Form Agreement', which details the terms and conditions under which the policing services will be provided. The client then signs the agreement, and this results in the formation of a binding agreement for the provision of user charges services.

Different charges apply to different types of policing services. A full list of user charge services and fees are contained in the ['User Fees and Charges Schedule'](#).

Determining police resourcing for special events

The NSW Police Force will determine the number of police officers required to be deployed to maintain order. The number of police deployed to an event is the **minimum number** to maintain order as required by Section 208 of the *Police Act 1990*, and should be determined from a starting point of the **least** policing resources and number of officers required to achieve this.

Policing levels and resourcing requirements **must be determined on a risk-based approach and always be proportionate to the risk**. The previous experience and/or the previous policing resources and number of officers deployed to an event must not be the sole factors for determining police resources required for user charges services at an upcoming event. Any increase, decrease, or maintenance of resourcing needs to be based on factual evidence and recorded as detailed below.

Responsibilities of event organisers

The event organiser is responsible for the delivery of an appropriate level of services at an event, including the hiring of appropriately skilled staff to ensure the safety of the community attending the event.

The event organiser is to be advised of the responsibility to work closely with local and state government agencies to ensure the safe arrival and departure of patrons from the event, not just responsibility for the management or control of activities during the event itself. In this regard government agencies, including police, will assess the risks associated with an event and provide advice to organisers as to a sufficient number of staff and resources for the event.

Event organisers are to provide a business case to police outlining the policing resources they are requesting under user charges conditions with a clear justification as to why these resources have been proposed. The event organiser must articulate in writing how risks will be mitigated, both through the use of user charges policing services and with resources beyond the NSW Police Force.

All operators should be requested to provide a document adequately describing what actions have been taken by them to address specific issues (at a minimum) involving:

- Public safety,
- Liquor,
- Parking and traffic management (if applicable),
- Communication and signage,

- Crowd control and evacuation planning, and
- Media planning related to parking and traffic control.

User charges invoicing and payment

NSW Police Force can vary terms of payments and request upfront, full, or partial payments. Variations in terms may be applicable to the clients who are new to the NSW Police Force or who have an unfavourable payment history, demonstrate inability to finance the event, or forecast a considerable financial loss for the event.

Within seven working days of completion of services, the client shall receive a tax invoice along with a '*Final Statement for Services*' from NSW Police Force.

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 calculated in accordance with relevant legislation.

Application for exemption/reduction of user charges for special events

Applications for exemptions or reductions of user charges shall be made to the PAC/PD at the same time as the coordinator is given notice of the event and consideration for request for services.

The applications for exemptions or reduction of user charges can be made through the '*Application for Exemption or Reduction of User Charges*' form, which is available on the NSW Police Force internet site, along with the '*Notice and Request for Services*' form.

An exemption could be applied for agricultural shows, rural field days and local community events in the Western Region, Southern Region, and Northern Region. This concession is provided to give support to rural and regional communities.

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 PAC/PD 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.

Review of exemption or reduction decision regarding amount payable for user charges

If the client is not satisfied with the decision of the NSW Police Force as to the amount payable for police attendance at a special event under Section 208(1)(a) of the *Police Act 1990*, they can apply for an internal review of this decision under Section 53(1) of the *Administrative Decisions Review Act 1997*.

An application for internal review should be in writing, addressed to the NSW Police Force PAC/PD commander or region commander, and should be made within 28 days of the decision. A member of the Corporate Services staff or the region commander responsible for the PAC/PD where the services were requested will review the original user charges decision in accordance with legislation and this policy and communicate the decision. The internal reviewer must be a person who was not substantially involved in the original decision as to the amount to charge.

If the client is not satisfied with the outcome of the internal review, they can make an application for administrative review of the decision in the NSW Civil and Administrative Tribunal.

Resolution of disputes

Where the expectations of the requesting event organiser or the NSW Police Force are not being met in regard to the proposed number of officers supplied or policing resources required, the matter should be resolved by referring the matter as follows:

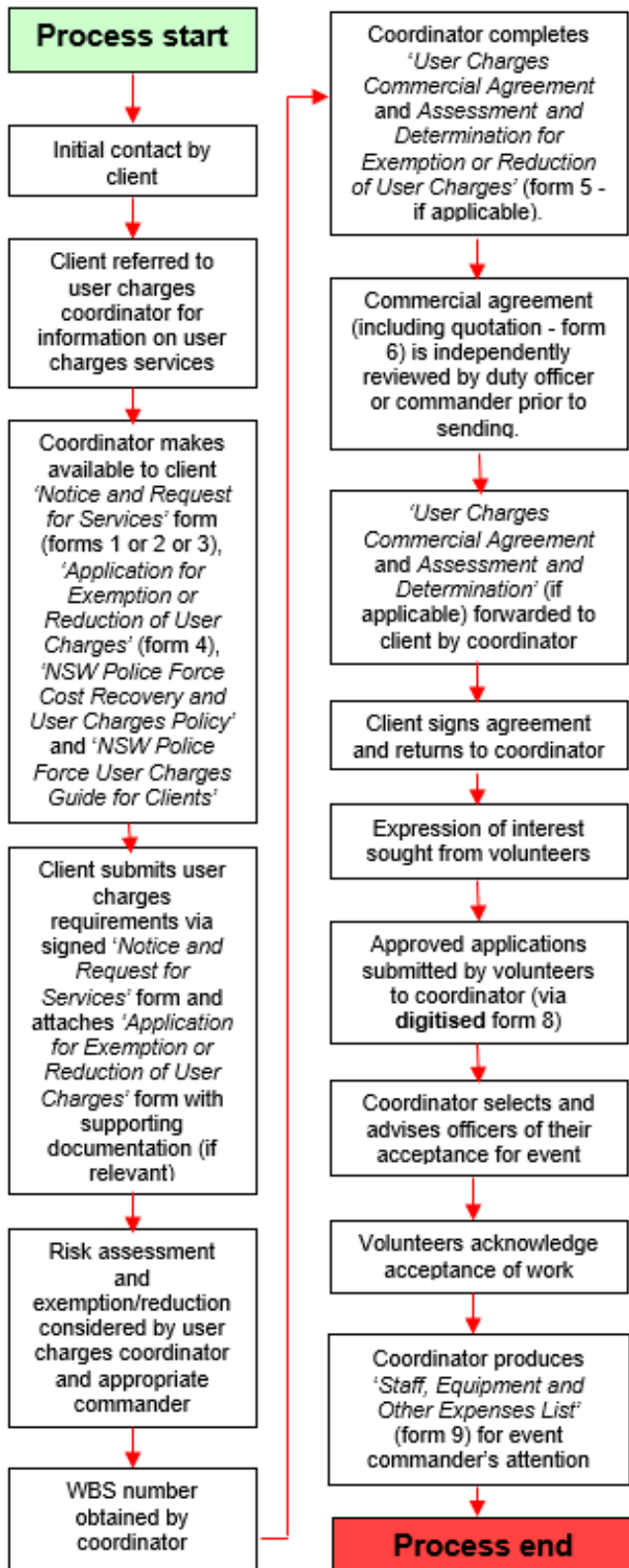
1. First to the PAC/PD commander within the PAC/PD where the user charges coordinator operates or where the event is being held.
2. All parties are required to articulate their position and make best efforts to reach an agreement that ultimately is in the best interests of community safety and the safe conduct of the event.
3. If agreement cannot be reached on the officer numbers or policing resources, the matter is to be referred to the region commander for the event area.
4. If agreement cannot be reached on the officer numbers or policing resources at this point, the matter is to be referred to the Commander, Police Transport and Public Safety Command, who will provide a final decision on the advice of the Major Events Group.

If an event is being coordinated by a region office rather than at a PAC/PD level and a dispute resolution is required, the escalation in the first instance would be to the region operations manager.

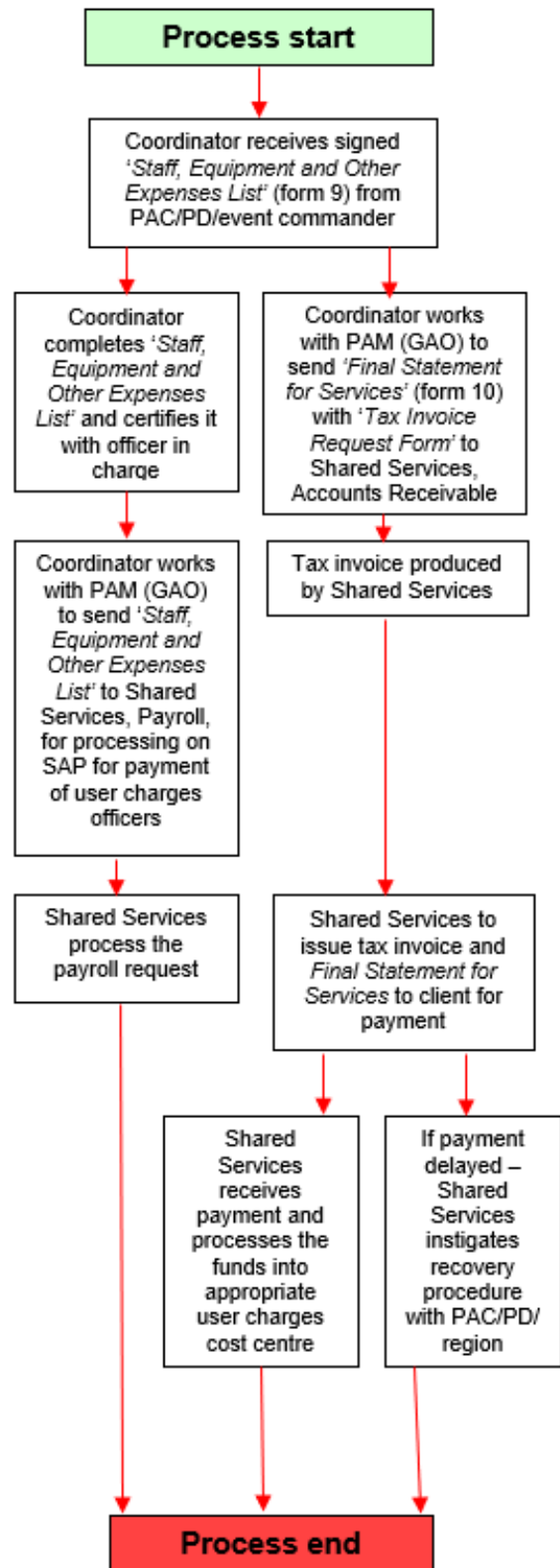
Dispute resolution correspondence must be provided in writing by all parties and must be based upon provision of resources according to the fundamental principles of risk mitigation. If the event organiser is seeking a reduction in proposed officer numbers or policing resources, they must articulate in writing how risks will otherwise be mitigated.

Administrative process flow for user charges events

PRE-EVENT PROCESS



POST-EVENT PROCESS



Policing process flow for user charges events

