



Policing (Cost Recovery) Regulations 2017

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 15th day of May 2017

Present:

Her Excellency the Administrator of the Government in Council

These regulations are made under section 102A of the Policing Act 2008—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Police, being satisfied that—
 - (i) the policing service in question is a demand service as defined in section 79B of that Act; and
 - (ii) the fee prescribed is consistent with the criteria specified in section 79C of that Act; and
 - (iii) the Commissioner has done everything reasonable to consult the persons or organisations affected or likely to be affected as required under section 79D of that Act.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Transitional, savings, and related provisions	2
5 Fees and charges for specified demand services	2
6 Fees and charges exclusive of GST	2
7 Liability, exemptions, waivers, and refunds	3

Schedule 1	3
Transitional, savings, and related provisions	
Schedule 2	3
Fees and charges for specified demand services	
Schedule 3	3
Liability, exemptions, waivers, and refunds	

Regulations

- 1 **Title**
These regulations are the Policing (Cost Recovery) Regulations 2017.
- 2 **Commencement**
These regulations come into force on 1 July 2017.
- 3 **Interpretation**
In these regulations, unless the context otherwise requires,—
approved agency means an organisation in, or registered in, New Zealand that has entered into an approved agency agreement with the Police Vetting Service
charitable entity has the same meaning as in section 4(1) of the Charities Act 2005
Police Vetting Service means a workgroup of the Police that processes vetting requests
vetting request means a request that an approved agency has made to the Police Vetting Service for a Police vet
year means a period of 12 months beginning on 1 July.
- 4 **Transitional, savings, and related provisions**
The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.
- 5 **Fees and charges for specified demand services**
The fees and charges set out in Schedule 2 in respect of the demand services set out in that schedule are payable to the Police.
- 6 **Fees and charges exclusive of GST**
The fees and charges prescribed in these regulations are exclusive of goods and services tax.

7 Liability, exemptions, waivers, and refunds

Provisions regarding liability, exemptions, waivers, and refunds are set out in Schedule 3.

Schedule 1
Transitional, savings, and related provisions

r 4

Part 1
Provisions relating to these regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Schedule 2
Fees and charges for specified demand services

r 5

Service	Fee or charge (\$)
<i>Police Vetting Service</i>	
Vetting request	8.50

Schedule 3
Liability, exemptions, waivers, and refunds

r 7

Part 1
Vetting requests

1 Liability

- (1) Liability to pay a vetting request fee—
 - (a) arises when a vetting request is submitted; and
 - (b) is unaffected if the vetting request is withdrawn.
- (2) Liability to pay a vetting request fee is excused if an exemption applies or a waiver is granted.
- (3) Liability to pay a vetting request fee may be excused if the vetting request is rejected as defective.

2 Exemptions

- (1) An approved agency is exempt from paying a vetting request fee if it submits 20 or fewer vetting requests each year.

- (2) If an approved agency without a waiver submits more than 20 vetting requests during a year, it is liable to pay the vetting request fee for every vetting request it has made during the year (including the first 20).
- (3) If an organisation consists of 2 or more approved agencies, the vetting requests from each of the approved agencies are to be treated as being from 1 approved agency.

3 Waivers for extreme financial hardship

- (1) An approved agency may apply for a waiver to exclude it from paying a vetting request fee if it is facing extreme financial hardship.
- (2) The application must—
 - (a) provide evidence of extreme financial hardship; and
 - (b) be received by the Police Vetting Service.
- (3) The Commissioner may waive the vetting request fee if satisfied, on the basis of the evidence provided, that the approved agency is facing extreme financial hardship.
- (4) A waiver granted under subclause (3) applies for a period of 12 months beginning on the date on which the Police Vetting Service receives the application.
- (5) However, the Commissioner may review and withdraw any waiver granted under subclause (3), and the vetting request fee for any vetting request submitted after the waiver is withdrawn must be paid.

4 Waivers for exceptional circumstances

- (1) An approved agency may apply for a waiver to exclude it from paying a vetting request fee if it is facing significant adverse effects owing to exceptional circumstances.
- (2) The application must—
 - (a) provide evidence of significant adverse effects owing to exceptional circumstances; and
 - (b) be received by the Police Vetting Service.
- (3) The Commissioner may waive the vetting request fee if satisfied, on the basis of the evidence provided, that the approved agency is facing significant adverse effects owing to exceptional circumstances.
- (4) Despite anything in subclauses (1) to (3), the Commissioner may grant a waiver to any approved agency or agencies if satisfied that exceptional circumstances warrant it.
- (5) A waiver granted under subclause (3) or (4) applies for a period that the Commissioner determines.

- (6) However, the Commissioner may review and withdraw any waiver granted under subclause (3) or (4), and the vetting request fee for any vetting request submitted after the waiver is withdrawn must be paid.

5 Waivers for charitable entities

- (1) An approved agency may apply for a waiver to exclude it from paying a vetting request fee if it is a charitable entity.
- (2) The application must—
- (a) provide the registration number of the charitable entity; and
 - (b) be received by the Police Vetting Service.
- (3) The Police must waive the vetting request fee if satisfied, on the basis of the evidence provided, that the approved agency is a charitable entity.
- (4) A waiver granted under subclause (3) applies as long as the approved agency remains a charitable entity.
- (5) A charitable entity that has been granted a waiver must, as soon as practicable, notify the Police Vetting Service if it ceases to be a charitable entity.

6 Refunds

- (1) The Police may refund a vetting request fee to an approved agency if the agency—
- (a) paid a vetting request fee; and
 - (b) was subsequently granted a waiver under clause 4; and
 - (c) submitted, and paid for, the relevant vetting request on or after the date on which the exceptional circumstances began.
- (2) The Police may not refund a vetting request fee to an approved agency that—
- (a) paid a vetting request fee; and
 - (b) was a charitable entity at the time it submitted the vetting request; but
 - (c) failed to provide the registration number of the charitable entity.

7 Coverage

The vetting request fee, which is set out in Schedule 2, does not include the cost of an Australian National Police History Check.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 July 2017, prescribe a fee to cover the actual and reasonable costs of the vetting services that the Police provide. They also provide that certain approved agencies are, or may be, exempt from paying the prescribed fee.

Regulatory impact statement

The New Zealand Police produced a regulatory impact statement in October 2016 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.police.govt.nz/about-us/publication/regulatory-impact-statement-regulations>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

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These regulations are administered by the New Zealand Police.