

# Service Manuals Definitions

## Service Manual Definitions

### Legislation

In these definitions:

CC means the Criminal Code

CP(OROPO)A means the *Child Protection (Offender Reporting and Offender Prohibition Order) Act*

PPRA means the *Police Powers and Responsibilities Act*

PSAA means the *Police Service Administration Act*

TO(RUM) means the *Transport Operations (Road Use Management) Act*

### Manuals

In these definitions:

DERIE means the Digital Electronic Recording of Interviews and Evidence Manual

MSM means the Management Support Manual

OPM means the Operational Procedures Manual

TM means the Traffic Manual

## A

### Abandon

in relation to the driving of Service vehicles means to discontinue or stop an attempted interception or pursuit, as the case may be.

### Access road

in respect to excess dimension vehicle permits, 'access road' means a road other than a road within the meaning of Chapter 6: 'Road transport infrastructure' of the *Transport Infrastructure Act*.

### Accommodation dispute

means police are called to attend at an accommodation facility where the owner or occupier of that place may request the removal of a person from that place who has or has had some type of agreement (verbal or written) with the owner or occupier of the place to reside at that place.

### Accredited covert police operative (covert police operative, covert operative, covert law enforcement participant)

means an officer who has been appointed as an accredited covert police operative by the Commissioner or the Commissioner's delegate, in writing.

### Active speed camera site

for the purposes of Chapter 9: 'Photographic detection devices' of the TM, means an approved speed camera site that has been allocated a site number, recorded in the Traffic Camera Coding Manual, entered into the Camera Scheduling and Reporting System and made available for operations.

### Act of violence

for the purpose of s. 2.29: 'Public transport exclusion orders and civil banning orders' of the OPM, includes an attempted or threatened act of violence (see s. 129ZH: 'Definitions for pt 4C' of the *Transport Operations (Passenger Transport) Act*).

### Actual escort time

means the time period in which the escorting police expect to have physical custody of the offender for the purpose of extradition.

### Adult Guardian

see Public Guardian.

### Adversely affected by an intoxicating substance

(1) A person is taken to be adversely affected by an intoxicating substance if:

- (a) the concentration of alcohol in the person's blood is at least 150mg of alcohol in 100mL of blood; or
- (b) the concentration of alcohol in the person's breath is at least 0.150g of alcohol in 210L of breath; or

(c) any amount of a drug prescribed by regulation is present in the person's saliva; or

(d) the person fails to provide a specimen as required under s. 80 of the TO(RUM), as applied under Chapter 18A of the PPRA.

(2) However, subsection (1)(c) or (d) does not apply if the person proves he or she was not adversely affected by an intoxicating substance at the relevant time.

(3) Subsection (1) does not limit the circumstances in which a person may be adversely affected by an intoxicating substance.

(see s. 365C: 'Proof of being adversely affected by an intoxicating substance' of the CC)

#### **Affected employer**

see s. 12: 'Dictionary' of the *Fair Work Act* (Cwlth).

#### **Aged rental scheme**

see s. 6A: 'Meaning of aged rental scheme and scheme operator' of the *Residential Services (Accreditation) Act*.

#### **Amount of tolerance**

in relation to speed detection refers to the difference between the prescribed speed limit and the speed at which officers may take enforcement action against motorists exceeding the prescribed speed limit.

#### **Analogue**

means an image or other signal that is continuously variable in its level and recorded as a variation in some physical property. Non-digital recording methods i.e. tapes.

#### **Analyst**

has the same meaning as provided in s. 4: 'Definitions' of the *Drugs Misuse Act*.

#### **Analyst's certificate**

means a certificate of a kind mentioned in s. 128 'Analyst's certificate' of the *Drugs Misuse Act*.

#### **Appropriate police officer**

means:

- (i) the officer in charge for the time being of a police station at which there is a holding cell; or
- (ii) a watch-house manager.

#### **Approval**

in respect to excess dimension vehicle permits, 'approval' includes 'letters of no objection', permits and other documents which indicate that the issuing authority has no objection to the movement of an excess dimension vehicle or indivisible load.

#### **Approved incident command course**

means:

- (i) QC0620 Incident Command Workshop for Supervisors; or
- (ii) PML003 Management Development Program: Legal Studies in Policing 3.

#### **Approved photographic detection device site**

means a location on the road network assessed as suitable for photographic detection device operations which is recorded in the Traffic Camera Coding Manual and is shown as available for operations in the Camera Scheduling and Reporting System.

#### **Approved teacher**

means a person who:

- (i) is a registered teacher; or
- (ii) holds a permission to teach.

#### **Arrest**

the term 'arrest' is defined by various statutes, but generally refers to the person being taken into custody.

#### **Arresting officer**

means the member of the Service who:

(i) commences a prosecution against a person regardless of the means by which the prosecution is commenced; or

(ii) otherwise takes a person into custody.

#### **Assistant Watch-house Officer**

means a staff member appointed under s. 2.5(1)(b)(ii): 'Administration of staff members' of the *Police Service Administration Act*.

#### **Attempting to evade police**

in relation to the driving of Service vehicles means where the driver of a vehicle is deliberately attempting to avoid being intercepted by police. This could include behaviour such as:

(i) increasing speed;

(ii) weaving between lanes to travel at a speed greater than the surrounding traffic;

(iii) rapid brake application and turning into another road; or

(iv) without necessarily exceeding the speed limit, failing to comply with a direction to stop beyond a period that would be reasonable in the circumstances.

#### **Attend**

for the purpose of the SOLVE Demand Management Framework, 'attend', 'attendance' or 'attending' means:

(i) be present at; or

(ii) cause to be actioned.

#### **Audio**

means electronic apparatus using sound waves audible to the human ear.

#### **Authorised examiner**

for the purpose of policy relating to forensic procedure orders and s. 2.24: 'Non-medical examinations' of the OPM, see Schedule 6: 'Dictionary' of the PPRA.

#### **Authorised industrial officer**

see s. 337: 'Authorising officers' of the *Industrial Relations Act*.

#### **Authorised instructor**

in respect of a particular type of:

(i) speed detection device;

(ii) photographic detection device; or

(iii) automatic number plate recognition system,

means an officer who:

(i) has successfully completed the relevant Service Instructor's Course for the particular type device or system;

(ii) is currently an authorised operator for the particular type of device or system; and

(iii) holds an authorisation issued by:

(a) the Specialist Programs, Road Policing Group, Road Policing and Regional Support Command for speed detection and photographic detection devices; or

(b) the Automatic Number Plate Recognition Unit, Mobile Services Project, Major Programs and Projects, Information Technology Division for automatic number plate recognition systems.

#### **Authorised member**

for the purposes of Chapter 4: 'Property' of the OPM, an authorised member is a member of the Service who is authorised to destroy weapons by an assistant commissioner or executive director.

#### **Authorised officer**

for the purposes of Chapter 4: 'Property' of the OPM, an authorised officer means a police officer authorised under a commissioner's direction to have effective control of a batch of a dangerous drug under s. 734(3)(c)(i) of the PPRA.

for the purposes of a certificate regarding the accuracy of a device, see s. 1.2: 'Superintendent of traffic' of the TM.

**Authorised operator**

in respect of a particular type of:

- (i) speed detection device;
- (ii) photographic detection device; or
- (iii) automatic number plate recognition system,

means an officer who:

- (i) has successfully completed a Service operator's course in the use of the particular type of device or system;
- (ii) has operated the relevant type of device or system in the last twelve months;
- (iii) where required, has undertaken and maintained authorisation by successfully completing a competency reassessment course in the use of the particular device or system; and
- (iv) holds an authorisation issued by the officer in charge of the relevant region or district for:
  - (a) speed detection devices;
  - (b) photographic detection devices; or
  - (c) automatic number plate recognition systems.

**Authorised person**

For the purposes of s. 17.7: 'Major Events' of the OPM, means:

- (i) a police officer; or
- (ii) a person who holds an appointment under s. 56: 'Appointment and qualifications' of the *Major Events Act*, which includes:
  - (a) a public service employee;
  - (b) a local government employee;
  - (c) an employee of the major event organiser;
  - (d) other persons prescribed by regulation,
 (see Schedule 1: 'Dictionary' of the *Major Events Act*).

**Authorised police officer**

for the purpose of s. 2.24: 'Non-medical examinations' of the OPM, an authorised police officer means:

- (i) if the police officer seeking approval under s. 498(3): 'Examination if proceeding started against adult by arrest, notice to appear or complaint and summons' of the PPRA:
  - (a) holds rank below the rank of senior sergeant – a police officer of at least the rank of senior sergeant; or
  - (b) holds the rank of senior sergeant or above – a police officer who is more senior than the police officer seeking approval; or
- (ii) in any case:
  - (a) the police officer in charge of a police station or police establishment; or
  - (b) a police officer performing functions for the police service as a scientific officer or scenes of crime officer.

**Authorising officer**

when used in reference to a medical escort means:

- (i) in areas covered by the Police Communications Centre, Brisbane, the Duty Officer, Police Communications Centre, Brisbane; or
- (ii) outside the Brisbane area, the authorising officer is the regional duty officer or district duty officer. Where the regional duty officer or district duty officer is not readily available, the senior officer at the police establishment receiving a request for a medical escort may be the authorising officer.

**Automatic Number Plate Recognition (ANPR)**

means a computer-based system which uses visible light and infra-red cameras in conjunction with optical character recognition software to identify the number plates of vehicles passing the ANPR device. The system automatically compares the number plate to a computer-based record (hotlist) of number plates of interest.

**B****Backup unit**

in relation to the driving of Service vehicles means a police vehicle designated by the pursuit controller to assist with the pursuit. This unit will usually take up at a position a safe distance behind the primary unit but should remain close enough to render assistance if required. The driver of the backup unit must have knowledge of the reasons/justification for the pursuit, and conduct a continual risk assessment.

**Barracks**

means:

- (i) a building which has five or more bedrooms enabling five or more individual tenancies;
- (ii) provides shared kitchen, living and bathroom facilities; and
- (iii) has been designated as a permanent barrack by the Assistant Commissioner and forms part of the Barrack Designation Schedule.

**Batch of a dangerous drug**

for the purposes of Chapter 4: 'Property' of the OPM, batch of a dangerous drug means a quantity of a particular type of dangerous drug.

**Boarder or lodger**

a person who occupies a room or rooms in a house which is under the control of another. Boarders receive food and the use of room in return for regular payment, lodgers receive only the use of a room.

**Body**

means the body or part thereof of a deceased human.

**Body worn camera**

means a portable recording device with internal memory for storage of recorded audio and video, designed to be worn on clothing or otherwise secured on a person (see s. 4.4: 'Body worn cameras' of the DERIE Manual).

**Breach of duty**

see s. 4: 'Definitions' of the *Justices Act*.

**Breath analysing instrument**

means an instrument:

- (i) for finding out the concentration of alcohol in:
  - (a) a person's blood by analysing a specimen of the person's breath; or
  - (b) a person's breath by analysing a specimen of the person's breath; and
- (ii) approved under a regulation.

(see s. 80(1): 'Breath and saliva tests, and analysis and laboratory tests definitions' of the TO(RUM))

**Breath test**

means a test to obtain an indication of the concentration of alcohol in a person's breath using a device approved under a regulation.

(see s. 80(1): 'Breath and saliva tests, and analysis and laboratory tests definitions' of the TO(RUM))

**Brief checker**

means an officer who has successfully completed either:

- (i) a prosecutors training course; or
- (ii) a brief managers or brief checkers course; and
- (iii) any other officer appointed as a brief checker by an officer in charge of a station or establishment.

**Burn out**

see s. 69: 'Definitions for ch 4' of the PPRA.

**C****Camera Scheduling and Reporting System**

for the purposes of Chapter 9: 'Photographic detection devices' of the TM, means a computer based information management system:

- (i) containing data relating to approved photographic detection device sites; and
- (ii) which selects sites where photographic detection devices can be operated on a day-to-day basis.

**Caregiver**

in relation to a child suspected of having been subjected to abuse or neglect, the term caregiver means a:

- (i) natural parent;
- (ii) person in a defacto relationship with a natural parent;
- (iii) foster parent;
- (iv) grandparent or other relative; or
- (v) friend or acquaintance who has day to day care of the child and who has assumed a parenting role in relation to the child, or who from time to time assumes a parenting role.

**Case officer**

for the purpose of s. 2.10.5: 'Central register of operations' of the OPM, means a member who is responsible for the overall planning or conduct of an operation.

**Caution**

for the purposes of Chapter 5: 'Children' of the OPM, the term 'caution' means a caution which has been officially administered to a child under the provisions of Part 2, Division 2 of the *Youth Justice Act*. The term does not apply to any informal process where a child is spoken to by an officer where the officer is exercising discretion in relation to the child's particular behaviour or actions.

**Charge**

see s. 327: 'Definitions for div 2' of the *Corrective Services Act*.

**Chief Executive**

where the term 'Chief Executive' is used in Chapter 6: 'Persons who are Vulnerable, Disabled or have Cultural Needs' of the OPM it means the 'Chief Executive', Queensland Corrective Services.

**Chief OST Instructor**

means the Officer in Charge, Operational Skills Program, Education and Training Command.

**Child**

the term 'child' is defined in various statutes. For example in:

- (i) s. 8: 'Who is a child' of the *Child Protection Act*, a 'child' is an individual under eighteen years; and
- (ii) s. 36: 'Meaning of commonly used words and expressions' of the *Acts Interpretation Act*, the term 'child', if age rather than descendance is relevant, means an individual who is under eighteen.

Generally though, within the OPM the term is used to refer to a person under the age of seventeen.

**Child in custody**

for the purposes of policies relating to children in police custody, the definition of a 'child' also includes a person aged seventeen or over:

- (i) but not yet aged eighteen held in police custody in connection with offences committed as a child only;
- (ii) held in custody on offences committed as an adult but is already remanded in the custody of the Chief Executive, Department of Justice and Attorney-General on offences committed as a child;
- (iii) held in custody on offences committed as an adult but is already serving a period of detention in a detention centre for offences committed as a child; or
- (iv) held in custody on offences committed as an adult but is already otherwise being held in a detention centre.

**Child in need of protection**

see s. 10: 'Who is a child in need of protection' of the *Child Protection Act*.

**Child Protection Information System**

refers to the recording system maintained by the Department of Child Safety, Seniors and Disability Services, which captures historical data in relation to investigations of suspected child abuse and neglect in the State of Queensland.

**Compact Disc (CD)**

an optical disc used to store digital data.

**Concerning conduct**

for the purpose of s. 7.15: 'Child Protection (Offender Reporting and Offender Prohibition Order) Act' of the OPM, means conduct the nature or pattern of which poses a risk to the lives or sexual safety of one or more children, or of children generally.

*Examples:*

- (i) loitering at or near a park fitted with playground equipment regularly used by children;
- (ii) seeking employment or volunteer work that will involve the employee coming into contact with the children, including, for example, door to door sales or collecting;
- (iii) residing near a child care centre;
- (iv) residing or boarding in a household with children under sixteen years.

**Controlled area**

for the purpose of s. 17.7: 'Major Events' of the OPM, means an area near a major event area that is prescribed by regulation under s. 12(3)(a): 'Prescribing event as major event' of the *Major Events Act* and shown on a map included in the regulation.

**Controlled drugs**

means Schedule 8 drugs, (previously dangerous drugs) e.g. pethidine, morphine etc. of the *Medicines and Poisons Act*, which are:

- (i) prescription only medications, which are mainly used for strong pain relief. The supply and use of these medications is restricted because of their dependence forming nature and potential for abuse; and
- (ii) labelled on the container or packaging as 'CONTROLLED DRUG'.

**Controlled substance**

see s. 4: 'Definitions' of the *Drugs Misuse Act*.

**Convoy**

in respect to excess dimension vehicle permits, a convoy is a group of heavy vehicles assembled together to travel under the one permit issued by the National Heavy Vehicle Regulator.

**Copies – analogue original**

means the Primary recording. There can only be one Original.

**Copies – digital original**

means an accurate and complete replica of the Primary recording, irrespective of media – this is a bit-for-bit transfer. In the digital domain, there can be any number of Original recordings.

**Copy**

means a copy of a recording made from an original recording, can be either video or audio.

**Course provider**

means an institution or other body that provides courses to overseas students. For the purposes of s. 5.12.4: 'International homestay school students' of the OPM, a provider is a 'school' which delivers education to year 1 to 12 students; and holds Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registration.

**Court brief**

means a form Court Brief (QP9) as contained in QPRIME.

**Court cell**

means a place attached to or near a court that is used for detaining prisoners of the court (see s. 640: 'Transfer of persons in watch-houses' of the PPRA).



**Covert**

for the purpose of s. 2.10.5: 'Central register of operations' of the OPM means an investigation involving:

- (i) the use or intended use of a:
  - (a) Telecommunications Interception Warrant under the *Telecommunications (Interception and Access) Act* (Cwlth);
  - (b) surveillance device warrant under Chapter 13 of the PPRA;
  - (c) Controlled Operation Authority under Chapter 11 of the PPRA; or
  - (d) Controlled Activity under Chapter 10 of the PPRA; or
- (ii) any other circumstance as deemed appropriate by the Detective Superintendent, State Intelligence Group, Intelligence, Counter-Terrorism and Major Events Command.

**Covert operations**

means ongoing police activities which include any or all of the following characteristics:

- (i) utilisation of an accredited covert police operative;
- (ii) covert targeting of an offender or group of offenders;
- (iii) covert targeting of known criminal activity;
- (iv) utilisation of a non-police operative in conjunction with a covert police operative controller; and/or
- (v) utilisation of an informant in conjunction with a covert police operative.

The term 'covert operations' does not include the surveillance or intelligence activities of the State Intelligence Group, regions, State Crime Command, or the activities of the Special Emergency Response Team.

**Crime scene liaison officer**

means the forensic officer who is responsible for the coordination of all forensic examinations at the crime scene and liaising with the officer in charge of the investigation.

**Crime scene tape**

means tape used to mark and clearly indicate an incident scene.

**Criminal history**

see s. 3: 'Interpretation' of the *Criminal Law (Rehabilitation of Offenders) Act*.

**Criminal intelligence analyst**

means an officer who has successfully completed both the intelligence officers course and the criminal intelligence analyst course or equivalent courses recognised by the Detective Superintendent of the State Intelligence Group.

**Cybercrime**

includes crimes:

- (i) directed at computers or other devices (such as hacking); and
- (ii) where computers or other devices are integral to an offence (such as online scams and fraud).

**D****Dangerous drug**

see s. 4: 'Definitions' of the *Drugs Misuse Act*.

**Defence**

means the defendant, and/or if legally represented, the defendant's legal representative, and/or the Duty Lawyer.

**Delegated officer**

in respect to impounding of motor vehicles, an officer in charge of a station or establishment at the rank of senior sergeant or a commissioned officer, on behalf of the Commissioner.

**Delivered**

for the purpose of Chapter 3: 'Prosecution Process' of the OPM, includes to make available by the prosecution for collection by the defence, or delivered electronically by the prosecution to the defence.

**Deployment officer**

in relation to the use of a tyre deflation device means an officer who has successfully completed the relevant POST training on the deployment of tyre deflation devices.

**DERIE**

means Digital Electronic Recording of Interviews and Evidence

**Designated rural locality incentive payment locations**

are listed in 'Allowances, Paypoints and Payments' of the Human Resources Policies.

**Designated safe weapon clearing area**

is an area within a station or establishment that has been designated by the officer in charge of the station or establishment, in consultation with a:

- (i) firearms training officer, for the purpose of loading and unloading all Service firearms including: pistols, revolvers, rifles and shotguns (see s. 14.6.5: 'Responsibilities of officers in charge of stations and establishments' of the OPM); or
- (ii) Taser training officer, for the purpose of loading and unloading conducted energy weapons (Tasers).

**Destruction notice**

for the purposes of Chapter 4: 'Property' of the OPM, destruction notice see s. 710: 'Destruction notice may be given to person' of the PPRA.

**Digital recording**

means a recording that is stored in a numerical form.

**Digital Versatile Disc (DVD)**

means an optical disc storage format that offers a higher storage capacity than compact discs while having the same dimensions.

**Disposal**

or any like term means the point at which control and physical possession of the property passes from a member, either to another person who has a lawful claim to the property, or for destruction.

**Disqualification order**

see s. 13T: 'Making disqualification order instead of temporary order' of the CR(OROPO)A.

**Disqualifying offence**

see s. 16: 'What is a disqualifying offence' of the *Working with Children (Risk Management and Screening) Act*.

**Distance calibration base**

means an area dedicated to the testing of LIDAR speed detection devices, for zero velocity at a known distance.

**District duty officer**

includes an appointed district duty officer who may perform the duties as designated to a regional duty officer and/or a shift supervisor for a particular area of responsibility. Duties as designated by legislation or policy only to be undertaken by a commissioned officer are not to be performed by district duty officers.

**District officer**

means an officer of the rank of:

- (i) chief superintendent or superintendent in charge of a police district; and
- (ii) superintendent who is in charge of a group or equivalent functional unit.

**DNA sample**

see Schedule 6: 'Dictionary' of the PPRA.

**DNA sample notice**

see Schedule 6: 'Dictionary' of the PPRA.

**DNA sampler**

see Schedule 6: 'Dictionary' of the PPRA.

**Document**

see Schedule 1: 'Meaning of commonly used words and expressions' of the *Acts Interpretation Act*.

**Drug matter**

(i) for Chapter 21, Part 3, Division 3, Subdivisions 1 and 2, ss. 703 to 707 – see s. 704: 'Definition for div 3' of the PPRA; and

(ii) for Chapter 21, Part 3, Division 3, Subdivision 3, ss. 708 to 713 – see s. 709: 'Definitions for sdiv 3' of the PPRA.

**Drug transfer**

describes the process of physically transferring a drug from its original container or wrapping to a new receptacle. This separation allows a fingerprint examination to be made of the original container or wrapping in which the drug was contained. This process should be recorded in a series of photographs or video images.

**E****Electronically recorded**

see Schedule 6: 'Dictionary' of the PPRA.

**Electronic recording equipment**

means equipment capable of producing an audio or video recording of an interview.

**Employee record**

see Schedule 5: 'Dictionary' of the *Work Health and Safety Act*.

**Employment-screening document (blue card)**

see s. 789A(8): 'Power to demand production of working with children card' of the PPRA.

**Engaged**

see Schedule 7: 'Dictionary' of the *Working with Children (Risk Management and Screening) Act*.

**Enhancement**

means any process whereby the quality of reproduction of an electronic recording is enhanced.

**Entrant**

see Schedule 6: 'Dictionary' of the PPRA.

**Escape**

see Schedule 4: 'Dictionary' of the *Corrective Services Act*.

**Escapee**

includes a person who escapes from lawful police custody or custody of the Chief Executive, Queensland Corrective Services.

**Escort of a person in custody**

means the taking of a person in custody from one place to another.

**Event**

for the purpose of s. 2.10.5: 'Central register of operations' of the OPM means a situation or occasion involving significant police planning or response that is not of an investigative or intelligence nature.

**Evidence sample**

means, for the purpose of s. 2.25: 'DNA' of the OPM, a DNA sample obtained from a person, the result of the analysis of which, may be required as evidence in a prosecution and continuity has been maintained.

**Exhibit officer**

means an officer appointed as such for a particular operation or investigation and who has been directed to record details of any property seized or taken possession of in the course of that operation or investigation. Such officer is responsible for dealing with property in terms of the provisions of Chapter 4: 'Property' of the OPM.

**Extradition**

means the process by which a person may be delivered from one jurisdiction to another to answer a charge of an offence.

**Extradition country**

the term 'extradition country' is defined in the *Extradition Act* (Cwlth) as any country so prescribed by regulation. There are numerous regulations which prescribe countries as extradition countries under different circumstances. These circumstances are broadly:

- (i) a country with which Australia has negotiated a bilateral extradition treaty;
- (ii) a country which is a signatory to a multilateral treaty or convention which imposes an obligation on member countries to extradite or try offenders for a particular class of offence. For example, no general extradition treaty exists between Australia and Saudi Arabia. However, both countries are signatories to the Convention for the Suppression of Unlawful Seizure of Aircraft. This allows the extradition of persons between the two countries for offences relating to aircraft hijacks;
- (iii) member countries of the Commonwealth of Nations;
- (iv) a country with which the United Kingdom has negotiated an extradition treaty which was extended to apply to Australia by orders-in-council under the Imperial Act known as the Extradition Act 1870-1935; or
- (v) countries which are otherwise declared to be extradition countries by regulation. Generally these will be countries which have indicated a willingness in the absence of a formal treaty to surrender extraditable persons to Australia on the basis of reciprocity.

**Extradition offence**

the term 'extradition offence' is defined in s. 5: 'Interpretation' of the *Extradition Act* (Cwlth). A person may only be extradited if the offence committed is an extradition offence.

**F****Fair trading offence**

means an offence against the *Security Providers Act*, *Security Providers Regulation*, *Second-hand Dealers and Pawnbrokers Act* or *Second-hand dealers and Pawnbrokers Regulation*.

**Fair work instrument**

see Schedule 12: 'Dictionary' of the *Fair Work Act* (Cwlth).

**Field interview**

means any interview not conducted in a police establishment or at a police establishment but not on DERIE recording equipment.

**First response officer**

means the first officer to arrive at the scene of an incident, irrespective of whether or not the particular job has been assigned to another officer.

When more than one officer arrives at the scene of an incident at the same time, the officer who has the responsibility for command in terms of s. 2.3AA: 'Responsibility for command' of the PSAA is the first response officer.

**Forensic Chemistry Section**

for the purposes of Chapter 4: 'Property' of the OPM, the Forensic Chemistry Section refers to the Forensic Chemistry Section, Forensic and Scientific Services, Queensland Health.

**Forensic Medical Officer**

means a medical practitioner who is employed on a full-time basis at the Clinical Forensic Medicine Unit, Queensland Health to perform duties under relevant legislation.

**Forensic officer**

means a member of the Forensic Services Group or a regional scenes of crime, photographic, fingerprint or scientific officer.

**Forensic procedure**

see Schedule 6: 'Dictionary' of the PPRA.

**Format**

means file format native to a specific manufacturer's application and used exclusively by that application.

**G****General equipment**

includes computers, mobile phones, cameras, official police notebooks and other equipment used in the performance of duty which is not otherwise included as operational equipment or uniform items. It excludes motor vehicles, vessels and buildings.

**Government Medical Officer**

a Government Medical Officer is appointed by the Director-General, Queensland Health to perform duties under relevant legislation. For the purposes of the OPM, the term includes a Forensic Medical Officer.

**Grievous bodily harm**

see s. 1: 'Definitions' of the CC.

**H****Harm**

see s. 9: 'What is harm' of the *Child Protection Act*.

**Health and safety representative**

see Schedule 5: 'Dictionary' of the *Work Health and Safety Act*.

**Health care professional**

means a:

- (i) doctor; or
- (ii) nurse registered under the *Health Practitioner Regulation National Law (Queensland)*; or
- (iii) qualified assistant, being a person whose duties include the taking of blood.

(see s. 80(1): 'Breath and saliva tests, and analysis and laboratory tests definitions' of the TO(RUM))

**Health practitioner**

means an individual who practices a health profession.

(see s. 5: 'Definitions' of the *Health Practitioner Regulation National Law (Queensland)*)

**Health profession**

means the following professions, and includes a recognised specialty in any of the following professions:

- (i) Aboriginal and Torres Strait Islander health practice;
- (ii) Chinese medicine;
- (iii) chiropractic;
- (iv) dental (including the profession of a dentist, dental therapist, dental hygienist, dental prosthetist and oral health therapist);
- (v) medical;
- (vi) medical radiation practice;
- (vii) nursing and midwifery;
- (viii) occupational therapy;
- (ix) optometry;
- (x) osteopathy;
- (xi) pharmacy;
- (xii) physiotherapy;
- (xiii) podiatry;
- (xiv) psychology.

(see s. 5: 'Definitions' of the *Health Practitioner Regulation National Law (Queensland)*)

**Health service**

means a service that is, or purports to be, a service for maintaining, improving, restoring or managing people's health and wellbeing.

(see s. 7(1): 'Meaning of health service' of the *Health Ombudsman Act*)

**Health service provider**

means an:

- (i) individual (a health practitioner) who is:
  - (a) a health practitioner under the Health Practitioner Regulation National Law (Queensland); or
  - (b) another individual who provides a health service; or
- (ii) an entity, other than an individual, who provides a health service (a health service organisation)

(see s. 8: 'Meaning of health service provider' of the *Health Ombudsman Act*)

**Hearing**

includes summary trials and committal proceedings. This term does not refer to matters set down for mention.

**High risk missing person**

for the purpose of Chapter 12: 'Missing persons' of the OPM, means a missing person classified as 'High Risk' upon completion of the 'Risk Assessment Guidelines for Missing Persons' when entering a QPRIME missing person occurrence.

**High risk situation**

means:

the circumstances and types of situations which may be defined and assessed as high risk vary widely. The essential judgement that needs to be exercised is whether the real or impending violence or threat fully justifies the degree of force that could be applied by the police. In this context, one or more of the following criteria may be used to define and assess a high risk situation:

- (i) seriousness of the offence committed by the person;
- (ii) the intention by the person to use lethal force;
- (iii) whether the officer has reasonable grounds to believe that the person:
  - (a) may use lethal force;
  - (b) has or may cause serious injury or death;
  - (c) has issued threats to kill or injure any person;
- (iv) whether the person:
  - (a) has a prior history of violence;
  - (b) is currently exhibiting violence or making threats of violence;
  - (c) has implicated other people (e.g. hostages, dignitaries, bystanders);
  - (d) appears to be affected by factors, such as alcohol or drugs or others.

While the presence of one of the above indicates a potential 'high risk' situation, a combination of these may elevate the level of risk.

(see the 'Australia New Zealand Policing Glossary (National Glossary)').

**High-temperature incineration**

for the purposes of Chapter 4: 'Property' of the OPM, high temperature incineration means incineration using a device designed to incinerate things at a temperature of at least 1100°C.

**Holding yard:**

means:

- (i) for a person:
  - (a) licensed under the *Tow Truck Act* to tow motor vehicles – the place used by the licensee; or
  - (b) exempted under a regulation under the *Tow Truck Act* from holding a licence under that Act – the place used by the person;

as a holding yard for the storage of:

- (a) a motor vehicle towed under the licence; and
- (b) any moveable property found in the motor vehicle; or
- (ii) otherwise:
  - (a) a yard at a police establishment; or
  - (b) a place the Commissioner decides is to be a holding yard.

### Homelessness

a lifestyle which includes insecurity and transiency of shelter. It is not confined to a total lack of shelter. For many children and young people it signifies a state of detachment from family and vulnerability to dangers. Such dangers include exploitation and abuse from which the family normally protects its members. However, there is a growing number of children who are 'homeless' because the whole family cannot obtain adequate shelter. (Ref: Burdekin Report 1989; s. 1.20).

### Homestay provider

for the purposes of s. 5.12.4: 'International homestay school students' of the OPM, means a person or family who has been approved by a provider to supply accommodation, support and general welfare arrangements.

### Identifying particulars

see Schedule 6: 'Dictionary' of the PPRA.

### Identifying particulars offence

for the purpose of s. 2.26: 'Identifying particulars' of the OPM, means:

- (i) an offence for which the maximum penalty is at least one year's imprisonment; or
- (ii) an offence against the PPRA or any of the following Acts:
  - Explosives Act*;
  - Second-hand Dealers and Pawnbrokers Act*;
  - PSAA, ss. 10.19 or 10.20;
  - Regulatory Offences Act*;
  - Summary Offences Act*; and
  - Weapons Act*; or
- (iii) an extradition offence.

### Impounding officer

for the purposes of Chapter 16: 'Impounding motor vehicles' of the TM, means the officer who impounds a vehicle pursuant to s. 71: 'When a person is charged for this chapter in relation to a prescribed offence' of the PPRA.

### Impoundment coordinator

for the purposes of Chapter 16: 'Impounding motor vehicles' of the TM, means a person employed at a regional level, responsible for the management and control of impounded or forfeited motor vehicles.

### Incident coordinator

see s. 5: 'Declaration of emergency situation' of the *Public Safety Preservation Act*.

### Incident scene

includes the place where any incident occurs which is or may be designated as a routine investigation, a serious non-criminal situation, or a major investigation, and a scene established as a crime scene under the PPRA.

### Incident scene liaison officer

means the forensic officer who is responsible for the coordination of all forensic examinations at the incident scene and liaising with the officer in charge of the investigation.

### In custody

when used with reference to a person means a person who is in the custody of a police officer by a process of law. It includes persons:

- (i) detained under statutory provisions;

- (ii) who have been arrested with or without warrant; or
- (iii) who are in lawful custody by order of a court.

**Independent analyst**

for the purposes of Chapter 4: 'Property' of the OPM, independent analyst see s. 711: 'What destruction notice must state' of the PPRA.

**Independent person**

for the purposes of Chapter 4: 'Property' of the OPM, an independent person is a person approved by the assistant commissioner or executive director to observe the destruction of a weapon. This person must hold standing in the community with no interest or involvement, either directly or indirectly, in the destruction or disposal of weapons in possession of the Service apart from what is required in accordance with this chapter. This person may include a local or state government member, a justice of the peace or other suitable person.

for the purposes of Chapter 5: 'Children' of the OPM, the term 'independent person' refers to a person who will:

- (i) be a person whom the child does not perceive to be a person in authority;
- (ii) not be employed by the Service;
- (iii) not be a member of the immediate family of a member of the Service where a conflict of interest may exist because of the relationship;
- (iv) have a concern for the child's welfare; and
- (v) have an understanding and appreciation of any cultural issues pertaining to the child.

**Ingest**

includes drink, administer, inhale and smoke.

(see s. 365B(3): 'Application of defences' of the CC)

**Inquirer**

for the purpose of Chapter 12: 'Missing Persons' of the OPM, means a parent, relative or any person who has a genuine concern for the safety and welfare of a missing person.

**Intelligence assessment**

for the purpose of s. 2.10.5: 'Central register of operations' of the OPM, means an intelligence assessment irrespective if it is operational, tactical or strategic in nature.

**Intelligence led DNA screening**

means the taking of DNA samples of persons for the purpose of implication or elimination of those persons from involvement in the commission of the same indictable offence.

**Intelligence officer**

means an officer who has successfully completed an intelligence officers course, or an equivalent intelligence officers course recognised by the Detective Superintendent of the State Intelligence Group.

**Intelligence sample**

for the purpose of s. 2.25: 'DNA' of the OPM, is a DNA sample, the result of the analysis of which, cannot be used as evidence in a prosecution. An intelligence sample is usually taken for inclusion on the DNA database, and can be sent to the DNA Management Section through despatch, as continuity is not in issue.

**Intelligence, Tactical and Analysis System (ITAS)**

means an integrated solution that enables the intelligence based rostering, planning, reporting, analysis and recording of all operational activities undertaken by the Service.

**Intelligence, Tactical and Analysis System (ITAS) taskings**

are intelligence based shift objectives providing areas for operational policing activities. Such information is drawn from QPRIME, arrest and complaint data, alcolmeter downloads (including GPS functionality), CAD/IMS, Camera Scheduling and Reporting System and the Traffic Infringement Notice Management System.

**Interception**

means the period from when an officer in a police vehicle decides to intercept the driver of a vehicle until:

- (i) the driver stops; or
- (ii) fails to stop as soon as reasonably practicable.



It includes the period when the police vehicle closes on the subject vehicle prior to giving the driver a direction to stop.

### **International school-age student**

for the purposes of s. 5.12.4: 'International homestay school students' of the OPM, means a student:

- (i) who is enrolled in a full-time education course, longer than three months in duration, provided by a registered provider;
- (ii) who is required to hold a student visa under the *Migration Act* (Cwlth) to undertake or continue the course; and
- (iii) who has not reached the age of 18 and has not completed year 12.

### **Interview**

means questioning of, or provision of a statement by a relevant person which is recorded. Where applicable, all interviews must be in compliance with the safeguards of the Police Responsibilities Code with regards to cautions and considerations e.g. person under 17 years or impaired capacity.

### **Intimate forensic procedure**

see Schedule 6: 'Dictionary' of the PPRA.

### **Intoxicated**

means a person is adversely affected by drugs, alcohol or any other intoxicating substance.

### **In-vehicle camera**

means a portable recording device with internal memory for storage of recorded audio and video ('**dash-cam**'), which is normally attached to a vehicle's windscreen to record activity in front of the vehicle (see s. 4.5: 'In-vehicle cameras' of the DERIE Manual).

### **Investigating officers' (Police) copy**

means:

- (i) for analogue recordings, a copy of a tape produced by electronic recording equipment. This tape will be the audio exhibit or the investigating officers' working tape, as required; or
- (ii) for digital recordings:
  - (a) one of the DVD video discs produced by a DERIE system; and
  - (b) one of the CD audio discs produced by a DERIE system; or
  - (c) a copy of a digital file or tape from digital electronic recording equipment.

## **J**

### **Job recording system**

any system whether electronic or otherwise which is used to record the initial receipt of information into the Service.

### **Justice**

means a justice of the peace other than a commissioner for declarations.

## **K**

### **Known vulnerability**

for the purpose of Chapter 12: 'Missing persons' of the OPM includes a person:

- (i) affected by:
  - (a) dementia and related illnesses; or
  - (b) a known medical condition or a physical or intellectual disability;
- (ii) believed to be intending self-harm; or
- (iii) who is a child.

## L

**Law enforcement agency**

includes:

- (i) the police services of the States, Territories and Commonwealth of Australia;
- (ii) any agency operating under the joint authority of the Commissioners of Police of Australasia;
- (iii) defence force police and intelligence units;
- (iv) the Australian Crime Commission;
- (v) the Crime and Corruption Commission Queensland;
- (vi) the Australian Securities and Investments Commission;
- (vii) the Australian Security Intelligence Organisation;
- (viii) the Australian Border Force;
- (ix) Interpol;
- (x) the Commonwealth Department of Education and Training, and the Commonwealth Department of Employment (Investigations Branch, Shared Service Centre);
- (xi) the Department of Human Services (Cwlth), Business Integrity Division;
- (xii) the Department of Justice and Attorney-General, Workplace Health and Safety Queensland and the Electrical Safety Office;
- (xiii) Maritime Safety Queensland (Department of Transport and Main Roads);
- (xiv) Australian Maritime Safety Authority; and
- (xv) Queensland Boating and Fisheries Patrol.

**Less lethal force**

means a force option that is less likely to cause death or serious injury to a person when properly applied by a police officer. The goals associated with the use of less lethal force are to:

- (i) bring the person under the control of the police officer;
- (ii) expose the police officer to the minimum possible risk of injury by the person; and
- (iii) minimise the likelihood of injury to police, the public or the offender.

(originally adapted from the 'Australia New Zealand Guidelines for Deployment of Police to High Risk Situations 2016').

**Lessor**

see ss. 8: 'Lessor' and 20: 'Reference to lessors and tenants' of the *Residential Tenancies and Rooming Accommodation Act*.

**Lethal force**

means a force that is likely to cause death or serious injury or which creates a degree of risk that a reasonable person would consider likely to cause death or serious injury.

(see the 'Australia New Zealand Policing Glossary (National Glossary)').

**Licence to occupy**

means the granting of limited occupancy rights for the occupant (the '**licensee**'). A licensee has a personal right to occupy premises, but no property rights or control over the premises. A licence to occupy premises may be in writing or may be made verbally. A licence to occupy and a residential tenancies or rooming accommodation agreement are to be considered mutually exclusive. E.g. a person residing at a place can have either a licence to occupy or a residential tenancies agreement or a rooming accommodation agreement but not any combination at the same time.

**Licensee**

for the purposes of s. 13.13: 'Second-hand Dealers and Pawnbrokers' of the OPM, a licensee means a person who holds a second-hand dealers and/or pawnbrokers licence under the *Second-hand Dealers and Pawnbrokers Act*.

**Liquor**

- (i) see s. 4B: 'Meaning of liquor' of the *Liquor Act*; or

(ii) methylated spirits.

## Load

see s. 124AA: 'Definitions for pt 1' of the PPRA.

## Local intelligence office

means, in the case of:

- (i) police districts, the relevant district intelligence office; or
- (ii) police commands, the intelligence unit which provides intelligence support for the relevant work unit (e.g. Railway Squad Intelligence Unit).

## Low-temperature incineration

for the purpose of Chapter 4: 'Property' of the OPM, low-temperature incineration means incineration at a temperature less than 1100°C.

# M

## Major and organised crime

for the purpose of s. 2.10.5: 'Central register of operations' of the OPM, means a:

- (i) serious indictable offence as defined in Schedule 6: 'Dictionary' of the PPRA; or
- (ii) serious violent offence as defined in Schedule 6 of the PPRA;

and has indications of being:

- (i) organised crime as defined in Schedule 6 of the PPRA; or
- (ii) terrorism.

## Major event

for the purposes of s. 17.7: 'Major Events' of the OPM, means:

- (i) an event prescribed by regulation under s. 12(1): 'Prescribing event as major event' of the *Major Events Act* as a major event; and
- (ii) any activity directly associated with the major event.

*Examples of activities directly associated with a major event:*

- (a) a test run for the event;
- (b) qualifying rounds of a motor race;
- (c) a concert held in association with the major event.

## Major event area

for the purposes of s. 17.7: 'Major Events' of the OPM, means:

- (i) for a major event is an area prescribed by regulation under s. 12(2)(b): 'Prescribing event as major event' of the *Major Events Act* and shown on a map in the regulation, as the area where the major event is to be held; and
- (ii) the area prescribed by regulation may include:
  - (a) a place to be associated with the major event, including:
    - a public place where the major event is shown on a screen for viewing by the public; and
    - a place set aside for the media to cover the major event; and
  - (b) infrastructure used for the major event; and
  - (c) a place near a place or infrastructure mentioned in paragraph (a) or (b).

## Major event period

for the purposes of s. 17.7: 'Major Events' of the OPM, means:

- (i) for a major event is the period prescribed by regulation under s. 12(2)(c): 'Prescribing event as major event' of the *Major Events Act* as the period in which a major event takes place.
- (ii) the period prescribed by regulation may include:
  - (a) a reasonable period before the major event in order to prepare for the major event; and

(b) a reasonable period after the major event in order to restore the major event area to the condition the area was in before the major event took place.

### Major incident

means:

(i) any occurrence that requires the implementation of a major incident response by one or more of the emergency services, Queensland Health, other State Government authority (e.g. biosecurity threat response by the Department of Agriculture and Fisheries) or a local government authority (e.g. Gold Coast City Council) for:

(a) the rescue and transport of a proportionate number of casualties;

(b) the involvement, directly or indirectly, of a large number of people;

(c) the handling of a large number of enquiries likely to be generated from both the public and news media in response to the incident;

(d) any incident that requires the large scale combined resources of the emergency services; or

(e) the mobilisation and organisation of the emergency services, local government authority and supporting organisations (e.g. Red Cross, Salvation Army) to cater for the threat of death, serious injury or homelessness to a large number of people; or

(ii) an emergency situation declared under the *Public Safety Preservation Act*.

### Major investigation

for the purpose of s. 2.10.5: 'Central register of operations' of the OPM means an investigation into:

(i) major and organised crime; or

(ii) of a 'covert' nature.

for the purpose of the remainder of the OPM includes investigations concerning offences involving serious violence against the person, armed offences, substantial loss of property and systematic offences. Whether an act should be considered to constitute serious violence is a decision to be taken on a case by case basis, and should be based in part on the need to seek specialist support and the perception of the victim of the crime.

Unless initial enquiries indicate strongly that no suspicious circumstances surround a death, deaths are to be treated as major investigations until such time as investigations indicate that no suspicious circumstances surround the death. The exceptions to this include the death of:

(i) a child (see s. 8.5.8: 'Deaths of children');

(ii) an adult in care (see s. 8.5.16: 'Deaths in care');

(iii) a person in custody (see s. 16.23: 'Deaths in police custody'); and

(iv) a person resulting from an incident involving police (see s. 1.16: 'Fatalities or serious injuries resulting from incidents involving members (Police related incidents)'),

of the OPM, where special investigative procedures are to be followed.

### Manager

means the member responsible for the management of a work unit within the Service.

### Master

means:

(i) for analogue recordings, an original tape produced by electronic recording equipment; or

(ii) for digital recordings, one of the 2 DVD video recordings produced by a DERIE system and identified as the 'Master' by the markings on the disc.

### Medical escort

is the transfer of a person or an item for medical purposes necessitating a police presence to ensure the safety of the person or the item subject of the transfer and the public generally.

### Medical practitioner

for the purposes of Chapter 8: 'Coronial Matters' of the OPM, the term medical practitioner includes medical interns.

### Medicines

include Schedule 2 and 3 drugs, e.g. Paracetamol, Ibuprofen etc. of the *Medicines and Poisons Act*, which are substantially safe substances for therapeutic use and are used for minor ailments.

**Member**

includes 'police officer', 'staff member' and 'police recruit' (see s. 2.2: 'Membership of service' of the PSAA).

**Metadata**

means identifying information that is contained within the electronic recording data.

**Minor**

means an individual who is under 18 (see Schedule 1: 'Meaning of commonly used words and expressions' of the *Acts Interpretation Act*).

**Missing person**

means any person, whether an adult or child, reported to police whose whereabouts are unknown and where there are fears for the safety or concerns for the welfare of that person.

**N****National Code**

for the purposes of s. 5.12.4: 'International homestay school students' of the OPM, means the National Code of Practice for Providers of Education and Training to Overseas Students in force under Part 4 of the *Education Services for Overseas Students Act* (Cwth).

**Non-intimate forensic procedure**

see Schedule 6: 'Dictionary' of the PPRA.

**Non-medical examination**

see Schedule 6: 'Dictionary' of the PPRA.

**Non-medical examination notice**

see s. 499(2): 'Non-medical examination notice' of the PPRA.

**Non-state education provider**

means a school not operated by Education Queensland. Generally non-state schools are either independent or Catholic education facilities.

**O****Officer**

means a police officer under s. 2.2: 'Membership of service' of the PSAA.

**Officer in charge**

means the police officer in charge of an organisational unit whether functionally or geographically based.

see s. 7: 'Power of police officer to grant bail' also of the *Bail Act*.

**Officer in charge of a region/command or division**

means an assistant commissioner or executive director as appointed by the Commissioner to those areas (providing those executive directors have a lawful authority or requirement to carry out or comply with the instructions).

**Officer in command**

means the officer:

- (i) in charge of an organisational unit whether functionally or geographically based; or
- (ii) if there is no officer as referred to in paragraph (i), the officer present who is most senior in rank; or
- (iii) if there is no officer as referred to in paragraph (ii), the officer present who is most senior by length of continuous service as an officer.

**Operation**

for the purpose of:

- (i) s. 2.10.5: 'Central register of operations' of the OPM, means a major investigation, intelligence assessment, themed or planned operation or event where an operation name has been issued.

(ii) s. 1.5.2: 'Operational planning (Action plans, operation orders, briefings and debriefings)' of the OPM and s. 13.3: 'Road policing operations' of the TM, means an enforcement action for which an operational order or action plan has been completed.

### Operational equipment

is an item of Service equipment associated with the use of force (see also definition 'QPS equipment').

### Operator

for the purposes of Chapter 7: 'Drink and drug driving' of the TM, means any police officer authorised by the Commissioner pursuant to subsection (8G) to operate either or both of the following:

- (i) a breath analysing instrument;
- (ii) a saliva analysing instrument.

(see s. 80(1): 'Breath and saliva tests, and analysis and laboratory tests definitions' of the TO(RUM), 'authorised police officer')

### Optical Disc

means a disc on which digital data may be read with reflected laser light that bounces off the surface of the disc.

### Order

an order requires compliance with the course of action specified. Orders are not to be departed from.

### Owner of a vehicle

includes:

- (i) a person in whose name the vehicle is registered under a transport Act or a corresponding law of another State; and
- (ii) a holder of a security interest registered for the vehicle under the *Personal Property Securities Act* (Cwlth).

### Owning station

for the purpose of traffic crash investigation in Chapter 5: 'Traffic crashes' of the TM, means the police station in the division where the traffic crash occurred.

## P

### Paramedic

an ambulance officer as defined in the *Ambulance Service Act* and employed as a paramedic.

### Parent

means:

- (i) a parent or guardian;
- (ii) for the purpose of Chapter 7: 'Child Harm' of the OPM, see s. 11: Who is a parent' of the *Child Protection Act*;
- (iii) for the purpose of dealing with youth offenders, see Schedule 4: 'Dictionary' of the *Youth Justice Act*;
- or
- (iv) for the purpose of s. 2.23: 'Forensic Procedures' of the OPM, see Schedule 6: 'Dictionary' of the PPRA.

### Parole order

see Schedule 4: 'Dictionary' of the *Corrective Services Act*.

### Partial brief of evidence

means a brief which contains copies of signed statements of the prosecution witnesses who will provide the substantial evidence in the matter and of exhibits of substantial evidence for the purpose of a committal for sentence.

### Parties

see s. 80(1): 'Parties to an issue' of the *Work Health and Safety Act*.

### Peer Support Officer (PSO)

means a member who has completed the PSO Foundation training and participates in ongoing professional development to maintain their PSO accreditation. PSOs provide volunteer wellbeing support to their colleagues

(in addition to their usual role) and receive PSO professional practices supervision from senior psychologists or senior social workers.

### Permission to teach

means permission to teach under Chapter 2: 'Registration and permission to teach' of the *Education (Queensland College of Teachers) Act*.

### Permit holder

see s. 12: 'Dictionary' of the *Fair Work Act* (Cwlth).

### Person in control of a vehicle

includes:

- (i) the driver of the vehicle;
- (ii) the person who reasonable appears to be the driver of the vehicle;
- (iii) the person who appears to be, claims to be, or acts as if he or she is, in control of the vehicle; or
- (iv) for a heavy vehicle or prescribed dangerous goods vehicle – a person in or near the vehicle who is a two-up driver for it.

(see Schedule 4: 'Dictionary' of the TO(RUM)).

### Person under restraint

see s. 3: 'Interpretation' of the *Service and Execution of Process Act* (Cwlth).

### Personal injury

for the purposes of Chapter 5: 'Traffic crashes' of the TM, the concept of personal injury is derived from the definitions of 'personal injury' contained in the *Motor Accident Insurance Act*, the *Civil Liability Act*, the *Personal Injuries Proceedings Act* and the term's ordinary meaning and includes:

- (i) fatal injury;
- (ii) pre-natal injury;
- (iii) damage to spectacles, contact lenses, dentures, hearing aids, crutches, wheelchairs, artificial limbs and prosthetic devices (see s. 4: 'Definitions' of the *Motor Accident Insurance Act*);
- (iv) physical injury;
- (v) psychological or psychiatric injury; and
- (vi) disease.

### Poisons

include Schedule:

- (i) 7 drugs, e.g. drugs containing arsenic, cyanide etc. of the *Medicines and Poisons Act*, which are extremely toxic requiring special precautions due to their hazardous nature; and
- (ii) 5, 6 and 9 drugs, e.g. drugs containing acetone, ammonia, sodium hydroxide etc. of the *Medicines and Poisons Act*.

### Police commander

see s. 1.12.1: 'Police commander' of the OPM.

### Police forward commander

see s. 1.12.3: 'Police forward commander' of the OPM.

### Police forward command post

see s. 1.12.4: 'Police forward command post' of the OPM.

### Police Liaison Officer

means a staff member appointed under s. 2.5(1)(b)(ii): 'Administration of staff members' of the *Police Service Administration Act* and as defined in s. 1.4.10: 'Role and function of police liaison officers' of the Operational Procedures Manual.

### Police officer

means a person declared under s. 2.2(2): 'Membership of service' of the PSAA to be a police officer.

**Police prosecutor**

means an officer, or a Service legal officer, assigned to perform prosecution duties.

**Police recruit**

means a person who holds a position in the Service as a police recruit (see s. 2.2(2): 'Membership of service' of the PSAA).

**Policy**

a policy outlines the Service attitude regarding a specific subject and must be complied with under ordinary circumstances. Policy may only be departed from if there are good and sufficient reason(s) for doing so. Members may be required to justify their decision to depart from policy.

**Portable Recording Device**

means portable battery-operated equipment which is primarily designed to create audio recordings, still images or video recordings and include:

- (i) video or still cameras, including equipment mounted cameras, body worn cameras, in-vehicle cameras ('dash-cams') and handheld devices; and
- (ii) audio recorders and digital voice recorders.

For the purposes of Service policy, items such as mobile telephones, laptop computers, computing tablets etc. which include a video/audio recording functionality are not a portable recording device.

**Potentially traumatic event (PTE)**

means an exposure to actual or threatened death, serious injury, or sexual violence in one or more of the following ways:

- (i) directly experiencing the traumatic event;
- (ii) witnessing in person, the event as it occurred to others;
- (iii) learning that the traumatic event occurred to a close family member, close friend, close colleague; and
- (iv) experiencing repeated or extreme exposure to aversive details of a traumatic event.

**Premises**

see s. 9: 'Premises' of the *Residential Tenancies and Rooming Accommodation Act*.

**Prescribed circumstance**

for the purposes of Chapter 4: 'Property' of the OPM see s. 124AA: 'Definitions for pt 1' of the PPRA.

**Prescribed offence**

for the purposes of:

- (i) Chapters 15: 'Impounding motorbikes for noise offences' and 16: 'Impounding motor vehicles' of the TM, means a:
  - (a) motorbike noise order offence; or
  - (b) vehicle related offence,  
(see s. 69: 'Definitions for ch 4' of the PPRA).
- (ii) s. 2.32: 'Prescribed offences and relevant assault offences' of the OPM, means an offence against:
  - (a) any of the following provisions of the CC:
    - s. 72: 'Affray';
    - s. 320: 'Grievous bodily harm';
    - s. 323: 'Wounding';
    - s. 335: 'Common assault';
    - s. 339: 'Assaults occasioning bodily harm';
    - s. 340(1)(b) or (2AA): 'Serious assaults'; or
  - (b) s. 790: 'Offence to assault or obstruct police officer' of the PPRA,  
(see s. 108A: 'Definitions of sdiv 2' of the *Penalties and Sentences Act*)



**Prescribed officer**

for the purposes of Chapter 8: 'Infringement notices' of the TM, means a member authorised by the Commissioner through Delegation D 62.2 to withdraw infringement notices under s. 28(1): 'Administering authority may withdraw infringement notice' of the *State Penalties Enforcement Act*.

**Prescribed police officer**

for the purpose of the OPM, means an officer who accepts a charge against an arrested person.

See also s. 7: 'Power of police officer to grant bail' of the *Bail Act*.

**Primary copy**

means the first instance in which data is recorded in memory.

**Primary unit**

for the purposes of s. 15.5: 'Pursuits' of the OPM, means the police vehicle that takes up a position immediately to the rear of the pursued vehicle. Usually, this will be the vehicle initiating the pursuit.

**Prisoner**

means a person who is in the custody of a police officer by a process of law and includes a 'person in custody'. It includes persons:

- (i) detained under statutory provisions;
- (ii) who have been arrested with or without warrant;
- (iii) who are in lawful custody by order of a court; or
- (iv) in custody of the Chief Executive, Queensland Corrective Services.

**Prisoner inspection officer**

the officer inspecting prisoners in custody.

**Procedure**

a procedure outlines generally how an objective is achieved or a task performed, consistent with policies and orders. A procedure may outline actions which are generally undertaken by persons or organisations external to the Service.

**Processing officer**

means a designated police officer tasked with duties ordinarily performed by an arresting officer at a watch-house, within a field arrest or speed processing scenario. These officers are to perform duties as directed, which may include searching the prisoner, making computer enquiries, entering data into the QPRIME custody report, obtaining an occurrence number in QPRIME, checking for and requesting traffic and offender history reports, preparing bench charge sheets and fingerprint forms. Processing officers are also responsible for ensuring the bench charge sheet(s) is/are electronically forwarded to a brief checker.

**Professional Healthcare Provider/ Professional Healthcare Assistant**

means an individual whose employment relates to the provision of healthcare and has been professionally trained and suitably qualified (see ss. 52 and 53 of the *Health Practitioner Regulation National Law (Queensland)* and s. 13(1) of the *Ambulance Service Act*).

**Proper officer**

see Schedule 4: 'Dictionary' of the *Corrective Services Act*.

**Property**

means anything, whether animate or inanimate, lawfully coming into the possession of members as a consequence of their duty, regardless of the means by which possession is gained. The term includes a document created by or on behalf of a member as secondary evidence, but does not include:

- (i) property taken from prisoners while in custody and which prisoners are lawfully entitled to have returned on their release;
- (ii) property of the Service;
- (iii) blood samples taken pursuant to the TO(RUM);
- (iv) a sample of a person's blood, urine or saliva or another substance taken or collected from a person's body under Chapter 17: 'Forensic procedures' of the PPRA;
- (v) a hair sample or mouth swab taken from a person under Chapter 17, Part 5: 'DNA procedures' of the PPRA for DNA analysis; and

(vi) a blood or urine sample taken from a person under Chapter 18: 'Blood and urine testing of persons suspected of committing sexual or other serious assault offences' of the PPRA.

### Property bag

means a bag or other receptacle made of a suitable material and designed to ensure the secure and accountable storage of property.

*Examples include:*

- (i) a polytube bag that is sealable and reopenable in such a way as to show the signature and details of the person(s) who opened the bag; and
- (ii) a tamper proof audit or exhibit bag.

### Property officer

means a member designated by the officer in charge of:

- (i) the region or command to be responsible for a particular property point; and
- (ii) a station or establishment to perform the function of property officer in the absence of the designated property officer.

Property officers will have responsibility for their assigned property point(s) in accordance with Chapter 4: 'Property' of the OPM.

### Property point

means a location, designated in writing by an officer in charge of a region or command, at which property will be stored, or at which a particular class of property will be stored.

### Prosecute

includes commencing a proceeding or issuing an infringement notice.

### Prosecution

means either the Director of Public Prosecutions or police prosecution corps.

### Prosecuting authority

means, for the purpose of s. 3.4.34: 'Notification of Chief Executive (Employment Screening) regarding committal, conviction, etc. of persons employed by Blue Card Services, Department of Justice and Attorney-General' of the OPM, the Commissioner or the Director of Public Prosecutions.

### Protracted following of a vehicle

means the following of a subject vehicle beyond the time reasonably necessary to:

- (i) identify whether an offence is being committed by an occupant of the vehicle;
- (ii) conduct relevant checks in QPRIME in relation to the vehicle and occupants; and
- (iii) determine whether an interception of the vehicle should be attempted.

### Provider (for rooming accommodation)

see s. 17: 'Provider' of the *Residential Tenancies and Rooming Accommodation Act*.

### Psychological first aid (PFA)

means is an evidence-informed flexible approach that involves providing early practical and emotional support to a person who has experienced a potentially traumatic event. PFA seeks to reduce initial distress, address basic needs (for example, comfort, information, practical and emotional needs), promote adaptive coping (for example, assist with problem-solving), and encourage engagement with existing social supports and professional services.

### Public Guardian

means a person appointed as the 'Public Guardian' under Chapter 2: 'Public guardian' of the *Public Guardian Act*.

### Public place

for the purposes of s. 2.32: 'Prescribed offences and relevant assault offences' of the OPM, means:

- (i) a place, or part of a place, that the public is entitled to use, is open to members of the public or is used by the public, whether or not on payment of money; or
- (ii) a place, or part of a place, the occupier of which allows, whether or not on payment of money, members of the public to enter,

(see s. 108A: 'Definitions of sdiv 2' of the *Penalties and Sentences Act*)

**Pursuable matter**

in respect to the driving of Service vehicles see s. 15.5.2: 'Justification for pursuit' of the OPM.

**Pursuit**

A pursuit exists when an officer driving a police vehicle continues to follow another vehicle after:

- (i) an officer in a police vehicle gives a direction to the driver of another vehicle to stop (see s. 15.4.3: 'Intercepting a vehicle' of the OPM) and the vehicle fails to stop as soon as reasonably practicable; and
- (ii) the officer believes on reasonable grounds that the vehicle driver is attempting to evade police.

**Pursuit controller**

in respect to the driving of Service vehicles means the person responsible for control of the pursuit (see s. 15.5.6: 'Officer responsible for the control of pursuits (Pursuit Controller)' of the OPM).

**Q****QPRIME**

means the Queensland Police Records Information Management Exchange, which is an integrated policing information and records management computer system.

**QPS equipment**

is any Service item kept, furnished or provided for a specific purpose (see also definition 'Operational equipment').

**QPS internet website (previously Service website)**

means the external internet site located at [www.police.qld.gov.au](http://www.police.qld.gov.au).

**Qualified intelligence officer**

includes an intelligence officer or a criminal intelligence analyst.

**R****Reasonable belief**

means a factual foundation on which a reasonable belief is based but not to be equated with knowledge or proof beyond reasonable doubt. Mere suspicion only that a fleeing motorist had committed an indictable offence is not sufficient.

The usual test is whether a reasonable person would have come to the same conclusion in the circumstances.

**Reasonable degree of suspicion**

for the purposes of s. 16.13: 'Healthcare of person in custody' of the OPM, means what a reasonable person, equipped with only basic life skills would consider indicative that a person in their custody may be suffering from a health related issue.

**Reasonable suspicion**

means "A suspicion that something exists is more than a mere idle wondering whether it exists or not; it is a positive feeling of actual apprehension or mistrust, amounting to 'a slight opinion, but without sufficient evidence'," as Chamber's Dictionary expresses it. Consequently, a reason to suspect that a fact exists is more than a reason to consider or look into the possibility of its existence". (*George v Rockett* (1990) 170 CLR 104.)

**Receiving officer**

means a police officer or watch-house officer tasked with the admission of a person into custody at a watch-house, including the risk assessment (health) questioning or who is responsible for accepting:

- (i) a charge against an arrested person; or
- (ii) a person who has been detained for investigation or questioning under s. 403: 'Initial period of detention for investigation or questioning' of the PPRA; or
- (iii) a person detained under any other Act.

**Regional crime coordinator**

means a member designated by the officer in charge of the region or command to perform the functions of a regional crime coordinator.

**Regional duty officer**

includes an appointed regional duty officer or a nominated commissioned officer who is available on call as the duty commissioned officer for a particular area of responsibility and includes where relevant, the district officer.

**Registered nurse**

means a person registered under the *Health Practitioner Regulation National Law (Queensland)*:

- (i) to practise in the nursing and midwifery profession, other than as a student; and
- (ii) in the registered nurses division of that profession.

**Registered operator**

means the registered operator for the vehicle and the registered operator, apart from being the registered operator, is not the owner of the vehicle (see s. 66: 'Power to prohibit use of vehicles' of the PPRA).

**Regulated place**

see s. 44: 'Application of pt 5' of the PPRA.

**Registered teacher**

means a person who holds full registration or provisional registration under the *Education (Queensland College of Teachers) Act*.

**Relevant assault offence**

for the purposes of s. 2.32: 'Prescribed offences and relevant assault offences' of the OPM, means any of the following offences under the CC:

- (i) s. 320: 'Grievous bodily harm';
- (ii) s. 323: 'Wounding';
- (iii) s. 340(1)(b): 'Serious assaults' – serious assault of a police officer (14 year imprisonment offences only); or
- (iv) s. 340(2AA): 'Serious assaults' – serious assault of a public officer (14 year imprisonment offences only).

(see s. 548B(1): 'Interpretation provision for ch 18A' of the PPRA).

(Note: All relevant assault offences are included within the definition of a prescribed offence)

**Relevant disqualified person**

see s. 789A: 'Power to demand production of working with children card' of the PPRA, Schedule 7: 'Dictionary' and s. 18: 'Who is a relevant disqualified person' of the *Working with Children (Risk Management and Screening) Act*.

**Relevant drug**

for Chapter 5, Part 3: 'Driving of vehicles and animals' of the TO(RUM), means a drug prescribed under a regulation. Section 172: 'Relevant drugs prescribed' of the Traffic Regulation defines relevant drugs as:

- (i) 3,4-Methylenedioxymethamphetamine (MDMA);
- (ii) Cocaine;
- (iii) Delta-9-tetrahydrocannabinol; and
- (iv) Methylamphetamine.

(see Schedule 4: 'Dictionary' of the TO(RUM))

**Relevant offence**

for the purpose of s. 3.4.34: 'Notification of chief executive (employment screening)' of the OPM, means the committal, conviction, etc. of persons employed by Blue Card Services, Department of Justice and Attorney-General for:

- (i) an indictable offence; or
- (ii) a disqualifying offence that is not an indictable offence.

**Relevant person**

means:

- (i) for the purposes of Chapter 4: 'Property' of the OPM, a relevant person refers to a person from whom property is taken, or the occupier of the premises from where property was taken, by an officer; or

(ii) for s. 3.4.36: 'Notification of Chief Executive, Queensland Corrective Services, regarding committal, conviction, etc. of relevant person' of the OPM, see s. 327: 'Definitions for div 2' of the *Corrective Services Act*.

(iii) for the purposes of the DERIE Manual, see s. 415: 'When does this part apply to a person' of the PPRA.

**Relevant person's copy**

means the CD audio disc or audio tape (either original or copy) which is to be handed to the person interviewed.

**Relevant sexual offender**

for the purpose of s. 7.15: 'Child Protection (Offender Reporting and Offender Prohibition Order) Act' of the OPM, means a following person who is not subject to a supervision order or interim supervision order under the *Dangerous Prisoners (Sexual Offenders) Act* or a forensic order:

- (i) a person who is a reportable offender (see s. 5: 'Reportable offender defined' of the CP(OROPO)A); or
- (ii) a person who would be a reportable offender if the person's sentence for a reportable offence had not ended before the commencement of the CP(OROPO)A.

**Reportable offender**

see s. 5: 'Reportable offender defined' of the CP(OROPO)A.

**ReportCyber**

means the Cybercrime Online Reporting Portal.

**Reporting member**

means a member of the Service who provides particulars of an offence or any further information in relation to an offence to the Policelink for recording in QPRIME.

**Reporting officer**

means a member who takes possession of property.

**Residential premises**

see s. 10: 'Residential premises' of the *Residential Tenancies and Rooming Accommodation Act*.

**Residential service**

see s. 4: 'Meaning of residential service' of the *Residential Services (Accreditation) Act*.

**Resident (for rooming accommodation)**

see s. 14: 'Resident' of the *Residential Tenancies and Rooming Accommodation Act*.

**Resident in a service**

see s. 5: 'Meaning of resident' of the *Residential Services (Accreditation) Act*.

**Residential tenancy**

see s. 11: 'Residential tenancy' of the *Residential Tenancies and Rooming Accommodation Act*.

**Residential tenancy agreement**

see s. 12: 'Residential tenancy agreement' of the *Residential Tenancies and Rooming Accommodation Act*.

**Responsibilities Code**

means the Police Responsibilities Code, contained in Schedule 9 of the Police Powers and Responsibilities Regulation.

**Responsible adult for a minor**

see s. 5: 'Who is a responsible adult for a minor' of the *Liquor Act*.

**Responsible officer**

includes:

- (i) when a person:
  - (a) is arrested or detained: the officer arresting or detaining the person;
  - (b) is being questioned in relation to an indictable offence: the officer conducting the interview;
  - (c) arrives at a watch-house: the receiving officer; or
  - (d) is in custody and is transferred into the custody of any other police officer or watch-house officer: the senior officer at the scene or in the case of a watch-house the member tasked with the

management of that location at the time a suspicion with regards to the persons in custody health is formed (in situations where all present are of the same rank, the member with the greatest seniority is to be considered the responsible officer); or

(ii) an officer who establishes a crime scene under the PPRA, or an officer who assumes control of a crime scene which has been previously established as a crime scene under that Act.

### Restricted drugs

means Schedule 4 drugs, e.g. Antibiotics, vaccines, barbiturates, diazepam etc. of the *Medicines and Poisons Act*, which are available on prescription. Their supply is mainly restricted to doctors, dentists and veterinary surgeons because their use requires professional management and monitoring.

Will be labelled on the container or packaging as 'PRESCRIPTION ONLY MEDICATION'.

### Risk

means an effect of uncertainty (positive or negative deviation from the expected) on objectives.

### Risk assessment

as part of risk management, risk assessment includes the evaluation of the frequency and severity of an identified risk.

### Risk management

means coordinated activities to direct and control an organisation with regard to risk.

### Road safety function or offence

in relation to the operation of an Automatic Number Plate Recognition System means the enforcement of legislation relating to:

- (i) motor vehicles which are:
  - (a) recorded as being stolen, unregistered or having cancelled registration on the date of detection;
  - (b) bearing number plates which are recorded as being lost or stolen; or
  - (c) included in a QPRIME BOLO broadcast; and
- (ii) unlicensed and disqualified drivers, based on the primary or secondary recorded motor vehicle operator.

### Rooming accommodation

see s. 15: 'Rooming accommodation' of the *Residential Tenancies and Rooming Accommodation Act*.

### Rooming accommodation agreement

see s. 16: 'Rooming accommodation agreement' of the *Residential Tenancies and Rooming Accommodation Act*.

### Routine investigation

means an investigation of a criminal offence which does not fall within the definition of a major investigation and which can be adequately dealt with at station or establishment level and requires limited or no specialist support.

## S

### Saleable quantity of liquor

means liquor contained in an unbroken or sealed carton/s or bottle/s of liquor which has the retail value of one penalty unit. See s. 5: 'Meaning of penalty unit' of the *Penalties and Sentences Act*. (Note: liquor contained in broken cartons or open bottles are to be treated as tip outs).

### Saliva analysing instrument

means an instrument:

- (a) for finding out whether a relevant drug is present in a person's saliva by analysing a specimen of the person's saliva; and
- (b) approved under a regulation.

(see s. 80(1): 'Breath and saliva tests, and analysis and laboratory tests definitions' of the TO(RUM))

### Saliva test

means a test to obtain an indication of the presence of a relevant drug in a person's saliva by using a device approved under a regulation.

(see s. 80(1): 'Breath and saliva tests, and analysis and laboratory tests definitions' of the TO(RUM))

**Secondary evidence**

may be considered as evidence which, by its nature, suggests that more direct evidence exists or has existed. For example, if a quantity of drugs is seized as an exhibit, the drugs themselves are primary evidence. A certificate of analysis in relation to the drugs is secondary evidence.

Secondary evidence includes:

- (i) still photographs;
- (ii) video recordings of events relating to the matter before the court;
- (iii) oral evidence;
- (iv) certificates issued as a result of an analysis;
- (v) evidence of an examination or test of the item; or
- (vi) evidence of the result of any relevant forensic examination.

**Seize**

see Schedule 6: 'Dictionary' of the PPRA.

see also ss. 618: 'Power to examine seized things' and 619: 'Extent of power to examine seized things' of the PPRA.

**Senior escorting officer**

means the police officer or watch-house officer responsible for the conduct of the escort (see s. 2.3AA: 'Responsibility for command' of the PSAA for determination of the officer responsible for taking action).

**Senior police officer**

for the purposes of public safety orders, restricted premises orders and fortification removal orders under the *Peace and Good Behaviour Act*, means an officer of the rank of sergeant or above.

**SEQ electrified track**

in respect to excess dimension vehicle permits, see s. 28(2): 'High vehicles' of the Transport Infrastructure (Rail) Regulation.

**Serious injury**

means:

- (i) grievous bodily harm (see s. 1: 'Definitions' of the CC);
- (ii) an injury caused by the discharge of a firearm; or
- (iii) any injury or illness which significantly affects the physical health or condition of any person; and
- (iv) includes any physical condition which requires the person to be admitted to hospital or receive ongoing treatment by a medical practitioner beyond initial examination and diagnosis.

*Examples of serious injuries/illnesses include:*

- (i) broken or fractured jaw, arm, ribs or leg;*
- (ii) communicable disease e.g. Hepatitis C;*
- (iii) exposure to extreme temperatures causing hyperthermia/hypothermia; and*
- (iv) loss of consciousness and concussion.*

The term 'injury' does not include psychological or psychiatric injury.

**Serious non-criminal situation**

means a situation requiring a police response which is not the result of unlawful activity and which cannot be adequately resolved within the capability of local resources.

**Serious offence**

for the purpose of Chapter 5: 'Children' of the OPM, see 'serious offence' as defined by s. 8 of the *Youth Justice Act*.

**Service equipment**

means equipment which is the property of the Service. Classes of equipment issued to members and stations/establishments as part of performance of duty include operational equipment, general equipment and uniform items. It includes Service identification. It excludes privately owned equipment.

**Service firearm**

is a firearm issued by the Queensland Police Service or approved by the Service for use by officers in the performance of their duty.

**Service provider**

see s. 6: 'Meaning of service provider' of the *Residential Services (Accreditation) Act*.

**Service Intranet website**

means the internal QPS Corporate Intranet (Bulletin Board).

**Seven year imprisonment offence**

means an indictable offence for which the maximum penalty is at least seven years imprisonment.

**Shift supervisor**

refers to the member responsible for supervising the policing or other activities of members of an organisational unit during a period of duty which may include a rostered period.

**Side street**

for the purposes of Chapter 3: 'Interception by police' of the TM, means a low traffic volume, low speed limit road which is adjacent to a higher traffic volume road on which a static interception site is to be established.

**Simple offence**

means any offence (indictable or not) punishable, on summary conviction before a Magistrates Court, by fine, imprisonment, or otherwise.

**Small arms ammunition**

see Schedule 7: 'Dictionary' of the Explosives Regulation.

**Speed detection device**

means a device that is designed for measuring vehicle speeds and includes Radar and LIDAR speed detection devices operated by the Service.

**Speed Management Advisory Committee**

means a stakeholder group who endeavour to provide a safe road environment for all road users within their respective regions or districts by:

- (i) monitoring and reviewing speed issues on all roads in accordance with the Manual of Uniform Traffic Control Devices and other appropriate guidelines;
- (ii) considering contributions to the committee on speed related issues from abroad spectrum of stakeholders, and providing responses, which are consistent with those issued by similar authorities across the state; and
- (iii) the approval of proposed photographic detection device sites.

The committee will comprise of technical and operational members and all decisions will be based on technical grounds. These committees will generally consist of, but are not limited to, representatives from:

- (i) Queensland Police Service (Chair);
- (ii) Department of Transport and Main Roads;
- (iii) local authorities; and
- (iv) Royal Automobile Club of Queensland.

**Speed trial**

means:

- (i) any attempt to establish or break any vehicle speed record of any description on a road; or
- (ii) any trial of any description of the speed of a vehicle on a road; or
- (iii) any competitive trial of any description designed to test the skill of any vehicle or driver or the reliability or mechanical condition of any vehicle on any road.

**Staff member**

(i) means a person who is a staff member of the Service (including protective service officers, MRQ and SES members) see s. 2.5(1) of the PSAA, or



(ii) for s. 3.4.36: 'Notification of Chief Executive, Queensland Corrective Services, regarding committal, conviction, etc. of relevant person' of the OPM, see Schedule 4: 'Dictionary' of the *Corrective Services Act*.

**Stand alone**

means a computer or other information technology system that has access to the internet which does not use the QPS corporate gateway.

**Statement**

see Schedule 3: 'Dictionary' of the *Evidence Act*.

**Static interception site**

for the purposes of Chapter 3: 'Interception by police' of the TM, means a location where one or more officers are involved in the diversion and or stopping of vehicular and pedestrian traffic on a roadway for any purpose.

**Substantiated or suspected**

means an investigator's belief on the balance of probabilities that child abuse has occurred.

**Substantial evidence**

for the purpose of Chapter 3: 'Prosecution Process' of the OPM, means evidence which tends to prove an offence but does not include corroborative evidence or continuity evidence or evidence of ownership (except where it is expected that such evidence will be a major point of the litigation or issue in dispute).

**Superintendent of traffic**

see s. 1.2: 'Superintendent of traffic' of the TM.

**Support person**

see Schedule 6: 'Dictionary' of the PPRA.

**Suspect**

means a person an officer 'reasonably suspects' (see definition) to have committed an offence.

**Suspicious death**

means a death which has occurred under circumstances which indicate that some unlawful action, apart from one committed by the deceased, has led to or contributed to the death.

**System controls**

include procedures, practices or actions that are the primary strategies used in preventing or minimising the Service's exposure to risk.

**System input**

includes the activity or transaction which starts the Risk Management System operating. For example, receipt of money in the station collection account, or the arrest of an offender.

**System outputs/outcomes**

means the efforts and results of the system and can be tangible or intangible.

**System processes**

means the processes for transforming the input transaction or activity into the desired outcome(s).

*Examples include:*

*For the station collection account:*

- (i) receipting;
- (ii) banking;
- (iii) payments;
- (iv) compiling the collection control sheets;
- (v) internal checking; and
- (vi) reconciliations.

*For the watch-house system:*

- (i) detaining;
- (ii) assessing the offender;
- (iii) transporting the offender;

- (iv) *processing property; and*
- (v) *inspecting and securing the offender.*

## T

### Takes possession

or any like term, includes receiving, accepting, seizing, or otherwise coming into possession of any property. Possession continues until the property is lawfully disposed of, irrespective of the location of the property.

### Tenant

see ss. 13: 'Tenant' and 20: 'Reference to lessors and tenants' of the *Residential Tenancies and Rooming Accommodation Act*.

### Terrorism

see s. 211: 'Meaning of terrorist act and terrorism' of the PPRA.

### Terrorist act

see s. 211: 'Meaning of terrorist act and terrorism' of the PPRA and Chapter 5, Part 5.3: 'Terrorism' of the *Criminal Code Act (Cwlth)*.

### Themed or planned operation

for the purpose of s. 2.10.5: 'Central register of operations' of the OPM means a policing action (other than a major investigation, event or intelligence assessment) that requires identification and collation under an operation name.

### Third party

means any person who requests information about another for purposes other than those related to the official duties of a member of the Service.

### To provide

for the purpose of Chapter 3: 'Prosecution Process' of the OPM, includes the same meaning as the term 'delivered'.

### Traffic crash

includes:

- (i) a collision between two or more vehicles;
- (ii) another crash or incident involving a vehicle in which a person is killed or injured, property is damaged, or an animal in someone's charge is killed or injured; and
- (iii) incidents in which personal injury is caused by, through or in connection with a motor vehicle if the injury is as a result of:
  - (a) the driving of a motor vehicle;
  - (b) a collision or action taken to avoid a collision with the motor vehicle;
  - (c) the motor vehicle running out of control; or
  - (d) a defect in the motor vehicle causing loss of control of the vehicle while it is being driven.

For determining whether an incident falls within the definition of the term 'traffic crash', it is not necessary that an officer is able to substantiate that an injury has been caused, it is sufficient to rely on the statement of the person who claims to have been injured.

However, if officers intend to commence a prosecution as a result of a traffic crash that alleges that an injury has been caused, it is necessary to strictly prove that the injury has been caused.

### TRAILS adjudication point

means any location where Service members are able to enter data on to the Department of Transport and Main Roads TRAILS Adjudication/Prosecution Processing system.

### transport Act

means the:

- (i) TO(RUM) and Regulations of the Act;
- (ii) *Motor Accident Insurance Act* and Regulations of the Act; and

(iii) another Act, or a provision of the other Act, administered by the Minister for Transport that is prescribed by a regulation.

(see Schedule 4: 'Dictionary' of the TO(RUM)).

### **Type 1 vehicle related offence**

means any of the following offences:

- (i) committed in circumstances that involve a speed trial, a race between vehicles or a burnout:
    - (a) s. 328A: 'Dangerous operation of a vehicle' of the CC committed on a road or in a public place;
    - (b) s. 83: 'Careless driving of motor vehicles' of the TO(RUM);
    - (c) s. 85: 'Racing and speed trails on roads' of the TO(RUM); or
    - (d) s. 291: 'Making unnecessary noise or smoke' of the Transport Operations (Road Use Management—Road Rules) Regulation; or
  - (ii) s. 754(2): 'Evasion offence' of the PPRA.
- (see s. 69A: 'Meaning of type 1 and type 2 vehicle related offences' of the PPRA)

### **Type 2 vehicle related offence**

means any of the following offences:

- (i) s. 20: 'Offence of driving uninsured vehicle etc.' of the *Motor Accident Insurance Act* committed at the same time as driving an unregistered vehicle on a road;
  - (ii) s. 78(1): 'Driving of motor vehicle without a driving licence prohibited' of the TO(RUM);
  - (iii) s. 79: 'Vehicle offences involving liquor or drugs' of the TO(RUM) where the driver's alcohol concentration exceeds:
    - (a) 150mg of alcohol per 100mL of blood; or
    - (b) 0.15g of alcohol per 210L of breath;
  - (iv) s. 80(5A), (11), or (22D): 'Breath and saliva tests, and analysis and laboratory tests' of the TO(RUM), excluding saliva tests;
  - (v) driving a motor vehicle on a road if:
    - (a) a defect notice has been issued to the vehicle under the Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation; and
    - (b) the defect notice requires the vehicle to be inspected by an authorised officer to ensure the vehicle complies with the Act;
  - (vi) s. 20: 'Obeying the speed limit' of the Transport Operations (Road Use Management—Road Rules) Regulation – where the vehicle has exceeded the speed limit by more than 40Km/h.
- (see s. 69A: 'Meaning of type 1 and type 2 vehicle related offences' of the PPRA)

## **U**

### **Unclaimed property**

means property which lawfully comes into the possession of the Service, and in relation to which:

- (i) the reporting officer has made full inquiries in accordance with this chapter to locate any person with a lawful claim to the property;
- (ii) no person with a lawful claim to the property has been located, or if a lawful claimant has been located, that person has declined, refused or indicated a wish not to claim the property;
- (iii) no particular legislative obligation is imposed on the disposal of the property; and
- (iv) a court or a justice has not made any order for its disposal or retention.

### **Unduly intoxicated**

see s. 9A: 'When a person may be taken to be unduly intoxicated' of the *Liquor Act*.

### **Unfounded**

for the purposes of Chapter 7: 'Child harm' of the OPM, means an investigator's determination, based on the available facts, that there was no child abuse.

**Unlawfully at large**

see Schedule 4: 'Dictionary' of the *Corrective Services Act*.

**Unreasonably interfering**

see s. 424: 'What is unreasonable interference for divisions 2-3' of the PPRA.

**Unsubstantiated**

for the purposes of Chapter 7: 'Child harm' of the OPM, means that the determination as to whether or not there was child abuse is unable to be made by the investigator from the available facts.

**Urgent duty driving**

means driving a Service vehicle to perform a duty which requires prompt action and may include:

- (i) the use of flashing warning lights and/or siren to obtain priority travel over other motorists; and
- (ii) driving in a manner that, if not justified, would ordinarily constitute an offence.

**V****Vehicle**

in respect to the driving of Service vehicles unless otherwise specifically stated, means a motor vehicle as defined in Schedule 4: 'Dictionary' of the TO(RUM).

**Vehicle Inspector**

means a member of the Service who is qualified as an engineering trades person (mechanical), and is nominated to undertake vehicle inspection duties by the Officer in Charge, Vehicle Inspection Unit, Brisbane.

**Vehicles of interest**

includes boats, trailers, registration plates, engines and outboard motors.

**Verification**

means any process of examination whereby the authenticity of an electronic recording is verified. For QPS purposes examination means a forensic process whereby the authenticity of an electronic recording is examined.

**W****Watch-house**

includes holding cell(s) at a police station.

**Watch-house keeper or watch-house manager**

means the police officer for the time being in charge of:

- (i) a watch-house; and
- (ii) the holding cells at a police station.

**Watch-house officer**

means a staff member who is appointed by the Commissioner to be a watch-house officer.

**Weapon**

see Schedule 6: 'Dictionary' of the PPRA and Schedule 2: 'Dictionary' of the *Weapons Act*.

includes a firearm, conducted energy weapon, extendable baton, oleoresin capsicum (OC) spray canister and protective body armour.

**Weapon related things**

are things which have a direct relationship to a weapon, such as telescopic sights, firearm carry cases/holsters and re-loading equipment. They would not include things such as spotting telescopes, ballistic or camouflage clothing.

**When is a person over the limit**

see s. 79A of the TO(RUM).

**Worker**

see s. 7: 'Meaning of worker' of the *Work Health and Safety Act*.

**Workplace**

see s. 8: 'Meaning of workplace' of the *Work Health and Safety Act*.

**Work group**

see Schedule 5: 'Dictionary' of the *Work Health and Safety Act*.

**Working copy**

means a copy of the original or primary recording, this may include processes that change the file format or original image data in any way. (This includes compression, enhancement, filtering, cropping etc.).

**Working papers**

include source documents which can be printed forms, photocopies of records or notations on work sheets.

**Work unit**

means any geographical or functional area of responsibility within the Service.

Definitions  
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