

TASMANIA

**POLICE OFFENCES AMENDMENT (LASER
POINTERS) BILL 2009**

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POLICE OFFENCES AMENDMENT (LASER POINTERS) BILL 2009

*(Brought in by the Minister for Police and Emergency
Management, the Honourable James Glennister Cox)*

A BILL FOR

An Act to amend the *Police Offences Act 1935*

Be it enacted by His Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Police Offences
Amendment (Laser Pointers) Act 2009*.

2. Commencement

This Act commences on the day on which this
Act receives the Royal Assent.

3. Principal Act

In this Act, the *Police Offences Act 1935** is
referred to as the Principal Act.

*No. 44 of 1935

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4. Section 15F inserted

Before section 16 of the Principal Act, the following section is inserted in Division II:

15F. Laser pointers

- (1) A person must not, without lawful excuse (proof of which lies on that person), possess, carry or use a laser pointer in a public place.

Penalty: Fine not exceeding 20 penalty units.

- (2) A person must not, without lawful excuse (proof of which lies on that person), by means of a laser pointer, intentionally or recklessly direct a laser beam at any person, animal or vehicle.

Penalty: Fine not exceeding 20 penalty units.

- (3) Subsections (1) and (2) do not apply to –

- (a) a police officer acting in the performance of his or her duties; or
- (b) a State Service employee, employed in the Department, acting in the performance of his or her duties; or
- (c) a person, or group of persons, excluded in writing by the

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Commissioner from the
application of those subsections.

- (4) A police officer who reasonably suspects that a person in a public place has contravened subsection (1) or (2) may, without a warrant –
 - (a) stop, detain and search the person; and
 - (b) stop, detain and search any vehicle the person is in, any vehicle the person appears to have been in or be about to get in or any vehicle the person appears to have put anything in.
- (5) A police officer who reasonably suspects that the safety of any person or the safe operation of any vehicle has been, or is about to be, put at serious and immediate risk through the use of a laser pointer contrary to subsection (2) may, without a warrant –
 - (a) enter and search any premises from which the relevant laser beam appears to have been, or be about to be, directed and search any person on those premises; or
 - (b) stop, detain and search any vehicle from which the relevant laser beam appears to have been, or be about to be, directed and any person in that vehicle.

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- (6) For the purposes of subsection (4) or (5), a police officer –
 - (a) may use reasonable force and assistance and any available form of relevant detection technology; but
 - (b) must cause no more damage than is reasonably necessary to find a suspected laser pointer.
- (7) A police officer may seize, deactivate and detain any laser pointer found in the course of a search conducted pursuant to subsection (4) or (5).
- (8) For the purposes of this section, a lawful excuse includes the following:
 - (a) the pursuit of a lawful occupation, duty or activity in which laser pointers have a generally recognised application;
 - (b) participation in a lawful sport, recreation or entertainment in which laser pointers have a generally recognised application;
 - (c) the use of laser pointers for the specific lawful purpose for which they were manufactured;
 - (d) the lawful display or exhibition of laser pointers;

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- (e) the use of laser pointers under and in accordance with a valid licence under the *Radiation Protection Act 2005*;
 - (f) any excuse prescribed by the regulations under this Act.
- (9) If a person is convicted or found guilty of an offence under this section, the laser pointer to which the offence relates is forfeited to the Crown and may be disposed of as the Commissioner determines.
- (10) For the purposes of this section –
 - (a) a person who is in a vehicle in a public place is taken to be in the public place; and
 - (b) in determining whether any article found in the course of a search is a laser pointer within the meaning of this section, a police officer is entitled to disregard whether, when found, the article is actively capable of emitting a laser beam.
- (11) In this section –
 - “laser pointer”** means a device designed or adapted to emit a laser beam capable of being used for the purposes of aiming, targeting or pointing;

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“vehicle” includes any kind of vessel
or aircraft.

5. Section 55 amended (Arrest)

Section 55(1) of the Principal Act is amended by
omitting paragraph (c) and substituting the
following paragraph:

(c) section 15B, 15C, 15D or 15F; or

6. Repeal of Act

This Act is repealed on the ninetieth day from
the day on which it commences.