

## **SECOND READING SPEECH**

*Police Offences Amendment (Laser Pointers) Bill 2010*

**Michelle O'Byrne MP**

**MINISTER FOR HEALTH**

MR SPEAKER,

I move that the Bill now be read a second time.

Mr Speaker, this Bill contains amendments to the *Police Offences Act 1935* to provide for the regulation of all laser pointers.

Mr Speaker, on 1 July 2008, the Commonwealth Government prohibited the importation of laser pointers designed or adapted to emit a laser beam greater than 1 milliwatt (mW) under the *Customs (Prohibited Imports) Regulations 1956*. The prohibition followed a series of incidents where high-powered laser pointers were used inappropriately to target aircraft, which resulted in significant issues for the pilots whose vision was obscured and danger for all those on the aircraft and in the near vicinity.

Mr Speaker, most of these incidents involved the use of green laser pointers. Unlike other types of laser pointers, green laser pointers remain visible to the operator over a greater distance, which enables targeting of aircraft and painting the cockpits with intense light and disrupting the pilots view. Permanent eye damage can also result from a laser pointer being shone into someone's eyes.

Mr Speaker, most incidents that have been reported have occurred interstate, some of which have resulted in the courts imposing custodial sentences due to the serious nature of the incident. By simple example as to how these devices may be misused, in Tasmania, an incident involving an unknown passenger on a Metro bus occurred when he shone a laser beam in the rear

view mirror of the bus driver. Fortunately, the incident did not result in an accident as the person ceased directing the laser beam at the mirror.

Mr Speaker, since these events, the issue of high powered laser pointers has been considered at a number of high level meetings and national forums, including the Ministerial Council for Police and Emergency Management. Most other jurisdictions now have legislation to regulate the use of laser pointers in some form.

The provisions contained in the Bill will enable police to respond appropriately in instances where all types of laser pointers are misused.

Mr Speaker, the Bill makes it an offence:

- a) for a person to possess, carry or use a laser pointer in a public place, without having a lawful excuse; and
- b) for a person to intentionally or recklessly direct a laser beam from a laser pointer at any person, animal, vehicle, vessel or aircraft, without having a lawful excuse.

The onus on proving the lawful excuse will lie on the person claiming the lawful excuse and includes;

- a) the pursuit of a lawful occupation, duty or activity (for example animal culling) in which laser pointers have a generally recognised application;
- b) participation in a lawful sport, recreation (for example hunting) 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;

- e) the use of laser pointers under and in accordance with a valid licence under the *Radiation Protection Act 2005*; and
- f) any excuse prescribed by the regulations under the Act.

Mr Speaker, the lawful excuse provision will allow those people who have a lawful excuse, such as surveyors, astronomers, teachers, medical professionals and those in the construction and mining industries, to continue to possess, carry, and use laser pointers, and or direct a laser beam for a lawful purpose. It is very unlikely that any expense will be imposed on legitimate users of laser pointers because of the automatic exemption provisions.

The offence provisions will not apply to a police officer or State Service employee from the Department of Police and Emergency Management who is acting in the performance of his or her duties, for example in the use of hand held speed detection devices, or a person or group of persons who are excluded in writing by the Commissioner of Police.

Mr Speaker, the offences proposed in the Bill relate to all laser pointers. This is designed to prevent confusion for members of the public and those enforcing the legislation because some laser pointers are not labelled and others may be labelled with a class number or power level which is inaccurate or misleading.

Appropriate authorities to facilitate enforcement of the offence provisions have been included. These include the authority to allow a police officer to stop, detain and search a person, vehicle, vessel or aircraft, and enter and search premises in certain circumstances. In addition to this, any laser pointer found in the course of a search may be seized, deactivated and detained by a police officer, and where a person is found offending under the

offence provisions proposed, the person may be arrested without warrant. Whilst green and high powered lasers are the major concern, it is appropriate to provide for legislation to regulate all laser products where they are used inappropriately, cause or may cause injuries or are used intentionally or recklessly in a manner that may result in unsafe circumstances.

Mr Speaker, in circumstances where a person is convicted or found guilty of an offence under the section, the laser pointer to which the offence relates will be forfeited to the Crown and may be disposed of as the Commissioner of Police determines.

An amnesty will apply to allow those who are currently in possession of laser pointers and which are not required for a lawful purpose, to dispose of them.

Mr Speaker, these amendments that I have outlined will be welcomed by the law-abiding community of Tasmania and will, I am confident, further assist to make "Safe Communities".

I commend the Bill to the House.