

# FACT SHEET

## *POLICE OFFENCES AMENDMENT (LASER POINTERS) BILL 2010*

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The Government has introduced legislation into Parliament to amend the *Police Offences Act 1935* to provide for the regulation of laser pointers.

The Bill introduces legislation which is consistent with the Tasmania *Together* Community Goal, 'to have confident, friendly and safe communities'.

The background to this matter is that 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 and their pilots. 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 easier targeting of aircraft and painting with intense light the cockpits and pilots' view. Permanent eye damage can also result from a laser pointer being shone into someone's eyes.

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. In Tasmania, an incident involving an unknown passenger on a Metro bus shining a laser beam in the rear view mirror of the bus driver has been reported. Fortunately, the incident did not result in an accident as the person ceased directing the laser beam at the mirror.

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.

Whilst green lasers 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. The provisions contained in the Bill will enable police to respond appropriately in instances where laser pointers are misused.

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The ***Police Offences Amendment (Laser Pointers) Bill 2010*** amends the *Police Offences Act 1935* to make 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 lawful excuse provision will allow those persons who have a lawful excuse, such as surveyors, astronomers, 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.

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.

These provisions relate strictly to circumstances where people have used the devices inappropriately and or do not have a lawful excuse for their possession.