



New South Wales

Summary Offences and Law Enforcement Legislation Amendment (Laser Pointers) Act 2008 No 30

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New South Wales

Summary Offences and Law Enforcement Legislation Amendment (Laser Pointers) Act 2008 No 30

Act No 30, 2008

An Act to amend the *Summary Offences Act 1988* to make it an offence to possess or use a laser pointer in a public place, to amend the *Law Enforcement (Powers and Responsibilities) Act 2002* to include a laser pointer as a dangerous implement within the meaning of that Act; and for other purposes. [Assented to 19 June 2008]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Summary Offences and Law Enforcement Legislation Amendment (Laser Pointers) Act 2008*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Law Enforcement (Powers and Responsibilities) Act 2002 No 103

The *Law Enforcement (Powers and Responsibilities) Act 2002* is amended as set out in Schedule 1.

4 Amendment of Summary Offences Act 1988 No 25

The *Summary Offences Act 1988* is amended as set out in Schedule 2.

5 Repeal of Act

- (1) This Act is repealed on the day following the day on which all the provisions of this Act have commenced.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendment of Law Enforcement (Powers and Responsibilities) Act 2002

(Section 3)

[1] Section 3 Interpretation

Insert “or” after “property,” in paragraph (d) of the definition of *dangerous implement* in section 3 (1).

[2] Section 3 (1), definition of “dangerous implement”

Insert after paragraph (d):

(e) a laser pointer,

[3] Section 3 (1)

Insert in alphabetical order:

laser pointer means a hand-held battery-operated device, designed or adapted to emit a laser beam, that may be used for the purposes of aiming, targeting or pointing.

[4] Sections 26 (1) and (3) and 87 (a)

Insert “(other than a laser pointer)” after “dangerous implement” wherever occurring.

[5] Section 26 (1A)

Insert after section 26 (1):

(1A) A police officer may request a person who is in a public place to submit to a frisk search if the police officer suspects on reasonable grounds that the person has a laser pointer in his or her custody.

[6] Schedule 5 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Summary Offences and Law Enforcement Legislation Amendment (Laser Pointers) Act 2008 (but only to the extent that it amends this Act)

Schedule 2 Amendment of Summary Offences Act 1988

(Section 4)

[1] Part 2, Division 2, Subdivision 1, heading

Insert before section 11B:

Subdivision 1 Knives and offensive implements

[2] Part 2, Division 2, Subdivision 2

Insert after section 11F:

Subdivision 2 Laser pointers

11FA Custody or use of laser pointer in public place

- (1) A person must not, without reasonable excuse (proof of which lies on the person):
 - (a) have in his or her custody a laser pointer in a public place, or
 - (b) use a laser pointer in a public place.Maximum penalty: 50 penalty units or imprisonment for 2 years, or both.
- (2) Without limitation, it is a reasonable excuse for the purposes of this section for a person:
 - (a) to have custody of, or use, a laser pointer if the custody or use is reasonably necessary in all the circumstances for the lawful pursuit of the person's occupation, education, training or hobby, or
 - (b) to have custody of a laser pointer if the person has custody during travel to or from or incidental to that occupation, education, training or hobby.
- (3) The regulations may provide that this section does not apply to or in relation to any specified class or description of laser pointer.

- (4) In this section:
laser pointer means a hand-held battery-operated device, designed or adapted to emit a laser beam, that may be used for the purposes of aiming, targeting or pointing.

[Agreement in principle speech made in Legislative Assembly on 7 May 2008
Second reading speech made in Legislative Council on 18 June 2008]

BY AUTHORITY