

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

(a) to create an offence (maximum penalty \$5,500 or imprisonment for 2 years, or both) of possessing or using, without reasonable excuse, a laser pointer in a public place, and

(b) to include laser pointers as dangerous implements within the meaning of the *Law Enforcement (Powers and Responsibilities) Act 2002*, and to give a police officer the power to frisk search a person in a public place if the police officer reasonably suspects the person has a laser pointer in his or her custody.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Law Enforcement (Powers and Responsibilities) Act 2002* set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments to the *Summary Offences Act 1988* set out in Schedule 2.

Clause 5 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced.

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

Schedule 1 [3] provides that a *laser pointer* has the same meaning under the *Law Enforcement (Powers and Responsibilities) Act 2002* (**the Principal Act**) as it has under proposed section 11FA of the *Summary Offences Act 1988*. **Schedule 1 [2]** amends the definition of *dangerous implement* in the Principal Act to include a laser pointer. Under the Principal Act, a police officer has the power to request a person who is in a public place or school to submit to a frisk search if the police officer suspects on reasonable grounds that the person has a dangerous implement in his or her custody and a police officer also has the power to confiscate a dangerous implement. **Schedule 1 [4]** provides that certain references in the Principal Act to a dangerous implement do not extend to a laser pointer. These include the power to require a person to submit to a frisk search and the power to search premises for a dangerous implement if a police officer suspects the dangerous implement is being, or was, or may have been or may be used to commit a domestic violence offence.

Schedule 1 [5] includes a new power for a police officer to 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. This power does not extend to a person in a school as is the case with other dangerous implements.

However, the power in the Principal Act to confiscate a dangerous implement does extend to a laser pointer. **Schedule 1 [1]** makes a consequential amendment.

Schedule 1 [6] enables the regulations to make provision for matters of a savings and transitional nature consequent on the enactment of the proposed Act.

Schedule 2 Amendment of Summary Offences Act 1988

Schedule 2 [2] inserts proposed section 11FA into the *Summary Offences Act 1988* which makes it an offence (maximum penalty \$5,500 or imprisonment for 2 years, or both) for a person, without reasonable excuse, to have in his or her custody a laser pointer in a public place or use a laser pointer in a public place. It is a reasonable excuse for a person 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. It is also a reasonable excuse for a person to have custody of a laser pointer during travel to or from or incidental to that

occupation, education, training or hobby. **Schedule 2 [1]** makes a consequential amendment.