

Second Reading

The Hon. JOHN HATZISTERGOS (Attorney General, Minister for Justice, and Acting Minister for Education and Training) [11.31 a.m.]: I move:

That this bill be now read a second time.

I seek leave to incorporate the agreement in principle speech read by the Hon. David Campbell in the lower House on 13 May 2008.

Leave granted.

Over the past few months we have seen a dramatic rise in attacks on moving aircraft and other vehicles by people shining laser pointers into cabins or cockpits.

This has to be one of the most mindless and gutless criminal offences I can think of as its sheer stupidity and potential to cause wilful damage is staggering.

I find it hard to believe that the people who are shining laser pointer beams into the cockpits of 747s do not consider the possible ramifications of their actions.

Surely, they must realise that if they blind the pilot, the result will be devastating?

And if so, what possibly could be the rationale behind such an action?

Complete idiocy is the only answer I can come up with.

While there are tough measures in place under the Crimes Act 1900 for when grievous bodily harm results from such actions, there are few actions police can take if intent cannot be proven or harm does not result.

The bill introduces an offence for possession of any kind of laser pointer in a public place without a reasonable excuse by way of an amendment to the Summary Offences Act.

Similar to the scheme that exists for knives, people will be required to provide a lawful excuse as to why they possess a laser pointer in a public place.

A person who is an amateur astronomer would have a legitimate excuse for possessing a laser pointer in a public place as would a teacher or lecturer. An architect or builder may also have a lawful excuse.

But a person who has no link to a hobby, occupation, education, training or specified need and possesses a laser pointer in a public place without a reasonable excuse may face up to 2 years imprisonment or a fine of up to \$5,500.

The bill also amends the Law Enforcement (Powers and Responsibilities) Act by including laser pointers as a dangerous implement pursuant to section 3 (1) of the Act.

This has the effect of providing police with the power 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. A police officer also has the power to confiscate the item.

Unlike other dangerous implements, the frisk search power only applies in public places; it does not apply to schools.

This is because there was no police intelligence that young people were the primary offenders or that the offences were taking place in schools.

The bolstering of police powers was necessary because of the difficulties in catching an offender for this particular crime type.

Typically, if a laser pointer attack is reported, police will be called to a general area from which lasers have been seen (perhaps having been reported by pilots via air traffic control). By the time police arrive, people may be observed with laser pointers but as the aircraft will have passed by some time ago, it may be difficult for police to determine that there has been dangerous use of the laser by a specific individual (unless there is an admission).

Introducing an offence for possession of a laser pointer without reasonable excuse in a public place with the associated search and seizure powers will provide police with greater powers to charge offenders and, importantly, remove the offending article.

Also to be implemented is an amendment to the Weapons Prohibition Regulation 1999, which will include higher powered laser pointers as prohibited weapons, requiring a specific exemption or approval from the Commissioner of Police for their lawful possession and use. A maximum of 14 years imprisonment penalty applies.

This will ensure that access to higher powered laser pointers is limited to only those who are exempted from the requirement to own or possess a laser pointer or who have been approved by the Commissioner by way of a prohibited

weapons permit.

Such approvals are subject to criminal and probity checks and ongoing responsibilities, such as ensuring the safe storage of the item throughout the duration of the permit.

Prior to this system being introduced, sufficient lead-in time will be given to people so that they can either apply for an exemption or a permit, or surrender their laser pointer to police.

The two-pronged approach proposed by the bill and the forthcoming regulation is an appropriate response to a serious crime. It will enable suitable police response when the crime has been committed and will also impose a robust, but fair, regulatory system to ensure that only fit and proper people with genuine reasons for use and possession are allowed access to the higher powered versions, which can cause more serious damage.

I commend the bill to the House.