

Passed by both Houses



New South Wales

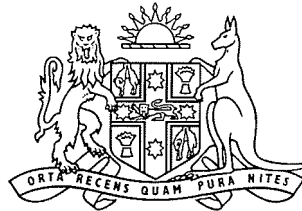
Summary Offences and Law Enforcement Legislation Amendment (Laser Pointers) Bill 2008

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2008*



New South Wales

Summary Offences and Law Enforcement Legislation Amendment (Laser Pointers) Bill 2008

Act No , 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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

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- (1) This Act is repealed on the day following the day on which all the provisions of this Act have commenced.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.