



New Rules For Laser Pointers – Frequently Asked Questions

1. ***Are all lasers a prohibited weapon?***
2. ***Are all laser pointers a prohibited weapon?***
3. ***My laser pointer emits a beam greater than 1 milliwatt. Can I keep my laser pointer?***
4. ***What do I do with my laser pointer when I'm not using it for any of the purposes mentioned in Question 3?***
5. ***Can I keep my laser pointer with me, just in case I may want/need to use it for any of the purposes mentioned in Question 3?***
6. ***My laser pointer emits a beam greater than 1 milliwatt, I do not want to keep the laser pointer. What should I do?***
7. ***I do not use my laser pointer for any of the activities mentioned in Question 3, it emits a beam greater than 1 milliwatt. Can I keep my laser pointer?***
8. ***How do I apply for a Declaration of Exemption?***
9. ***My laser pointer emits a beam greater than 1 milliwatt,***
 - ***I use it for business presentations to prospective customers and clients; or***
 - ***I use it when conducting classes.******What should I do?***
10. ***My laser pointer emits a beam greater than 1 milliwatt, I use it when I'm conducting astronomy observations. What should I do?***
11. ***I am an individual, sole trader or owner of a business that manufactures, sells, distributes, supplies or otherwise deals in laser pointers that emit a beam greater than 1 milliwatt. What should I do?***
12. ***I need/want to manufacture or adapt a laser pointer that emits a beam greater than 1 milliwatt. What should I do?***
13. ***I have a collection of laser pointers and I have a laser pointer that emits a beam greater than 1 milliwatt in the collection. What should I do?***

Further information

1. ***Are all lasers a prohibited weapon?***

No, only hand held devices commonly known as a laser pointer.

2. ***Are all laser pointers a prohibited weapon?***

No, only a laser pointer designed or adapted to emit a laser beam with an emission level greater than 1 milliwatt.



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3. *My laser pointer emits a beam greater than 1 milliwatt. Can I keep my laser pointer?*

Yes, if you use your laser pointer for any of the following activities:-

- a) For the purpose or in the course of your business; or
- b) For the purpose or in the course of your employment; and
 - You must only have possession of your laser pointer when it is required; and
 - You are not manufacturing, selling, distributing, supplying or otherwise dealing in the laser pointer; or
- c) You are a police officer and require the laser pointer for the purpose or in the course of your duties; or
- d) The laser pointer if required for the purposes of a museum or art gallery; or
- e) The laser pointer is required for the purposes or in the course of providing lawful entertainment of other persons; or
- f) The laser pointer is required for the purposes or in the course of participation in a lawful and recognised form of recreation or sport that requires the use of a laser pointer; or
 - A lawful and recognised sport would be an activity such as; football, shooting etc.
- g) The laser pointer is required for the purposes or in the course of an official ceremony that requires the use of a laser pointer; or
- h) The Minister has declared you are an exempt person or you are a member of a group who the Minister has declared to be exempt; or
- i) The laser pointer is required for the purpose of or in the course of participating in astronomy; and
 - You are a member of the Astronomical Society of South Australia Incorporated or the Mars Society Australia Incorporated; or
 - You are participating in astronomy under the supervision of a member of the Astronomical Society of South Australia Incorporated or the Mars Society Australia Incorporated; or
 - You are participating in astronomy at an observatory; or
 - You are participating in astronomy as part of a course of study conducted by an educational institution.

4. *What do I do with my laser pointer when I'm not using it for any of the purposes mentioned in Question 3?*

The laser pointer must be kept in a safe and secure manner, this applies when in transit to and from the location where you use the laser pointer.

5. *Can I keep my laser pointer with me, just in case I may want/need to use it for any of the purposes mentioned in Question 3?*

No, the laser pointer must be kept in a safe and secure manner at all times, when it is not being used for any of the purposes mentioned in Question 3.

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6. *My laser pointer emits a beam greater than 1 milliwatt, I do not want to keep the laser pointer. What should I do?*

- You may forfeit the laser pointer at any police station; or
- You may sell or give the laser pointer to another person but you must comply with the conditions mentioned in Question 11.

7. *I do not use my laser pointer for any of the activities mentioned in Question 3, it emits a beam greater than 1 milliwatt. Can I keep my laser pointer?*

Yes, if you apply for a 'Declaration of Exemption' to permit possession of the laser pointer.

8. *How do I apply for a Declaration of Exemption?*

- a) Attend a police station and obtain a 'Application for Exemption Relating to Possession or Use of Prohibited Weapons' form (PD308); then
- b) Complete the form, submit the form at a police station and provide identification and pay the application fee of \$41; then
- c) When the application has been processed (this procedure includes a probity check), and approved a written Declaration of Exemption will be posted to you.
- d) When you have received the Declaration of Exemption, ensure it is kept in a safe location and produce it to police upon request to avoid a prosecution.

9. *My laser pointer emits a beam greater than 1 milliwatt,*

- ***I use it for business presentations to prospective customers and clients; or***
- ***I use it when conducting classes.***

What should I do?

You may keep your laser pointer and use it for the purpose of business presentations or conducting classes, however, when you are not using it for business presentations you must keep the laser pointer in a safe and secure manner.

10. *My laser pointer emits a beam greater than 1 milliwatt, I use it when I'm conducting astronomy observations. What should I do?*

If you are:-

- A member of the Astronomical Society of South Australia Incorporated or the Mars Society Australia Incorporated; or
- Participating in astronomy under the supervision of a member of the Astronomical Society of South Australia Incorporated or the Mars Society Australia Incorporated; or
- Participating in astronomy at an observatory; or
- Participating in astronomy as part of a course of study conducted by an educational institution.

You do not need to do anything, except to ensure the laser pointer is kept in a safe and secure manner when not being used for any of these activities.

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- 11. *I am an individual, sole trader or owner of a business that manufactures, sells, distributes, supplies or otherwise deals in laser pointers that emit a beam greater than 1 milliwatt. What should I do?***

Obtain a 'Notification by Prohibited Weapons Dealer/Manufacturer' form (PD312), from a police station or the SAPOL internet website (Firearms & Weapons page); then

Complete the form, submit the form at a police station or by post to:-

Commissioner of Police,
Firearms Branch,
GPO Box 1539,
Adelaide 5001 SA.

Importantly you and/or the business must comply with the following regulated conditions:-

- e) Have not been found guilty of an offence involving manufacturing, selling, distributing, supplying or otherwise dealing in prohibited weapons; and
- f) The laser pointers are kept in a safe and secure manner; and
- g) Where selling, distributing, supplying or otherwise dealing in a laser pointer, these purposes may not be conducted with a person under 18 years; and
- h) A legible written record is kept at the business premises for 5 years detailing:-
 - Description of each laser pointer in possession of the business/person; and
 - The identifying brand and number marked on each laser pointer; and
 - Name/address of the person to whom the laser pointer is sold, distributed, supplied or otherwise deals in; and
 - Date of transaction; andThe written record is reasonably accessible to police at the premises; and
- i) Police are permitted to enter the premises or vehicle to inspect premises/vehicle/written records;

You may continue to conduct your business in laser pointers that emit a beam greater than 1 milliwatt.

For full details of the regulated conditions see *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000 SA* schedule 3 clause 14, this may be found at the following website <http://www.legislation.sa.gov.au>

- 12. *I need/want to manufacture or adapt a laser pointer that emits a beam greater than 1 milliwatt. What should I do?***

The conditions described in Question 11 must be complied with.

New Rules For Laser Pointers – Frequently Asked Questions

13. I have a collection of laser pointers and I have a laser pointer that emits a beam greater than 1 milliwatt in the collection. What should I do?

- j) There must be a minimum of 3 weapons in the collection (not all the weapons need to be prohibited weapons); and
- k) You must maintain a written record in a bound book at your place of residence, that contains the following details:-
 - A record describing and identifying each weapon; and
 - A record of each time the weapon leaves your collection or returns to your collection, including the name/address of the person who has the weapon whilst it is not in your collection; and
 - The date, name and address of any person who has possession of any weapon in your collection; and
- l) You must keep the weapons in a safe and secure manner at your place of residence and not remove them, unless for one of the regulated purposes.

For full details of the regulated conditions see *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000* SA schedule 3 clause 8, which can be found at the following website www.legislation.sa.gov.au

Further information:-

For full details about the regulations and exemptions for prohibited weapons including laser pointers, see *Summary Offences Act 1953* SA section 15 combined with the regulated conditions contained in the *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000* SA. These are located at the following website www.legislation.sa.gov.au Further information can also be obtained by:

- Visiting
 - www.police.sa.gov.au
 - Or any police station
- Or contacting
 - SAPOL Firearms Branch:
 - Phone: 08 8204 2496
 - Fax: 08 8204 2214
 - Email: sapol.firearmsbranch@police.sa.gov.au