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## Fireworks (Amendment) Ordinance 1983

No. 8 of 1983

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 26 May 1983.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

TOM UREN  
Minister of State for Territories  
and Local Government

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An Ordinance to amend the *Fireworks Ordinance 1972*

### Short title

1. This Ordinance may be cited as the *Fireworks (Amendment) Ordinance 1983*.<sup>1</sup>

### Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Fireworks Ordinance 1972*.<sup>2</sup>

### Interpretation

3. Section 2 of the Principal Ordinance is amended—

(a) by inserting after the definition of "authorized person" the following definitions:

"cap" means a firework, other than a starting pistol cap, comprising a quantity of an explosive substance, the principal ingredient of which is potassium chlorate, amorphous phosphorus, antimony sulphide or sulphur, or an admixture of any of those substances, enclosed between 2 pieces of paper or other material, the quantity of explosive substance in each cap being not substantially more than 0.0075 grams;

'confetti bomb' means a firework containing not more than 30 milligrams of an explosive substance, the principal ingredient of which is potassium chlorate, amorphous phosphorus, antimony sulphide or sulphur, or an admixture of any of those substances, being a firework that is designed to emit confetti together with a report when an igniting string is pulled;"; and

(b) by omitting the definition of "gunpowder" and substituting the following definitions:

" 'firework' means an article that is designed to produce a sound or a visual display or signal by means of the ignition or explosion of an explosive substance;

'marine distress firework' means a firework that is designed for use in an emergency, whether at sea or on land;

'public display fireworks' means fireworks (other than marine distress fireworks) known as gerbes, lances, mines, mortar shells, Roman candles, rockets, wheels, salutes and torches;

'public place' means any street, road, public park within the meaning of the *Public Parks Ordinance 1928*, reserve or other place which members of the public are entitled to use or which is open to, or used by, the public, whether on payment of money or otherwise;

'shopgoods fireworks' means fireworks that contain less than 40 grams of an explosive substance, being fireworks other than caps, confetti bombs, marine distress fireworks, model rocket propellant devices, snaps for bon-bon crackers, public display fireworks, sparklers, starting pistol caps and streamer cones;

'snap for bon-bon crackers' means a firework designed to emit a report when the ends of 2 connected strips, to one or both of which there is applied a quantity of an explosive substance, are pulled away from each other, the quantity of explosive substance in each firework being not substantially more than 0.002 grams;

'sparkler' means a firework comprising a wire or stick partly coated with an admixture of a metallic powder and an oxidising composition;

'starting pistol cap' means a firework comprising a quantity of an explosive substance, the principal ingredient of which is potassium chlorate, amorphous phosphorus, antimony sulphide or sulphur, or an admixture of any of those substances, enclosed between 2 pieces of paper or other material and designed to be used in a starting pistol;

'streamer cone' means a firework containing not more than 30 milligrams of an explosive substance, the principal ingredient of which is potassium chlorate, amorphous phosphorus, antimony sulphide or sulphur, or an admixture of any of those substances,

being a firework that is designed to emit streamers together with a report when an igniting string is pulled;”

4. Section 3 of the Principal Ordinance is repealed and the following section substituted:

**Sale of fireworks**

“3. (1) A person shall not sell shopgoods fireworks by retail, other than to an authorized person, or expose shopgoods fireworks for sale by retail, on a day that is not—

- (a) a day of celebration; or
- (b) one of the 14 days immediately preceding a day of celebration.

Penalty: \$500.

“(2) A person shall not sell fireworks (other than caps, confetti bombs, model rocket propellant devices, snaps for bon-bon crackers, sparklers and streamer cones) to a person under the age of 18 years.

Penalty: \$500.

“(3) It is a defence in proceedings for an offence against sub-section (2) if the defendant establishes that he believed on reasonable grounds that the person to whom the fireworks were sold was of or above the age of 18 years.”

5. Section 4 of the Principal Ordinance is repealed and the following section substituted:

**Manufacture, importation and sale of fireworks**

“4. (1) Subject to this Ordinance, a person shall not import into the Territory, manufacture, sell or expose for sale—

- (a) fireworks (other than shopgoods fireworks, caps, confetti bombs, marine distress fireworks, model rocket propellant devices, snaps for bon-bon crackers, sparklers, starting pistol caps and streamer cones);
- (b) fireworks (other than caps, confetti bombs, starting pistol caps and streamer cones), containing an explosive substance that contains a chlorate admixed with sulphur, a sulphide or phosphorus;
- (c) fireworks containing an explosive substance that contains arsenic or a compound of arsenic;
- (d) fireworks (other than caps, confetti bombs, marine distress fireworks, model rocket propellant devices, snaps for bon-bon crackers, sparklers, starting pistol caps and streamer cones) which are designed to be ignited or discharged by means other than the lighting of a wick or touch paper;
- (e) fireworks (other than caps, confetti bombs, marine distress fireworks, snaps for bon-bon crackers, starting pistol caps and streamer cones) which are designed to explode, wholly or in part;
- (f) fireworks which, on ignition, are liable to project themselves through the air in an erratic or unpredictable flight;

- (g) any firework that is so constructed that any explosive substance contained in the firework may escape from the firework before it is ignited or discharged;
- (h) any firework that discharges less than 3 seconds, or more than 15 seconds, after the firework is ignited in accordance with the instructions contained in the statement referred to in sub-section (2); or
- (i) any firework that has printed on or attached to it a statement referred to in sub-section (2), being a statement that is false or misleading in any material particular.

Penalty: \$500.

“(2) A person who manufactures fireworks (other than for the purposes of an authorized display) shall cause to be printed on or attached to each firework a statement containing instructions on the manner in which the firework is to be ignited and a description of the manner in which the firework is designed to behave after it is so ignited.

Penalty: \$500.

“(3) A person shall not import any firework into the Territory (other than for the purposes of an authorized display) or sell any firework by retail to any person (other than an authorized person) unless the firework has printed on or attached to it a statement referred to in sub-section (2).

Penalty: \$500.

“(4) A person shall not sell any shopgoods fireworks by retail to any person (other than an authorized person) in a packet or container unless the packet or container has printed on or attached to it a statement containing instructions on the manner in which the fireworks contained in it are to be ignited and a description of the manner in which those fireworks are designed to behave after they are so ignited.

Penalty: \$500.

“(5) Sub-sections (2) and (3) do not apply in relation to a firework that is of such a kind that it is not reasonably practicable to print on or attach to the firework a statement referred to in sub-section (2).”.

6. After section 4 of the Principal Ordinance the following sections are inserted:

#### **Use of fireworks**

“4A. (1) A person shall not knowingly use any firework (other than caps, confetti bombs, marine distress fireworks, model rocket propellant devices, snaps for bon-bon crackers, sparklers, starting pistol caps and streamer cones) in a public place except in an authorized display.

“(2) A person shall not knowingly use a marine distress firework in a public place except in an emergency.

“(3) A person shall not knowingly use a firework in a manner that is likely to endanger the safety of any other person.

Penalty: \$500.

#### **Offences by persons under 18 years of age**

“4B. (1) A person who is under the age of 18 years shall not knowingly receive any firework (other than caps, confetti bombs, model rocket propellant devices, snaps for bon-bon crackers, sparklers and streamer cones).

“(2) A person who is under the age of 18 years shall not knowingly use any firework (other than caps, confetti bombs, model rocket propellant devices, snaps for bon-bon crackers, sparklers and streamer cones) except under the control and supervision of a person who is of or above the age of 18 years.

Penalty: \$500.

#### **Duties of persons keeping fireworks for sale**

“4C. (1) The proprietor of a shop in which shopgoods fireworks or marine distress fireworks are kept for sale—

- (a) shall not place those fireworks in a window display;
- (b) shall, where those fireworks are kept in a part of the shop to which members of the public have access, keep those fireworks in sealed sparkproof packages contained in closed containers;
- (c) shall, where those fireworks are kept in a part of the shop to which members of the public do not have access, keep those fireworks in sealed sparkproof packages or in closed containers;
- (d) shall keep those fireworks in such a manner as not to impede the free movement of persons in the shop; and
- (e) shall keep those fireworks separated from any other combustible material in the shop.

Penalty: \$500.

“(2) For the purposes of this section—

‘package’ means any form of package other than a package made from plastic film less than 38 micrometres in thickness;

‘container’ means any cupboard, drawer, enclosed shelf, glass showcase, trunk, or metal or wooden box, that is capable of being closed.

#### **Sign to be displayed**

“4D. (1) The proprietor of a shop in which shopgoods fireworks are sold, or offered for sale, by retail shall cause a prescribed sign to be displayed in the shop, at all times when those fireworks are sold or offered for sale, in a position where it is clearly visible to any person who enters the shop.

Penalty: \$500.

“(2) For the purposes of this section, ‘prescribed sign’ means a sign—

- (a) containing particulars of—
  - (i) the date of the current day of celebration in relation to which shopgoods fireworks may be sold or offered for sale by retail; and
  - (ii) the date of the first day of the period of 14 days immediately preceding the date of that day of celebration;
- (b) containing a statement to the effect that shopgoods fireworks may not be sold to any person under the age of 18 years; and
- (c) written in clearly legible letters, being letters not less than 15 millimetres in height and of a colour that contrasts with the colour of the background of the sign.”.

### Defences

7. Section 5 of the Principal Ordinance is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:
 

“(1) It is a defence to a prosecution for importing into the Territory or selling or exposing for sale any firework specified in sub-section 4 (1) in contravention of that sub-section, if the defendant establishes that—

  - (a) he acted in reasonable reliance on information supplied to him by another person; or
  - (b) the contravention was due to the act or default of another person or to a cause beyond the control of the defendant,

and that the defendant took reasonable precautions and exercised due diligence to avoid the contravention.”; and
- (b) by omitting from sub-section (2) “the last preceding section” and “that section” and substituting “sub-section 4 (1)” and “that sub-section”, respectively.

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### NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 30 May 1983.
2. No. 31, 1972 as amended by No. 9, 1982.