



Dangerous Goods (General) Amendment (Display Fireworks) Regulation 2003

under the

Dangerous Goods Act 1975

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Dangerous Goods Act 1975*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations

Explanatory note

The object of this Regulation is to amend the *Dangerous Goods (General) Regulation 1999* to:

- (a) remove the power of the holder of a permit to use display fireworks to authorise a person to receive display fireworks while retaining the power to authorise the use of display fireworks subject to the requirement of direct supervision, and
- (b) limit single occasion fireworks permits to being in force for a period not exceeding 7 days, and
- (c) provide for pyrotechnicians permits to be issued by the WorkCover Authority where the applicant intends to use display fireworks on a regular basis, and
- (d) require the holder of a pyrotechnicians permit to notify the WorkCover Authority of an intention to receive or use display fireworks, at least 7 days before receiving or using the display fireworks, and
- (e) make a consequential amendment to the *Licensing and Registration (Uniform Procedures) Act 2002* and other consequential amendments to the *Dangerous Goods (General) Regulation 1999*.

This Regulation is made under the *Dangerous Goods Act 1975*, including sections 25, 26 and 41 (the general regulation-making power) and under section 3 of the *Licensing and Registration (Uniform Procedures) Act 2002*.

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Clause 1 Dangerous Goods (General) Amendment (Display Fireworks) Regulation 2003

Dangerous Goods (General) Amendment (Display Fireworks) Regulation 2003

under the

Dangerous Goods Act 1975

1 Name of Regulation

This Regulation is the *Dangerous Goods (General) Amendment (Display Fireworks) Regulation 2003*.

2 Commencement

- (1) This Regulation commences on 1 March 2004, except as provided by subclause (2).
- (2) Clause 4 commences on the commencement of Schedule 4.3 to the *Licensing and Registration (Uniform Procedures) Act 2002*.

3 Amendment of Dangerous Goods (General) Regulation 1999

The *Dangerous Goods (General) Regulation 1999* is amended as set out in Schedule 1.

4 Amendment of Licensing and Registration (Uniform Procedures) Act 2002 No 28

- (1) This clause is made under section 3 of the *Licensing and Registration (Uniform Procedures) Act 2002*.
- (2) Schedule 1 to the *Licensing and Registration (Uniform Procedures) Act 2002* is amended by omitting the matter relating to “display fireworks permit” under the heading “Dangerous Goods (General) Regulation 1999” and by inserting instead:

clause 54 (1), single occasion fireworks permit

clause 54A (1), pyrotechnicians permit

Schedule 1 Amendments

(Clause 3)

[1] Clause 19 Dangerous occurrences

Omit “display fireworks permit” from clause 19 (2) (c).

Insert instead “single occasion fireworks permit or pyrotechnicians permit”.

[2] Clause 40 Prohibited explosives (model rocket propellant devices)

Omit “display fireworks permit” from clause 40 (2) (c).

Insert instead “single occasion fireworks permit or pyrotechnicians permit”.

[3] Clause 46 Prohibition on retail sale of distress signals and on use of distress signals for other purposes

Omit “display fireworks permit” from clause 46 (2).

Insert instead “single occasion fireworks permit or pyrotechnicians permit”.

[4] Clauses 54–54B

Omit clause 54. Insert instead:

54 Single occasion fireworks permit

- (1) An individual may apply to the WorkCover Authority for a single occasion fireworks permit to:
 - (a) receive or use display fireworks, or
 - (b) use a distress signal other than as a distress signal, or
 - (c) use a model rocket propellant device containing an ignitable substance or ignitable substances exceeding 62.5 grams in mass.
- (2) An application must:
 - (a) set out the purposes for which the fireworks are, or the signal or device is, to be used, and
 - (b) nominate the period for which the permit is required, and

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Schedule 1 Amendments

- (c) be made in an approved manner, and
 - (d) be accompanied by the fee fixed for the time being by the WorkCover Authority to cover expenses in connection with applications for a permit of the type concerned.
- (3) The WorkCover Authority may issue a single occasion fireworks permit, for a period not exceeding 7 days, to an applicant if it is satisfied that he or she:
- (a) is of or above the age of 18 years, and
 - (b) has a good and sufficient reason for using the fireworks, signal or device for the purposes set out in the application, and
 - (c) has attained a level of competence in the safe use of the fireworks, signal or device, that is recognised by the WorkCover Authority for the purposes of obtaining a permit, and
 - (d) in the case of an application to use display fireworks, can be trusted to receive, have in possession, convey and use the fireworks.
- (4) A permit issued under this clause is subject to the conditions specified in it (including conditions that the WorkCover Authority considers appropriate in the interests of the safety and the welfare of the community).
- (5) Subject to clause 58, a permit issued under this clause authorises its holder to:
- (a) in the case of a permit to receive and use display fireworks—receive and use display fireworks of the types specified in the permit, and
 - (b) in the case of a permit to use a distress signal or model rocket propellant device—use the signal or device for the purposes set out in the permit,
- but only if the person does so in accordance with the permit's conditions.
- (6) Subject to clause 58, a permit issued under this clause authorises any person acting under the direct supervision of its holder to:

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- (a) in the case of a permit to receive and use display fireworks—use display fireworks of the types specified in the permit, and
 - (b) in the case of a permit to use a distress signal or model rocket propellant device—use the signal or device for the purposes set out in the permit,

but only if the person does so in accordance with the permit's conditions.

- (7) A permit issued under this clause is in force only for the day or days specified in it.

54A Pyrotechnicians permit

- (1) An individual may apply to the WorkCover Authority for a pyrotechnicians permit to:
 - (a) receive or use display fireworks, or
 - (b) use a distress signal other than as a distress signal, or
 - (c) use a model rocket propellant device containing an ignitable substance or ignitable substances exceeding 62.5 grams in mass.
- (2) An application must:
 - (a) set out the purposes for which the fireworks are, or the signal or device is, to be used, and
 - (b) nominate the period for which the permit is required, and
 - (c) be made in an approved manner, and
 - (d) be accompanied by the fee fixed for the time being by the WorkCover Authority to cover expenses in connection with applications for a permit of the type concerned.
- (3) The WorkCover Authority may issue a pyrotechnicians permit for a specified period to an applicant if it is satisfied that he or she:
 - (a) is of or above the age of 18 years, and
 - (b) has a good and sufficient reason for using the fireworks, signal or device for the purposes set out in the application, and

- (c) has completed a training course or attained a level of competence in the safe use of the fireworks, signal or device, that is recognised by the WorkCover Authority for the purposes of obtaining a permit, and
 - (d) in the case of an application to use display fireworks, can be trusted to receive, have in possession, convey and use the fireworks.
- (4) A permit issued under this clause is subject to the conditions specified in it (including conditions that the WorkCover Authority considers appropriate in the interests of the safety and the welfare of the community).
- (5) It is a condition of a permit issued under this clause, that the holder notify the WorkCover Authority of an intention to receive or use any fireworks, signal or device, at least 7 days before the fireworks, signal or device is to be received or used.
- (6) Subject to clause 58, a permit issued under this clause authorises its holder to:
 - (a) in the case of a permit to receive and use display fireworks—receive and use display fireworks of the types specified in the permit, and
 - (b) in the case of a permit to use a distress signal or model rocket propellant device—use the signal or device for the purposes set out in the permit,but only if the person has given notice in accordance with subclause (5) and does so in accordance with the permit's conditions.
- (7) Subject to clause 58, a permit issued under this clause authorises any person acting under the direct supervision of its holder to:
 - (a) in the case of a permit to receive and use display fireworks—use display fireworks of the types specified in the permit, and
 - (b) in the case of a permit to use a distress signal or model rocket propellant device—use the signal or device for the purposes set out in the permit,but only if the person does so in accordance with the permit's conditions.

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- (8) A permit issued under this clause is in force only for the period specified in it.
- (9) A display fireworks permit issued before 1 March 2004 is taken to be a pyrotechnicians permit, which expires:
- (a) on the date specified in the permit, or
 - (b) on 1 March 2005,
- whichever is the sooner.

54B Unauthorised use of fireworks

A person must not:

- (a) receive or use display fireworks, or
- (b) use a distress signal other than as a distress signal, or
- (c) use a model rocket propellant device containing an ignitable substance or ignitable substances exceeding 62.5 grams in mass,

unless the person is authorised to do so by a single occasion fireworks permit issued under clause 54 or a pyrotechnicians permit issued under clause 54A.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

[5] Clause 56 Restriction on the sale of display fireworks

Omit “display fireworks permit” from clause 56 (2).

Insert instead “single occasion fireworks permit or pyrotechnicians permit”.

[6] Clause 58 Production of evidence of authority to receive explosives

Omit clause 58 (2) (c). Insert instead:

- (c) clause 52, 53, 54 or 54A—is his or her shotfirer’s permit, collectors permit, single occasion fireworks permit or pyrotechnicians permit, respectively, or

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Schedule 1 Amendments

[7] Clause 102 Certain explosives that may be kept in or on unlicensed premises

Omit “display fireworks permit” from clause 102 (1) (b).

Insert instead “single occasion fireworks permit or pyrotechnicians permit”.

[8] Schedule 4 Penalty notices

Omit “Clause 54” wherever occurring from Column 1 under the heading “Offence under Dangerous Goods (General) Regulation 1999”.

Insert instead “Clause 54B”.

[9] Dictionary

Omit the definition of *display fireworks permit*.

[10] Dictionary

Insert in alphabetical order:

pyrotechnicians permit means a pyrotechnicians permit under this Regulation.

single occasion fireworks permit means a single occasion fireworks permit under this Regulation.

BY AUTHORITY