



Australian Capital Territory

## **Dangerous Goods Regulation<sup>1</sup> (Amendment)**

**Subordinate Law No. 7 of 1999<sup>2</sup>**

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The Australian Capital Territory Executive makes the following regulations under the *Dangerous Goods Act 1984*.

Dated 10 June 1999.

BRENDAN SMYTH  
Minister

BILL STEFANIAK  
Minister

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### **1 Commencement**

These regulations commence on 15 June 1999.

## **2 Applied Regulation**

In these regulations, “Applied Regulation” means the provisions of the *Dangerous Goods Regulation 1978* of the State of New South Wales in their application in the Territory.

## **3 Interpretation**

Clause 4 of the Applied Regulation is amended by inserting in subclause (1) the following definition:

“*purchaser’s permit* means a purchaser’s permit under clause 65J;”.

## **4 Insertion**

After clause 9A of the Applied Regulation the following clause is inserted:

### **“9B Queen’s birthday public holiday—conditions on licences for retail sale of shopgoods fireworks**

“(1) In this clause—

*sale period* means the 14 days ending at the end of the Queen’s birthday public holiday in a year.

“(2) This clause applies to the following licences:

- (a) a licence under section 21 of the Act for the retail sale of shopgoods fireworks;
- (b) a licence under section 8, 17 or 19 of the Act in relation to which the retail sale of shopgoods fireworks is authorised by section 22 of the Act.

“(3) A licence is subject to the following conditions:

- (a) that the fireworks mentioned in subclause (2) are classified under clause 65L as suitable for retail sale;
- (b) that the licensee cooperate with an approved person acting under clause 65L and, in particular, complies with any direction by the person under that clause;
- (c) that the fireworks mentioned in subclause (2) are sold by retail only in the sale period and to the holder of a purchaser’s permit.”.

## **5 Application of Act, Part 4—certain explosives**

Clause 36 of the Applied Regulation is amended by omitting from subparagraph (a) (i) “shopgoods fireworks,”.

**6 Prohibited fireworks**

Clause 41 of the Applied Regulation is amended by adding at the end the following subclause:

“(8) In this clause—

*model rocket propellant device* means a model rocket propellant device (including a model rocket motor) that—

- (a) contains less than 62.5 grams of propellant; or
- (b) is capable of generating a maximum force of less than 80 newtons.”.

**7 Repeal**

Clause 46 of the Applied Regulation is repealed.

**8 Repeal**

Clause 46A of the Applied Regulation is repealed.

**9 Insertion**

After Division 4 of Part 4 of the Applied Regulation the following Division is inserted:

***“Division 4A—Fireworks***

***“Subdivision 1—Preliminary***

**“65A Shopgoods fireworks**

In this Division—

*shopgoods fireworks* does not include amorces, confetti bombs, model rocket propellant devices, snaps for bonbon crackers, sparklers or streamer cones.

***“Subdivision 2—Offences***

**“65B Use of fireworks—public fireworks displays**

A person must not use a firework (other than amorces, confetti bombs, marine distress fireworks, model rocket propellant devices, snaps for bonbon crackers, sparklers, starting pistol caps or streamer cones) in a public place except—

- (a) in a public fireworks display in respect of which the holder of a general permit under clause 54 has notified the chief inspector in

accordance with subclause 54 (4) of particulars concerning the display; or

- (b) in a public fireworks display in respect of which a special permit under clause 54 is in force.

Penalty: 10 penalty units.

**“65C Dangerous use of fireworks**

A person must not knowingly use a firework in a manner that is likely to endanger the safety of a person, animal or property.

Penalty: 10 penalty units.

**“65D Use of shopgoods fireworks—Queen’s birthday public holiday**

“(1) A person (other than the holder of a permit under clause 54) must not use a shopgoods firework except—

- (a) on the Queen’s birthday public holiday in a year or the previous Saturday or Sunday; and
- (b) in accordance with a purchaser’s permit.

Penalty: 10 penalty units.

“(2) Subclause (1) does not apply to the use of shopgoods fireworks by a person under 18 years of age under the immediate supervision of a person aged 18 years or older who is entitled to use fireworks under a purchaser’s permit.

**“65E Purchase of shopgoods fireworks without permit**

A person must not purchase shopgoods fireworks by retail except in accordance with a purchaser’s permit.

Penalty: 10 penalty units.

**“65F Use of marine distress fireworks**

A person must not knowingly use a marine distress firework except in an emergency.

Penalty: 10 penalty units.

***“Subdivision 3—Purchaser’s permits***

**“65G Application**

An application for a purchaser’s permit must, in addition to satisfying the requirements in clause 7—

- (a) be made in the appropriate form made available by the chief inspector; and
- (b) include the information, and be accompanied by any document, required by the form; and
- (c) be accompanied by the fee (if any) determined under section 12A of the *Dangerous Goods Act 1984*.

**“65H Further information**

“(1) The chief inspector may, by written notice given to an applicant, require the applicant to give the inspector further specified information or documents that the inspector reasonably requires to determine the application.

“(2) The inspector is not required to determine an application until the applicant complies with the requirement.

**“65J Issue**

“(1) The chief inspector may, on application—

- (a) issue a purchaser’s permit; or
- (b) refuse to issue a purchaser’s permit.

“(2) In determining an application, the chief inspector must be guided by the need to ensure the safety of persons, animals and property.

“(3) A permit is subject to any condition specified in the permit.

“(4) The chief inspector may not issue a purchaser’s permit unless satisfied that the applicant is aged 18 years or older.

**“65K Permits**

A purchaser’s permit must specify—

- (a) each person or class of persons who may purchase shopgoods fireworks under the permit; and
- (b) the period during which the purchase may be made; and
- (c) each person or class of persons who may use the shopgoods fireworks under the permit; and
- (d) the place or class of places where the shopgoods fireworks may be used.

***“Subdivision 4—Classification of shopgoods fireworks—suitability for retail sale***

**“65L Classification of fireworks**

“(1) The chief inspector may, in writing, classify a shopgoods firework of a particular kind as suitable for retail sale if the firework is part of, or from, a batch of fireworks of that kind from which samples have been—

- (a) taken in accordance with the relevant sampling standard; and
- (b) tested in accordance with the relevant testing standard by a person approved in writing by the chief inspector; and
- (c) found to comply with the relevant performance standard.

“(2) For this clause, the chief inspector may, in writing, adopt—

- (a) standards for sampling and testing shopgoods fireworks; and
- (b) performance standards, particularly in relation to—
  - (i) the stability of shopgoods fireworks, before and during the ignition process; and
  - (ii) the projection of debris by shopgoods fireworks.

“(3) The chief inspector must, on request in writing by a licensee, give the licensee particulars of the standards adopted by the chief inspector in relation to shopgoods fireworks held by or for the licensee.

“(4) For this clause, an approved person may—

- (a) inspect, examine, take samples and test shopgoods fireworks held by or for a licensee; and
- (b) give ancillary written directions to the licensee.

“(5) The chief inspector must give a licensee written notice of each decision under subclause (1) concerning fireworks held by or for the licensee.”.

**10 Records to be kept by licensee for importation or sale of explosives**

Clause 66 of the Applied Regulation is amended—

- (a) by omitting from subclause (1) “in indelible ink, in a book conforming to subclause (3), a record of” and substituting “a record specifying”; and

- (b) by omitting from subclause (2) “in indelible ink, in the book referred to in subclause (1), a record of” and substituting “a record specifying”; and
- (c) by omitting subclauses (3), (4) and (5); and
- (d) by omitting paragraphs (8) (a), (b) and (c) and substituting the following paragraphs:
  - “(a) keep the record for at least 3 years after it is made; and
  - (b) when required by an inspector to do so within that period, produce the record for the inspector to examine and take a copy or extract from the record.”.

**11 Records to be kept by licensee of vehicle or vessel**

Clause 67 of the Applied Regulation is amended—

- (a) by omitting from paragraph (1) (a) “in indelible ink, in a book conforming to subclause (2), a record of” and substituting “a record specifying”; and
- (b) by omitting from paragraph (1) (b) “the book containing”; and
- (c) by omitting subclause (2); and
- (d) by omitting from subclause (4) “book containing a” and “book opposite that”; and
- (e) by omitting subclauses (5) and (6); and
- (f) by omitting from subclause (7) “in a book”; and
- (g) by omitting paragraphs (7) (a) and (b) and substituting the following paragraphs:
  - “(a) keep the record for at least 3 years after it is made; and
  - (b) when required by an inspector to do so within that period, produce the record for the inspector to examine and take a copy or extract from the record.”.

**12 Records to be kept by licensee for importation or sale of explosives**

Clause 68 of the Applied Regulation is amended—

- (a) by omitting from subclause (1) “in indelible ink, in a book conforming to subclause (2), a record of” and substituting “a record specifying”; and
- (b) by omitting subclauses (2), (3) and (4A); and

- (c) by omitting paragraphs (6) (a) and (b) and substituting the following paragraphs:

- “(a) keep the record for at least 3 years after it is made; and
- (b) when required by an inspector to do so within that period, produce the record for the inspector to examine and take a copy or extract from the record.”.

### **13 Insertion**

After clause 68 of the Applied Regulation the following clause is inserted in Division 5 of Part 4:

#### **“68A Manner of keeping records**

- “(1) A record required to be kept under this Division may be kept—
  - (a) in writing in a form approved by the chief inspector; or
  - (b) in an electronic form approved by the chief inspector.
- “(2) If a licensee maintains a record in writing, entries—
  - (a) must be made in ink and must not be erased or made illegible; and
  - (b) must not be altered, unless the licensee signs the alteration.”.

### **14 Certain signs to be displayed**

Clause 95A of the Applied Regulation is amended by omitting paragraphs (1) (a) and (b).

### **15 Inspector’s receipt**

Clause 373 of the Applied Regulation is amended—

- (a) by omitting paragraph (1) (e); and
- (b) by inserting after paragraph (1) (h) the following paragraphs:
  - “(i) refusing to grant a purchaser’s permit; or
  - (j) to grant a purchaser’s permit subject to a condition.”.

### **16 Review**

Clause 374 of the Applied Regulation is amended—

- (a) by omitting paragraph (1) (e); and
- (b) by adding at the end of subclause (1) the following paragraphs:
  - “(k) refusing to grant a purchaser’s permit; or
  - (l) to grant a purchaser’s permit subject to a condition.”.



## **NOTES**

### **Applied Regulation**

1. Reprinted as at 31 January 1996. See also Acts Nos. 16 and 36, 1998.

### **Notification**

2. Notified in the ACT Gazette on 11 June 1999.

### **Penalty units**

See section 33AA of the *Interpretation Act 1967* and section 9 of the *Subordinate Laws Act 1989*.