

2008

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

DANGEROUS SUBSTANCES (EXPLOSIVES) AMENDMENT

REGULATION 2008 (No 1)

SL2008-21

EXPLANATORY STATEMENT

Circulated with the authority of
Andrew Barr MLA
Minister for Industrial Relations

Overview

The Dangerous Substances (Explosives) Amendment Regulation 2008 (No 1) (the regulation) amends the consumer fireworks regime under the Dangerous Substances (Explosives) Regulation 2004. The regulation is made under the *Dangerous Substances Act 2004*.

The changes made through the regulation will affect the sale and use of fireworks on Queen's Birthday long weekend. The changes will commence immediately and effect the 2008 long weekend. The changes have been made in response to extensive community consultation on this issue. The consultations showed that the community is fairly evenly divided in relation to the use of consumer fireworks, meaning no one solution will satisfy everyone.

The changes are intended to help minimise the distress caused by the use of fireworks on some sections of the community, and at the same time allow people who enjoy using fireworks to continue to do so. Other changes will also assist the fireworks industry to manage demand and to improve safety. The changes can be summarised as follows:

1. *Discharge times*: the current discharge period is 5:00 – 10:00 pm on the Saturday, Sunday and Monday night (i.e. three nights) of the Queen's Birthday long weekend. The discharge times will be reduced by one hour to 5:00 – 9:00 pm and the discharge nights will be reduced by one night, being the Saturday and Sunday night of the long weekend only.
2. *Sale period*: the current sale period is eight days commencing on the Monday before the Queen's Birthday long weekend and ceasing at 5:00 pm on the Monday public holiday. The sale period will be reduced to three days only, being the Friday, Saturday and Sunday of the long weekend.
3. *Advertising period*: the current advertising period for consumer fireworks is 15 days, being the current sale period and seven days proceeding the sale period. The advertising period will be reduced to seven days including the sale period (the advertising period will commence on the Monday before the Queen's Birthday long weekend).
4. *Maximum storage for licensed retail premises*: the maximum storage for licensed retail premises is currently 200 kg. This threshold will be increased to 500 kg in order to address the anticipated increase in demand. Licensed retailers will still be required to meet proscribed safety standards for storage.
5. *Definition of 'bag' for supply of consumer fireworks*: currently fireworks are required to be supplied in a 'bag' this will be changed to allow fireworks to be supplied in other safe articles such as canisters and sealed packaging.

A review of the effectiveness of the changes will be undertaken following the 2008 Queen's Birthday long weekend.

Clauses

Clause 1 Name of regulation

This clause sets out the name of the regulation as the Dangerous Substances (Explosives) Amendment Regulation 2008 (No 1).

Clause 2 Commencement

This clause provides that the regulation will commence the day after its notification on the Legislation Register.

Clause 3 Legislation amended

This clause states that the regulation amends the Dangerous Substances (Explosives) Regulation 2004.

Clause 4 Section 28, note

This clause which should be read with clause 7 updates the note in section 28 to clarify the change to the Queen's birthday supply period. The current supply period is eight days commencing 8:00 am on the Monday before the Queen's Birthday long weekend and ceasing at 5:00 pm on the Monday public holiday. The regulation reduces the supply period to three days only, being the Friday, Saturday and Sunday of the long weekend.

Clause 5 Section 40 (1)

This clause changes the registration period for consumer firework whereby applicants can ask the chief executive to register a consumer firework for supply during the next Queen's birthday long weekend sale period. The registration period is reduced in line with the reduced supply and use periods.

Clause 6 Section 123, table 123, item 8, column 4

This clause should be read with clause 9 and gives effect to the increase in maximum storage for licensed retail premises. The maximum storage for licensed retail premises is currently 200 kg. This threshold is increased to 500 kg in order to address the anticipated increase in demand. Licensed retailers are still required to meet proscribed safety standards for storage.

Clause 7 Section 274 (a) and (b)

This clause gives effect to the reduced sale period. The current sale period is eight days commencing on the Monday before the Queen's Birthday long weekend and ceasing at 5:00 pm on the Monday public holiday. The sale period will be reduced to three days only, being the Friday, Saturday and Sunday of the long weekend.

Clause 8 Section 275 (2) (b) and (c)

This clause gives effect to the reduced advertising period commensurate with the reduced sale period for consumer fireworks. The current advertising period is 15 days, being the current sale period and seven days preceding the sale period. The advertising period is reduced to a total of seven days including the new sale period. The advertising period commences on the Monday before the Queen's Birthday long weekend.

Clause 9 Section 283 (2) (b)

This clause gives effect to the changes to packaging of consumer fireworks. Currently fireworks are required to be supplied in a 'bag'. Clause 9 removes the reference to bag to

enable consumer fireworks to be supplied in other safe articles such as canisters and sealed packaging. Retailers must still comply with the requirement to supply fireworks in accordance with section 283 including the requirement to store in a package made from flexible plastic sheeting no less than 100µm thick.

Clause 10 Section 286 (c)

This clause gives effect to the increase in maximum storage for licensed retail premises. The maximum storage for licensed retail premises is currently 200 kg. This threshold is increased to 500 kg in order to address the anticipated increase in demand. Licensed retailers are still required to meet proscribed safety standards for storage.

Clause 11 Section 295 (1)

This clause gives effect to the reduced discharge times. The current discharge period is 5:00 – 10:00 pm on the Saturday, Sunday and Monday night (i.e. three nights) of the Queen’s Birthday long weekend. The discharge times are reduced by one hour to 5:00 – 9:00 pm and the discharge nights reduced by one night, being the Saturday and Sunday night of the long weekend only.

The current penalty for unlawful use is retained.

Endnotes

The endnotes contain useful information including dates for notification of the regulation on the Legislation Register.