

Director of Public Prosecutions (Fireworks) Direction 2009 (No 1)*

Notifiable instrument NI2009–411

made under the

Director of Public Prosecutions Act 1990, section 20 (Directions and guidelines by Attorney-General)

1 Name of instrument

This instrument is the *Director of Public Prosecutions (Fireworks) Direction 2009 (No 1)*.

2 Commencement

This instrument commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Definitions

In this instrument:

consumer firework means a consumer firework within the meaning of the *Dangerous Substances (Explosives) Regulation 2004* immediately before its amendment by the *Dangerous Substances (Explosives) Regulation Amendment 2009 (No 2)*.

firework—see the *Dangerous Substances (Explosives) Regulation 2004*, dictionary.

surrender period means the period beginning on Saturday 29 August 2009 and ending on Sunday 13 September 2009.

4 Background

Fireworks are explosives under the *Dangerous Substances Act 2004*. Apart from very low-intensity fireworks like sparklers, bon bons and party poppers, any dealings with fireworks in the ACT are subject to a strict licensing regime. An exception was made in the ACT for the use by members of the public of consumer fireworks during the period of the Queen's birthday long weekend.

The exception is removed on the commencement of the *Dangerous Substances (Explosives) Regulation Amendment 2009 (No 2)*.

*Name amended under Legislation Act, s 60

Even though the law in relation to the possession, use and storage of consumer fireworks by members of the public outside this period has not changed, the government wants to encourage the safe disposal of any consumer fireworks that are still in the possession of members of the public.

As such, the government will provide an opportunity for people to surrender any fireworks that are in their possession without the threat of a criminal prosecution in relation to the surrender.

5 Direction

I direct the Director of Public Prosecutions to not institute a prosecution for an offence by a person against the *Dangerous Substances Act 2004*, section 77 (Unauthorised possession of certain dangerous substances) if—

- (a) the offence relates to possession by the person of a firework during the surrender period; and
- (b) the Director of Public Prosecutions reasonably believes that the person—
 - (i) has possession of the firework for the purpose of surrendering it to the Territory; or
 - (ii) intends to surrender the firework to the Territory.

6 Consultation

I have consulted with the Director of Public Prosecutions about this direction.

Simon Corbell MLA
Attorney-General
26-8-2009