

*Dangerous Goods Act 1985*FURTHER ORDER CONCERNING THE
USE OF DISPLAY FIREWORKS

Preamble

1. On 16 March 1990 an Order was made under section 55 (1) of the *Dangerous Goods Act 1985* to prohibit the use, supply or sale of Display Fireworks. The Order followed serious incidents involving Display Fireworks which occurred on 2 and 12 March 1990 in Melbourne.

2. The Order of 16 March was made because the Governor in Council was of the opinion it was expedient for the public safety to make an Order to prohibit the use, sale or supply of Display Fireworks until the cause of the incident on 12 March 1990 was determined and steps were taken for the prevention of incidents during the use of Display Fireworks.

3. The investigation of the two incidents has been completed. The investigation concluded that the prohibition on Display Fireworks imposed on 16 March 1990 may be lifted but new safety rules for the conduct of fireworks displays must be adopted.

4. It is intended to amend the *Dangerous Goods (Explosives) Regulations 1988* to implement new rules. Until such time as the amending regulations can be brought into operation, the Governor in Council is of the opinion it is expedient for the public safety to make a further Order to allow the use of Display Fireworks subject to conditions or restrictions.

5. Consequently, the Governor in Council, under section 55 (1) of the *Dangerous Goods Act 1985*, makes the following Order with respect to Display Fireworks.

Revocation

6. The Order dated 16 March 1990 and published in the *Victoria Government Gazette* on that date prohibiting the use, supply or sale of Display Fireworks absolutely, is revoked.

Definition

7. In this Order "Display Fireworks"—

- (a) means fireworks consisting of a case or contrivance forming a squib, gerb, cracker, serpent, rocket, mine, salute, torch, fountain, mortar shell, lance, wheel, coloured fire, Roman candle or other

article specifically adapted for the production of a pyrotechnic effect or a sound effect; but

(b) does not include—

- (i) distress signals; and
 (ii) shopgoods fireworks which each contain less than 40 grams of explosive or pyrotechnic substance; and
 (iii) novelty fireworks as listed under classification code 1.4S in the Order to Classify Explosives dated 5 July 1988 and published in the *Government Gazette* on 7 July 1988; and
 (iv) bird scarers; and
 (v) fireworks designed for theatrical use (where the use of the fireworks is secondary to the theatrical event) which are fitted with or adapted to employment of an electrical ignition device.

Prohibition

8. The use of Display Fireworks for the purpose of conducting a fireworks display is prohibited unless the use of the Display Fireworks is approved by the Director-General of Labour.

9. The Director-General of Labour may, in writing, approve the use of Display Fireworks subject to any conditions or restrictions which the Director-General considers are necessary to ensure public safety during that use.

10. This Order does not apply to an inspector appointed under the *Dangerous Goods Act 1985* who uses Display Fireworks for the purpose of testing the Display Fireworks and to a person using those fireworks under the direct supervision of an inspector while testing is taking place.

Duration

11. This Order remains in force until revoked by an Order of the Governor in Council.

Dated 15 May 1990

Responsible Minister:

NEIL POPE
Minister for Labour

NEIL MORROW
Clerk of the Executive Council

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