

VICTORIA GOVERNMENT G A Z E T T E

No. S 7 Friday 16 March 1990

By Authority Jean Gordon Government Printer Melbourne

SPECIAL

Dangerous Goods Act 1985 ORDER TO PROHIBIT THE USE OF DISPLAY FIREWORKS

Preamble

1. On 12 March 1990 a serious incident involving Display Fireworks occurred in Melbourne, Victoria. As a result of the incident, burning pyrotechnic devices were projected at high speed and low level over considerable distances. An explosion also occurred which shattered plate glass windows and propelled heavy objects over large distances from the blast site. The cause of this incident is not known and is the subject of an inquiry. Another incident involving Display Fireworks occurred in Melbourne on 2 March 1990 and two incidents have occurred in New South Wales since December 1989. Injuries to the public did occur during the New South Wales events and the probability of serious injuries occurring during the two Victorian incidents was very high. This history of incidents demands that a thorough investigation of the reasons for the Victorian incidents is necessary and that further use of Display Fireworks must be halted until the investigation is completed.

2. The Governor in Council is of the opinion that it is 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 is determined and steps are taken for the prevention of incidents during the use of Display Fireworks.

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

Definition

4. 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

5. The use of Display Fireworks and the supply or sale of Display Fireworks for the purposes of conducting a fireworks display are prohibited.

Application of this Order

6. This Order does not apply to an inspector appointed under the *Dangerous Goods Act 1985* who uses Display Fireworks for the purposes 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

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

Dated 16 March 1990

Responsible Minister:

NEIL POPE

Minister for Labour

NEIL MORROW

Clerk of the Executive Council

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