

TASMANIA

**EXPLOSIVES AMENDMENT (FIREWORKS)
REGULATIONS 2018**

STATUTORY RULES 2018, No. 4

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**EXPLOSIVES AMENDMENT (FIREWORKS)
REGULATIONS 2018**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Explosives Act 2012*.

Dated 23 January 2018.

C. WARNER
Governor

By Her Excellency's Command,

GUY BARNETT
Minister for Building and Construction

1. Short title

These regulations may be cited as the *Explosives Amendment (Fireworks) Regulations 2018*.

2. Commencement

These regulations take effect on 1 March 2018.

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3. Principal Regulations

In these regulations, the *Explosives Regulations 2012** are referred to as the Principal Regulations.

4. Regulation 86 amended (Restrictions on use of fireworks)

Regulation 86 of the Principal Regulations is amended by inserting after subregulation (1) the following subregulation:

(1A) A person must not use Type 2 fireworks unless the person –

(a) is a pyrotechnician; or

(b) is authorised by a fireworks display permit to use those fireworks as part of a fireworks display for Commonwealth Day.

Penalty: Fine not exceeding 50 penalty units.

5. Regulation 88 amended (Applications for fireworks display permits)

Regulation 88 of the Principal Regulations is amended as follows:

*S.R. 2012, No. 128

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(a) by omitting paragraph (c) from subregulation (1) and substituting the following paragraph:

(c) subject to subregulation (1A), nominate a pyrotechnician for the proposed fireworks display; and

(b) by inserting the following subregulations after subregulation (1):

(1A) Despite subsection (1)(c), an applicant does not need to nominate a pyrotechnician in respect of a proposed fireworks display if –

(a) the proposed fireworks display is a fireworks display for Commonwealth Day; and

(b) no Type 3 fireworks are to be used as part of the proposed fireworks display.

(1B) For the avoidance of doubt, an application under subsection (1) that is lodged less than 21 clear days before the date of the proposed fireworks display is void unless the Secretary has otherwise agreed to the application being so lodged.

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- (c) by omitting from subregulation (4)(b) “Type 3 fireworks” and substituting “Type 2 fireworks or Type 3 fireworks”;
- (d) by omitting from subregulation (8) “permit,” and substituting “permit that is granted to a person other than a pyrotechnician,”;
- (e) by inserting the following paragraph after paragraph (c) in subregulation (9):
 - (ca) that, if applicable, a person nominated as responsible adult or alternative responsible adult is, having regard to the criteria in Schedule 4 and any other matters the Secretary considers relevant, a fit and proper person to hold a fireworks display;

6. Regulation 89 amended (What does a permit authorise?)

Regulation 89 of the Principal Regulations is amended as follows:

- (a) by omitting subregulation (3) and substituting the following subregulation:
 - (3) If the permit sanctions the use of Type 2 fireworks, it also –
 - (a) if a pyrotechnician has been nominated in respect of the permit –

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- (i) authorises the nominated pyrotechnician to lawfully procure those Type 2 fireworks; and
 - (ii) authorises the use, in the relevant fireworks display, of those Type 2 fireworks; or
- (b) in any other case –
 - (i) authorises the holder of the permit to lawfully procure up to the allowable quantity of those Type 2 fireworks; and
 - (ii) authorises the use, in the relevant fireworks display, of those Type 2 fireworks.
- (b) by omitting from subregulation (6) “used” and substituting “used by a person who is not a pyrotechnician”.

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7. Regulation 97 amended (Only pyrotechnicians may sell or supply Type 2 or Type 3 fireworks, &c.)

Regulation 97 of the Principal Regulations is amended as follows:

(a) by inserting the following subregulation after subregulation (1):

(1A) A pyrotechnician must not sell or supply Type 2 fireworks except to –

(a) another pyrotechnician; or

(b) a person who is authorised under a fireworks display permit to use the Type 2 fireworks.

Penalty: Fine not exceeding 50 penalty units.

(b) by omitting from subregulation (3) “subregulation (2)” and substituting “subregulation (1A) or (2)”.

8. Regulation 98 amended (Who may purchase or acquire Type 2 or Type 3 fireworks)

Regulation 98 of the Principal Regulations is amended as follows:

(a) by inserting the following subregulation after subregulation (1):

(1A) A person must not purchase or acquire Type 2 fireworks unless the person –

(a) is a pyrotechnician; or

(b) is authorised under a fireworks display permit to use the Type 2 fireworks.

Penalty: Fine not exceeding 50 penalty units.

(b) by omitting from subregulation (2) “Type 3 fireworks” first occurring and substituting “Type 2 fireworks or Type 3 fireworks”;

(c) by omitting from subregulation (2)(b) “Type 3 fireworks” and substituting “Type 2 fireworks or Type 3 fireworks”.

9. Schedule 7 amended (Standard conditions of fireworks display permits)

Schedule 7 to the Principal Regulations is amended by omitting clause 5 and substituting the following clause:

5. Fire-fighting equipment

Adequate fire-fighting equipment, as specified in the permit, must be provided on site throughout the display.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 31 January 2018.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend the *Explosives Regulations 2012* by –

- (a) restricting the use of Type 2 fireworks to a pyrotechnician, except in specified circumstances; and
- (b) clarifying other miscellaneous matters.