



HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, 16 November 1994

EXPLOSIVES (SKYROCKETS RESTRICTION) AMENDMENT BILL

Proposed Amendments

BRIAN NEESON, in Committee, to move the following amendments:

Clause 1: To omit from line 12 on page 1 the words "(Skyrockets Restriction)".

Clause 1A: To insert, after line 5 on page 2, the following clause:

1A. Restriction on sale of fireworks—(1) The principal Act is hereby amended by repealing sections 23A and 23B, and substituting the following section:

"23A. (1) No person shall sell by retail any explosive of the third division of the seventh (firework) class.

"(2) Notwithstanding anything in subsection (1) of this section, but subject to all the other provisions of this Act or any other Act,—

"(a) Amorges, crack-shots, snaps for bonbon crackers, streamer bombs, and any other firework of a like nature that is approved by the Chief Inspector of Explosives for the purpose, may be sold by retail at any time of the year:

"(b) On application being made in writing to the Chief Inspector of Explosives by any person of or over the age of 18 years, the Chief Inspector may, if satisfied that any occasion or event so warrants, consent in writing to the sale by retail of any explosive of the third division of the seventh (firework) class, other than any firework specified or approved pursuant to paragraph (a) of this subsection, by any named person or persons, at such specified times and on such conditions and subject to such terms as the Chief Inspector may think fit. The terms may include any condition restricting the means of sale, or the persons or class of persons purchasing, or the purpose for which the explosives may be sold, or the cause of celebration or place or time at which the explosives may be used, or any other matter whatsoever.

“(3) For the purposes of this section, ‘sale’ includes displaying, exposing, or exhibiting for sale; but does not include ‘advertising’; and ‘to sell’ has a corresponding meaning.”

(2) Section 22 (1) of the principal Act (as amended by section 3 (1) of the Explosives (Fireworks Safety) Amendment Act 1985) is hereby consequentially amended by omitting the expression “, 23B,”.

(3) Section 25 (1) of the principal Act (as amended by section 3 (2) of the Explosives (Fireworks Safety) Amendment Act 1985) is hereby amended by omitting the words “or section 23B”.

(4) The following enactments are hereby consequentially repealed:

(a) Section 2 (1) of the Explosives Amendment Act 1973:

(b) Sections 2 and 3 (1) of the Explosives (Fireworks Safety) Amendment Act 1985.

Title: To omit from lines 2 and 3 on page 1 the words “**skyrockets to certain persons**”, and substitute the word “**fireworks**”.

EXPLANATORY NOTE

Clause 1: The proposed amendment to the Short Title of the Bill puts that Short Title into neutral terms as the provisions of the Bill, if passed, may relate not only to skyrockets but also to other fireworks.

Clause 1A repeals sections 23A and 23B of the Explosives Act 1957, and substitutes a new *section 23A*. Subsection (1) of the existing section 23A (as enacted in 1973) provides that, subject to the exceptions in subsection (2) of that section, the retail sale of fireworks is restricted to the period of 10 days that ends on 5 November in each year.

Subsection (1) of the proposed new *section 23A* prohibits the retail sale of fireworks throughout the year but does not affect the exceptions contained in subsection (2) of that section.

Subsection (2) (b) of the proposed new *section 23A* differs from the existing subsection (2) (b) in that it provides that only persons of or over the age of 18 years may apply for permits under that subsection.

Subsection (3) of the proposed new *section 23A* re-enacts an existing provision.

Subsection (4) of the existing section 23A (which authorises every local authority dangerous goods inspector to exercise, for the purposes of section 23A of the Explosives Act 1957, the powers of an Inspector of Explosives) is not re-enacted. That subsection is unnecessary as it will no longer be necessary to provide national coverage for the enforcement of a 10-day selling period.

The existing section 23B is not re-enacted. That section (which provides that no person may sell fireworks to any person under the age of 14 years and which was enacted in 1985) is not necessary in view of the general restriction on the retail sale of fireworks that is contained in the proposed new *section 23A (1)*.

If the proposed new *clause 1A* is agreed to, *clauses 2 to 4* of the Bill will be unnecessary and may be voted down.

Title: The proposed amendment to the Title will be necessary only if the proposed new *clause 1A* (which is set out above) is agreed to.