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HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 6 December 1994

EXPLOSIVES (SKYROCKETS RESTRICTION) AMENDMENT BILL

Proposed Amendments

Hon. SIMON UPTON, 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—Section 23A of the principal Act (as inserted by section 2 (1) of the Explosives Amendment Act 1983) is hereby amended by omitting the expression "5th day of November", and substituting the expression "first Monday in June".

Clause 2A: To insert, after clause 2, the following clause:

2A. New sections inserted—The principal Act is hereby amended by inserting, after section 50, the following sections:

"50A. Restrictions on discharge of fireworks—(1) No person shall discharge any explosive of the third division of the seventh (firework) class except—

"(a) During the period of 20 days that ends with the tenth day after the first Monday in June in each year; or

"(b) Pursuant to a permit granted to any person by an Inspector and subject to such terms and conditions in the permit as the Inspector imposes having regard to the interests of the public safety and of the safety of any person.

"(2) Nothing in subsection (1) of this section prevents the discharge at any time of any explosive which is of the third division of the seventh (firework) class and which is of a kind described in section 23A (2) (a) of this Act.

"50B. Restrictions on discharge of skyrockets—(1) In this section—

"'Skyrocket' means a manufactured firework which is of the third division of the seventh (firework) class and which is—

"(a) A rocket; or

“(b) A tourbillion; or

“(c) A firework (not being a rocket or a tourbillion) whose principal or sole effect is vertical or horizontal flight:

“‘Territorial authority’ means a territorial authority within the meaning of the Local Government Act 1974.

“(2) Any territorial authority may from time to time, in accordance with the Local Government Act 1974, make a bylaw declaring any defined part of its district to be an area within which skyrockets may be discharged in the period specified in section 50A (1) (a) of this Act.

“(3) A territorial authority, in deciding whether to exercise, in respect of any defined part of its district, the power conferred on it by subsection (2) of this section, shall have regard to the interests of the public safety and of the safety of any person; and shall not exercise that power in respect of that defined part of its district if the discharge of skyrockets within that defined part of its district in the period specified in section 50A (1) (a) of this Act would be unduly dangerous to persons or property.

“(4) Where any area within the district of a territorial authority is for the time being declared, by bylaw, to be an area within which skyrockets may be discharged in the period specified in section 50A (a) of this Act, no person shall, in that period, discharge any skyrocket in any place within that district other than a place that is within—

“(a) That area; or

“(b) Any other area within that district that is for the time being declared by bylaw to be an area within which skyrockets may, in the period specified in section 50A (1) (a) of this Act, be discharged.

“(5) Nothing in subsection (4) of this section prevents a skyrocket from being discharged at any time or place pursuant to, and in accordance with the terms and conditions of, a permit granted under section 50 or section 50A (1) (b) of this Act.”

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

EXPLANATORY NOTE

The proposed amendments set out in this Supplementary Order Paper are in substitution for those set out in Supplementary Order Paper No. 53.

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: The proposed amendment to section 23A of the Explosives Act 1957 alters the period during which retail sales of fireworks may take place. The present period is the period of 10 days ending with the 5th day of November. The proposed period is the period of 10 days ending with the first Monday in June (which Monday is the day observed as the Sovereign's Birthday).

Clause 2A inserts new sections 50A and 50B into the Explosives Act 1957.

The new section 50A provides that no person may discharge a firework except—

- (a) During the period of 20 days that ends with the tenth day after the first Monday in June of each year; or
- (b) Pursuant to a permit granted to any person by an Inspector and subject to such terms and conditions in the permit as the Inspector imposes, having regard to the interests of the public safety and of the safety of any person.

The new *section 50B* authorises a territorial authority to declare any defined part of its district to be an area within which skyrockets may be discharged in the period specified in *section 50A (1) (a)*.

Subsection (3) of the new *section 50B* provides that where a territorial authority exercises the power conferred on it by *subsection (2)* of that section, that territorial authority must have regard to the interests of the public safety and of the safety of any person; and must not exercise that power if the discharge of skyrockets in the defined part of its district in the period specified in *section 50A (1) (a)* would be unduly dangerous to persons or property.

Subsection (4) of the new *section 50B* provides that where a declaration under the new section is in force in respect of any area or areas within a district, skyrockets discharged in the period specified in *section 50A (1) (a)* may, in that district, be discharged only in such an area.

Subsection (5) of the new *section 50B* provides that the new section will not prevent skyrockets from being discharged at any time or place pursuant to, and in accordance with the terms and conditions of, a permit granted under *section 50* or *section 50A (1) (b)* of the Explosives Act 1957.

Title: The proposed amendment to the Title will be necessary only if the proposed new *clause 1A* or the proposed new *clause 2A* (both of which are set out above) is agreed to.