

## **Hazardous Substances (Fireworks) Amendment Regulations 2004**

Pursuant to sections 75(1)(a) and 140(1)(f) and (r) of the Hazardous Substances and New Organisms Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council (given on the recommendation of the Minister for the Environment made in compliance with section 141(1) of that Act), makes the following regulations.

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### **1 Title**

- (1) These regulations are the Hazardous Substances (Fireworks) Amendment Regulations 2004.
- (2) In these regulations, the Hazardous Substances (Fireworks) Regulations 2001<sup>1</sup> are called “the principal regulations”.

### **2 Commencement**

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

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<sup>1</sup> SR 2001/121

**3 Interpretation**

Regulation 3 of the principal regulations is amended by revoking the definition of **firework**, and substituting the following definition:

“**firework**—

- “(a) has the same meaning as in section 2 of the Act; and
- “(b) includes any pyrotechnic novelty or noise maker.”

**4 Display and sale of fireworks**

Regulation 6 of the principal regulations is amended by adding the following subclause:

- “(5) A retailer must not sell a package of fireworks containing any firework referred to in regulation 4(2).”

**5 Test certificate for fireworks**

- (1) Regulation 11(1)(d) of the principal regulations is amended by inserting, after the words “do not have their own means of ignition”, the words “(except if the fireworks are of a kind referred to in regulation 4(2))”.
- (2) Regulation 11(1) of the principal regulations is amended by inserting, after paragraph (e), the following paragraph:
  - “(ea) are not in the shape of a gun, grenade, or similar device that could suggest the fireworks may be pointed or thrown at a person; and”.
- (3) Regulation 11(1)(h) of the principal regulations is amended by adding the word “; and”.
- (4) Regulation 11(1) of the principal regulations is amended by adding the following paragraph:
  - “(i) do not have a tube diameter of more than 22 mm.”

Diane Morcom,  
Clerk of the Executive Council.

**Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on the 28th day after the date of their notification in the *Gazette*, amend the Hazardous Substances (Fireworks) Regulations 2001 by—

- including pyrotechnic novelties and noise makers in the definition of firework:
- providing that a retailer must not sell a package of fireworks that contains any firework that is a pyrotechnic novelty or noise maker:
- including fireworks that are pyrotechnic novelties and noise makers in the test certification regime:
- prohibiting the sale of any fireworks that are in the shape of a gun, grenade, or similar device that could suggest the fireworks may be pointed or thrown at a person:
- prescribing a maximum tube diameter of 22 mm for fireworks.

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