Fireworks – **Shopgoods fireworks**

**07.02.01**

# Retail sale of fireworks – Territory Day >

**This information bulletin outlines the basic requirements for those people considering selling shopgoods fireworks for the 1 July celebrations in the Northern Territory.**

## Legislation

According to Northern Territory law, shopgoods fireworks are Dangerous Goods.

It is important to be aware of the provisions relating to fireworks in Regulations 90, 91, 92, 129, 131, 139 and 140 of the Northern Territory Dangerous Goods Regulations. There are also responsibilities under the *Workplace Health and Safety Act* Sections 55 to 58 – Statutory Duties of Care. Regulations 38 to 45 of the Workplace Health and Safety Regulations also outline the requirements to identify hazards and control the risks in a workplace. Part 7 – Division 1 of the Workplace Health and Safety Regulations outlines the requirements for the provision of general safety at a workplace.

**Any breach of regulations may result in the seizure of stocks of fireworks (section 35 of the *Dangerous Goods Act*) and the cancellation or suspension of the licence (regulation 5L of the Dangerous Goods Regulations).**

The relevant legislation may be accessed on the NT WorkSafe web site, www.worksafe.nt.gov.au or purchased from the Northern Territory Government Printer, Railway Street, Parap.

## Checklist

A checklist is available (CH0009) to assist retailers of shopgoods fireworks to ensure their procedures and premises comply with the legislation. The checklist outlines the requirements to be met as a condition of holding a licence to sell, store and display shopgoods fireworks in the Northern Territory. Failure to comply with the legislation may result in a risk to the safety of people. It may also jeopardise fire insurance policies if safety breaches can be shown to have contributed to a fire.

## Action needed prior to sale

Prior to selling fireworks you will need to obtain and complete an application form **Licence (retail) to possess, store and sell shopgoods fireworks – Territory day celebrations only (FM118)** and a **Shopgoods fireworks retail checklist (CH0009)**. The application form, checklist and **scheduled fee of $100.00** should be lodged at a Territory Business Centre (listed at the end of this bulletin).

A licence may be issued by the Authority ***prior*** to an inspection based on the information provided by you on the application (FM118) and shopgoods fireworks retail checklist (CH0009). Providing incorrect or misleading information, whether intentional or not, may lead to NT WorkSafe officers issuing a prohibition notice to cease trade immediately, an improvement notice to cease trading until the required improvements are implemented or immediate cancellation of the licence. NT WorkSafe officers randomly inspect retail sites during the sale period for shopgoods fireworks for Territory Day celebrations to ensure that the procedures and premises comply with the safety provisions for storage and sale of fireworks required by legislation.



NT WorkSafe is the administrative arm of the Work Health Authority and administers the *Workplace Health and Safety Act*, the *Workers Rehabilitation and Compensation Act*, the *Dangerous Goods (Road and Rail Transport) Act*, the *Dangerous Goods Act* and the *Radioactive Ores and Concentrates (Packaging and Transport) Act* and related Regulations on behalf of the Northern Territory Government.

## Who can apply for a retail licence to store, possess and sell shopgoods fireworks?

Licences will only be issued to businesses registered in the Northern Territory. Applications should be received not later than 11 June and must include the name of the applicant who is also known as the responsible person and will be in control of sales at the site. The applicant/responsible person named on a licence can only be listed for one site. A condition of any licence to sell fireworks to the general public will be that the point of sale meets all the requirements of the permit to sell. Retailers must exercise the utmost care in ensuring all requirements are met to allow for the safe retailing of shopgoods fireworks, which are classified as dangerous goods.

## Sale

- Fireworks can only be sold from retail sites from 9:00am to 9:00pm on 1 July.
- Applications should be received by no later than 11 June.
- Licences will not be issued to businesses not registered in the Northern Territory.
- The name of the applicant will be the responsible person in control of storage and sales at the site.
- The applicant (responsible person) named on a licence can only be listed for one site.
- A condition of any licence to sell shopgoods fireworks to the general public will be that the point of sale is from an established shop front that meets all the requirements of the permit to sell, including having the applicant (responsible person) at the premises for the majority of the time.
- Shopgoods fireworks must only be sold from premises that hold a current licence (retail) to possess, store and sell shopgoods fireworks.
- The following sites have been determined, through the risk assessment process, to be unsuitable for shopgoods fireworks retail outlets:
  - wholesale storage sites,
  - temporary kiosks,
  - industrial sheds,
  - verandas,
  - roadside stalls,
  - office space,
  - open areas in shopping centres,
  - a place licensed for the sale and consumption of alcohol etc

  This list is not exhaustive and a risk assessment must be undertaken by applicants for every proposed shopgoods fireworks retail outlet.
- Sale of shopgoods fireworks, to the public other than on dates and times proclaimed by the Minister, for Territory Day celebrations is not permitted without a permit being issued prior to sale. For clarification the date is 1 July only.
- The taking of pre-orders for fireworks from the public is strictly prohibited prior to the dates and times proclaimed by the Minister.
- Internet sales are strictly prohibited.
- Fireworks can only be sold to persons 18 years of age and over. Persons selling fireworks must be at least 16 years of age.
- Sale of fireworks to intoxicated persons is prohibited.
- Possession of fireworks outside of 1 July – Territory Day is an offence.

## Display fireworks

***Display fireworks are strictly prohibited for sale at shopgoods fireworks retail outlets.***

Fireworks of a purely explosive type are strictly prohibited and are not to be **stored, possessed, supplied or sold** with shopgoods fireworks. These explosive type fireworks (eg "Bangers" [firecrackers], 1"- 4" shells, sky-rockets) are catergorised as Display type fireworks and a Displays Licence and a fireworks Display Permit are required to be issued by NT WorkSafe. Further information on Display Licence and fireworks Display Permits can be found in NT WorkSafe information bulletin 07.01.03 – Display licence and permit information.

## Responsibility

The person applying for the licence (the applicant) is also the responsible person and must ensure all conditions of the licence are complied with, even where the application is on behalf of a business. In addition, the person applying for the licence must be in attendance during the sale period.

***Responsible person:***

- must be over the age of 18 years
- must be capable of acting without supervision
- must sign the application for Licence (retail) to possess, store and sell shopgoods fireworks – Territory day celebrations only (FM118)
- must sign and verify compliance with the shopgoods fireworks retail checklist (CH0009)
- must ensure that the requirements of the licence and checklist are adhered to during the sale period for shopgoods fireworks
- must instruct all employees/co-workers in the requirements of the legislation and the sale of shopgoods fireworks
- must make themselves available at a mutually agreeable time when NT WorkSafe officers inspect the retail site

Providing incorrect or misleading information, whether intentional or not, may lead to the immediate withdrawal of the licence. NT WorkSafe will randomly inspect retail sites during the sale period for shopgoods fireworks as declared by the Minister for Territory Day celebrations to ensure that the premises comply with the safety provisions for storage and sale of fireworks required by legislation.

## Submitting the application

The completed application form (FM118), checklist (CH0009) and application fee ($100) should be submitted to a Territory Business Centre in your area prior to 11 June.

***Cheques to be made payable to Receiver of Territory Monies (RTM).***

## Lodging application – Territory Business Centres (application forms must be lodged at TBCs)

**Darwin**
Ground Floor,
Development House
76 The Esplanade

GPO Box 9800,
Darwin NT 0800
Phone: 1800 193 111

**Katherine**
Shop 1,
Randazzo Building
18 Katherine Terrace
Phone: (08) 8973 8180

**Alice Springs**
Peter Sitzler Building
67 North Stuart Highway
Telephone: (08) 8951 8524

**Tennant Creek**
Shop 2, Barkly House
Cnr Davidson and Patterson Streets
Telephone: (08) 8962 4411

## NT WorkSafe >

**GPO Box 1722**
**Darwin NT 0801**

**Telephone:** 1800 019 115
**Facsimile:** (08) 8999 5141
**Email:** ntworksafe@nt.gov.au
**Website:** worksafe.nt.gov.au