Fireworks – **Shopgoods fireworks**

07.02.07

Wholesaler's information for testing and sale of shopgoods fireworks >

Please read this bulletin carefully to ensure you understand all the requirements applicable to wholesale fireworks for 2009 Territory Day.

Dangerous Goods Regulation 5C — Import or export of dangerous goods

The importer is required to notify the Competent Authority (NT WorkSafe) of his or her intention to import/export fireworks into or out of the Northern Territory (NT).

Importers of fireworks are now required to sign and lodge with NT WorkSafe a declaration on the Notice of Intent to Import/Export Shopgoods Fireworks (FM087).

NT WorkSafe has developed an electronic template for a master stock list and recommends importers / exporters use this stock list that may be generated from the assessor database and attach it to the notice of intention to import / export.

Banned products from importation into Northern Territory (NT)

The **COMPLETE BAN** on: Sky Rockets; Firecrackers (also known as bangers, bungers or crackers); Roman Candles; Matchcrackers (i.e. A firework having attached to it, or forming part of it, its own means of ignition that is adapted to explode or fire the device by heat, friction or percussion); Reloadable Artillery Type Shells that come in a wide variety of brands and names. (i.e. a firework that has a mortar tube where the operator inserts the shell into the mortar before igniting. This firework may have two or more shells to be fired from the mortar); Big George and Thunderbolt Bomb, these fireworks identified during 2003 Territory Day celebrations as being dangerous to the public due to the firework being able to be used as a firecracker; and Inbuilt battery ignited fireworks – eg Fairy Stick, is in accordance with Dangerous Goods Direction No. 0601 19/5/2008.

Shopgoods Fireworks Testing Assessor

- Persons wanting to import shopgoods fireworks into the Northern Territory, must have their fireworks tested by an independent fireworks assessor. Wholesalers who also hold shopgoods fireworks assessor status must employ an independent shopgoods fireworks assessor to test their products.
- The testing requirements of AS2187.3 – 1999 will be applied. The testing criteria in regard to performance and quality remain the same.
- All shopgoods fireworks assessors must be current NT registered fireworks assessors, prior to any testing being conducted. All new applicants must submit an application for registration by the close of business 31 March each year.
- Further information can be found in NT WorkSafe information bulletins 07.02.04 – Applying to be a Shopgoods Fireworks Assessor, and 07.02.06 – Fireworks – Assessors frequently asked questions. These information bulletins and others listed can be downloaded from the NT WorkSafe Website www.worksafe.nt.gov.au/

Testing of Shopgoods Fireworks

All shopgoods fireworks must be tested by an NT authorised shopgoods fireworks assessor to the satisfaction of the Competent Authority (NT WorkSafe) prior to importation into the Northern Territory.

Documentation of the testing as per AS2187.3 must be provided to NT WorkSafe as evidence of each fireworks item's safety performance prior to 8 May 2009. This includes passed and failed test reports on all fireworks.

NT WorkSafe has developed an electronic template for testing fireworks. The database can be accessed via the NT WorkSafe website. It is recommended that importers and assessors use the electronic format provided, as this will assist faster processing of an import/export application.

NT WorkSafe will conduct random testing of tested fireworks to ensure compliance with AS2187.3 testing. Wholesalers are to provide, when requested by NT WorkSafe, samples of selected fireworks for testing. These products are to arrive at the Hidden Valley (Darwin) Explosive Reserve for Testing as per instructions from NT WorkSafe.

Importation, storage and sale of display fireworks

Display fireworks (including all ground effects that do not meet the definition of shopgoods fireworks) should not be imported into the NT without the required Certificate of Approval to Import.

The storage and sale of display fireworks is not permitted from premises that are nominated to sell shopgoods fireworks. Wholesalers must not supply display fireworks to an establishment that only has a retail license to sell shopgoods fireworks.

In order to import, store and sell display fireworks in the NT you must comply with Regulations 128 and 129 of the Dangerous Goods Regulations which describes the conditions necessary to sell fireworks in the NT. Specifically Regulation 128 requires that an explosives sales book be kept for the sale of any display fireworks.

Any organisations indicating they intend to import display fireworks are to collect and sign for their sale book from NT WorkSafe prior to commencing sale. Sales books and stock may be audited.

If you intend to sell display fireworks to remote communities in the Northern Territory that have gained an Approved Display Fireworks Permit, you must indicate this to NT WorkSafe and an audit of your sales books will be conducted.

You must ensure no display fireworks are transported with your shopgoods fireworks into or around the NT, and:

- a separate Notice of Intent to Import Display Fireworks is required;
- a separate application to store, possess and sell Display Fireworks is required;
- all transportation and storage of display fireworks will be classified as Class 1.1G, unless proven otherwise, and the requirements of the Australian Explosives Code (AEC) for transportation will have to be complied with; and
- the requirements of the AS 2187.1 for storage must be complied with.

Wholesalers wishing to have a retail outlet for fireworks

Wholesalers may apply for a retail licence at a location specifically established for the purpose of retail trade. 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 are not suitable for retail trade and will not be licenced.

All applications to possess, store and sell shopgoods fireworks (retail) (FM118) must include:

- proposed process of return of unsold fireworks;
- shopgoods fireworks retail checklist (CH0009).

Retail licences to store, possess and sell shopgoods fireworks (see bulletin 07.02.01)

- 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 NT.
- 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 applicants must undertake a risk assessment 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 may only be sold to persons 18 years of age and over. Those selling fireworks must be at least 16 years of age.

Workers' Compensation Requirements

Under the *Workplace Health and Safety Act* (NT), employers **must** hold a workers' compensation insurance policy with an approved insurer, if they employ a person who provides work or service for them and **does not** provide the employer with an **Australian Business Number (ABN)** in writing.

This also applies to employers who are based outside of the Northern Territory and have persons providing work and service for the employer within the NT.

For further detailed information regarding this matter, please see NT WorkSafe's information bulletins 13.01.02 and 13.01.08.

NT WorkSafe >

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