

No. 31 of 1972

AN ORDINANCE

Relating to Fireworks.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1972*.

Dated this fourteenth day of September, 1972.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

RALPH J. HUNT
Minister of State for the Interior.

FIREWORKS ORDINANCE 1972

1. This Ordinance may be cited as the *Fireworks Ordinance 1972*.* Short title.

2. In this Ordinance— Definitions.

“authorized display” means a display of fireworks arranged by a person authorized by the Minister;

“authorized person” means a person authorized by the Minister to arrange a display of fireworks;

“day of celebration” means—

(a) the day declared, for the purposes of sub-paragraph (x) of paragraph (a) of sub-section (1.) of section 3 of the *Holidays Ordinance 1958*, to be the day for the observance of the anniversary of the birthday of the Sovereign; or

(b) a day declared by the Minister, by notice in the *Gazette*, to be a day of celebration for the purposes of this Ordinance;

“gunpowder” means an explosive consisting of—

(a) sulphur;

(b) charcoal; and

(c) sodium nitrate or potassium nitrate or a mixture of both sodium nitrate and potassium nitrate;

“the Territory” includes the Jervis Bay Territory.

* Notified in the *Commonwealth Gazette* on 5 October 1972.

Sale of fireworks.

3. Subject to section 5 of this Ordinance, a person who sells fireworks, or exposes fireworks for sale, by retail on a day not being a day that is—

- (a) a day of celebration; or
- (b) one of the fourteen days immediately preceding a day of celebration,

is guilty of an offence against this Ordinance and liable upon conviction to a penalty not exceeding One hundred dollars.

Manufacture or importation of fireworks.

4. Subject to the next succeeding section, a person who imports into the Territory, or manufactures or sells in the Territory—

- (a) fireworks, other than those referred to in paragraph (c) of this section, that are designed to explode when ignited and—
 - (i) exceed one and five-eighths of an inch in length or one-quarter of an inch in diameter; or
 - (ii) contain more than 0.4 grams of gun powder;
- (b) fireworks, other than those referred to in the next succeeding paragraph, that are designed to move through the air after being ignited and—
 - (i) are constructed with a pointed or sharply curved nose-cap; or
 - (ii) contain more than 10 grams of propellant;
- (c) fireworks, being fireworks constructed with a pointed or sharply curved nose-cap, that are designed to move through the air after being ignited and subsequently to explode and contain—
 - (i) more than 0.4 grams of gunpowder having an explosive effect; or
 - (ii) more than 10 grams of propellant; or
- (d) fireworks, other than those designed to move through the air after being ignited, that contain an explosive other than gunpowder,

is guilty of an offence against this Ordinance and liable upon conviction to a penalty not exceeding One hundred dollars.

Defences.

5.—(1.) It is not an offence against section 3 of this Ordinance to sell fireworks on a day other than a day specified in that section if the fireworks are sold to an authorized person.

(2.) It is not an offence against the last preceding section to import into the Territory, or manufacture or sell in the Territory, the fireworks specified in that section if the fireworks are—

- (a) manufactured or imported for the purposes of an authorized display; or
- (b) sold to an authorized person.