

GUIDELINES FOR COUNCIL WHEN NOTIFICATION OF AN INTENTION TO USE FIREWORKS IS RECEIVED

These guidelines were developed to provide councils with a standard framework when deciding whether to object to WorkCover in regard to a firework display of which a council has received notification.

A Pyrotechnician's or fireworks (single use) licence is issued by WorkCover by way of the Explosives Regulation 2005 (the Regulation).

The Regulation requires that as a condition of each pyrotechnician's licence and fireworks (single use) licence issued, that the licensee must notify WorkCover and the local council of an intention to use any fireworks, distress signal or model rocket propellant device at least 7 working days before the fireworks, signal or device is to be used (Clauses 48 and 49).

While notice must be given to councils of an intention to use any firework, councils have no power to approve the use of a firework. However, councils may object to or impose conditions on an applicant's use of fireworks.

After receiving notification of the intended use of fireworks, a council may decide to object to the use of the fireworks. If the council decides to object to the use of the fireworks, it will need to inform the pyrotechnician and WorkCover of the decision.

Councils need to be aware that the *Explosives Act 2003* provides for General Licensing Conditions, which state that it is a condition of each pyrotechnician's licence that a notified fireworks display is not to proceed if:

- any of the authorities (eg. local council, police, fire brigade) that are notified of the display raise objections to the display, and
- the licensee has not been able to resolve those objections with the authority.

Issues that a council may take into consideration when deciding whether to object to or impose conditions on a display after receiving notification of the intention to use fireworks as a display include:

1. the appropriateness of the location of the display, eg. proximity to residences, hospitals
2. the reason for the display, eg. is the display in the public interest? (Information on the public interest can be found on the NSW Ombudsman's website at <http://www.ombo.nsw.gov.au/show.asp?id=371>.)
3. the types of firework that are proposed to be used, eg. aerial fireworks (in particular salutes) are considered to have a much greater impact on surrounding areas than ground fireworks. Councils can impose conditions on or restrict or prohibit the use of aerial fireworks.
4. the impact on any affected residents and businesses, eg. has the approval or support of local residents and businesses been sought and obtained?
5. the impact on animal welfare
6. public liability issues
7. noise
8. pollution

9. public nuisance
10. appropriate notification by the applicant to properties neighbouring the proposed display. Council will need to decide what it believes to be a reasonable area of notification.
11. the proposed procedure for the disposal of spent fireworks
12. whether appropriate crowd and traffic management issues have been addressed where the display is likely to draw crowds
13. any local conditions that the council may consider to be relevant.

These matters are covered by a self-assessment Fireworks Display Checklist, available on WorkCover's website. Councils may request the completed checklist, if it has been completed, to assist with the review of the notification.

The WorkCover website contains guidelines, forms and information about the operational conditions for fireworks displays. This information can be found at <http://www.workcover.nsw.gov.au> (Publications/ Licensing, registration and notification/Dangerous goods, explosives, fireworks and pyrotechnics).

In the event of a notification being received by a council within 7 days of a fireworks display (a late notification)

1. Objections should be made to WorkCover no less than 2 working days prior to the date of a notified fireworks display.
2. WorkCover will accept written confirmation from the council that no objections are raised to the display.
3. Where a council is unable to provide WorkCover with a written confirmation that there are no objections to a fireworks display due to the late notification, councils may object to WorkCover on the grounds that there has been insufficient time to assess the notification.
4. In the situation where WorkCover has received no response from a council in regard to a late notification fireworks display 2 days before the due date of the display, WorkCover will inform the applicant that the council has objected to the display and the applicant must contact the council to resolve any objections before the display can proceed.

WorkCover can assist with information and enforcement should councils decide to raise objections when notified of a fireworks display.

For further information, or to inform council's decision on whether council objects to a display or not, WorkCover can be contacted on telephone (02) 4321 5499.