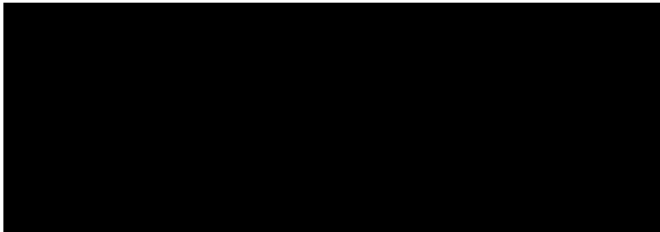




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Information Request – details & conditions of the permit for a fireworks display

I write further to Amelia Dalley's letter to you of 5 July 2018, in which she indicated we would provide further commentary on the sale and use of retail fireworks and also the conduct of pyrotechnic displays, including Fire and Emergency New Zealand's (**Fire and Emergency's**) role in approving aspects of those displays.

Retail fireworks

The sale and use of retail fireworks is primarily controlled by the Hazardous Substances and New Organisms Act 1996 (**HSNO**) and the Hazardous Substances (Fireworks) Regulations 2001 (**Fireworks Regs**).

The key controls under HSNO and the Fireworks Regs are:

- Fireworks can only be sold by retailers from 2 to 5 November (unless an approval is obtained from the Environmental Protection Authority for sale at other times of the year).
- Fireworks cannot be sold to people under the age of 18 years.
- Fireworks displayed for retail sale must be the subject of a certificate issued under the Fireworks Regs.

While retail fireworks can only be purchased between these limited dates, there is no direct restriction on *when* they can be used. Some local authorities do control *where* they can be used, through local bylaws or other controls on public spaces.

Pyrotechnic displays

Pyrotechnic displays tend to involve more powerful explosives than retail fireworks. Pyrotechnics are 'class 1 category G' hazardous substances, that exclude retail fireworks. They are governed by the Health and Safety at Work (Hazardous Substances) Regulations 2017 (**Haz Subs Regs**).

Pyrotechnics are subject to a more stringent range of controls than retail fireworks. For indoor and outdoor pyrotechnic displays, relevant constraints include:

- the pyrotechnics must be under the control of a certified handler with an appropriate certificate of competency
- the pyrotechnics can only be fired into a discharge area, that must comply with certain minimum requirements (including the provision of an exclusion zone)
- WorkSafe New Zealand (**WorkSafe**) must be notified of the proposed display in advance, with sufficient information provided to allow a WorkSafe inspector to contact the person carrying out the display and the approved handler
- various requirements for the conduct of the display must be adhered to.

Fire and Emergency's role in relation to pyrotechnic displays is to:

- (a) specify the firefighting capability that the person conducting the display must provide in the designated exclusion zone; and
- (b) provide its written agreement to the holding of the display, with particular reference for some displays to the firefighting capability required for the designated exclusion zone.

WorkSafe is the agency responsible for enforcing compliance with the Haz Subs Regs.

So long as the various requirements of the Haz Subs Regs are satisfied, there are no timing constraints on the sale of pyrotechnics or as to when pyrotechnic displays can occur.

I hope this information is useful to you. For more information about retail fireworks, you might like to visit <https://epa.govt.nz/assets/Uploads/Documents/Hazardous-Substances/Guidance/Your-Guide-to-Selling-Retail-Fireworks.pdf>. Further information about pyrotechnic displays is available at <https://worksafe.govt.nz/topic-and-industry/hazardous-substances/guidance/substances/explosives/>.

Note that this response (with your personal details removed) may be published on the Fire and Emergency website.

Yours sincerely



Leigh Deuchars
Director, Office of the Chief Executive