



# Legal issues bulletin

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## Fireworks displays in school premises

Fireworks displays are potentially dangerous activities. Safework NSW is responsible for issuing permits for the displays. Principals need to be aware of the following matters when considering the use of fireworks on departmental property.

### What fireworks permits are available?

There are two types of fireworks permits available in New South Wales:

- A one-day display fireworks permit - this applies to a particular display on a specific date.
- a general permit to use display fireworks - this allows a person to put on displays on a regular basis and is valid for one year.

### What types of fireworks are available in NSW?

There are two types of fireworks legally able to be sold in New South Wales. The first type is known as toy fireworks (e.g. sparklers, toy pistol caps, party poppers) and is available unrestricted from retail stores.

The second type is known as display fireworks and availability is restricted to persons 18 years of age or older who possess a fireworks permit.

There are various categories of display fireworks –

- **Ground display** fireworks are those which function primarily on the ground but may project stars or other objects. They include mines, roman candles, lances, fountains and wheels.
- **Aerial** fireworks are designed to burst in the air at either a low or high level and are projected from a mortar by means of a lifting charge. Aerial fireworks may contain stars, comets, serpents, crackers, streamers or other effects. Skyrockets are not classified as aerial fireworks and may only be used with specific permission from Safework NSW.
- **Salutes** are aerial shells that are designed to produce a single loud report on bursting in the air.
- **Close proximity pyrotechnics or theatrical fireworks** are designed for use at close proximity to performers, audiences and structures. They include fountains, flash pots, fireballs and smoke effects.
- **Chinese string** fireworks.

### For what purposes can a fireworks display be held?

Fireworks displays can be held for the following purposes –

- Organised public displays such as community events such as shows, fetes and cultural carnivals. A community event is any event open to the public whether or not for a fee. School fetes are considered community events.

- Theatrical displays such as indoor or outdoor theatrical events, concerts, festivals, ceremonies and performing arts events.
- Technical non-display purposes such as generating noise or smoke to scare birds, rodents or other pests.

### What conditions apply to fireworks displays?

With the exception of New Year's Eve (1am), all fireworks displays must be completed by 9.30pm. Prior to any approval being given by Safework NSW, written permission from property owners and neighbours likely to be affected by the display and the local council authority must be obtained. The local police, council, fire brigade and neighbours must be separately notified of the proposed display and its expected duration at least two days prior to the display. The licenced fireworks operator is responsible for ensuring relevant authorities are notified.

Fireworks displays must not be held within 50 metres of any building, shed, car, tent or shelter or 30 metres of any spectator. If aerial fireworks are being used, the exclusion zone will vary depending on the size of the shell being used. The minimum distance will be 30 metres (for shells of less than 75mm) up to 200 metres + (for shells of 300mm or more). If the aeriels are being fired at an angle of more than 20 degrees to the vertical, this minimum exclusion distance is doubled. Unless the consent of the relevant governing body is obtained, a display must not be held within 250 metres of any hospital, nursing home, school or church. Under no circumstances should a display be held within 250 metres of any place where explosives or inflammable liquids are stored above ground.

### What obligations does the licenced fireworks operator have?

The person must be licenced by Safework NSW and have appropriate experience or training in the safe use of fireworks. The permit must be at the site during the display and it must be retained for a period of three months after the display in case of any complaint.

The person who holds the permit to conduct the fireworks display must:

- be at least 18 years of age and have adequate training and experience in the use of fireworks
- have good reason for holding the display
- have appropriate public liability insurance cover
- complete a full written risk assessment that ensures the safety of all persons, property and animals that may be affected by the fireworks event
- arrange for all assistants to be provided with appropriate safety equipment and clothing
- ensure that at least two persons, one of whom is the permit holder, are constantly on duty during the discharging of the fireworks
- ensure that the minimum safety distances and requirements are complied with
- arrange for a search to be made of the site immediately after the display for any fireworks that have misfired
- after a night time display, ensure the site is again searched as soon as possible the next day to ensure all misfired fireworks have been recovered
- ensure all misfired fireworks are properly disposed of - ie preferably by soaking each firework in water for at least 12 hours and then burying.

### Can I use fireworks used as part of an educational activity?

The department's [Chemical Safety in Schools policy](#) (section 3.1.5.3) limits the use of fireworks in schools to special effects in creative arts as part of major school performances. Large scale fireworks are required to be undertaken by specialist contractors.

Principals must ensure that all relevant permits have been obtained and that the person acting as supervisor of the display has undergone relevant fireworks handling training prior to seeking a permit from Safework NSW. Authorised fireworks suppliers can provide the necessary training and issue relevant certification that the training has been undertaken. Proof of training will be necessary prior to Safework NSW issuing any fireworks display permits.

Principals must ensure that the quantity of fireworks purchased is such that they will all be used as part of the planned activity. This will ensure minimum storage time on the school site. Arrangements should be made to have any fireworks purchased delivered to the school site rather than have departmental staff transport them.

Misfired or unused fireworks are to be disposed of in accordance the manufacturer's instructions.

## Can school staff conduct a fireworks display for non-educational activities?

No. Principals should ensure departmental officers do not conduct fireworks displays in non-educational activities.

Prior to allowing a fireworks display to be held on departmental premises, principals must ensure that all relevant Safework NSW permits have been obtained, appropriate public liability insurance coverage is held by the fireworks display supervisor and that the display supervisor holds the appropriate licence. Principals must ensure they sight any written risk assessments completed by the display supervisor before giving any final permission for the display to proceed on departmental premises or as part of a departmental activity.

Any public liability coverage held by the display supervisor should include the department as a co-insured for the purposes of the display. The display supervisor is to be responsible for transporting the fireworks to the site and any unused or misfired fireworks must be collected by the display supervisor and disposed of off the departmental site. Fireworks should not be stored on the site prior to or after the event.

Application forms for permits are available from all [Safework NSW website](#).

## About Legal Services

Legal Services is here to support our government schools. **Staff can contact Legal Services by email or phone.**

Legal Services can only provide legal advice to departmental staff. It is not able to provide legal advice or assistance to parents, students or members of the public due to the potential for a conflict of interest.