

Queensland Fireworks Product Safety Code

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Queensland Fireworks Product Safety Code

1. Scope

1.1 Products

This Code shall apply to all fireworks used in Queensland for outdoor and close proximity fireworks displays. Unless otherwise stated, it excludes:

- (a) marine distress signals;
- (b) unrestricted fireworks (refer Schedule 6 of the Queensland Explosives Regulation 2003)
- (c) special effects pyrotechnics; and
- (d) fireworks approved to be manufactured, possessed, sold, stored, transported or used for trial, experiment or examination pursuant to Section 12 of the *Explosives Act 1999*.

1.2 Application

This Code provides the minimum requirements for batch (lot) identification, product traceability and product safety testing for fireworks. This Code has legal authority under the *Explosives Act 1999* and the *Explosives Regulation 2003*. Should there be any inconsistency between the *Explosives Act*, the *Explosives Regulation* and this Code, the *Explosives Act* and the *Explosives Regulation* shall prevail to the extent of the inconsistency.

This code should be read in conjunction with the *Queensland Fireworks Product Safety Sampling and Test Standard*.

2. Terms and Definitions

For the purpose of this Code, unless the contrary intention appears:

“batch (Lot) identifier” means a unique combination of letters, numbers, or both, assigned to identify a single firework batch;

“certified tester” means a person who holds a current Queensland Approval to test fireworks product safety;

“firework batch (lot)” means a group of fireworks of a single type, calibre and effect which are manufactured from a single production run. Where this cannot be established, the batch will be a group of fireworks of a single type from a single shipped consignment;

“firework type” means a class of similar fireworks with a unique form, size, agreed function and effect;

“licensed importer” means a person who holds an authority to import explosives pursuant to the Explosives Act 1999;

“licensed manufacturer” means a person who holds an authority to manufacture explosives pursuant to the Explosives Act 1999;

“licensed user” means a person who holds an authority to use fireworks pursuant to the Explosives Act 1999;

“outer package” means a packaging that forms the outer protection of a composite or combination packaging; and includes any absorbent material, cushioning and other components used to contain or protect inner receptacles, inner packagings, or product; (refer to 4 (2))

“person” includes an individual and a corporation;

“provider” is a person responsible for identifying fireworks by product and batch(lot), and supplying a Conformance Certificate Number. For fireworks directly imported to Queensland, the provider is the licensed importer. For fireworks manufactured by a licensed manufacturer, the provider is the licensed manufacturer. The provider for all other fireworks is the licensed fireworks contractor or the licensed seller;

“representative sample” – as defined in standard

“sell” includes:

- (a) sell by wholesale or retail;
- (b) supply in trade or commerce or under an arrangement;
- (c) agree, attempt or offer to sell;
- (d) keep or expose for sale; and
- (e) cause or permit to be sold; and

“type identifier” means a unique name, which may include a part or catalogue number, which describes a firework type.

3. Type and Batch (lot) Identification

The provider shall ensure that:

- (a) each firework type is assigned a unique type identifier, and
- (b) each firework batch (lot) is assigned a unique batch (lot) identifier. (The batch (lot) identifier can be the date of manufacture, date of packing or date of arrival in Australia.) as soon as practicable after import, after manufacture or before submission for testing.

4. Product Traceability

- (1) The provider shall ensure that each firework is clearly marked with:
 - (a) the type identifier applicable to that firework,
 - (b) the batch lot identifier applicable to that firework, and
 - (c) the Conformance Certificate Number applicable to the batch.
- (2) Marking required by 4(1) is not required where the sole contents of an outer package are fireworks of the same type and from the same batch. In this case, the outer package shall be clearly marked with the type and batch identifiers applicable to the contents of the outer package.
- (3) Marking required by 4(1) is not required where mixed types of fireworks are sold in an outer package, and the seller ensures that a record stating the type and batch of these fireworks are supplied with the outer package.
- (4) Providers, licensed sellers and fireworks contractors shall retain records of the quantity, type and batch identifiers of all fireworks imported, manufactured, sold or used for at least five years after the fireworks are imported, manufactured, sold or used.
- (5) The testing facility will keep records including visual ones of the tests for a minimum of five years after the date of testing.
- (6) Records of testing will only be made available to the person or persons requesting the testing. Under an instruction from the Chief Inspector of Explosives, records may be released by the testing authority for purposes as determined by the Chief Inspector.

5. Conformance Certificate Number

- (1) The Conformance Certificate is a document that certifies that the representative sample that has been presented to the tester for evaluation has been found not to have any critical non-conformances.
- (2) The provider shall obtain a unique Conformance Certificate Number for each fireworks batch(lot) before those fireworks are sold (if the provider is a licensed importer, manufacturer or seller) or used (if the provider is a fireworks contractor).
- (3) The Compliance Certificate Number shall be issued by a certified tester under an approval issued by the Queensland Chief Inspector of Explosives.
- (4) All the fireworks contained in one batch(lot) will have the same Conformance Certificate Number.

6. Product Sampling

- (1) The provider shall ensure that a representative sample of a fireworks batch intended for sale in Queensland is supplied to a certified tester for testing.
- (2) The size and composition of the sample in 6(1) shall be determined using the *Queensland Fireworks Product Safety Sampling and Test Standard*.

7. Product Testing

- (1) A fireworks sample supplied for test as defined in 6(1) shall be tested by a certified tester.
- (2) A certified tester or person testing fireworks on behalf of the certified tester must possess a current authority to test fireworks product safety issued by the Chief Inspector of Explosives.
- (3) The certified tester shall test the fireworks batch sample to the stipulations and conforming to the processes as set out in the *Queensland Fireworks Product Safety Sampling and Test Standard*.
- (4) If the fireworks batch passes the test defined in 7(3), the certified tester shall issue a Certificate of Compliance for the batch. The Certificate of Compliance shall contain at least the following information:
 - (a) A title “Certificate of Compliance – Fireworks Product Safety”
 - (b) the name and address of the certified tester;
 - (c) the name and address of the provider;
 - (d) the date of the test;
 - (e) the expiry date of the approval to test fireworks product safety (where relevant);
 - (f) the type identifier and batch (lot) identifier applicable to the tested fireworks batch;
 - (g) a unique Compliance Certificate Number, comprising the following elements:
 - (1) the identification of the approved testing facility, ;
 - (2) a unique sequential four digit number for the test, assigned by the Tester, commencing at “0001” at the beginning of the calendar year; and
 - (3) the current calendar year;

(h) the statement: “The type and batch of fireworks identified in this Certificate has been sampled and tested in accordance with the *Queensland Fireworks Product Safety Sampling and Test Standard* and conforms with that standard.”

(i) the name, function and signature of the certified tester or a person authorised to sign on the certified tester’s behalf.

8. Rejected Product

- (1) It is the responsibility of the provider to ensure that all fireworks of a batch (lot) that fails product testing are quarantined and disposed of as soon as practicable after test.
- (2) The provider shall keep records of the quantity, type and batch (lot) of all fireworks, which fail product testing for at least five years after the fireworks are tested.

9. Approval to Test Fireworks Product Safety

- (1) A person or agency may apply to the Chief Inspector of Explosives for an approval to test fireworks product safety. Subsequent to this application, the Chief Inspector of Explosives may issue an approval to test the compliance of fireworks to the Queensland Fireworks Product Safety Code to a person or agency, provided that person or agency :
 - (a) passes a certification audit conducted by an Inspector of Explosives against the requirements of Australian Standard AS ISO/IEC 17025-1999 *General requirements for the competence of testing and calibration laboratories* relating to the sampling and testing of fireworks in accordance with the *Queensland Fireworks Product Safety Sampling and Test Standard*, and;
 - (b) holds an authority, or employs a person who holds an authority, to test the type of fireworks proposed for testing.
- (2) An approval to test fireworks product safety will be current for three years from the date of issue. The approved tester may be re- approved for additional three year periods by the Chief Inspector of Explosives, subject to meeting the requirements of 9(1).
- (3) The Chief Inspector of Explosives may revoke the approval to test fireworks product safety at any time if:
 - (a) the approved tester does not continue to meet the requirements of AS ISO/IEC 17025-1999; or

- (b) the approved tester, or the person testing the fireworks on behalf of the approved tester, does not continue to hold an authority to test fireworks; or
- (c) the approved tester does not conduct the testing in accordance with the Queensland Fireworks Product Safety Sampling and Test Standard; or
- (d) the Chief Inspector of Explosives reasonably believes that continued testing may give rise to a dangerous situation; or,
- (e) the certified tester contravenes a provision of the *Explosives Act 1999* or the *Explosives Regulation 2003*.

10. Referenced Documents

This Code refers to the following documents:

AS ISO/IEC 17025-1999 General requirements for the competence of testing and calibration laboratories

Queensland Explosives Act 1999

Queensland Explosives Regulation 2003

Queensland Fireworks Product Safety Sampling and Test Standard.