Should the law regarding the use of fireworks by the general public in the Northern Territory be changed?
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Executive Summary:

Due to the increase in injuries; call outs by the fire department and lost/injured animals found by the RSPCA; the debate on the private use of fireworks on the 1st July continues. The argument on whether the law should be changed is an increasingly discussed topic throughout the Northern Territory (N.T) community and is highlighted through public concern presented in the media. Although the number and severity of injuries has remained similar between 2002-2010, consequences of the day are still present; it needs to be determined what number of injuries; trauma on animals and fire call outs is to be tolerated before the law needs to be changed. Not only do frequent injuries occur, but the Territory Day private use of fireworks also continues to place a strain on public resources both financially and physically.

Current laws:

The N.T alongside the (Australian Capital Territory) A.C.T were the two remaining states/territories in Australia which had not abolished the private use of fireworks until August 2009 when ACT joined the rest of Australia; therefore leaving the Northern Territory as the only state/territory in Australia which has not abolished the private use of fireworks. The Dangerous Goods Regulation in the N.T states that a person may buy shop good fireworks during a designated period which has been appointed by the Minister and published in the Gazette. Section 140 discusses the legal possession and ignition of fireworks:

140 Possession and ignition of fireworks

(1) The Minister may, by Gazette notice, approve a period of time (referred to as the approved period) during which a person may possess, throw, ignite or explode shop goods fireworks.

(2) A person (other than a permit holder under regulation 141 or 143) may only throw, ignite or explode a firework:

(a) If the firework is a shop goods firework; and

(b) During the approved period (1st July).

(3) A person must not throw, ignite or explode a firework in a way likely to damage property or injure a person or animal.

Arguments for the change:

According to the Northern Territory Disease Control Bulletin 2010, in 2010 alone there were 13 cases of reported injuries as a result of firework use, with 12 of them being burns (this statistic does not include those injuries which were not reported to N.T health services) (See appendix 1).

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2 Dangerous Goods Regulation, Division 15, Section 139.
3 Dangerous Goods Regulation, 2003, Division 15, Section 140.
Unfortunately, most of this was due to individual negligence and misuse while participating in firework displays. This negligence included:

- Holding a firework while igniting it.
- Aiming the firework in the wrong direction.
- Intentional injuries (e.g., placing the firework in another individual’s pocket).

The results concluded that 5 of these people who were injured was a result of them mishandling the firework, however a more startling fact is that the other 8 injuries were caused by bystanders who had no direct involvement in the use of the firework. Therefore; people wishing to use public areas are having their safety put at risk because of the carelessness of a minority. This behaviour of individuals is unlawful as stated in the Dangerous Goods Regulation:

_A person must not throw, ignite or explode a firework in a way likely to damage property or injure a person or animal_.

Territory day (1st July) forces the fire department to be pushed to their limit and attend over 150 incidents; therefore extra staff are needed which in turn means more wages to be filled from public finances. Territory Day celebrations fall during the dry season (approximately May-October), which in the Northern Territory is also when there is a high risk for fires. This is due to the fact that there are high fuel loads and extremely dry surroundings; therefore a simple firework can cause a large fire.

Another organisation that suffers from the private use of fireworks is the RSPCA, who work for weeks after Territory Day caring for newly strayed animals. Through an interview I conducted with the coordinator for the RSPCA it was found that out of the total amount of animals (primarily dogs) which are taken into the care of the RSPCA due to Territory Day fireworks, only 70% are returned to their original owners. Therefore, the strain it places upon the resources of this organisation, which are already limited, is significant. The private use of fireworks in residences combined with pet owners going out on this night results in numerous animals becoming frightened and running away. This can result in road accidents; causing injuries to motorists and often deaths in animals (dogs). The RSPCA was quick to conclude that there needs to be a change in the law, “The only possible reason it should remain the same is if there is more control over individuals who are misusing fireworks; also pet owners need to take greater responsibility for their pets on the day.

Arguments against the change:

Many people strongly believe that there should not be a change in relation to the legislation about fireworks in the Northern Territory. _It is what makes the N.T unique_; often the reason people locate here, is because the N.T is so different from the rest of Australia. It can be said that there is a greater

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5 Dangerous Goods Regulation, Division 15, section 140, sub-section (3).


8 , (Coordinator for the RSPCA-Northern Territory), 2011, Animals and the public use of fireworks: What are the consequences?, (interview), 3rd June 2011.

9 , (Coordinator for the RSPCA-Northern Territory), 2011, Animals and the public use of fireworks: What are the consequences?, (interview), 3rd June 2011.
feeling of freedom across the Northern Territory. However, the so called need to conform to the ‘norms’ of the rest of Australia have been made evident through changes in other laws which were unique to the N.T. Furthermore the push for the N.T to conform to that of the rest of Australia can be viewed as somewhat ironic. Australia has always believed in independence which is evident through our attempts to distance ourselves from our British heritage; yet it is discouraged among states/territories. Why should the N.T conform to the rest of Australia? What is wrong with being uniquely Territorian? Politicians are the main body pushing for the ban; therefore raising the question is it conformity that they are concerned about or the issue itself?

The positive effects of Territory day are rarely talked about; the fact that the day is a celebration that not only Territorians anticipate, but other Australians travel to the Territory for. Territory Day is a celebration and symbol which marks the commencement of Self Government in the Territory. The day encourages the unity of community members who often combine finances in order to create a larger street display of fireworks. This has been highlighted in numerous letters to the editor present in the NT Newspaper written by locals and those visiting. An excellent example is one written by a visitor from South Australia, “Our first cracker night. Fantastic fun. If you don’t like it stay home! Simple! We had a blast!”

It cannot be denied that injuries still do occur as a result of the private use of fireworks; however, in the majority of cases reported to medical clinics, it has been the misuse and idiotic behaviour of a small minority which have caused injuries and property damage. Therefore it needs to be considered whether to ban the private celebrations altogether or increase punishments for those ruining it for the majority. “Ban idiots, not fireworks.”

Conclusion:

The current legislation allows the private use of fireworks, which has also been correlated with the statistics that despite frequent misconception, the injury rate during this period has actually been decreasing. Territory day celebrations throughout 1999 resulted in 24 recorded injuries as a consequence of private firework use, compared to 14 cases in 2002. This was slightly reduced in 2010 with 13 cases being reported to medical clinics across the Territory, 11 of which were male and


2 female (See appendix 3). The majority of these incidents (12 out of the 13) were not severe and were classified as moderate burns\(^{14}\).

The reoccurring issues on Territory day and the weeks surrounding it is what continually keeps the issue relevant to the current society. Through the research conducted and the public opinions, which are commonly represented in local news forums such as the *Northern Territory News*; highlight the fact that it is not the private use of fireworks which the community finds is necessarily the problem, but rather the misuse by a minority. "...Have some respect for a unique territory day! Grow up before u ruin it for everyone"\(^{15}\), is the common opinion put forward on the issue from the community.

**Recommendations:**

Through the research conducted, particularly in relation to the current laws stated in the *Dangerous Goods Act and Dangerous Goods Regulation*, it is recommended that the laws legalising the private use of fireworks on Territory Day (1\(^{st}\) July) across the Northern Territory not be changed. It would be more beneficial for the community to increase the penalties for those who misuse fireworks. It would also be valuable for pet owners to increase precautions taken surrounding the event to minimise the consequences of the day. Overall this would result in:

- Decrease in injuries (both for people and animals)
- Reduced risk for bystanders
- Less strain on public resources
- A more harmonious Territory Day

**Synthesis (S1)**

The conclusion and recommendations present an insightful synthesis of knowledge and ideas to produce a resolution to the question. The answer not only presents an argument to keep the laws as they are but makes recommendations about how this could be successfully achieved.

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**Additional Comments**

This response is an A– grade.


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# Stage 2 Research Project B Performance Standards

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<td>D1 Thorough and highly resourceful development of the research. D2 In-depth analysis of information and exploration of ideas to develop the research. D3 Highly effective development of knowledge and skills specific to the research question. D4 Thorough and informed understanding and development of one or more capabilities.</td>
<td>S1 Insightful synthesis of knowledge, skills, and ideas to produce a resolution to the research question. S2 Insightful and thorough substantiation of key findings relevant to the research outcome. S3 Clear and coherent expression of ideas.</td>
<td>E1 Insightful evaluation of the research processes used, specific to the research question. E2 Critical evaluation of decisions made in response to challenges and/or opportunities specific to the research processes used. E3 Insightful evaluation of the quality of the research outcome.</td>
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<td>D1 Considered and mostly resourceful development of the research. D2 Some complexity in analysis of information and exploration of ideas to develop the research. D3 Effective development of knowledge and skills specific to the research question. D4 Informed understanding and development of one or more capabilities.</td>
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<td>D1 Satisfactory development of the research. D2 Satisfactory analysis of information and exploration of ideas to develop the research. D3 Satisfactory development of knowledge and skills specific to the research question. D4 Satisfactory understanding and development of one or more capabilities.</td>
<td>S1 Satisfactory synthesis of knowledge, skills, and ideas to produce a resolution to the research question. S2 Substantiation of some key findings relevant to the research outcome. S3 Generally clear expression of ideas.</td>
<td>E1 Recount with some evaluation of the research processes used. E2 Some evaluation, with mostly description of decisions made in response to challenges and/or opportunities specific to the research processes used. E3 Satisfactory evaluation of the quality of the research outcome.</td>
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<td>D P1 Basic consideration and identification of a broad research question. P2 Partial planning of research processes that may be appropriate to the research question.</td>
<td>D1 Development of some aspects of the research. D2 Collection rather than analysis of information, with some superficial description of an idea to develop the research. D3 Superficial development of some knowledge and skills specific to the research question. D4 Basic understanding and development of one or more capabilities.</td>
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