

Research Project
Assessment type 2: Research Outcome

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.

Synthesis (S3)

Clear and coherent expression of ideas is illustrated by the fluent, concise language and logical explanation of the purpose of this research.

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 2009¹ 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 Gazette². 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 animal³.

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 burns⁴ (this statistic does not include those injuries which were not reported to N.T health services) (See appendix 1).

¹Author unknown, 26th August 2009, *NT News*,

http://www.ntnews.com.au/article/2009/08/26/78901_ntnews.html, viewed 27th July 2011.

² *Dangerous Goods Regulation*, Division 15, Section 139.

³ *Dangerous Goods Regulation*, 2003, Division 15, Section 140.

⁴ Edwards L & Skov S, September 2010, *Firework-related injury survey report 2010*,

[http://www.health.nt.gov.au/library/scripts/objectifyMedia.aspx?file=pdf/51/29.pdf&siteID=1&str_title=Bulletin September 2010.pdf](http://www.health.nt.gov.au/library/scripts/objectifyMedia.aspx?file=pdf/51/29.pdf&siteID=1&str_title=Bulletin%20September%202010.pdf), viewed 9th June 2011.

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 (Eg: 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 to 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 animal⁵.

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 finances⁶. 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 fire⁷.

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 owners⁸. 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"⁹; 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

Synthesis (S2)

Key findings including
- the misuse of fireworks
- the financial cost to the fire department
- RSPCA considerations are clearly explained and insightful.

Synthesis (S2)

Each piece of evidence is substantiated with reference to official documentation or primary evidence from experts in the field collected via an interview.

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

⁶ H B, 2011, Fire Fighter, *Public use of Fireworks*, (interview), 1st June 2011.

⁷ H B, 2011, Fire Fighter, *Public use of Fireworks*, (interview), 1st June 2011.

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 Territory¹⁰. 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!"¹¹

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"¹².

Conclusion:

The current legislation allows the private use of fireworks, which has also been correlated with the statistics that despite frequent misconceptions, 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 2002¹³. This was slightly reduced in 2010 with 13 cases being reported to medical clinics across the Territory, 11 of which were male and

Synthesis (S2)

A range of insightful key findings about the uniqueness of the Northern Territory. Not all of these are specifically substantiated although it is implied that news articles support the findings.

Synthesis (S3)

Written expression is clear and coherent throughout the entire outcome. Ideas are fluently and concisely expressed.

¹⁰ Author unknown, 2010, *Northern Territory Government: Department of the Chief Minister*, http://www.dcm.nt.gov.au/strong_service_delivery/supporting_government/official_symbols_and_protocol/territory_day, viewed 6th June 2011.

¹¹ Author unknown, 9th July 2008, *Northern Territory News*, http://www.ntnews.com.au/article/2008/07/09/4610_ntnews.html, viewed 13th June 2011.

¹² Author unknown, 9th July 2008, *Northern Territory News*, http://www.ntnews.com.au/article/2008/07/09/4610_ntnews.html, viewed 13th June 2011.

¹³ Krause V (editor), *Centre for Disease Control (Northern Territory)*, 3rd September 2002, http://www.health.nt.gov.au/library/scripts/objectifyMedia.aspx?file=pdf/11/96.pdf&siteID=1&str_title=Bulletin%20September%202002.pdf viewed 19th July 2011.

2 female (See appendix 3). The majority of these incidents (12 out of the 13) were not severe and were classified as moderate burns¹⁴.

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 (1st 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.

Additional Comments

This response is an A- grade.

¹⁴ Edwards L & Skov S, September 2010, *Centre for Disease Control*, http://www.health.nt.gov.au/Centre_for_Disease_Control/Publications/NT_Disease_Control_Bulletin/index.aspx, viewed 20th July 2011.

¹⁵ Author unknown, 9th July 2008, *Northern Territory News*, http://www.ntnews.com.au/article/2008/07/09/4610_ntnews.html, viewed 20th July 2011.

Bibliography:

Legislation:

Dangerous Goods Act, (31st March) 2011

Dangerous Goods Regulation, (13th April 2011), Division 15.

Darwin City Council, By-Laws, Part 2, Division 4, 2009.

Books:

Alderson P, 2006, *Legal Dictionary (For Australians)*, McGraw, Australia.

Bailey G, 2008, *Legal Studies stage 2: Key ideas (essential)*, Adelaide, Australia.

Bailey G, Bash B, Cavouras P & Rieuwers F, 2005, *Legal Studies stage 1: Key ideas (essential)*, Adelaide, Australia.

Websites

Author unknown, July 2011, *Dangerous Substances (Explosives) Regulation 2004 (A.C.T)*,
<http://www.legislation.act.gov.au/si/2004-10/current/pdf/2004-10.pdf>, viewed 29th February 2011

Author unknown, 2011, *Legislation-By Alpha*,
<http://notes.nt.gov.au/dcm/legislat/legislat.nsf/d989974724db65b1482561cf0017cbd2?OpenView&Start=1&Count=300&Expand=4#4>, viewed 6th June 2011.

Author unknown, 2010, *Northern Territory Government: Department of the Chief Minister*,
http://www.dcm.nt.gov.au/strong_service_delivery/supporting_government/official_symbols_and_protocol/territory_day, viewed 6th June 2011.

Author unknown, 2007, *Northern Territory Explanatory Statements*,
http://www.austlii.edu.au/au/legis/nt/bill_es/tlpab2007509/es.html, viewed 20th July 2011.

Author unknown, 9th July 2008, *Northern Territory News*,
http://www.ntnews.com.au/article/2008/07/09/4610_ntnews.html, viewed 13th May 2011.

Author unknown, 26th August 2009, *NT News*,
http://www.ntnews.com.au/article/2009/08/26/78901_ntnews.html, viewed 27th July 2011.

Author unknown, *NT Worksafe, 8th July 2010*,
<http://www.worksafe.nt.gov.au/corporate/bulletins07.shtml>, viewed 28th February 2011

Edwards L & Skov S, September 2010, *Firework-related injury survey report 2010*,
[http://www.health.nt.gov.au/library/scripts/objectifyMedia.aspx?file=pdf/51/29.pdf&siteID=1&str_title=Bulletin September 2010.pdf](http://www.health.nt.gov.au/library/scripts/objectifyMedia.aspx?file=pdf/51/29.pdf&siteID=1&str_title=Bulletin%20September%202010.pdf), viewed 9th June 2011.

Krause V (editor), *Centre for Disease Control (Northern Territory)*, 3rd September 2002,
http://www.health.nt.gov.au/library/scripts/objectifyMedia.aspx?file=pdf/11/96.pdf&siteID=1&str_title=Bulletin%20September%202002.pdf viewed 28th February 2011.

Stage 2 Research Project B Performance Standards

	Planning	Development	Synthesis	Evaluation
		Assessment Type 1: Folio		
			Assessment Type 2: Research Outcome	
				Assessment Type 3: Evaluation
A	<p>P1 Thorough consideration and refinement of a research question.</p> <p>P2 Thorough planning of research processes that are highly appropriate to the research question.</p>	<p>D1 Thorough and highly resourceful development of the research.</p> <p>D2 In-depth analysis of information and exploration of ideas to develop the research.</p> <p>D3 Highly effective development of knowledge and skills specific to the research question.</p> <p>D4 Thorough and informed understanding and development of one or more capabilities.</p>	<p>S1 Insightful synthesis of knowledge, skills, and ideas to produce a resolution to the research question.</p> <p>S2 Insightful and thorough substantiation of key findings relevant to the research outcome.</p> <p>S3 Clear and coherent expression of ideas.</p>	<p>E1 Insightful evaluation of the research processes used, specific to the research question.</p> <p>E2 Critical evaluation of decisions made in response to challenges and/or opportunities specific to the research processes used.</p> <p>E3 Insightful evaluation of the quality of the research outcome</p>
B	<p>P1 Consideration and some refinement of a research question.</p> <p>P2 Considered planning of research processes that are appropriate to the research question.</p>	<p>D1 Considered and mostly resourceful development of the research.</p> <p>D2 Some complexity in analysis of information and exploration of ideas to develop the research.</p> <p>D3 Effective development of knowledge and skills specific to the research question.</p> <p>D4 Informed understanding and development of one or more capabilities.</p>	<p>S1 Considered synthesis of knowledge, skills, and ideas to produce a resolution to the research question.</p> <p>S2 Substantiation of most key findings relevant to the research outcome.</p> <p>S3 Mostly clear and coherent expression of ideas.</p>	<p>E1 Considered evaluation of the research processes used, specific to the research question.</p> <p>E2 Some complexity in evaluation of decisions made in response to challenges and/or opportunities specific to the research processes used.</p> <p>E3 Considered evaluation of the quality of the research outcome</p>
C	<p>P1 Some consideration of a research question, but little evidence of refinement.</p> <p>P2 Satisfactory planning of research processes that are appropriate to the research question.</p>	<p>D1 Satisfactory development of the research.</p> <p>D2 Satisfactory analysis of information and exploration of ideas to develop the research.</p> <p>D3 Satisfactory development of knowledge and skills specific to the research question.</p> <p>D4 Satisfactory understanding and development of one or more capabilities.</p>	<p>S1 Satisfactory synthesis of knowledge, skills, and ideas to produce a resolution to the research question.</p> <p>S2 Substantiation of some key findings relevant to the research outcome.</p> <p>S3 Generally clear expression of ideas.</p>	<p>E1 Recount with some evaluation of the research processes used.</p> <p>E2 Some evaluation, with mostly description of decisions made in response to challenges and/or opportunities specific to the research processes used.</p> <p>E3 Satisfactory evaluation of the quality of the research outcome</p>
D	<p>P1 Basic consideration and identification of a broad research question.</p> <p>P2 Partial planning of research processes that may be appropriate to the research question.</p>	<p>D1 Development of some aspects of the research.</p> <p>D2 Collection rather than analysis of information, with some superficial description of an idea to develop the research.</p> <p>D3 Superficial development of some knowledge and skills specific to the research question.</p> <p>D4 Basic understanding and development of one or more capabilities</p>	<p>S1 Basic use of information and ideas to produce a resolution to the research question.</p> <p>S2 Basic explanation of ideas related to the research outcome.</p> <p>S3 Basic expression of ideas.</p>	<p>E1 Superficial description of the research processes used.</p> <p>E2 Basic description of decisions made in response to challenges and/or opportunities specific to the research processes used.</p> <p>E3 Superficial evaluation of the quality of the research outcome</p>
E	<p>P1 Attempted consideration and identification of an area for research.</p> <p>P2 Attempted planning of an aspect of the research process.</p>	<p>D1 Attempted development of an aspect of the research.</p> <p>D2 Attempted collection of basic information, with some partial description of an idea.</p> <p>D3 Attempted development of one or more skills that may be related to the research question.</p> <p>D4 Attempted understanding and development of one or more capabilities.</p>	<p>S1 Attempted use of an idea to produce a resolution to the research question.</p> <p>S2 Limited explanation of an idea or an aspect of the research outcome.</p> <p>S3 Attempted expression of ideas.</p>	<p>E1 Attempted description of the research process used.</p> <p>E2 Attempted description of decisions made in response to a challenge and/or opportunity specific to the research processes used.</p> <p>E3 Attempted evaluation of the quality of the research outcome</p>