

Memo

Date: 13 February 2018

To: Stephen Town, Chief Executive
Copy: Sandra O'Toole, Team Leader Governance Advisors
From: Councillor Dr Cathy Casey

Subject: NOTICE OF MOTION

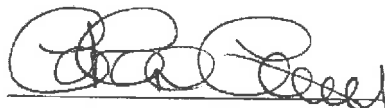
In terms of Auckland Council's standing order 2.5.1, relating to Notices of Motion, I propose to move the following motion at the meeting of the Governing Body on 22 February 2018.

Notice of Motion

That the Governing Body:

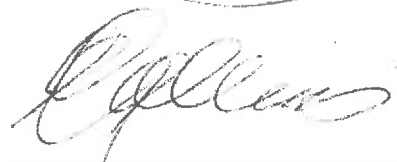
- a) Requests the NZ Government to introduce legislation to ban the sale of fireworks to the general public and end their private use.

Moved by



Councillor Dr Cathy Casey

Seconded by



Councillor Fa'anana Efeso Collins

Summary

Auckland Council's Regulatory Committee is reviewing the Public Safety and Nuisance Bylaw which regulates activity in public places. Last week, the committee considered the issue of fireworks noting that the council can only regulate for fireworks being set off in public places. Our current bylaw bans the use of fireworks in public places.

Auckland Council compliance staff are supportive of a ban on the private sale and use of fireworks. A ban would significantly reduce the number of bylaw complaints about private fireworks received by Council. There would be a similar reduction in noise complaints regarding fireworks being set off on private property. A ban would significantly reduce the demand for council resources, effectively saving ratepayers money.

The sale of fireworks to the public is illegal in every Australian jurisdiction (except the Northern Territories and Tasmania where severe restrictions on sale and use are in place). Most states introduced the bans in the 1980s due to concerns over the safety of people and animals.

In New Zealand, responsibility for regulating the sale of fireworks rests with Worksafe New Zealand and regulating the use of fireworks on private land rests with the NZ Police.

It was pointed out during the Regulatory Committee discussion that Auckland Council could advocate to the new Government to introduce a ban on the private sale and use of fireworks.

Recent history

In 2015, the last Government received a petition of almost 32,000 signatures calling for a ban on the sale of fireworks to the general public. The petition said that fireworks cause unnecessary distress and injury to people, animals, birds and livestock. It was supported by the SPCA, SAFE and the NZ Veterinarians Association. The petition also noted that the fireworks "season" puts huge pressure on emergency services through unnecessary fires, property damage and injuries through the misuse of fireworks. The petition was supported by NZ Fire and Emergency. There were 516 fireworks-related injury claims in 2016.

The last Government chose not to support the petition for a ban on private sale and use of fireworks.

Comment from key stakeholders

Petition of 32,000 presented to Parliament in 2015

"We have a duty of care to animals, both urban and wild, our right to be entertained in our backyard should not supercede their rights to a safe and fear-free environment."

<https://www.change.org/p/ban-private-use-of-fireworks-and-allow-public-display-only-in-new-zealand-by-2014>

The 2007 amendment to the regulations was a result of this investigation. The period of time retailers can sell fireworks to the public has been reduced to the four days prior to and including 5 November. The legal age of purchase has been raised to 18 years. The 2007 amendments have also decreased the explosive content of fireworks sold by retailers to reduce noise and the number of nuisances raised. The destructive use of sparklers in the form of a 'sparkler bomb' was addressed by preventing sparklers from being sold separately from assorted fireworks packs.

Selling and storing fireworks

Under the Hazardous Substances and New Organisms Act 1996, the following regulations are in effect concerning the sale and storage of fireworks:

- retail sales are permitted from 2 - 5 November inclusive
- sales are restricted to people 18 years and over
- fireworks for sale must be stored out of direct contact with the public and out of direct sunlight - behind counter or under glass is preferred
- 'bangers' and 'sky rockets' are banned from retail sale and may be used only under a permit from an Inspector of Explosives.

Selling fireworks in a public place

Auckland Council does not control:

- when or where fireworks can be sold (unless on public land)
- who they are sold to
- how they are used.

This is dealt with by Worksafe New Zealand.

Public Firework Displays

If the Government decides to ban the sale and private use of fireworks in New Zealand, local councils should hold and encourage free public displays for appropriate occasions.

Public Statement from Councillor Casey

In 2013 I was appointed as the SPCA's ambassador on Auckland Council. It is in this role (and as a member of SAFE) that I ask for your support for this Notice of Motion. There is a mood for change in New Zealand with regard to fireworks and Auckland Council should be leading the way in minimising harm to people and animals living in our city.

<http://auckland.scoop.co.nz/2013/03/spca-auckland-council-ambassador-appointed/>

SPCA

"The public has known for many years that private fireworks are a danger to both people and animals ... The short sale period doesn't stop people lighting fireworks for months after Guy Fawkes ... Fireworks are traumatic for animals. The loud, unexpected bangs are distressing for many animals. It can cause them to run away creating more safety issues for people and animals."

<https://www.rnzspca.org.nz/news/38-press-releases/294-opposition-mounts-as-rodeo-season-begins-4>

NZ Veterinarians Association

"A ban would improve the welfare of animals. While we understand that many people enjoy fireworks displays, it is the role of veterinarians to advocate for what is right and good for animals in New Zealand. Animal welfare must always come first, and in this instance, despite human enjoyment, fireworks do not bring a welfare benefit to animals."

<http://www.nzva.org.nz/news/371642/Veterinarians-support-a-ban-on-fireworks.htm>

NZ Fire and Emergency

"The fire service is urging people to stick to public fireworks displays tonight rather than buying their own."

http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11940484

SAFE for animals

"Fireworks are fun for us but they can be incredibly scary and stressful for animals. A ban would mean fireworks were much better controlled and would cause far less stress to animals, particularly animals often not considered like farm animals and wildlife."

<https://www.safe.org.nz/articles/281015/fireworks-no-fun-animals>

Current Regulations

The sale of fireworks to the public is regulated by the Hazardous Substances (Fireworks) Regulations 2001 which was amended in 2007 to help prevent fireworks being misused in New Zealand.

In 2004, the Minister for the Environment called for research into the sale of fireworks by retailers and for solutions that would prevent fireworks being misused. The investigation was because increasing numbers of people, animals and property were being harmed by fireworks.