



Operational conditions fireworks

Pyrotechnics and single use licence holders

September 2013

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This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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1. Introduction

1.1 This document states the operational conditions that – under the NSW Explosives Act – apply to those who hold a pyrotechnician’s licence or a fireworks single use licence (FSUL) issued by WorkCover NSW. Non-compliance with the conditions may lead to penalties (fines), cancellation of the licence and/or prosecution.

1.2. To buy, possess and use authorised fireworks you **must** hold a current licence issued by WorkCover. The licence will specify the types of fireworks – and, in the case of aerial shells, the maximum size – that you are permitted.

The NSW Explosives Regulation prescribes that a **pyrotechnician’s licence** authorises the licence holder to carry out the following activities:

- a. Purchasing, possessing, using, storing and transporting display fireworks.
- b. Purchasing, possessing, using, storing and transporting a distress signal (otherwise than for the purpose of a distress signal).
- c. Purchasing, possessing, using, storing and transporting a model rocket propellant device containing an ignitable substance or ignitable substances exceeding 62.5 grams in mass.

The NSW Explosives Regulation prescribes that a **fireworks (single use) licence** authorises the licence holder, on only one occasion, to purchase, possess, use store and transport display fireworks.

1.3. Separate licences are required to manufacture, import, supply and store* fireworks. For instance, the supplier of the fireworks **must** also hold an appropriate licence that authorises them to supply fireworks; otherwise they are supplying the fireworks illegally. A pyrotechnician’s licence or an FSUL does not authorise the holder to sell fireworks.

1.4. The conditions outlined in this publication are in addition to any conditions listed on or supplied with the licence, as well as those that form part of the requirements for notification of a display, the specific requirements of the Australian Explosives Code (titled *Australian Code for the Transport of Explosives by Road and Rail*) and the Australian Standard (AS) 2187, *Explosives – storage, transport and use*.

* quantities greater than specified in section 6 of this document.

2. Type of fireworks display

The type of fireworks display is required to be advised in the fireworks display notification to WorkCover.

The following are types of fireworks displays:

- 2.1 **Organised public displays** – eg a community event organised by a community or private organisation, such as a show, festival, fete, carnival or cultural, religious, corporate or sporting event: a community event is any event that is open to the public, whether or not for a fee.
- 2.2 **Theatrical displays** – eg pyrotechnic articles only for film and TV special effects, or indoor or outdoor theatrical events, such as concerts, festivals, conferences, ceremonies and performing arts events.
- 2.3 **Technical non-display purposes:**
 - a. involving evaluating the safety or performance of the fireworks, or generating smoke, noise or other effect – eg to scare birds, rodents or other pests, or smoke generators to track drain reticulation
 - b. excluding the pyrotechnic promotion, sale, assembly, disassembly or modification of fireworks.

3. Notifying authorities and/or agencies

- 3.1 When planning a fireworks display, the licence holder is required to notify the following authorities and/or agencies in writing:
- a. **WorkCover** – at least seven working days prior to the display
 - b. **local council** – at least seven working days prior to the display
The council may apply conditions for the conduct of a particular notified fireworks event or may object to the fireworks event taking place
 - c. **local area commander of police** and/or **local police** – at least two working days prior to the display
 - d. **local NSW Fire and Rescue** (and/or **Rural Fire Service**, where applicable) – at least two working days prior to the display
 - e. **other applicable agencies** – at least two working days prior to the display or in accordance with the requirements of the agency concerned (see *Fireworks display checklist* (catalogue no. WC05629) for other agencies that may need to be contacted)
 - f. it is a condition of licence that notified fireworks displays must not proceed if any of the authorities specified above raise objections to the event and the licensee has not been able to resolve those objections with the relevant authority.
- 3.2 WorkCover provides a written acknowledgement of the receipt of a notification for a fireworks display and this acknowledgement confirms the authority to possess, store, transport or use fireworks for a given display. Each notification incurs an administrative fee.
- 3.3 If a late notification is received by WorkCover (ie less than seven working days prior to a fireworks display), a written acknowledgement will only be provided if the notification is accompanied by the written consent of the relevant local council or the relevant authority responsible for the area in which the display is to be held.
- 3.4 Where the holder of an FSUL or pyrotechnician's licence is holding an **organised display** that is more than three consecutive days and limited to three months at the same location, notification may attract only one fee if accompanied by the written consent of the relevant local council of the area in which the displays are to be held.
- 3.5 Where the holder of an FSUL or pyrotechnician's licence is holding a **theatrical display** that is more than three consecutive days and limited to twelve months at the same location, notification may attract only one fee if accompanied by the written consent of the relevant local council of the area in which the displays are to be held.

4. Responsibilities

It is the responsibility of the licence holder to:

- 4.1 Conduct all fireworks events in a safe manner.
- 4.2 Only use fireworks according to the specifications of the fireworks manufacturer.
- 4.3 Ensure all equipment is in good repair and appropriate to the requirements of the fireworks event.
- 4.4 Comply with any conditions imposed by any federal, state or local government authority having jurisdiction over fireworks events.
- 4.5 Where applicable, comply with AS 2187.4, *Pyrotechnics – Outdoor displays*.
- 4.6 Obtain liability insurance, even if the event is for charity – AS 2187.4 states in clause 1.5: 'INSURANCE – An operator who conducts an outdoor display for gain or reward shall have an appropriate and adequate liability insurance policy.'
- 4.7 Undertake and be able to produce a hard copy of a site specific written risk assessment that ensures the safety of all persons, property and animals that may be affected by the fireworks event (**Note:** The risk assessment should include consideration of:
 - a. a site sketch or diagram outlining the display, with positioning and firing points of fireworks
 - b. the transport and storage of fireworks
 - c. safe systems of work that include addressing preparation, supervision, observation, operation and cessation (where applicable)
 - d. the provision for suitable distances, ensuring 'fall safe' of all debris and malfunctioned fireworks
 - e. the suitability of the display area
 - f. weather conditions and the monitoring of these throughout the display
 - g. excessive noise
 - h. accidental ignition
 - i. the security of pyrotechnics or fireworks – prior, during and post display
 - j. securing supports
 - k. the angle of launch or firing
 - l. the consequences of misfires or the malfunction of pyrotechnics or fireworks
 - m. the disposal of malfunctioning pyrotechnics or fireworks
 - n. emergency planning and response.
- 4.8 Inspect all fireworks prior to the fireworks event, and mark and set aside any damaged or faulty fireworks to prevent use
- 4.9 Inspect all fireworks equipment prior to the fireworks event, and mark and set aside any damaged or faulty equipment to prevent use
- 4.10 Ensure there is a minimum of two people conducting each outdoor fireworks display and that they are 18 years of age or over and trained and competent in the safe operation of the fireworks being used
- 4.11 Ensure all persons directly involved or assisting in the fireworks event use personal protection equipment, such as flame resistant clothing, protective hats, hearing protection, safety glasses, and sturdy footwear
 - a. ensure that only persons who have been granted a security clearance or a fireworks (single use) licence by WorkCover NSW are left unsupervised with fireworks.

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- 4.12 Instruct assistants and observers prior to the display on their specific duties during the fireworks event.
- 4.13 Ensure adequate provision for security, crowd control and first aid for the audience.
- 4.14 Provide advance notice to those people who might be affected by the display, such as neighbours of the display site, to minimise the potential for complaints.
- 4.15 Keep a documented log of all fireworks events with details of the:
- date and time of each fireworks event
 - contact details of all pyrotechnicians, assistants and observers involved in the fireworks event
 - quantities and types of pyrotechnic devices brought to, used (including misfires) at and taken from the display site
 - events, such as malfunctions, misfires, near misses or any other unusual behaviour associated with the fireworks.
- 4.16 When and where possible, provide the owner of a display site with a written statement that a search of the site has been completed in accordance with AS 2187.4 and that should any live or malfunctioned fireworks be found after the initial search, the pyrotechnician should be contacted immediately.
- 4.17 Report malfunctions and misfires to the supplier and/or manufacturer.
- 4.18 Report to WorkCover and the NSW Police any incident involving:
- death and/or injury to any person
 - substantial damage to property
 - imminent risk of injury or damage, or any breach of security
 - theft or attempted theft of fireworks.
- 4.19 Produce on request the licence and associated documentation to NSW Police, WorkCover Inspectors and any other relevant authorities.
- 4.20 Ensure the fireworks used in the display suit the available space (eg in a small park, shells must not be included unless it can be guaranteed that the complete zone under the trajectory of the shell will be free of people and in an area not prone to bush fire that debris will not fall on any other person's property).
- 4.21 Ensure that steel mortar tubes, concussion mine racks or metal components – other than in the applications permitted below – are not used under any circumstances, unless permitted in writing by WorkCover.
- Permissible applications include the following:
- metal star pickets for defining barriers for crowd control
 - nails, screws, staples, wire or strapping used to secure non-metallic mortars, tubes, base plugs, racks, firing lines, etc
 - round metal rods used to secure non-metallic items – such as cake boxes or individual fireworks – into the ground to ensure the stability and direction of the firework items contained within the box (these rods are to be securely hammered into the ground)
 - steel posts and pickets used to support a set-piece
 - metal pegs driven fully into the ground, to secure mortar racks and frames
 - large steel bins, such as skips or mini-skips, in which mortars are supported in sand (the mortars must be located no closer than a distance equal to the size of the largest shell to be used. The base end of the mortars in the bin must be positioned on a firm base, eg 100mm of compacted sand. At least three quarters of the mortar is to be buried).
- 4.22 Ensure that mortars and other fireworks items being transported in trailers are secured in relation to each other and to the trailer, and any such transport is in accordance with the Australian Explosive Code.

5. Types of fireworks

- 5.1 A licence is not required to use toy fireworks, such as sparklers, toy pistol caps, 'bon-bon' crackers, and party poppers. The use of distress signals and flares, other than for their designed use as a distress signal, is subject to notification and risk assessment requirements like any pyrotechnic device. Expired distress signals are not authorised explosives and, as such, an exemption is required to use expired distress signals in a fireworks event.
- 5.2 Licensed users of fireworks can only possess and use the types of fireworks specified on the licence. Specifications on the licence include:
- a. **ground display fireworks** – display fireworks that primarily function on the ground and which may project stars, novelty and other effects above the ground, eg mines, roman candles, lances, fountains, comets, multi-shot cakes and wheels
 - b. **aerials or aerial display shells** – display fireworks that are designed to be projected from a mortar tube by means of a lifting charge and to burst in the air, displaying stars, comets, rings, serpents, crackers, streamers or other effects. Where a pyrotechnician's licence authorises the use of aerial shells, the licence specifies the maximum size aerial shell that can be used under the licence; A FSUL does not authorise the holder to buy, possess or use aerial shells.
 - c. **salutes** – aerial shells that are designed to produce a single loud report on bursting in the air. Their receipt and use must be specified on the licence. They are known to disturb animals, particularly dogs and horses, therefore care and consultation are required to ensure that neighbours can protect their animals. Salutes larger than 75mm are prohibited in NSW
 - d. **close proximity pyrotechnics (theatrical fireworks)** – pyrotechnic articles assigned to compatibility group G that are specifically designed for use at close proximity to performers, audiences and structures; typically used indoors (eg stage or studio) for theatre, concert, film and television productions; include gerbes, fountains, flash pots, fireballs, flame or smoke effects involving pyrotechnics
 - e. **Chinese string fireworks and their use:**
 - i. Chinese celebration rolls or strings of Chinese firecrackers produce a rapid, loud series of reports and can cause disturbance to neighbours and animals. Consideration must be given to those likely to be adversely affected.
 - ii. The licence holder must ensure any loose firecrackers that detach from a Chinese celebration roll or string are accounted for, removed from the firing site and handled in accordance with regulatory requirements.
 - iii. Handling of unauthorised explosives, including fireworks and Chinese celebration rolls or strings of Chinese firecrackers that have been separated into individual firecrackers, is an offence under the NSW Explosives Regulation and carries a maximum penalty of \$27,500 or on-the-spot fine of \$1000.
 - iv. The Chinese string fireworks must be suspended a minimum of three metres (or in accordance with the supplier's recommendations, whichever is greater) away from any building, vehicle, or other property likely to be damaged by exploding fireworks.
 - v. The area within a 10 metre radius (or in accordance with the supplier's recommendations, whichever is greater) of the string of fireworks must be cleared of all spectators. Only those lighting the fireworks and the lion dancers are permitted in the cleared area while the fireworks are lit and functioning.
 - vi. **Hearing protection is mandatory** for anyone within the 10 metre radius while the fireworks are lit and functioning. Hearing protection is recommended for anyone working with or assisting others who are using Chinese string fireworks.
 - vii. Immediately after the fireworks cease firing, the debris must be swept-up and placed in a suitable receptacle so that control of the debris containing unfired fireworks is maintained.
 - viii. Councils may object to or impose conditions on the use of Chinese string fireworks.

6. Receipt, transport and storage of fireworks

- 6.1 Only licence holders can purchase or receive fireworks.
- 6.2 An **authority to store** is required for the storage of fireworks as follows:
- 1.1G – any quantity
 - 1.3G – greater than 50kg net explosive quantity (NEQ)
 - 1.4G or 1.4S – greater than 100kg NEQ.
- 6.3 For all holders of an FSUL and all holders of a pyrotechnician’s licence that has not been endorsed or authorised for storage, the following applies:
- The licence holder must not possess a quantity of fireworks, signals or devices greater than the quantity necessary for use at a fireworks event, and the quantity and types of fireworks must coincide with the quantities and types that are specified in the display notification to WorkCover.
 - The fireworks cannot be received by licence holders more than **five working days** prior to any fireworks events that have been notified to WorkCover. In the event of a cancellation or postponement any fireworks are to be returned to the supplier within five days.
 - The total quantity of fireworks received, purchased and/or transported by licence holders is restricted to 50kg NEQ for fireworks classified 1.3G, and 100kg NEQ for fireworks classified 1.4G or 1.4S.
 - The licence holder must comply with AS 2187.1 *Explosives – Storage, transport and use* – Part 1: Storage, and section 7 of these conditions.
 - The licence holder must comply with the Australian Explosives Code (AEC) for transport, which determines the overall hazard division for loads containing more than one division.
 - Fireworks classified 1.1G, 1.3G and 1.4G must be stored separately and at a distance of at least 10 metres from each other, otherwise the entire storage will be treated as 1.1G or the highest classification present.
- 6.4 The setting and storage of fireworks at the display site is only permitted on the day of a notified fireworks event, unless WorkCover has been specifically notified of a longer setting and/or storage time.
- 6.5 Applications for an authority from WorkCover to store fireworks can be made as part of or as an amendment to a pyrotechnician’s licence, or under an explosives storage licence. Applications must be accompanied by a security plan, and a WorkCover inspector will conduct an on-site verification.
- holders of a pyrotechnician’s licence that has been endorsed for storage must comply with the general licensing conditions for a licence to store explosives.
- 6.6 Authorised sellers of fireworks must provide technical information including the NEQ for all fireworks, where such information is available, otherwise the following default NEQs apply:
- aerial shells, salutes, waterfalls, fountains, comets and lances – 75 per cent of the gross weight
 - multi-shot box items – 30 per cent of the gross weight
 - all other fireworks – 50 per cent of the gross weight.

7. Safety distances for storage of fireworks

7.1 A pyrotechnician's licence holder, or an FSUL holder, who does not have authority from WorkCover to store fireworks, must use the formula below to work out the safety distances for storage of fireworks for a notified display.

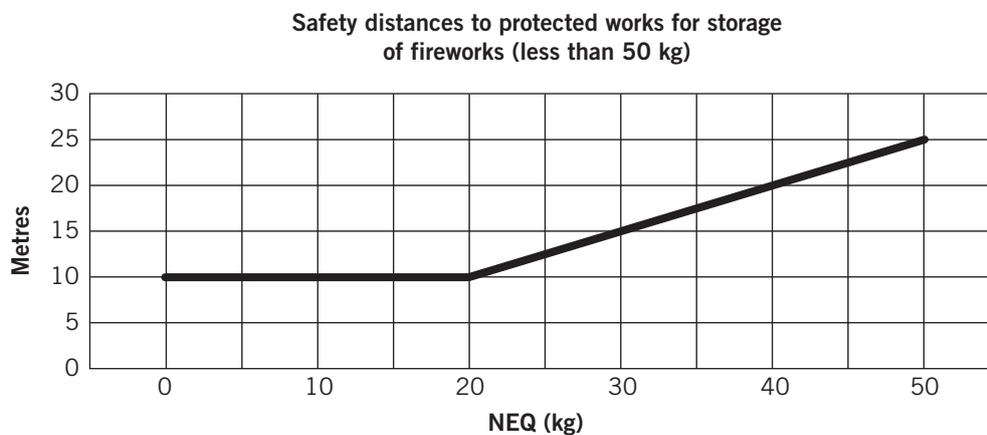
Formula: 1kg (NEQ) = ½ metre, with a minimum of 10 metres.

7.2 The minimum separation distance to protected works and other fireworks storage is 10 metres. For quantities greater than 20kg NEQ, the minimum distance to protected works must be increased by ½ metre per additional kilogram NEQ.

Figure 1

Fireworks NEQ 1.3G and 1.4G	Distance to protected works
<20 kg	10 metres
30 kg	15 metres
40 kg	20 metres
50 kg	25 metres
50–100 kg (class 1.4 only)	25 metres
Formula: 1kg (NEQ) = ½ metre, with a minimum of 10 metres	

Figure 2



Note: The safety distances in figure 2 apply to the total kilograms NEQ for all fireworks of classification codes 1.3G and 1.4G.

7.3 For example, if you want to store 10kg NEQ of fireworks for a notified display you will need 10 metres separation distance to protected works.

7.4 Up to 100kg NEQ of fireworks classified 1.4G (or 1.4S) and 50kg of fireworks classified 1.3G can only be stored if the separation distances in figures 1 and 2 above can be achieved.

7.5 The separation distances are intended to minimise the risk of an explosion that has the potential to cause damage to protected works or injury to persons.

7.6 For all fireworks classified 1.3G in quantities less than 50kg NEQ, a separation distance of 90 metres to a vulnerable facility is required.

7.7 Definitions (as per AS 2187, Explosives – storage, transport and use):

Protected works Class A	Public street, road or thoroughfare, railway, navigable waterway, dock, wharf, pier or jetty, marketplace, public recreation and sports ground or other open place where the public is accustomed to assemble, open place of work in another occupancy, river-wall, seawall, reservoir, water main (above ground), radio or television transmitter, main electrical substation, private road which is the principal means of access to a church, chapel, college, school, hospital or factory.
Protected works Class B	Dwelling house, public building, church, chapel, college, school, hospital, theatre, cinema or other building or structure where the public is accustomed to assemble, shop, factory, warehouse, store, building in which any person is employed in any trade or business, depot for the keeping of flammable or dangerous goods, major dam.
Vulnerable facility	Category of facility that includes, but is not restricted to, the following: <ul style="list-style-type: none"> • multi-storey buildings – eg above four storeys • large glass fronted buildings of high population • health care facilities, childcare facilities, schools • public buildings or structures of major historical value • major traffic terminals – eg railway stations, airports • major public utilities – eg gas, water, electricity works.
Net explosive quantity (NEQ)	The mass of explosive material contained in an explosive.

7.8 No aerial shell can be fired from a roof top without regulatory authority approval.

8. Types of storage and classification of fireworks

- 8.1 All fireworks other than those classified 1.4G must be kept in a secure, lockable internal magazine conforming to AS 2187.1, *Explosives – storage, transport and use – Part 1: Storage*.
- 8.2 If not stored in a conforming magazine, fireworks classified 1.4G may be kept in their original packaging if sealed, protected from sources of ignition and secured from unauthorised access.
- 8.3 Fireworks must be classified by the supplier or manufacturer, in accordance with the United Nation's (UN's) *Manual of Tests and Criteria, Fourth revised edition*. Classification includes subsequent certification by a government authority.
- 8.4 Aerial shells 100mm or more in size are classified 1.1G for storage.
- 8.5 If necessary, WorkCover may nominate any type of firework as being 1.1G or any other classification different to that specified under the UN system for classification.
- 8.6 Explosives componentry that is used with a firework article must be considered as hazard division 1.1, unless there is evidence proving otherwise and certification by a government authority.
- 8.7 If fireworks have not been classified as per 8.3, then the UN's default classification table must be used (provided it is acceptable to the government authority having jurisdiction) for the particular fireworks requiring authorisation.
- 8.8 Always check with the government authority having jurisdiction whether a firework is appropriately classified.
- 8.9 The government authority having jurisdiction has the right to accept or reject a classification, or reclassify a firework as it deems fit.
- 8.10 Storage of fireworks greater than 250kg NEQ must comply with the WorkCover NSW Position paper *Storage of large quantities (greater than 250kg NEQ) of fireworks in NSW* (Catalogue no. WC05708).

9. Preparation of fireworks for a display

- 9.1 Fireworks must be prepared in accordance with the manufacturer's and/or supplier's operating and safety instructions.
- 9.2 Electric means of ignition is mandatory for all:
 - a. salute shells
 - b. aerial shells greater than or equal to 125mm (5 inches) in diameter
 - c. aerial shells where multiple racks are secured together
 - d. fireworks on floating vessels and floating platforms.
- 9.3 A documented safety system is required for installing electrical igniters to any fireworks devices. The safety system should include the procedures for safely attaching igniters to fireworks and the precautions necessary to safely transport, store and otherwise handle a firework with an igniter attached.
- 9.4 The transport of aerial shells greater than or equal to 250mm (10 inches) calibre, with electric igniters attached, is not permitted.
- 9.5 The transport of aerial shells less than 250mm (10 inches) calibre with electric igniters attached is only permitted where the pyrotechnician has included in the safety system:
 - a. procedures for safely attaching igniters to shells
 - b. the precautions taken to safely transport a shell with an igniter attached.
- 9.6 The transport on public roads of shells loaded in mortar tubes is not permitted without written approval from WorkCover.
- 9.7 A load of fireworks being transported in quantities greater than 500kg (gross weight) or 250kg NEQ is classified as 1.1G, regardless of any other classification of the fireworks.
- 9.8 Minor repairs that do not change the performance characteristics of the fireworks are permitted by a licensed pyrotechnician. Alterations or penetrations into the fireworks article or device are not permitted.

10. Faulty fireworks

- 10.1. Prior to the display, all fireworks are to be examined to ensure that any faulty fireworks are identified and isolated.
- 10.2 At the conclusion of a fireworks display, all unexploded and unused fireworks must be accounted for and made safe.
- 10.3 If the failure to fire was due to an electrical ignition failure only (ie no ignition of the electric igniter), salvage of the firework is possible if the electrical igniter's exposed copper wires are shunted to prevent electrical ignition, and the firework handled and stored in a safe manner and under a documented safety system.
- 10.4 Faulty fireworks that have malfunctioned should be made safe in accordance with the manufacturer's instructions and then handled and stored in a safe manner and under a documented safety system.
- 10.5 Where a firework has not performed as expected, the licence holder must inform the manufacturer or supplier.
- 10.6 Where the manufacturer requests and provides specific shipping and labelling directions for the return of misfires to the factory for investigation of the cause, these directions should be followed.
- 10.7 A licence holder should dispose of fireworks only in accordance with the instructions of the supplier, manufacturer or the regulatory authority.
- 10.8 Under no circumstances should faulty fireworks be disposed of by burning by the pyrotechnician or by any person other than those who possess a manufacturer's licence, that has been endorsed for disposal.

11. Safety distances for displays of fireworks

11.1 The minimum clearance distances for a fireworks display must comply with the following:

Item	Minimum clearance distance
a. inside of any residence, tent, caravan, temporary structure or motor vehicle	Not permitted unless specifically notified to and approved by WorkCover
b. distance to any residence, tent, caravan, temporary structure or motor vehicle	50 metres
c. distance to any temporary store of fireworks at the display site	10 metres
d. lateral distance to any overhead obstructions such as trees, power lines, mobile phone towers or roofs	10 metres
e. distance to any place where explosives, flammable liquids or other flammable substances are manufactured or stored above ground in bulk	250 metres
f. distance to places of public assembly that are scheduled for use at the time of the display (eg hospital, nursing home, home for the aged, childcare centre, educational facility, theatre, cinema or church)	250 metres The distance may be reduced where the facility owner or manager has provided specific written approval.
g. distance to any place where animals are kept (eg animal shelter, stables, kennels or poultry farm)	500 metres The distance may be reduced where the facility owner or manager has provided specific written approval.

11.2 At the firing site the licence holder must establish an exclusion zone.

11.3 Only persons directly associated with the display, such as pyrotechnicians, assistants and observers, should be within the exclusion zone during the preparation, firing and clean-up of the display.

11.4 There must be no spectators, fire risk dangerous goods, dwellings or spectator parking areas located within the exclusion zone.

11.5 The minimum exclusion zone for an outdoor fireworks display must comply with AS 2187.4, as specified in the following tables:

a. minimum exclusion zone – ground level display

Display fireworks	Minimum exclusion zone (metres)
Set pieces:	
• lancework only	10
• incorporating fountains	20
Fountains, revolving fountains and flares	20
Mine bags, multi-shot box items, roman candles, comets and mines	30

b. minimum exclusion zone – aerial shells, single break

Size of aerial shell (diameter – mm)	Minimum exclusion zone (metres)
<75	30
75	30
100	50
125	70
150	100
175	120
200	140
250	170
300	200
>300	On application to WorkCover

- 11.6 Where the spread of shells is greater than the listed minimum exclusion zone, the display minimum exclusion zone should be increased accordingly.
- 11.7 If mortars for the firing of aerial shells or salutes are angled at more than 20 degrees to the vertical, the listed minimum exclusion zone in the direction of flight must be doubled.
- 11.8 For multi-breaks, the listed minimum exclusion zone must be increased to that for the largest aerial shell within the article.

For more information, contact WorkCover’s Customer Service Centre on **13 10 50**, or by fax **(02) 9287 5499**, or email LS@workcover.nsw.gov.au.

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