



PROACTIVE RELEASE COVERSHEET

Title of paper	Annual update on the regulation of fireworks in New Zealand 2024	Date to be published	19/12/2024
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List of documents that have been proactively released

Date	Title	Author
1 November 2024	Annual update on the regulation of fireworks in New Zealand 2024	Livia Hollins

Information redacted

NO

Any information redacted in this document is redacted in accordance with the Ministry for the Environment's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.



Briefing: Annual update on the regulation of fireworks in New Zealand 2024

Date submitted: 1/11/2024

Security level: Policy and Privacy

MfE priority: Not urgent

Actions sought from Ministers

<i>Name and position</i>	<i>Action sought</i>	<i>Response by</i>
To Hon Penny SIMMONDS Minister for the Environment	Note the following briefing	10/11/2024

Actions for Minister's office staff

Return the signed briefing to the Ministry for the Environment (ministerials@mfe.govt.nz).

Appendices and attachments

Nil

Key contacts at Ministry for the Environment

<i>Position</i>	<i>Name</i>	<i>Cell phone</i>	<i>First contact</i>
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Director	Glenn Wigley	027 491 7806	

Minister's comments

Annual update on the regulation of fireworks in New Zealand 2024

Key messages

1. Key statistics relating to the adverse effects from retail fireworks use in the calendar year 2023 were:
 - a. A total of 575,544 kgs of fireworks were imported in 2023 (around a 52% increase when compared with the 378,134 kgs of fireworks imported in 2022)
 - b. One hundred and six fires were reported to be caused by fireworks in 2023 (around a 58% increase on the prior year with a total of 67 incidents)
 - c. A total of 341 new claims to ACC for fireworks-related injuries in 2023 (an increase of 92 fireworks-related injuries since last year)
 - d. A total of 1,572 service calls to the NZ Police relating to fireworks (around a 124% increase on the prior year).
2. The data for this annual update shows an increasing trend in the quantity of fireworks imported, along with fireworks-related fires, calls to the Police and fireworks-related injuries in the short term, but a continuing overall declining trend in fireworks related incidences since 2000. There has been a slight decline in the number of summary offences for 'Setting off Fireworks in a Public Place'.

Recommendations

We recommend that you:

- a. **note** that our annual update shows an increasing trend in fireworks imports, and an increase in related incidents for the majority of metrics, but an overall declining long-term trend in fireworks related incidences attended by Fire and Emergency NZ.
- b. **agree** that this briefing will be released proactively on the Ministry for the Environment's website within the next eight weeks.

☒ Yes | ☐ No

Signatures



Glenn Wigley
Director - Policy and Regulatory
Waste and Resource Efficiency

Date 1 November 2024



Hon Penny SIMMONDS
Minister for the Environment

Date 2/11/24

Annual update on the regulation of fireworks in New Zealand 2024

Purpose

3. The purpose of this briefing is to provide an annual update on the use of retail fireworks and adverse effects resulting from their use in New Zealand. This includes statistics on fireworks-related fires, injury claims and unlawful behaviour for the calendar year 2023.

Background

4. This advice is not a statutory requirement. However, as part of its monitoring of the Hazardous Substances (Fireworks) Regulations 2004, the Ministry for the Environment (the Ministry) provides the Minister for the Environment with an annual update on retail fireworks to coincide with the retail fireworks public sale period (2-5 November).
5. In 2007, the Hazardous Substances (Fireworks) Regulations 2001 (the Fireworks Regulations) were amended to:
 - a. raise the legal age of purchase from 14 to 18 years
 - b. reduce the retail sales period for fireworks to four days each year (between 2 and 5 November)
 - c. permit the sale of sparklers only as part of larger retail packs and limited to a maximum of 50 sparklers per pack, and
 - d. reduce the explosive content (and consequent noise levels) of retail fireworks.
6. On 1 December 2017, the NZ Police became responsible for the enforcement of the restrictions and prohibitions relating to the retail sale of fireworks under the Fireworks Regulations.
7. The total gross weight of fireworks imported into New Zealand for retail and public display purposes during the 2023 calendar year was approximately 575,544 kg. This is 197,410 kg more than the previous year when a total of 378,134 kg was imported, a 52% increase since 2022. We have not been provided with data on the weight of retail fireworks alone. Retail fireworks accounted for around 12% of certificates issued in 2023. These figures exclude novelty fireworks such as party poppers and Christmas crackers, as they do not require an import certificate.

Analysis and advice

8. The use of retail fireworks in New Zealand causes a number of adverse effects, including fires, property damage, injuries, public disturbances, and distress to animals.
9. Retail fireworks do provide a number of benefits to the public through their enjoyment by individuals and groups of people.
10. The Ministry notes that two large retailers, Countdown supermarkets and The Warehouse, decided to stop selling retail fireworks in their stores in 2019 and 2020, respectively. These decisions were made due to shifting customer sentiment towards retail fireworks. It is likely that shifting community sentiment to public fireworks use will see the number of retail fireworks sold continue to decline over time.

Effects of retail fireworks use

11. This section discusses effects from the use of retail fireworks in New Zealand, both positive and negative. This includes fireworks-related fires, injuries and unlawful behaviour and a brief discussion of the possible benefits from retail fireworks use.

Fire and Emergency New Zealand (FENZ) – Fires caused by retail fireworks

12. FENZ collects data on the number of fires caused by fireworks each year and during the month of November. These numbers are based on 111 call-log data and represent the total number of fires that resulted in a call-out.
13. There were 106 fires in 2023 where the cause, heat source or object ignited was fireworks. This is an increase of around 58% on the previous year, with 67 such reported incidents.
14. During the month of November 2023, FENZ recorded a total of 59 fires caused by fireworks – around 55.6% of the yearly total, which is an increase from the around 16.75% of the yearly total in 2022.
15. As shown in Figures 1, 2, and 3 the annual statistics show a continuing overall decline in firework related incidents attended by FENZ both per annum and per November of each calendar year over the past years.
16. FENZ has also noted in previous years that the general trend is for an increasing number of days of extreme fire danger per annum and the extension of extreme fire danger into areas which historically haven't seen many extreme fire danger days [BRF-3929 refers]. The areas of the country and the number of extreme fire danger days experienced annually across New Zealand varies depending on the weather conditions experienced during each season. As a result, no two wildfire seasons are the same with a high degree in variation between seasons. The 2022/2023 and 2023/24 annual season summaries are still being worked on.

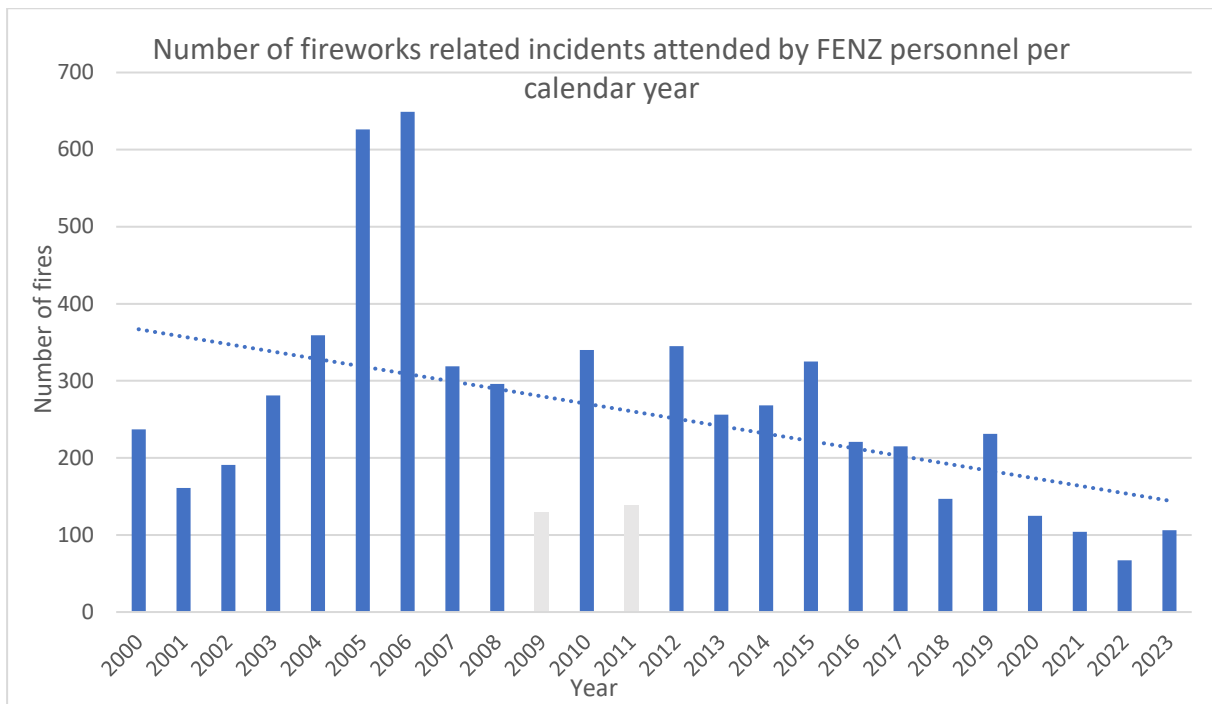


Figure 1: Total number of fires where the cause, heat source or object ignited were fireworks between 2000 and 2023. Please note, industrial action took place in 2009 and 2011/2012 resulting in a lower amount of callouts.

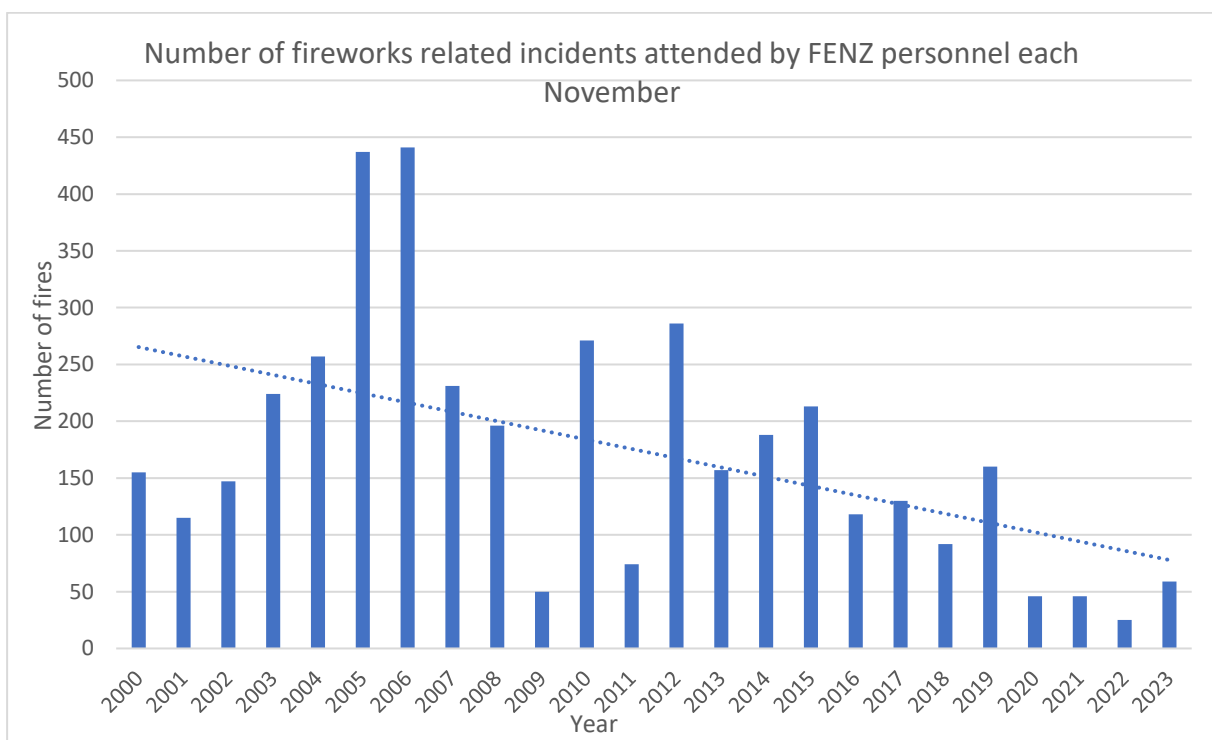


Figure 2: Total number of fires where the cause, heat source or object ignited were fireworks between 2000 and 2023 during November. Please note, industrial action took place in 2009 and 2011/2012 resulting in a lower amount of callouts.

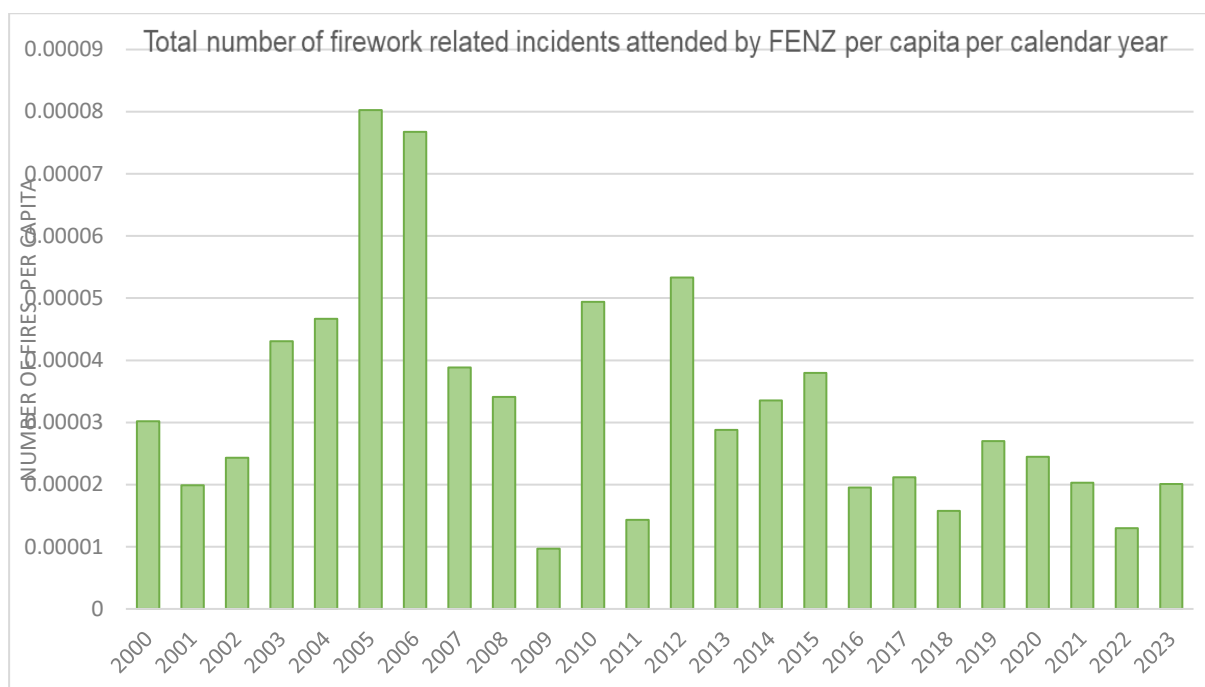


Figure 3: Total number of fires per capita where the cause, heat source or object ignited were fireworks between 2000 and 2023. Please note, industrial action took place in 2009 and 2011/2012 resulting in a lower amount of callouts.

Accident Compensation Corporation (ACC) – Fireworks-related injury claims

17. ACC reports that there were 341 new claims for fireworks-related injuries in 2023, an increase of 92 fireworks-related injuries since last year. The top three most common primary diagnoses are consistent with previous years: burns, soft tissue injuries, and laceration/puncture/sting.
18. The cost of active claims for fireworks-related injuries in 2023 was \$764,177 in relation to 357 active claims, an increase from the \$616,601 cost of 262 active claims in 2022.
19. ACC updated its definition of fireworks related injuries in 2022, with data in this briefing as well as the 2023 briefing therefore not comparable with data provided in the briefings prior to 2022 [BRF-2412 refers].

New Zealand Police – Unlawful behaviour

20. The New Zealand Police (NZ Police) received 1,572 fireworks-related service calls in and around the fireworks sale period for 2023. A total of 464 calls were received between 2 and 5 November 2023, and a further 294 calls were received between 6 and 18 November 2023.
21. For comparison, in 2023 NZ Police received 702 fireworks-related calls. Of those calls, 435 were received between 2 and 5 November and a further 267 calls between 6 and 18 November.
22. The 2023 numbers are an increase of nearly 7% on calls received between 2 and 5 November with a 10% increase in calls received between 6 and 18 November.
23. In 2023, the top four categories for fireworks-related calls were:

- a. Breach of the peace (49.2%)
 - b. Information from public (14.8%)
 - c. Suspicious activity (5.8%)
 - d. Property damage (5.5%).
24. While most fireworks-related service calls occur during November, service calls occur throughout the year.
25. Data is also collected on the number of fireworks-related offences that come under the Summary Offences Act 1981.
26. In the 2023 calendar year, there were 66 recorded occurrences of the offence 'Setting off Fireworks in a Public Place'. This is a marginal decrease relative to 2022, in which there were 67 occurrences.
27. In November 2023 there were 29 reported occurrences of the offence 'Setting off Fireworks in a Public Place', a decrease relative to 43 occurrences in 2022.
28. November occurrences accounted for nearly 44% of the yearly total in 2023, down from 64% of the total in 2022.
29. In the case of Call Outs, numbers are derived from a text search for "fireworks" or "fire works" in the absence of structured information.

Benefits of retail fireworks

30. Retail fireworks provide benefits to the public through the enjoyment of these fireworks by individuals and groups of people. Based on 2020 estimates of the proportion of New Zealanders that buy fireworks, and the average amount spent per person, the Ministry for Business, Innovation and Employment (MBIE) has previously estimated the benefits provided to the public by retail fireworks could be valued at \$30 million.
31. Beyond these estimates there is a lack of data on the benefits that retail fireworks provide to the New Zealand public.

Fireworks-related ministerial/departmental correspondence

32. We responded to one Ministerial fireworks-related ministerial/departmental correspondence in the calendar year 2023 [CORM-1285 refers], along with two further CORDs [CORD-244 and CORD-208 refers]. This is consistent with the three letters received in 2022, an increase on the one letter received in 2021, and a decrease on the four letters received in 2020 and 10 letters received in 2019. We also received two Official Information Act requests in relation to fireworks [OIAM-305 and OIAM-359 refers].
33. There may be more letters than this received by electorate MPs that the Ministry does not have knowledge of.

34. The Ministry is not currently working on progressing a ban on the sale of retail fireworks to the public.

Infringements regime for hazardous substances

35. The Commissioner of Police is responsible, under HSNO, for enforcement of the regulations with respect to the retail sale of fireworks. The enforcement options currently available, however, are limited to issuing a warning, issuing a compliance order, or prosecuting through the courts. The lack of an intermediate enforcement measure represents a gap in the current enforcement system for retail fireworks.
36. The Ministry and the Environmental Protection Authority (EPA) have been developing an infringement scheme for hazardous substances. Such a scheme would enable hazardous substance enforcement officers to issue on-the-spot fines for hazardous substance offences. Infringement offences cannot result in criminal convictions. With respect to fireworks, an infringement scheme would better enable the NZ Police to respond to offences under the sale of fireworks regulations in a timely and proportionate manner.
37. Our work on the infringements scheme for hazardous substances, which has already been publicly consulted on, is currently paused due to other priorities. Note, that we would like to brief you in more detail on it in early 2025, with a view to progressing it to implementation.

Petition on the sale and use of fireworks

38. The Clerk of the House recently approved and gazetted, under the Citizens Initiated Referenda Act 1993, a request for a possible referendum question: "Do you support banning the sale and private use of fireworks?" The petition now has a year to gain valid signatures equal to 10 percent of registered voters in order to become a non-binding national referendum question at the next election.

Te Tiriti analysis

39. No Tiriti issues are associated with this briefing.

Other considerations

Consultation and engagement

40. The Ministry engaged with the Accident Compensation Corporation (ACC), Fire and Emergency New Zealand (FENZ), the Environmental Protection Authority (EPA) and the New Zealand Police to receive the datasets forming the base of this document.

Risks and mitigations

41. No risks are associated with the proposals in this briefing.

Legal issues

42. No legal issues are associated with the proposals in this briefing.

Financial, regulatory and legislative implications

43. No financial, regulatory, or legislative implications are associated with the proposals in this briefing.

Next steps

44. Consistent with previous years, it is suggested that this briefing be released proactively on the Ministry for the Environment's website within the next eight weeks.