



# REMEDIAL ACTION NOTICE

## Section 102(2) Explosives Act 1999

**Date of Issue:** 17 July 2013

**To:** Craig Stevenson  
Robert Stevenson

**Licence No:** 0900208      **Licence Type:** Fireworks Contractor Licence  
0408016      Fireworks Operator Licence

**Location:** Beaudesert Race Club, Beaudesert – Boonah Rd, Beaudesert

I, Bruce Symmans, Inspector of Explosives in Southern Region reasonably suspect Craig Stevenson is contravening a provision of the *Explosives Act 1999*, or has contravened a provision of the *Explosives Act* in circumstances that make it likely the contravention will be repeated.

**The provision the inspector reasonably believes Robert Stevenson has contravened or is contravening (s102 (3)(a)):**

Explosives Regulation 2003 section 140(3) – The fireworks contractor must ensure the fireworks display meets the safety requirements.

Explosives Regulation 2003 s146(2)(a) – The fireworks operator must use a firework as required under the Queensland fireworks code.

Queensland Code of Practice Control of Outdoor Fireworks Displays paragraph 15.7.2 – Signs. The fireworks operator must post signs around the perimeter of the fireworks display site area prior to the commencement of setting up the display.

Queensland Code of Practice Control of Outdoor Fireworks Displays paragraph 14.3.1 – Controlled Area at Fireworks Display Site. The fireworks event organiser, the fireworks contractor and the fireworks operator must agree on a suitable location at the fireworks display site. The exclusion zone bounded by the separation distance must be a controlled area, with appropriate warning signs posted at its perimeters.

Explosives Act 1999 s50(2)(a) - Transporting explosives. A person who is authorised to transport an explosive must ensure it is transported in the way required under this Act.

Southern Region  
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Coorparoo Qld 4151  
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F: 07 3405 5345

Northern Region  
PO Box 1752  
Townsville Qld 4810  
P: 07 4799 7004  
F: 07 4760 7400

Central Region  
PO Box 548  
Rockhampton Qld 4700  
P: 07 4938 4442  
F: 07 4938 4331

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FILE A

1 of 9  
Page 1 of 4

Explosives Regulation 2003 s114(1)(a) –General requirements for transporting explosives. A person transporting an explosive in a vehicle must comply with for a class 1 explosive – the Australian explosives code.

Australian Explosives Code Edition 3 section 7.2.1(7) - General Requirements. Equipment, articles or goods likely to cause damage must not be transported with fireworks.

Queensland Code of Practice Control of Outdoor Fireworks Displays paragraph 11.11 – Safe stowage and load security. The packages must be kept away from heavy articles or equipment likely to cause damage. Consideration must be given to the friction and sensitivity of fireworks and any potential leaking composition from those fireworks, to enable safe transportation and handling.

Queensland Code of Practice Control of Outdoor Fireworks Displays paragraph 6.1.5.1 – Emergency Plan. The fireworks event organiser, the fireworks contractor and the fireworks operator should have a documented emergency plan in place. It should include (but not limited to) such items as the training and education of staff and other stakeholders in the Emergency Plan and Emergency Procedures.

Queensland Code of Practice Control of Outdoor Fireworks Displays paragraph 6.1.5.2 – Emergency Procedures. Emergency procedures should address emergency situations rather than standard practices addressed by the safe operating procedures such as – an injury or medical emergency involving the fireworks operator, the fireworks operator's assistant(s) or a spectator during the fireworks display.

Queensland Code of Practice Control of Outdoor Fireworks Displays paragraph 16 - Managing the Fireworks Display. The fireworks operator must record relevant information. Such information should be recorded in a document such as a Fireworks Display Worksheet, logbook or equivalent. This will permit the fireworks operator to assess whether the criteria in paragraph 16.1.1 – General Conditions have been met.

Queensland Code of Practice Control of Outdoor Fireworks Displays paragraph 14.8 – Record Keeping. A fireworks contractor and a fireworks operator are required to maintain records of all fireworks displays as detailed in the fireworks contractors' safety management system. The records should include the completed fireworks industry worksheet. The records must be made available to an Explosives Inspector on demand.

Queensland Code of Practice Control of Outdoor Fireworks Displays paragraph 15.2 – Documentation. The fireworks operator must ensure that all documentation required by the fireworks contractor under the safety management system is present. These records may be required for inspection by an official including an Inspector of Explosives or the fireworks event organiser.

**Reasons for belief (s102(3)(b)):**

On the 29<sup>th</sup> June 2013 Inspector of Explosives Bruce Symmans and Inspector of Explosives Andrew Howard conducted an inspection of a fireworks display being undertaken by fireworks contractor Craig Stevenson and fireworks operator Robert Stevenson at the Beaudesert Race Club, Beaudesert – Boonah Road, Beaudesert. This display was listed on the Fireworks Display Notification as being for display host Heidi Mellers of the Beaudesert Rodeo. The display was listed for firing at 9.15pm with ten minute duration.

On locating the vehicle and trailer in an infield area near the rodeo stock yards it was identified and acknowledged by the fireworks operator Mr Robert Stevenson that the trailer

had been partly loaded with fireworks and the required warning signs designating the boundary for the exclusion zone were not in place. Mr Robert Stevenson then placed the warning signs out.

On his return from putting out the warning signage Mr Robert Stevenson and Mr Craig Stevenson had a discussion about the distance that the trailer was positioned from the boundary of the area marked with the warning signs and decided they would move the trailer further away from the rodeo stock yards. The trailer was manhandled by Mr Robert Stevenson and Mr Craig Stevenson to a position further away from the exclusion zone boundary area. Neither Mr Robert Stevenson nor Mr Craig Stevenson used any accurate measuring device to confirm that the trailer of fireworks was positioned at the correct safe distance from the exclusion zone boundary.

It was identified by Inspector of Explosives Bruce Symmans that packaged explosives and other equipment were located in the canopied load area of the Nissan Navara utility. Mr Robert Stevenson stated that he had loaded the fireworks packages and the equipment into the four wheel drive vehicle from a two wheel drive vehicle and included extra equipment due to the wet weather conditions. Mr Robert Stevenson stated that he had left the wooden carry box for the explosives in the other vehicle. There were unfired fireworks that were not utilised during the display and these were placed into the wooden load carrying area of the trailer for return to the magazine.

The fireworks contractor Mr Craig Stevenson was requested on three occasions to provide a copy of the fireworks display worksheet and security plan for the display but he ignored these requests to supply them.

Contact was made with the event organiser Heidi Mellers who confirmed that a safety meeting with herself as the display host, the fireworks contractor, fireworks operator, the first aid attendants and the security personnel had not been conducted. Ms Mellers then located the first aid attendant and security personnel and these were then sent to the fireworks operator for a briefing on their duties and responsibilities in relation to the fireworks display.

**Remedy the contravention within a stated reasonable time (s102(3)(c)):**

The fireworks contractor is to provide to Inspector of Explosives Bruce Symmans all documentary information as required by the ACE Fireworks safety management system and Queensland legislation for the fireworks display conducted at the Beaudesert Race Club on 29<sup>th</sup> June 2013. This information is to be provided by 15 August 2013.

**Steps necessary to remedy the contravention or avoid further contravention of the provision (optional) (s102(4)):**

The fireworks contractor and fireworks operators are to conduct fireworks displays as prescribed by Queensland legislation, the Code of Practice - Control of Outdoor Fireworks Displays and the ACE Fireworks Safety Management System.

The ACE Fireworks Safety Management System is to be reviewed to ensure that it is relevant to the legislation. Once reviewed it is to be strictly adhered to by all company staff.

**Internal review of decision**

Pursuant to section 107, a person given a notice under section 102 by an inspector (other than the chief inspector) may apply to the chief inspector for the decision to give the notice (the original notice) to be reviewed. The application must be made within 14 days after this notice is given.

Under section 109(3) of the *Explosives Act 1999*, an application for internal review of this decision to the chief inspector does not stay the original decision.

**Stay of operation of decision**

Pursuant to section 110(1), if an application is made for internal review of an original decision, the applicant may immediately apply, as provided under the QCAT Act, to QCAT for a stay of the decision.

**External reviews by QCAT**

Pursuant to section 111(2,) the person aggrieved by a decision of the chief inspector under section 109 may apply, as provided by the *Queensland Civil Administrative Tribunal Act 2009*, for an external review of the decision. The review must be lodged within 28 days.

**Power to give direction about contravention**

Under section 102(6) of the *Explosives Act 1999*, the person must comply with this notice.

Under section 102(5) of the *Explosives Act 1999*, if this notice relates to a vehicle, boat or thing, it may be given by securely attaching it to the vehicle, boat or thing in a conspicuous position.

Under section 102(7) of the *Explosives Act 1999*, a person must not remove this remedial action notice from a vehicle, boat or thing before the steps stated in the notice are taken.

**Inspector of Explosives:**

**Print Name:**

BROCE SYMMANS

**Signature:**

CTPI 49-Sch4 - Signature

S. Ryan  
Principal Inspector of Explosives  
Explosives, Safety and Health  
Telephone: 07 33304169

25<sup>th</sup> September 2013

Mr C Stevenson  
Ace Fireworks

CTPI 49-Sch4

Dear Mr Stevenson

**Re: Attendance required to appear before an Inspector**

Under *Section 97 of the Explosives Act 1999*, I require you to attend before an Inspector to answer questions in relation to the discharge of your obligations under the *Explosives Act 1999*, and in particular *Section 102(6)*.

This is in relation to the response to the Remedial Action Notice issued on 17<sup>th</sup> July 2013 to Ace Fireworks. This had an original required response date of 15<sup>th</sup> August 2013, which was extended to 5<sup>th</sup> September, 2013. As yet no reply or response has been received.

Accordingly, a series of times have been set aside for you to appear before Sean Ryan at Podium 2 Conference Room, the Landcentre at 10:30am on either the 15<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup> or 18<sup>th</sup> October 2013. I ask that you contact Ms Trish McKenna on telephone 33304172 to confirm the date on which you will be attending. Should these times not be convenient for you, you are asked to ring and arrange an alternative appointment with Ms McKenna.

I am required to advise you that it is an offence under *Section 98 of the Explosives Act 1999* to fail to comply with this requirement to appear, and to fail to answer questions posed, unless you have a reasonable excuse.

**Explosives Inspectorate:**

**Head Office**

Level 16  
61 Mary Street  
PO Box 15216  
Brisbane Qld 4000  
**Telephone + 61 7 3224 7512**  
**Facsimile + 61 7 3224 7768**

**South East Region**

Podium 2, Ground Floor,  
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Cnr Main & Vulture Streets  
Woolloongabba Qld 4102  
PO Box 1475  
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**Telephone +61 7 3238 3728**  
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**Central West Region**

QIDC House Level 5  
34 East Street  
PO Box 548  
Rockhampton Qld 4700  
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**Facsimile +61 7 4938 4331**

**North Region**

Level 1, State Government Building  
187-209 Stanley Street (Cnr  
Walker)  
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**Telephone +61 7 4799 7004**  
**Facsimile +61 7 4760 7400**

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***To protect our community from the adverse impacts of explosives***

Further, pursuant to *Section 100 of the Explosives Act 1999*, you are required to produce at your appearance the Fireworks display worksheet or similar document as dictated by your Safety management System for the display in question.

Again it is an offence not to produce the document(s) asked for unless you have a reasonable excuse for not doing so.

It would be appreciated if you could contact the Explosives Inspectorate (Ms McKenna) and confirm the above meeting arrangements.

S Ryan  
Principal Inspector of Explosives  
Delegate of the Chief Inspector of Explosives  
Southern Region

RTI DL RELEASE - DNRM

S. Ryan  
Principal Inspector of Explosives  
Explosives, Safety and Health  
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CTPI 49-Sch4

S Ryan  
Principal Inspector of Explosives  
Delegate of the Chief Inspector of Explosives  
Southern Region

RTI DL RELEASE - DNRM

**From:** Downs, Geoff

**Sent:** Wednesday, 8 August 2012 1:40 PM

**To:** Pukallus John; Barron John; Arthur Bruce; Aumann, Troy; Baker Sally-Ann; Bowkett Philipa; Brogden, Ryan; Cahill Terrence; Campbell Andrew; Cooper Steven; Damrow Gregory; Donovan Christopher; Duricic Lea; Erichsen Noel; Fowler Jim; Gainey, Lionel; Guildford Catherine; Hayter Lee; Honeyman Kaley; Hopkins Jo-Anne; Howard, Alan; Isaac Haydn; Jacobson Daniel; Johns Ray; Jones Andrew (Bajool); Land Martin; McCormack Janet; Molloy Terrence; Moss, Elizabeth; Murphy Helen; Paterson Cheryl; Pomeroy Peter; Rollman, Melissa; Ryan, Sean; Spreadborough, Robert; Stewart, Raymond; Strydom Peter; Symmans Bruce; Tutt Ian; White Paul; Wootten Miles; Worth Brendon; Zimitat Joshua

**Cc:** Bell Stewart

**Subject:** FW: Ace Fireworks - result of sentencing hearing

Hi everyone

The results of the prosecution have come through for Stoppelbein and Stevenson for the Ormeau incident of 20/8/2010.

The results are

Stoppelbein - \$10,000 (200 hours community service) + \$1425 costs

Stevenson - \$1000 + \$1425 costs

This has been a great outcome.

I would like to thank everyone who has been involved with the investigation for their professionalism and efforts to achieve this outcome. In particular I would like to thank Bruce Symmans, John Pukallus and John Barron who made this happen and without their input, this result would not have been possible.

best regards

Geoff Downs

Chief Inspector of Explosives

Explosives Inspectorate

Mines

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**Business Information Centre 13 25 23**

[www.mines.industry.qld.gov.au](http://www.mines.industry.qld.gov.au)

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