Northern Territory
OC SPRAY TRIAL

What does it mean to be a prohibited person?

The trial only allows you to purchase, possess, carry or use OC spray if you are not a prohibited person. A prohibited person if found to be possessing, carrying or using OC spray, will be committing an offence and liable to prosecution.

Who is a prohibited person?

A prohibited person is a person who has committed certain offences or has a relevant police or court order against them. At the time of purchase, you will be asked to complete a Buyer Declaration confirming that you are not a prohibited person. The relevant conditions that make you a prohibited person are listed below.

IMPORTANT: It is your responsibility to ensure that the declaration you provide at the time of purchase is true and accurate. It is an offence to make a declaration that is false in any material particular. You may be liable to imprisonment for three (3) years pursuant to section 119 of the *Criminal Code Act 1983*. **If you are unsure whether any offence or condition makes you prohibited, do not make a declaration, and seek legal advice first.**

You are a prohibited person if:

- You are not 18 years of age (or older); or
- You have been found guilty of an offence holding a maximum penalty of two (2) or more years imprisonment unless:
  - If you were sentenced to imprisonment - at least five (5) years have passed since you were released or since you were found guilty (whichever happened later); or
  - If you were not sentenced to imprisonment – at least two (2) years have passed since you were found guilty; or
- You are a reportable offender as defined in section 6 of the *Child Protection (Offender Reporting and Registration) Act 2004* (NT); or
- You have a final or interim domestic violence order (DVO) currently in force against you, or a final DVO was in force within the last five (5) years; or
- You have a personal violence restraining order or an interim personal violence restraining order is in force against you; or
- You are subject to an order, made in the NT or elsewhere, to keep the peace; or
- You have breached a condition of the *Exemptions: OC Spray*, *Weapons Control Act 2001* s12(7) (available on the OC Spray website).
  In addition, you are a prohibited person if:
- You have been found guilty of a disqualifying offence as defined in section 3(1) of the *Firearms Act 1997* within the last ten (10) years. Read the list of disqualifying offences on the following pages.

Disqualifying offences

Criminal Code Act 1983	
s51	Member of unlawful organisation
s54	Terrorism
s55	Contribution towards acts of terrorism
s62	Going armed to Legislative Assembly
s73	Punishment of piracy
s74	Trading with pirates
s110	Forcibly rescuing certain offenders
s131A	Unlawful sexual relationship with child if a custodial sentence is imposed (s131A);
s134	Incest if a custodial sentence is imposed (s134);
s148B	Contaminating goods with intent to cause public alarm or economic loss
s155A	Assault, obstruction etc. of person providing recue, medical treatment or other aid where a custodial sentence was imposed
s156	Murder
s160	Manslaughter
s161A	Violent act causing death
s165	Attempt to murder
s166	Threats to kill where a custodial sentence was imposed
s170	Killing unborn child where a custodial sentence was imposed
s174C	Recklessly endangering life where the circumstance of aggravation specified in s174G(a) exists being: (a) that the offence was committed by the use or threatened use of an offensive weapon
s174E	Negligently causing serious harm
s174F	Driving motor vehicle causing death or serious harm
s175	Disabling in order to commit indictable offence
s176	Stupefying in order to commit indictable offence
s177	Acts intended to cause serious harm or prevent apprehension
s178	Preventing escape from wreck
s179	Intentionally endangering safety of persons travelling by railway or roadway
s180	Intentionally endangering safety of persons travelling by aircraft or ship
s181	Serious harm
s182	Attempting to injure by explosive substances

s180A	Endangering occupants of vehicles and vessels if a custodial sentence is imposed
s184	Endangering life of child by exposure if a custodial sentence is imposed
s185	Setting man-traps if a custodial sentence is imposed
s188(2)(m)	Common assault where the person assaulted is threatened with a firearm or other dangerous or offensive weapon if a custodial sentence is imposed
s188A(1)	Assault on worker who is working in the performance of his or her duties if the victim suffers harm
s189A(1)	Assaults on police or emergency workers in the execution of the officer's or worker's duty where the circumstance of aggravation in section 189A(2)(b) exists being the person suffers serious harm, the offender is liable to imprisonment for 16 years
s189(2)	Unlawfully stalk another person where the circumstance of aggravation in section 189(2)(b) exists being: (i) the person's conduct contravened a condition of bail or an injunction or order imposed by a court; or, (ii) the person was on any occasion to which the change relates, in possession of an offensive weapon or where a custodial sentence is imposed
s190	Assault on the Administrator or judges
s191	Assault on member of crew of aircraft where a custodial sentence is imposed
s192	Sexual intercourse and gross indecency without consent (s192);
s192B	Coerced sexual self-manipulation
s193B(1)	Assault with intent to steal here the circumstance of aggravation specified in section 193B(2) or (3) exists being: (2) if the offender is armed with a firearms or any other dangerous or offensive weapon or is in the company with one or more person or persons or if the assault causes harm; or (3) if the offender is armed with a firearms and immediately before, at or immediately after the assault the offender injures any person by discharging it
s194	Kidnapping for ransom
s195	Kidnapping
s196	Deprivation of liberty
s201	Abduction, enticement or detention of child under 16 years for immoral purpose
s202	Abduction of child under 16 years
s202B	Sexual servitude
s202C	Conducting business involving sexual servitude
s202D	Deceptive recruiting for sexual services
s208H	Sexual intercourse – without consent
s208HA	Compelling sexual intercourse or penetration – without consent
s208HB	Gross indecency – without consent
s208JI	Repeated sexual abuse – child under 16 years if a custodial sentence is imposed
s208MA	Incest if a custodial sentence is imposed

s211	Person to whom property belongs (robbery)
s212(1)	Appropriation of property where the circumstance of aggravation specifies in section 212(2) or (3) exists being: (2) without committing the offence of theft, subsection (1) applies to any later assumption of those rights without consent by keeping or dealing with it as owner; or (b) if the property is, or purports to be, transferred or given to a person acting in good faith, a later assumption by the person of rights the person believed the person was acquiring is not an appropriation of the property because of any defects in the transferor's title
s213(1)	Intention of permanently depriving
s215	Theft of land
s216	General deficiency
s218	Robbery
s221(1)	Burglary where the circumstance of aggravation specified in section 222(1)(c) or (d) exists being; (c) the defendant has possession of a firearm or any other dangerous or offensive weapon when committing the offence or (d) the building is a dwelling-house and the defendant has possession of a firearm or any other dangerous or offensive weapon when committing the offence
s224	Damaging or interfering with property as trespasser
s225(3)	Going equipped for theft and related offences if the person is in a place other than the person's home; and possesses a firearm or any other dangerous or offensive weapon; and engages in the conduct with the intention to committing the offence of theft or a related offence
s226B	Home invasion and invasion of business premises
s228	Making off without payment
s242	Sabotage
s243	Arson
s244	Bushfires
s245	Leaving explosive substances at a place
s281	Preparation to commit indictable offence with explosives, &c.

Misuse of Drugs Act 1990	
s5	Supplying a dangerous drug -commercial quantity
s5A	Supply of dangerous drug – less than commercial quantity
s5B	Supply of dangerous drug to child – commercial quantity
s5C	Supply of dangerous drug to child – less than commercial quantity
s5D	Supply of dangerous drug in indigenous community – less than commercial quantity
s5E	Application of offences in s5-5D: (a) regardless of whether the drug supplied to a person in the Territory; or (b) if the drug is supplied to a person at a place outside the

	Territory – regardless of whether the supply of the drug to the person constitutes an offence in that place
s6	Cultivation of prohibited plant – commercial quantity
s6A	Cultivation of prohibited plant – trafficable quantity
s6C	Cultivation of prohibited plant in presence of child – commercial quantity
s6D	Cultivation of prohibited plant in presence of child – trafficable quantity
s6E	Manufacture of dangerous drug – commercial quantity
s6F	Manufacture of dangerous drug – less than commercial quantity
s6G	Manufacture of dangerous drug in presence of child
s7	Possession of dangerous drug – commercial quantity
s7A	Possession of dangerous drug – trafficable quantity
s7B	Possession of dangerous drug – less than trafficable quantity if a sentence of imprisonment is imposed
s7C	Possession of dangerous drug in public place – trafficable quantity
s7D	Possession of dangerous drug in public place – less than trafficable quantity if a sentence of imprisonment is imposed
s8	Receiving or possessing tainted property
s8A	Possession of precursors of dangerous drugs
s8B	Possession of document containing instructions for manufacture of dangerous drug or precursor
s8C	Possession of articles for use in manufacture of dangerous drug or precursor
s9	Alternative verdict