



Northern Territory of Australia

Government Gazette

ISSN-0157-833X

No. S49

6 August 2025



Northern Territory of Australia

Weapons Control Act 2001

Exemptions: OC Spray

I, Hugh Crosby Heggie, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, under section 12(5) of the *Weapons Control Act 2001* and with reference to section 12(7) of the Act:

- (a) for the period mentioned in the Schedule, clause 6, exempt the classes of persons mentioned in the Schedule, clauses 7 and 12 from the application of section 6 of the Act in relation to OC spray, to the extent and subject to the conditions mentioned in those clauses; and
- (b) for the period mentioned in the Schedule, clause 14, exempt the classes of persons mentioned in the Schedule, clauses 15 and 24 from the application of section 6 of the Act in relation to OC spray, to the extent and subject to the conditions mentioned in those clauses.

Responsible Minister:

L. E. FINOCCHIARO
Minister for Police

H. C. HEGGIE
Administrator

Dated 30 July 2025

Schedule

Part 1 Preliminary matters

Division 1 Interpretation

1 Definitions

In this instrument:

declaration day, in relation to a person, means the day on which the person makes a declaration under clause 18(1) or 30(2).

declared dealer means a firearms dealer who has made a declaration under clause 5.

exempt person, see clause 2.

firearms dealer means a person who holds a firearms dealer licence granted under the *Firearms Act 1997*.

firearms employee means a person who:

- (a) is an employee of a declared dealer; and
- (b) holds a firearms employee licence issued under the *Firearms Act 1997* that is in force.

FPRU means the Firearms Policy and Recording Unit of the Police Force.

OC spray means an article designed or adapted to discharge oleoresin capsicum spray and containing no more than 45 g or 45 ml of the spray.

prohibited person, see clause 3.

self-defence, see clause 4.

valid identification, for a person, means the original or a copy of any of the following documents that are in force and contain a photograph of the person:

- (a) an Australian passport or other passport containing an Australian visa that is in force;
- (b) another document evidencing entitlement to Australian residency;
- (c) a licence or permit issued under a law of the Commonwealth or a State or Territory that specifies the person's date of birth;
- (d) a proof of age card issued by a State or Territory;
- (e) a clearance notice issued under section 189(3)(a) of the *Care and Protection of Children Act 2007*.

2 **Meaning of *exempt person***

An ***exempt person*** is an adult who is not:

- (a) a prohibited person; or
- (b) a declared dealer.

*Note for definition ***exempt person***, paragraph (b)*

Declared dealers are subject to different exemptions than exempt persons.

3 **Meaning of *prohibited person***

(1) A person is a ***prohibited person*** if:

- (a) the person has been found guilty of an offence that has a maximum penalty of 2 or more years imprisonment unless:
 - (i) if the person was sentenced to custody – on the declaration day, at least 5 years have elapsed since the later of the following:
 - (A) the day on which the person was found guilty of the offence;
 - (B) the day on which the person was released from custody for the offence; or
 - (ii) otherwise – on the declaration day, at least 2 years have elapsed since the day on which the person was found guilty of the offence; or
- (b) the person has been found guilty of a disqualifying offence, as defined in section 3(1) of the *Firearms Act 1997*, within the period of 10 years before the declaration day; or
- (c) the person is a reportable offender as defined in section 6 of the *Child Protection (Offender Reporting and Registration) Act 2004*; or
- (d) a final domestic violence order or an interim domestic violence order is in force against the person; or
- (e) a final domestic violence order has been in force against the person within the period of 5 years before the declaration day; or
- (f) a personal violence restraining order or an interim personal violence restraining order is in force against the person; or
- (g) the person is subject to an order, made in the Territory or elsewhere, to keep the peace; or
- (h) the person has breached a condition of this instrument.

(2) In this clause:

final domestic violence order, see section 18F(7) of the Act.

interim domestic violence order, see section 3(1) of the *Firearms Act 1997*.

personal violence restraining order, see section 18F(7) of the Act.

4 Meaning of self-defence

(1) A person uses an OC spray in **self-defence** if:

- (a) the person believes use of the OC spray is necessary:
 - (i) to defend the person or another person; or
 - (ii) to prevent or terminate the unlawful imprisonment of the person or another person; or
 - (iii) to protect property from unlawful appropriation, destruction, damage or interference; or
 - (iv) to prevent criminal trespass to any land or premises; or
 - (v) to remove from any land or premises a person who is committing criminal trespass; and
- (b) use of the OC spray is a reasonable response in the circumstances as the person perceives them.

(2) Despite subclause (1), the person does not use an OC spray in self-defence if:

- (a) the person uses force that involves the intentional infliction of death or serious harm:
 - (i) to protect property; or
 - (ii) to prevent criminal trespass; or
 - (iii) to remove a person who is committing criminal trespass; or
- (b) the person is responding to lawful conduct that the person knew was lawful.

(3) Conduct is not lawful for subclause (2)(b) merely because the person carrying it out is not criminally responsible for it.

(4) In this clause:

act, see section 1 of the Criminal Code.

conduct means an act, an omission to perform an act or a state of affairs.

property, see section 1 of the Criminal Code.

serious harm, see section 1 of the Criminal Code.

unlawful, see section 1 of the Criminal Code.

Division 2 Declaration by firearms dealers

5 Declaration

A firearms dealer who intends to sell OC spray under this instrument must give the FPRU a signed declaration stating the following:

- (a) that the firearms dealer intends to be an OC spray retailer;
- (b) the name and address of the firearms dealer;
- (c) the licence number of the firearms dealer licence held by the firearms dealer under the *Firearms Act 1997*.

Part 2 Exemptions applying before 1 September 2025

Division 1 Application

6 Exemption period

The exemptions set out in this Part apply for the period commencing on the day on which this instrument is published in the *Gazette* and ending on 31 August 2025.

Division 2 Declared dealers

7 Exemption

Subject to the conditions set out in this Division, declared dealers are exempt from the application of section 6(a), (b), (c) and (e) of the Act in relation to OC spray, other than the prohibition against the manufacture, sale or use of OC spray.

8 Bringing OC spray into Territory

A declared dealer must not bring an OC spray into the Territory, or cause an OC spray to be brought or sent into the Territory, unless it is supplied by a manufacturer or supplier located in Australia.

9 Purchasing OC spray

- (1) A declared dealer must not purchase an OC spray from a person other than:
 - (a) a manufacturer or supplier located in Australia; or
 - (b) another declared dealer.

- (2) A declared dealer must keep a record of each purchase of OC spray by the declared dealer.
- (3) The record must contain the following information:
 - (a) the date of the purchase;
 - (b) a description of the OC spray purchased, including the volume or weight of the spray;
 - (c) the quantity of OC spray purchased;
 - (d) the name and address of the person from whom the OC spray was purchased.
- (4) The declared dealer must give a copy of the record to the FPRU within 5 business days after the purchase.

10 Possessing and carrying OC spray

A declared dealer must not possess or carry an OC spray for a purpose other than sale in accordance with Part 3.

11 Storage requirements

A declared dealer must ensure that each OC spray that the declared dealer purchases is stored:

- (a) in a storage room that complies with the requirements of regulation 23(1)(b)(i) and (ii) of the *Firearms Regulations 1997*; and
- (b) within a locked container that is constructed of steel or similar strong material and fitted with hinges that are concealed or that have had the hinge pins welded.

Division 3 Firearms employees

12 Exemption

Subject to the condition in clause 13, firearms employees are exempt from the application of section 6(e) of the Act in relation to OC spray, other than the prohibition against the use of OC spray.

13 Possessing and carrying OC spray

A firearms employee must not possess or carry an OC spray for a purpose other than a purpose relating to the person's duties as an employee of a declared dealer.

Part 3 Exemptions applying from 1 September 2025 to 31 August 2026

Division 1 Application

14 Exemption period

The exemptions set out in this Part apply for the period commencing on 1 September 2025 and ending on 31 August 2026.

Division 2 Declared dealers

15 Exemption

Subject to the conditions set out in this Division, declared dealers are exempt from the application of section 6 of the Act in relation to OC spray, other than the prohibition against manufacture of OC spray.

16 Bringing OC spray into Territory

A declared dealer must not bring an OC spray into the Territory, or cause an OC spray to be brought or sent into the Territory, unless it is supplied by a manufacturer or supplier located in Australia.

17 Purchasing OC spray

- (1) A declared dealer must not purchase an OC spray from a person other than:
 - (a) a manufacturer or supplier located in Australia; or
 - (b) another declared dealer.
- (2) A declared dealer must keep a record of each purchase of OC spray by the declared dealer.
- (3) The record must contain the following information:
 - (a) the date of the purchase;
 - (b) a description of the OC spray purchased, including the volume or weight of the spray;
 - (c) the quantity of OC spray purchased;
 - (d) the name and address of the person from whom the OC spray was purchased.
- (4) The declared dealer must give a copy of the record to the FPRU within 5 business days after the purchase.

18 Selling OC spray

- (1) A declared dealer must not sell an OC spray to a person other than:
 - (a) a person who:
 - (i) is an adult; and
 - (ii) is in the Territory; and
 - (iii) gives the declared dealer, or an employee of the declared dealer, a declaration, signed on the day of the sale, stating that the person is not a prohibited person; and
 - (iv) shows the declared dealer, or an employee of the declared dealer, the person's valid identification; or
 - (b) a manufacturer or supplier of OC spray; or
 - (c) another declared dealer.
- (2) If a declared dealer sells an OC spray to a person mentioned in subclause (1)(a), the declared dealer must:
 - (a) ensure the person receives a copy of the signed declaration mentioned in subclause (1)(a)(iii); and
 - (b) give the signed declaration to the FPRU within 5 business days after the sale.
- (3) For each sale of OC spray by a declared dealer, the declared dealer must include, in the record of the sale kept in accordance with section 11 of the Act, the quantity and size of the OC spray sold.

19 Displaying OC spray for sale

- (1) A declared dealer must ensure that an OC spray that is displayed for sale is stored in a lockable display cabinet that is:
 - (a) fitted with glass or other material of sufficient strength to prevent easy entry; and
 - (b) locked at all times except when an OC spray needs to be removed for the purpose of sale.
- (2) A declared dealer must not display an OC spray for sale outside business hours.

20 Possessing and carrying of OC spray for authorised purposes only

A declared dealer must not possess or carry an OC spray for a purpose other than:

- (a) sale; or
- (b) self-defence; or
- (c) supply to employees; or
- (d) disposal or surrender.

21 Storage requirements

- (1) Subclause (2) applies in relation to an OC spray that is in a declared dealer's possession for the purpose of sale.
- (2) If the OC spray is not on display for sale, the declared dealer must ensure it is stored:
 - (a) in a storage room that complies with the requirements of regulation 23(1)(b)(i) and (ii) of the *Firearms Regulations 1997*; and
 - (b) within a locked container that is constructed of steel or similar strong material and fitted with hinges that are concealed or that have had the hinge pins welded.

22 Additional conditions relating to OC spray possessed for purpose other than for sale

- (1) Subclause (2) applies in relation to an OC spray that is in a declared dealer's possession for the purpose of:
 - (a) self-defence; or
 - (b) supply to employees; or
 - (c) disposal or surrender.
- (2) The declared dealer must comply with clauses 26(3) and 27 to 30 in relation to the OC spray, as if the declared dealer were an exempt person.

23 Disposal and surrender

- (1) A declared dealer must not dispose of an OC spray unless:
 - (a) it is empty; or
 - (b) it is disposed of by returning it to a manufacturer or supplier of OC spray; or
 - (c) it is disposed of by giving it to a person who holds an approval under the Act for the purpose of disposing of OC spray.
- (2) A declared dealer may, at any time, surrender to a police officer an OC spray that is not empty.

- (3) On 31 August 2026, a declared dealer must surrender to a police officer each OC spray that is in the declared dealer's possession.

Division 3 Exempt persons

24 Exemption

Subject to the conditions set out in this Division, exempt persons are exempt from the application of section 6(c) and (e) of the Act in relation to OC spray, other than the prohibition against the manufacture or sale of OC spray.

25 Purchasing OC spray

An exempt person must not purchase an OC spray from a person other than a declared dealer in the Territory.

26 Possessing and carrying OC spray generally

- (1) Subject to subclause (2), an exempt person must not possess or carry an OC spray:
 - (a) for a purpose other than:
 - (i) self-defence; or
 - (ii) supply or return to a person in accordance with clause 30; or
 - (iii) disposal or surrender in accordance with clause 31; and
 - (b) unless the exempt person has signed a declaration under clause 18(1) or 30(2).
- (2) An exempt person who is a firearms employee may also possess and carry an OC spray for a purpose relating to the person's duties as an employee of a declared dealer without signing a declaration mentioned in subclause (1)(b).
- (3) An exempt person must not carry an OC spray in a manner that exposes it to public view.
- (4) Subclause (3) does not apply to an exempt person while the person is working as a firearms employee, crowd controller or security officer.
- (5) An exempt person who is in possession of an OC spray and is required to have signed a declaration under clause 18(1) or 30(2) to possess the OC spray must show a police officer a copy of the declaration signed by the person:
 - (a) when requested to do so by the police officer; or
 - (b) within 1 business day of the request.

(6) In this clause:

crowd controller, see section 5 of the *Private Security Act 1995*.

security officer, see section 6 of the *Private Security Act 1995*.

27 Limit on OC spray in public place

An exempt person must not, in a public place, possess or carry more than 2 OC sprays unless the exempt person is:

- (a) an employer, or acting on behalf of an employer and the additional OC sprays are for supply to employees in accordance with clause 30; or
- (b) a firearms employee in possession of the OC sprays for a purpose relating to the person's duties as an employee of a declared dealer; or
- (c) disposing of or surrendering, or travelling to a place to dispose of or surrender, the OC sprays.

28 Using OC spray

- (1) An exempt person must not use an OC spray for a purpose other than self-defence.
- (2) An exempt person must not use OC spray inside premises licensed under the *Liquor Act 2019*, other than premises from which liquor is only sold for consumption away from the premises.

29 Storage requirements

An exempt person must store each OC spray that is in the person's possession safely and securely and take all reasonable precautions to ensure the OC spray is not lost or stolen and does not otherwise come into the possession of another person except as permitted under clause 30.

30 Supplying OC spray

- (1) An exempt person must not supply an OC spray to another person except as mentioned in subclause (2) or (3).
- (2) An exempt person who is an employer, or acting on behalf of an employer, may supply an OC spray to an employee of the employer if:
 - (a) the supply is made for the purposes of the employee's employment; and

- (b) on each occasion that the exempt person supplies the employee with an OC spray the employee gives the exempt person a declaration, signed on the day of the supply, stating that the employee is not a prohibited person.
- (3) An exempt person who is an employee may return an OC spray to the person's employer or the exempt person acting on behalf of the person's employer.
- (4) If an exempt person supplies an OC spray in accordance with subclause (2), the exempt person must:
 - (a) ensure the employee receives a copy of the signed declaration mentioned in subclause (2)(b); and
 - (b) give the signed declaration to the FPRU within 2 business days after the supply.

31 Disposal and surrender

- (1) An exempt person must not dispose of an OC spray unless:
 - (a) it is empty; or
 - (b) if the exempt person is a firearms employee:
 - (i) it is disposed of by returning it to a manufacturer or supplier of OC spray; or
 - (ii) it is disposed of by giving it to a person who holds an approval under the Act for the purpose of disposing of OC spray.
- (2) An exempt person may, at any time, surrender an OC spray that is not empty to a declared dealer or police officer.
- (3) On 31 August 2026, an exempt person must surrender to a police officer each OC spray that is in the person's possession.

32 Change in person's status

If a person who is in possession of an OC spray under this instrument becomes a prohibited person, the person:

- (a) must surrender each OC spray in the person's possession to a declared dealer or police officer within 24 hours of becoming a prohibited person; and
- (b) must not carry an OC spray for a purpose other than surrender.