Northern Territory
OC SPRAY TRIAL

OC Spray – Security and Crowd Controller fact sheet

TRIAL EXTENDED TO 31 DECEMBER 2026

Under the *Exemptions: OC Spray*, provision has been made so that an eligible person (not a prohibited person) who is an employer, may purchase and supply OC spray to an employee if:

(a) the supply is made for the purposes of the employee's employment; and
(b) on each occasion that the employer supplies the employee with an OC spray the employee completes a declaration, signed on the day of the supply, stating that they are not a prohibited person.

A security officer or crowd controller may only possess, carry and use OC spray while working if:

i) their employer has approved the use of OC spray;
ii) they are not a prohibited person; and,
iii) they have signed a declaration confirming this.

A security officer or crowd controller may carry OC spray in a manner that exposes it to public view while the person is working as a security officer or crowd controller.

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. They also must not possess or carry more than 2 OC sprays at a time.

In addition, the OC Spray must have been supplied by the employer to the security officer or crowd controller as an employee under one of the following arrangements: Option A, B and C (detailed below).

Before deciding to provide OC spray to employees, employers should ensure that they have appropriate policies and procedures in place to meet all relevant legislative responsibilities including those as set out in the *Exemptions: OC Spray*.

Option A:

- Employers can govern the purchase, possession, carriage and use of OC Spray by employees, for the purposes of their employment, through internal workplace policy and procedures.
- In this case, OC Spray could be purchased by the employee as an eligible member of the public through a Declared Firearms Dealer. They would complete the Buyer Declaration at the point of sale.
- The employer would then allow for that employee to possess, carry and use OC Spray while at the workplace. Employers need to ensure that they have relevant protections in place for themselves and their employees, including consideration of:
    - Internal policies around OC Spray purchase, possession, carry and use
    - Liability impacts

- Work health and safety.

Option B:

- An employer may purchase OC Spray from a Declared Firearms Dealer and then supply the OC spray to an employee for use during their employment.
- When issued, an Employer/Employee Declaration must be completed. The OC spray will remain in possession of the employee for either the remainder of their employment/contract, or until the OC Spray trial ceases on 31 December 2026, whichever is sooner.
- For every issue of OC Spray to an employee, an employer will need to:
  - Print the Employer/Employee Declaration form
  - Provide the Prohibited Person fact sheet to their employee
  - Have the employee complete the Employer/Employee Declaration (if they are not a prohibited person)
  - Witness the declaration
  - Scan and email the completed Declaration to OCSprayTrial@pfes.nt.gov.au within 2 business days.
- Employers need to ensure that they have relevant protections in place for themselves and their employees, including consideration of:
  - Internal policies around OC Spray purchase, possession, carry and use
  - Liability impacts
  - Work health and safety.

Option C:

- An employer may purchase OC Spray from a Declared Firearms Dealer and then supply the OC spray to an employee for use during a shift.
- An Employer/Employee Declaration must be completed for every employee, for every shift in which OS Spray is supplied to the employee. The OC spray will remain in possession of the employee for the remainder of their shift only and be returned to the employer at the end of their shift
- For every shift issue of OC Spray to an employee, an employer will need to:
  - Print the Employer/Employee Declaration form
  - Provide the Prohibited Person fact sheet to their employee
  - Have the employee complete the Employer/Employee Declaration (if they are not a prohibited person)
  - Witness the declaration
  - Scan and email the completed Declaration to OCSprayTrial@pfes.nt.gov.au within 2 business days.
- Employers need to ensure that they have relevant protections in place for themselves and their employees, including consideration of:
  - Internal policies around OC Spray purchase, possession, carry and use
  - Liability impacts
  - Work health and safety.