Northern Territory
OC SPRAY TRIAL

# OC Spray – Employers and employees 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.

**Employers need to decide if the carriage and use of OC spray is going to be permitted within their workplace.** It is recommended that any decision is supported by internal workplace policy.

There are three options by which employers can provide for employees to carry and use OC spray during the course of their employment.

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## 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.

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## 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)
    - Sight the employees photo identification
    - Witness the declaration
    - Provide a copy to the employee so they can show it to police if requested
    - Email the completed Declaration to OCSprayTrial@pfes.nt.gov.au or mail to **OC Spray Trial, PO Box 39764, Winnellie, NT 0821** within 2 business days of OC Spray supply.
- 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.

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## 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 OC 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)
    - Sight the employees photo identification
    - Witness the declaration
    - Provide a copy to the employee so they can show it to police if requested
    - Email the completed Declaration to OCSprayTrial@pfes.nt.gov.au or mail to **OC Spray Trial, PO Box 39764, Winnellie, NT 0821** within 2 business days of OC Spray supply.
- 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