

Serial 80

Weapons Control Legislation Amendment (Legalising Controlled OC Spray)

Bill 2026

Mrs Finocchiaro

A Bill for an Act to amend the *Weapons Control Act 2001* and the *Weapons Control Regulations 2001* and for related purposes

NORTHERN TERRITORY OF AUSTRALIA

WEAPONS CONTROL LEGISLATION AMENDMENT (LEGALISING CONTROLLED OC SPRAY) ACT 2026

Act No. [] of 2026

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2026

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An Act to amend the *Weapons Control Act 2001* and the *Weapons Control Regulations 2001* and for related purposes

[Assented to [] 2026]
[Introduced [] 2026]

10 The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Weapons Control Legislation Amendment (Legalising Controlled OC Spray) Act 2026*.

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2 Commencement

This Act commences on 18 December 2026.

Part 2 Amendment of Weapons Control Act 2001

3 Act amended

This Part amends the *Weapons Control Act 2001*.

20

4 Section 3 amended (Definitions)

(1) Section 3, definitions *interim domestic violence order* and *offensive weapon*

omit

(2) Section 3

insert

controlled 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.

declarant, for Part 3B, see section 18N.

declared dealer, for Part 3B, see section 18NA.

education facility, for Part 3B, see section 18N.

eligibility declaration, for Part 3B, see section 18N.

eligible person, for Part 3B, see section 18NB.

final domestic violence order means:

(a) a domestic violence order, as defined in section 4 of the *Domestic and Family Violence Act 2007*, other than an interim domestic violence order; or

(b) an external order as defined in section 4 of the *Domestic and Family Violence Act 2007*, that is registered, as defined in section 4 of that Act.

firearms dealer, for Part 3B, see section 18N.

interim domestic violence order means an interim DVO as defined in section 102 of the *Domestic and Family Violence Act 2007*.

licensed employee, for Part 3B, see section 18N.

licensed premises, for Part 3B, see section 18N.

offensive weapon, see section 3B.

parent, for Part 3B, see section 18N.

personal violence restraining order means:

(a) a personal violence restraining order made under the *Personal Violence Restraining Orders Act 2016*; or

(b) a similar order made in a State or another Territory.

prescribed person, see section 12(1).

prohibited person, for Part 3B, see section 18NC(1).

residential premises, for Part 3B, see section 18N.

self-defence, for Part 3B, see section 18ND(1).

statutory officer, for Part 3B, see section 18N.

5 ***supply***, for Part 3B, see section 18N.

5 Section 3B inserted

After section 3A

insert

3B Meaning of *offensive weapon*

10 (1) An ***offensive weapon*** is an article:

(a) made or adapted to cause damage to property or to cause injury or fear of injury to a person; or

(b) by which the person having it intends to cause damage to property or to cause injury or fear of injury to a person.

15 (2) Despite subsection (1), a prohibited weapon, a controlled weapon, body armour or a controlled OC spray is not an offensive weapon.

6 Section 13 amended (Person may apply for approval in relation to prohibited weapons and body armour)

Section 13(2A)

20 *omit*

7 Part 3B inserted

After section 18M

insert

Part 3B Controlled OC spray

5 Division 1 Preliminary matters

18N Definitions

In this Part:

declarant means an eligible person who has signed an eligibility declaration.

declared dealer, see section 18NA.

education facility means a school or a facility that provides approved education or training as defined in section 38(5) of the *Education Act 2015*.

eligibility declaration means a declaration mentioned in section 18NO(2)(c)(i), 18PD(2)(b) or (3)(a)(ii) or 18PH(3)(c)(i).

eligible person, see section 18NB.

firearms dealer means a person who holds a firearms dealer licence, granted under the *Firearms Act 1997*, that is in force.

licensed employee means a person who:

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

licensed premises means premises licensed under the *Liquor Act 2019*.

parent, of a child, means:

- (a) the child's parent or guardian; or
- (b) another person who has parental responsibility, as defined in section 7 of the *Education Act 2015*, for the child.

prohibited person, see section 18NC(1).

residential premises means any premises, or part of premises, occupied as a place of residence.

self-defence, see section 18ND(1).

statutory officer means:

- 5 (a) a prescribed person; or
- (b) another statutory officer who is authorised under any other Act to possess or use controlled OC spray in the performance of the person's duties as a statutory officer.

10 **supply**, in relation to a controlled OC spray, means give or return the spray to a person but does not include:

- (a) sell the spray to a person; or
- (b) dispose of the spray by surrendering or giving it to a person.

18NA Meaning of *declared dealer*

15 A **declared dealer** is a firearms dealer who has given the Commissioner a signed declaration under section 18NZ.

18NB Meaning of *eligible person*

An **eligible person** is a person who:

- (a) is at least 16 years of age; and
- (b) is not a prohibited person.

20 **18NC 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:
- 25 (i) if the person was sentenced to custody for the offence – 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;
- 30 (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

5

(b) the person has been found guilty of an offence against this Act or the *Firearms Act 1997*; or

(c) 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

10

(d) the person is a reportable offender as defined in section 6 of the *Child Protection (Offender Reporting and Registration) Act 2004*; or

(e) a final domestic violence order or an interim domestic violence order is in force against the person; or

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(f) a final domestic violence order has been in force against the person within the period of 5 years before the declaration day; or

(g) a personal violence restraining order or an interim personal violence restraining order is in force against the person; or

20

(h) the person is subject to an order, made in the Territory or elsewhere, to keep the peace.

(2) In this section:

declaration day, in relation to a person, means the day on which the person makes an eligibility declaration.

18ND Meaning of self-defence

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(1) A person uses a controlled OC spray in **self-defence** if the person carries out the conduct in self-defence as mentioned in section 43BD(2) to (4) of the Criminal Code.

(2) In this section:

30

conduct means conduct as mentioned in section 43AD(1) of the Criminal Code.

18NE Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Part.

Note for section 18NE

5 *Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.*

Division 2 Persons other than declared dealers

10 **18NF Application of Division**

This Division does not apply to a declared dealer.

18NG Prohibited conduct – prohibited persons

A prohibited person must not do any of the following:

- 15
- (a) manufacture a controlled OC spray;
 - (b) purchase a controlled OC spray;
 - (c) bring a controlled OC spray, or cause a controlled OC spray to be brought or sent, into the Territory;
 - (d) sell or supply a controlled OC spray;
 - (e) display, or advertise, a controlled OC spray for sale;
 - 20 (f) possess or carry a controlled OC spray;
 - (g) use a controlled OC spray.

18NH Offence

(1) A person commits an offence if:

- 25
- (a) the person is a prohibited person; and
 - (b) the person intentionally engages in conduct; and
 - (c) the conduct results in a contravention of section 18NG and the person is reckless in relation to the result.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

30 (2) Strict liability applies to subsection (1)(a).

-
- (3) It is a defence to a prosecution for an offence against subsection (1) in relation to a contravention of section 18NG(f) if the defendant was in possession of or carrying a controlled OC spray in accordance with section 18NI.

- 5 (4) Section 43BD of the Criminal Code does not apply in relation to an offence against subsection (1).

18NI Person in possession of spray who becomes prohibited person

- 10 (1) If a person who is in possession of a controlled OC spray in accordance with this Division becomes a prohibited person, the person must, as soon as reasonably practicable after becoming a prohibited person:

- (a) if the person was supplied the spray under section 18NO(2) or 18PH(2):

- 15 (i) notify the person's employer that the person is a prohibited person; and

- (ii) return the spray to the employer or a declarant acting on behalf of the employer; or

- 20 (b) otherwise – dispose of the spray in accordance with section 18NN(b).

- (2) The person may, for the purpose mentioned in subsection (1), possess and carry the controlled OC spray if it is carried in a manner that does not expose it to public view.

18NJ Prohibited conduct – other persons

- 25 (1) This section does not apply to a prohibited person.

Note for subsection (1)

For prohibited conduct for prohibited persons, see section 18NG.

- (2) A person must not do any of the following:

- (a) manufacture a controlled OC spray;

- 30 (b) bring a controlled OC spray, or cause a controlled OC spray to be brought or sent, into the Territory;

- (c) sell a controlled OC spray;

- (d) display, or advertise, a controlled OC spray for sale.

(3) A person must not do any of the following, other than in accordance with this Division:

- (a) purchase a controlled OC spray;
- (b) possess or carry a controlled OC spray;
- (c) use a controlled OC spray;
- (d) dispose of a controlled OC spray;
- (e) supply a controlled OC spray.

18NK Offence

(1) A person commits an offence if:

- (a) the person intentionally engages in conduct; and
- (b) the conduct results in a contravention of section 18NJ(2) or (3) and the person is reckless in relation to the result.

Maximum penalty: 200 penalty units or imprisonment for 12 months.

(2) Section 43BD of the Criminal Code does not apply in relation to an offence against subsection (1).

18NL Purchasing spray

An eligible person may purchase a controlled OC spray if the eligible person:

- (a) purchases it from a declared dealer in the Territory; and
- (b) for an eligible person who is a child – has the consent of a parent of the eligible person; and
- (c) complies with the requirements of section 18PD(2) or (3), whichever is applicable.

Note for section 18NL

A person who purchases a controlled OC spray from a declared dealer becomes a declarant.

18NM Possessing, carrying and using spray

- (1) A declarant may possess or carry a controlled OC spray if:
- (a) it is possessed or carried for the purpose of:
 - (i) use in self-defence; or
 - (ii) disposal in accordance with section 18NN; or
 - (iii) supply to a person in accordance with section 18NO(2) or (3); and
 - (b) subject to subsection (3), it is carried in a manner that does not expose it to public view; and
 - (c) the declarant shows a police officer a copy of the eligibility declaration signed by the person:
 - (i) when requested to do so by the police officer; or
 - (ii) within 1 business day of the request.
- (2) However, a declarant may not, in a public place, possess or carry more than 2 controlled OC sprays for use in self-defence.
- (3) A declarant may carry a controlled OC spray in a manner that exposes it to public view while the declarant is working as a crowd controller or security officer.
- (4) A declarant may use a controlled OC spray if:
- (a) it is used in self-defence; and
 - (b) subject to subsection (5), it is not used inside licensed premises.
- (5) A declarant may use controlled OC spray inside licensed premises while the declarant is working at the licensed premises as:
- (a) the licensee, a nominee of the licensee or an employee of the licensee; or
 - (b) a crowd controller; or
 - (c) a security officer.
- (6) In this section:

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

licensee means a person who holds a licence as defined in section 4(1) of the *Liquor Act 2019*.

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

18NN Disposing of spray

5 A declarant may dispose of a controlled OC spray if:

- (a) it is empty; or
- (b) it is disposed of by surrendering it to a declared dealer or police officer.

18NO Supplying spray

10 (1) A declarant may supply a controlled OC spray to another person if the supply is made in accordance with subsection (2), (3), (6) or (7).

(2) A declarant who is an employer, or acting on behalf of an employer, may supply a controlled OC spray to an employee of the employer if:

- 15 (a) the employee is at least 16 years of age; and
- (b) the supply is made for the purposes of the employee's employment; and
- (c) on the first occasion that the declarant supplies the employee with a spray:
 - 20 (i) the employee gives the declarant a declaration, signed on the day of the supply, stating that the employee is not a prohibited person; and
 - (ii) if the employee is a child – a parent of the employee gives the declarant written notice stating that the parent consents to the supply of the spray to the employee.

Notes for subsection (2)

1 *An employee who is supplied a controlled OC spray under this subsection becomes a declarant.*

30 2 *Section 18NI requires an employee who is supplied a controlled OC spray under this subsection and then becomes a prohibited person to notify the employer and return the spray.*

(3) An employee may return a controlled OC spray supplied under subsection (2) or section 18PH to the employer or a declarant acting on behalf of the employer.

(4) If a declarant supplies a controlled OC spray to an employee in accordance with subsection (2), the declarant must:

- 5
- (a) ensure the employee receives a copy of the signed declaration and consent (if applicable) mentioned in subsection (2)(c); and
 - (b) give the signed declaration and consent (if applicable) to the Commissioner within 2 business days after the supply.

(5) A person commits an offence of strict liability if the person fails to comply with subsection (4).

10 Maximum penalty: 100 penalty units.

(6) A declarant who enters premises or a venue may give a controlled OC spray carried by the declarant to a person who works at the premises or venue for safe keeping while the declarant remains at the premises or venue.

15 (7) A declarant who is a child may give a controlled OC spray that is in the declarant's possession to:

- (a) a person who works at an education facility if required to do so by that person; or
- (b) a parent of the declarant if required to do so by the parent.

20 **18NP Storage requirements**

(1) A declarant must:

- (a) store each controlled OC spray that is in the person's possession safely and securely; and
- 25 (b) take all reasonable precautions to ensure the spray is not lost or stolen and does not otherwise come into the possession of another person except as permitted under section 18NN(b) or 18NO.

(2) A person commits an offence of strict liability if the person fails to comply with subsection (1).

30 Maximum penalty: 100 penalty units.

Division 3 Exemptions

18NQ Persons present at residential premises

- (1) A person does not commit an offence against Division 2 if:
- (a) the person is not a prohibited person; and
 - 5 (b) the person is at residential premises, other than as a trespasser; and
 - (c) the person does any of the following at the residential premises with a controlled OC spray owned by a declarant:
 - 10 (i) possesses or carries the spray for the purpose of using it in self-defence;
 - (ii) uses the spray in self-defence.
- (2) A person does not commit an offence against this Part if the person:
- (a) is at residential premises, other than as a trespasser; and
 - 15 (b) supplies a controlled OC spray to another person at the premises for use in self-defence at the premises or for storage in accordance with section 18NP.

18NR Persons accepting or storing relinquished spray at premises or venues

- 20 (1) This section applies to a person who works at premises or a venue if the person:
- (a) accepts for safe keeping a controlled OC spray (a **relinquished spray**) given by an entrant to the premises or venue to the person (or to another person who works at the premises or venue); or
 - 25 (b) is responsible for storing relinquished sprays.
- (2) The person does not commit an offence against Division 2 if the person:
- 30 (a) possesses or carries, in a manner that does not expose it to public view, a relinquished spray:
 - (i) inside, or in the immediate vicinity of, the premises or venue; or

- (ii) elsewhere for the purpose of disposal in accordance with paragraph (c); or
- (b) supplies the relinquished spray:
 - (i) to the entrant; or
 - (ii) to another person who works at the premises or venue for the purpose of storage, supply to the entrant or disposal; or
- (c) disposes of the relinquished spray by surrendering it to a declared dealer or police officer.

- 10 (3) A person is not civilly or criminally liable for an act done in accordance with this section.

18NS Persons who confiscate spray from child

- (1) This section applies to a person who:

- (a) works at an education facility if the person:

- 15 (i) confiscates a controlled OC spray from a child at the facility or receives a confiscated spray from another person at the facility; or
- (ii) is responsible for storing the confiscated controlled OC spray at the facility; or

- 20 (b) is a parent of a child and confiscates a controlled OC spray from the child.

- (2) The person does not commit an offence against Division 2 if the person:

- 25 (a) possesses or carries, in a manner that does not expose it to public view, the confiscated controlled OC spray for the purpose of:

- (i) storing it on behalf of the child from whom it was confiscated; or

- (ii) returning it to the child from whom it was confiscated; or

- 30 (iii) disposal in accordance with paragraph (c); or

- (b) supplies the spray to the child or, if the spray was confiscated at an education facility, to another person who works at the facility; or

(c) disposes of the spray by surrendering it to a declared dealer or police officer.

(3) A person is not civilly or criminally liable for an act done in accordance with this section.

5 **18NT Statutory officers**

(1) A statutory officer does not commit an offence against Division 2 if the officer brings into the Territory, causes to be brought or sent into the Territory, possesses, carries or uses a controlled OC spray and the officer does so:

10 (a) when acting in the course of the officer's duties as a statutory officer; and

(b) in respect of a controlled OC spray that:

15 (i) is supplied to the officer by the officer's employer for the performance of the officer's duties as a statutory officer; or

(ii) is seized by the statutory officer in the course of the performance of the officer's duties as a statutory officer.

20 (2) A person who is undertaking a course of training in the use of a controlled OC spray for the purpose of becoming a statutory officer does not commit an offence against Division 2 if the person possesses, carries or uses a controlled OC spray as part of the course.

25 (3) A person who is the employer of a statutory officer, or acting on behalf of the employer, does not commit an offence against Division 2 if the person:

(a) brings into the Territory, causes to be brought or sent into the Territory, purchases, possesses or carries a controlled OC spray if the spray is to be supplied to a statutory officer for use in the course of the officer's duties as a statutory officer; or

30 (b) supplies a controlled OC spray to a statutory officer for use in the course of the officer's duties as a statutory officer.

(4) A statutory officer, or an employer of a statutory officer, does not commit an offence against Division 2 if the officer or employer does the following:

35 (a) possesses a controlled OC spray for the purpose of disposal in accordance with paragraph (b);

- (b) disposes of a controlled OC spray if:
 - (i) it is empty; or
 - (ii) it is disposed of by surrendering it to a declared dealer or police officer.

5 **18NU Persons undertaking approved training courses**

- (1) A person who is undertaking an approved training course does not commit an offence against Division 2 if the person possesses, carries or uses a controlled OC spray as part of the course.
- (2) In this section:

10 ***approved training course*** means a course of training in the use of a controlled OC spray, that is:

- (a) approved by the Commissioner; and
- (b) conducted by and under the direction of an instructor approved by the Commissioner.

15 **18NV Common carriers**

A person does not commit an offence against Division 2 if the person brings into the Territory, causes to be brought or sent into the Territory, possesses, carries or supplies a controlled OC spray if the spray:

- 20
- (a) is not the person's property; and
 - (b) forms part of a consignment of goods in the person's possession as a common carrier.

18NW Employees of declared dealers

- 25
- (1) A licensed employee does not commit an offence against Division 2 if the employee:
 - (a) when acting in the course of the employee's duties as a licensed employee – deals with a controlled OC spray in a way that a declared dealer is permitted to under Division 4; or
 - (b) otherwise:
 - 30 (i) possesses or carries a controlled OC spray supplied by, or on behalf of, the employee's employer, in a manner that does not expose it to public view, for the purpose of use in self-defence or disposal in accordance with subparagraph (iii); or

(ii) uses a controlled OC spray in self-defence, other than inside licensed premises; or

(iii) disposes of a controlled OC spray if:

(A) it is empty; or

(B) it is disposed of by surrendering it to a declared dealer or police officer.

Note for subsection (1)(b)

Section 18PH(2) permits a declared dealer to supply a licensed employee a controlled OC spray without the employee signing an eligibility declaration.

(2) An employee of a declared dealer does not commit an offence against Division 2 if the employee returns to a licensed employee of the dealer a controlled OC spray that the employee was supplied for the purposes of the employee's employment.

(3) In this section:

deal with means purchase, bring into the Territory, cause to be brought or sent into the Territory, sell, display or advertise for sale, possess or carry, use, dispose of or supply.

18NX Persons exempted by Administrator

(1) The Administrator may, by *Gazette* notice, exempt a person or class of persons from the application of a specified offence or all offences against Division 2 or 4 in specified circumstances.

(2) The notice may specify the conditions and limitations to which an exemption in the notice is subject.

(3) The Administrator may, by *Gazette* notice, vary or revoke a notice under subsection (1).

(4) If the Administrator exempts a person or class of persons under subsection (1), subject to any conditions or limitations to which the exemption is subject, the person, or a person who is a member of the class, does not commit the offence or offences specified in the notice in the circumstances specified in the notice.

18NY Storage requirements

(1) This section applies to the following:

(a) a person who is in possession of a controlled OC spray in accordance with section 18NR or 18NS;

- (b) a licensed employee who is in possession of a controlled OC spray.

(2) The person must:

- (a) store the controlled OC spray safely and securely; and
- (b) take all reasonable precautions to ensure the spray is not lost or stolen and does not otherwise come into the possession of another person except as permitted under section 18NR, 18NS or 18NW.

(3) A person commits an offence of strict liability if the person fails to comply with subsection (2).

Maximum penalty: 100 penalty units.

Division 4 Declared dealers

18NZ Dealer declaration

- (1) A firearms dealer may give the Commissioner a declaration stating that the firearms dealer intends to be a declared dealer of controlled OC sprays.

(2) The declaration must:

- (a) be in the form approved by the Commissioner; and
- (b) specify:
 - (i) the name and address of the firearms dealer; and
 - (ii) the licence number of the firearms dealer licence held by the firearms dealer under the *Firearms Act 1997*; and
- (c) be signed by the firearms dealer.

18P Prohibited conduct

- (1) A declared dealer must not manufacture a controlled OC spray.
- (2) A declared dealer must not do any of the following, other than in accordance with this Division:
- (a) purchase a controlled OC spray;
 - (b) bring a controlled OC spray, or cause a controlled OC spray to be brought or sent, into the Territory;
 - (c) sell a controlled OC spray;

-
- (d) display a controlled OC spray for sale;
 - (e) possess or carry a controlled OC spray;
 - (f) use a controlled OC spray;
 - (g) dispose of a controlled OC spray;
 - 5 (h) supply a controlled OC spray.

18PA Offence

(1) A person commits an offence if:

- (a) the person is a declared dealer; and
- (b) the person intentionally engages in conduct; and
- 10 (c) the conduct results in a contravention of section 18P(1) or (2) and the person is reckless in relation to the result.

Maximum penalty: 200 penalty units or imprisonment for 12 months.

(2) Strict liability applies to subsection (1)(a).

18PB Purchasing spray

A declared dealer may purchase a controlled OC spray if the dealer purchases it from:

- (a) a manufacturer or supplier located in Australia; or
- (b) another declared dealer.

Note for section 18PB

See section 18PJ for the record-keeping requirements that apply to a purchase.

18PC Bringing spray, or causing spray to be brought, or sent into Territory

A declared dealer may bring a controlled OC spray into the Territory, or cause a controlled OC spray to be brought or sent into the Territory, if it is supplied by a manufacturer or supplier located in Australia.

18PD Selling spray

(1) A declared dealer may sell a controlled OC spray if the dealer sells it in accordance with this section.

(2) A declared dealer may sell a controlled OC spray to an adult in the Territory if the adult:

(a) shows the declared dealer or a licensed employee of the dealer the person's valid identification; and

5 (b) in the presence of the declared dealer or employee on the day of the sale – signs a declaration stating that the person is not a prohibited person; and

(c) gives the declared dealer or employee the signed declaration.

10 (3) A declared dealer may sell a controlled OC spray to a child in the Territory who is at least 16 years of age if:

(a) the child:

(i) shows the declared dealer or a licensed employee of the dealer the child's valid identification; and

15 (ii) in the presence of the declared dealer or employee on the day of the sale – signs a declaration stating that the child is not a prohibited person; and

(iii) gives the declared dealer or employee the signed declaration; and

(b) a parent of the child:

20 (i) shows the declared dealer or employee the parent's valid identification; and

(ii) in the presence of the declared dealer or employee on the day of the sale – signs a declaration stating that the parent:

25 (A) is not a prohibited person; and

(B) consents to the sale of the spray to the child; and

(iii) gives the declared dealer or employee the signed declaration.

(4) A declared dealer may sell a controlled OC spray to:

30 (a) a manufacturer or supplier of controlled OC sprays; or

(b) another declared dealer.

(5) In this section:

valid identification, for a person, means the original or a copy of:

(a) any of the following documents that are in force and contain a photograph of the person:

- 5 (i) an Australian passport;
- (ii) another document evidencing entitlement to Australian residency;
- 10 (iii) a licence or permit issued under a law of the Commonwealth or a State or Territory that specifies the person's date of birth;
- (iv) a proof of age card issued by a State or Territory;
- (v) a clearance notice issued under section 189(3)(a) of the *Care and Protection of Children Act 2007*; or

(b) both of the following:

- 15 (i) a passport issued by another country that contains a photograph of the person and is in force;
- (ii) an Australian visa that is in force.

Note for section 18PD

20 *See section 18PJ for the record-keeping and other requirements that apply to a sale.*

18PE Displaying spray for sale

A declared dealer may display a controlled OC spray for sale if the dealer:

- (a) displays it only during business hours; and
- 25 (b) displays it in a lockable display cabinet that is:
 - (i) fitted with glass or other material of sufficient strength to prevent easy entry; and
 - (ii) locked at all times except when a controlled OC spray needs to be removed for the purpose of sale.

18PF Possessing, carrying and using spray

(1) A declared dealer may possess or carry a controlled OC spray if:

(a) it is possessed or carried for any of the following purposes:

(i) sale;

(ii) use in self-defence;

(iii) supply to employees;

(iv) disposal; and

(b) for a spray that is carried for a purpose mentioned in paragraph (a)(ii) to (iv) – it is carried in a manner that does not expose it to public view.

(2) However, a declared dealer may not, in a public place, possess or carry more than 2 controlled OC sprays for the purpose of use in self-defence.

(3) A declared dealer may use a controlled OC spray if:

(a) it is used for the purpose of self-defence; and

(b) it is not used inside licensed premises.

18PG Disposing of spray

A declared dealer may dispose of a controlled OC spray if:

(a) it is empty; or

(b) it is disposed of by:

(i) returning it to a manufacturer or supplier of controlled OC sprays; or

(ii) surrendering it to a police officer.

18PH Supplying spray

(1) A declared dealer may supply a controlled OC spray to another person if the supply is made in accordance with subsection (2), (3) or (6).

(2) A declared dealer may supply a controlled OC spray to a licensed employee if the supply is made for the purposes of the licensed employee's employment.

(3) A declared dealer may supply a controlled OC spray to an employee of the dealer who is not a licensed employee if:

- (a) the employee is at least 16 years of age; and
- (b) the supply is made for the purposes of the employee's employment; and
- (c) on the first occasion that the dealer supplies the employee with a spray:
 - (i) the employee gives the dealer or a licensed employee of the dealer a declaration, signed on the day of the supply, stating that the employee is not a prohibited person; and
 - (ii) if the employee is a child – a parent of the child gives the dealer or the employee written notice stating that the parent consents to the supply of the spray to the child.

Notes for subsection (3)

- 1 *An employee of a declared dealer may also be supplied a controlled OC spray by a declarant who is acting on behalf of the dealer under section 18NO or by a licensed employee (see section 18NW(1)(a)).*
- 2 *Sections 18NO(3) and 18NW(2) provide for the return of the controlled OC spray by the employee.*

(4) If a declared dealer supplies a controlled OC spray to an employee in accordance with subsection (3), the dealer must:

- (a) ensure the employee receives a copy of the signed declaration and consent (if applicable) mentioned in subsection (3)(c); and
- (b) give the signed declaration and consent (if applicable) to the Commissioner within 2 business days after the supply.

(5) A person commits an offence of strict liability if the person:

- (a) is a declared dealer; and
- (b) fails to comply with subsection (4).

Maximum penalty: 100 penalty units.

(6) A declared dealer who enters premises or a venue may give a controlled OC spray carried by the dealer to a person who works at the premises or venue for safe keeping while the dealer remains at the premises or venue.

18PI Storage requirements

- (1) Subsection (2) applies in relation to a controlled OC spray that is in a declared dealer's possession for the purpose of sale.
- 5 (2) If the controlled OC spray is not being displayed for sale, the declared dealer must ensure it is stored in accordance with the requirements prescribed by regulation.
- (3) A declared dealer must, in relation to a controlled OC spray that is in the dealer's possession for a purpose other than sale:
- (a) store the spray safely and securely; and
- 10 (b) take all reasonable precautions to ensure the spray is not lost or stolen and does not otherwise come into the possession of another person except as permitted under section 18PG or 18PH.
- (4) A person commits an offence of strict liability if the person:
- 15 (a) is a declared dealer; and
- (b) fails to comply with subsection (2) or (3).

Maximum penalty: 100 penalty units.

18PJ Records of purchases and sales and related documents

- 20 (1) If a declared dealer purchases a controlled OC spray, the dealer must:
- (a) keep a record of the purchase containing the following information for 3 years after the purchase:
- (i) the date of the purchase;
- 25 (ii) a description of the spray purchased, including the volume or weight of the spray;
- (iii) the quantity of sprays purchased;
- (iv) the name and address of the person from whom the spray was purchased; and
- 30 (b) give a copy of the record to the Commissioner within 5 business days after the purchase.

(2) If a declared dealer sells a controlled OC spray under section 18PD(2) or (3), the dealer must:

(a) ensure the purchaser receives:

(i) a copy of the declaration signed by the purchaser under the applicable provision; and

(ii) if the purchaser is a child – a copy of the declaration signed by the purchaser's parent under section 18PD(3); and

(b) keep a record of the sale containing the following information for 3 years after the sale:

(i) the name of the dealer;

(ii) the date of the sale;

(iii) a description of the spray sold, including the volume or weight of the spray;

(iv) the quantity of the spray sold;

(v) the name and date of birth of the purchaser; and

(c) give the following to the Commissioner within 5 business days after the sale:

(i) the declaration signed by the purchaser under the applicable provision;

(ii) if the purchaser is a child – the declaration signed by the purchaser's parent under section 18PD(3);

(iii) a copy of the record of the sale; and

(d) at the request at any reasonable time of a police officer, produce the record for inspection by the officer.

(3) A person commits an offence of strict liability if the person:

(a) is a declared dealer; and

(b) fails to comply with subsection (1) or (2).

Maximum penalty: 100 penalty units.

8 Section 19 amended (Search without warrant)

(1) Section 19(1)

omit, insert

5 (1) Subsection (2) applies in relation to a person in a public place or school if:

(a) a police officer has reasonable grounds to suspect that the person is carrying, or has in the person's possession, a prohibited weapon, a controlled weapon, an offensive weapon, body armour or a controlled OC spray contrary to this Act; and

10 (b) the officer informs the person of the grounds for the officer's suspicion.

(2) Section 19(2)(a)

omit, insert

15 (a) search the person for a prohibited weapon, controlled weapon, offensive weapon, body armour or controlled OC spray; and

(3) Section 19(2)(b) and (c)

omit

controlled weapon, offensive weapon or body armour

insert

20 a controlled weapon, an offensive weapon, body armour or a controlled OC spray

(4) After section 19(2)

insert

25 (2A) If a controlled OC spray is seized and detained under subsection (2), a police officer may destroy the spray if the officer:

(a) has reasonable grounds to suspect that possession of the spray by the person from whom it was seized was unlawful; and

(b) considers that the destruction is necessary for public safety.

30 (2B) The destruction may occur at a police station or at any other place.

9 Section 21 amended (Return of goods if prosecution does not occur)

(1) Section 21(1)

omit, insert

5 (1) Subsection (2) applies in relation to a prohibited weapon, a controlled weapon, an offensive weapon, body armour or a controlled OC spray that has been seized by a police officer in relation to an alleged offence by a person against this Act, if it has not been destroyed under section 19(2A) or section 116KM of the
10 *Police Administration Act 1978.*

(2) Section 21(2)

omit

a weapon or body armour to which this subsection applies

insert

15 the weapon, body armour or controlled OC spray

(3) After section 21(3)

insert

20 (4) Subsection (2) does not apply in relation to a controlled OC spray if the person to whom, under that subsection, it is required to be returned is not permitted to possess it under Part 3B.

10 Section 23D amended (Approved training)

Section 23D

omit

weapons and body armour.

25 *insert*

weapons, body armour and controlled OC sprays.

11 Part 7 inserted

After section 26

insert

**Part 7 Transitional matters for Weapons Control
Legislation Amendment (Legalising Controlled
OC Spray) Act 2026**

27 Definitions

In this Part:

commencement means the commencement of section 3 of the *Weapons Control Legislation Amendment (Legalising Controlled OC Spray) Act 2026*.

exemption instrument means the instrument entitled 'Exemptions: OC Spray' dated 30 July 2025 and published in *Gazette* No. S49 on 6 August 2025, as amended by instrument entitled 'Variation of Instrument' dated 23 July 2026 and published in *Gazette* No. G15 on 30 July 2026.

28 Declared dealers

A firearms dealer who, immediately before the commencement, was a declared dealer under the exemption instrument continues, after the commencement, to be a declared dealer under Part 3B as if the firearms dealer had given the Commissioner a declaration in accordance with section 18NZ.

29 Records of purchases and sales made under exemption instrument

(1) Section 18PJ(1)(a) applies in relation to each purchase of a controlled OC spray that was made before the commencement by a firearms dealer mentioned in section 28, as if the provision requires records to be kept for 3 years after the commencement.

(2) Section 18PJ(2)(b) applies in relation to each sale of a controlled OC spray that was made before the commencement by a firearms dealer mentioned in section 28, as if the provision requires records to be kept for 3 years after the commencement.

Note for section 29

Section 18PJ(3) provides that it is an offence to fail to comply with section 18PJ(1) or (2).

30 Eligibility declaration

A declaration signed under clause 18(1) or 30(2) of the Schedule to the exemption instrument is, after the commencement, taken to be an eligibility declaration.

5 31 Offences – before and after commencement

(1) Part 3B applies only in relation to offences committed after the commencement.

(2) Section 6 continues to apply in relation to offences committed before the commencement.

10 (3) For this section, if any of the conduct constituting an offence occurred before the commencement, the offence is taken to have been committed before the commencement.

12 Act further amended

Schedule 1 has effect.

15 Part 3 Amendment of Weapons Control Regulations 2001

13 Regulations amended

This Part amends the *Weapons Control Regulations 2001*.

14 Regulation 3A repealed

20 Regulation 3A

repeal

15 Regulation 7 inserted

After regulation 6

insert

7 Storage requirements for controlled OC spray

5 For section 18PI(2) of the Act, the controlled OC spray must be stored:

(a) in a storage room that complies with the following requirements:

10 (i) all walls must be sufficiently solid to provide a physical barrier to entry;

(ii) all windows must be fitted with security screens; and

15 (b) within a locked container that is constructed of steel or similar strong material and the hinges of which are secured so that the door to the container cannot be detached by removing the pins.

Example for paragraph (b)

Internal or trap-type hinges.

16 Schedule 2 amended (Prohibited weapons)

(1) Schedule 2, item 17

20 *omit*

spray.

insert

spray, other than a controlled OC spray.

(2) Schedule 2, item 18

25 *omit*

person.

insert

person, other than a controlled OC spray.

Part 4 Consequential amendments

17 Other Acts amended

Schedule 2 amends the Acts mentioned in it.

Part 5 Repeal of Act

5 **18 Repeal of Act**

This Act is repealed on the day after it commences.

Schedule 1 Act further amended

section 12

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 12(1)	all words from 'The' to '(2):'	Each of the following persons is a <i>prescribed person</i> :
section 12(1)(e)	whole paragraph	(e) a Protective Service Officer of the Australian Federal Police.
section 18F(7)	whole subsection	
section 20(1)	13 or 14(5):	13, 14(5), 18NH, 18NK or 18PA, subject to section 19(2A):
section 20(1)(a)	weapon or body armour	weapon, body armour or controlled OC spray (the <i>object</i>)
section 20(1)(b) and (2)(a) to (c)	weapon or body armour (<i>all references</i>)	object
section 22(2)	weapon or body armour	weapon, body armour or controlled OC spray

Schedule 2 Other Acts amended

section 17

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<i>Care and Protection of Children Act 2007</i>		
section 60(2)(b)	controlled weapon, offensive weapon or prohibited weapon	controlled OC spray, controlled weapon, offensive weapon or prohibited weapon, each
<i>Disability Services Act 1993</i>		
section 27(3)(b)	controlled weapon, offensive weapon or prohibited weapon	controlled OC spray, controlled weapon, offensive weapon or prohibited weapon, each
<i>Liquor Act 2019</i>		
section 209(1)(d)	or 8	8, 18NH, 18NK or 18PA
<i>Police Administration Act 1978</i>		
section 116(2), definition <i>restricted weapon</i> , paragraph (b), after 'controlled'		OC spray, a controlled
section 116KB(2)(a) and (b)(i)(A) and (ii)	controlled weapon or prohibited weapon	prohibited weapon, controlled weapon or controlled OC spray
section 116KB(6)		<i>controlled OC spray</i> , see section 3 of the <i>Weapons Control Act 2001</i> .
section 116KB(6), definition <i>weapon possession offence</i>	7(1) or 7A	7(1), 7A, 18NH, 18NK or 18PA

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<i>Serious Crime Control Act 2009</i>		
section 27(2)(b)(ii)	controlled weapon, offensive weapon or prohibited weapon or body armour,	controlled OC spray, a controlled weapon, an offensive weapon, a prohibited weapon or body armour, each