



National Health Security Amendment Regulations 2010 (No. 1)¹

Select Legislative Instrument 2010 No. 128

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *National Health Security Act 2007*.

Dated 15 June 2010

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

NICOLA ROXON
Minister for Health and Ageing

1 Name of Regulations

These Regulations are the *National Health Security Amendment Regulations 2010 (No. 1)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *National Health Security Regulations 2008*

Schedule 1 amends the *National Health Security Regulations 2008*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 1.03

omit

In these Regulations:

insert

(1) In these Regulations:

[2] Regulation 1.03, after definition of *Act*

insert

affected has the meaning given by subregulation (2).

[3] Regulation 1.03, definition of *sensitive information*

omit

clause 5.3

insert

Part 5

[4] Regulation 1.03

insert

- (2) The body of a person or animal is *affected* by a security-sensitive biological agent if the security-sensitive biological agent has been introduced into the body.

[5] Regulation 3.05

substitute

3.05 Persons or animals affected by security-sensitive biological agents

- (1) A person who is affected by a security-sensitive biological agent is an exempt entity while affected by the security-sensitive biological agent.
- (2) An entity is an exempt entity if:
- (a) the entity destroys an animal that is affected by a security-sensitive biological agent; and
 - (b) the entity's destruction of the animal is carried out because the animal is affected by a security-sensitive biological agent.

[6] Regulation 3.06, heading

substitute

3.06 Treatment of persons or animals affected by security-sensitive biological agents**[7] Paragraph 3.06 (a)**

omit

person or to an animal for an occurrence of disease or injury from

insert

person who, or an animal that, has been affected by

[8] After regulation 3.06

insert

3.07 Handling of human bodies

An entity is an exempt entity for the purpose of examining, burying or cremating human bodies if:

- (a) the functions of the entity include:
 - (i) examination, identification, storage or transport of the bodies of deceased persons; or
 - (ii) preparation of the bodies of deceased persons for burial or cremation; and
- (b) the entity performs any of the functions mentioned in paragraph (a) on the body of a person who, before his or her death, was affected by a security-sensitive biological agent.

3.08 Handling of mice to test for botulinum toxin

- (1) An entity is an exempt entity for the purpose of handling mice to test for the presence of botulinum toxin if:
 - (a) the entity has functions that include the use of mice to test for the presence of botulinum toxin; and
 - (b) the entity conducts a test on mice for the presence of botulinum toxin.
- (2) However, an entity is not an exempt entity if it handles botulinum toxin for the purpose of using it as a control sample for testing or carrying out diagnostic analysis.

[9] Regulations 3.17, 3.18 and 3.19

omit

clause 6.2

insert

Part 6

[10] Regulation 3.26

substitute

3.26 Persons affected by a security-sensitive biological agent

It is a reportable event for a registered entity if:

- (a) a security-sensitive biological agent is included on the National Register in relation to the entity and a facility; and
- (b) a person who has been to the facility is affected by a security-sensitive biological agent as a result of the entity's handling of the security-sensitive biological agent at the facility.

[11] Regulation 3.43, note

omit

clause 6.2

insert

Part 6

[12] Paragraph 3.44 (1) (j)

omit

person suffers an occurrence of disease, is injured, or dies

insert

persons affected by a security-sensitive biological agent

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.