

CRIMES (BIOLOGICAL WEAPONS) REGULATIONS

\*1\* Notified in the Commonwealth of Australia Gazette on 28 February 1980.

CRIMES (BIOLOGICAL WEAPONS) REGULATIONS - SECT. 1.

Citation

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1. These Regulations may be cited as the Crimes (Biological Weapons) Regulations.

CRIMES (BIOLOGICAL WEAPONS) REGULATIONS - SECT. 2.

Interpretation

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2. In these Regulations, unless the contrary intention appears-

"authorized person" means a person appointed by the Director-General, by instrument in writing, to be an authorized person for the purposes of these Regulations;

"Director-General" means the person who holds, or is for the time being performing the duties of, the office of Director-General of Health;

"the Act" means the Crimes (Biological Weapons) Act 1976.

CRIMES (BIOLOGICAL WEAPONS) REGULATIONS - SECT. 3.

Storage of substances and articles

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3. (1) A person who, on behalf of the Commonwealth, acquires a substance or article in respect of which an offence referred to in section 10 of the Act has been, or is alleged to have been, committed shall inform the Director-General or an authorized person forthwith that he has so acquired the substance or article.

(2) Where the Director-General or an authorized person has, in accordance with sub-regulation (1), been informed of the acquisition of a substance or article, the Director-General or the authorized person, as the case may be, shall give such directions in respect of the storage of the substance or article as, in his opinion, are appropriate in the circumstances, being directions that are not inconsistent with the requirements of sub-regulation (5).

(3) Without limiting the generality of sub-regulation (2), the matters in respect of which directions may be given under that sub-regulation include-

(a) the place at which the substance or article is to be stored;

(b) the temperature and relative humidity at which the substance or article is to be stored; and

(c) the type of container (if any) in which the substance or article is to

be stored.

(4) A person who is responsible for the storage of a substance or article referred to in this regulation shall comply with directions given under sub-regulation (2) in respect of the storage of that substance or article.

(5) In addition to complying with directions given under sub-regulation (2), a person who is responsible for the storage of a substance or article referred to in this regulation shall ensure that the following information is recorded on a label attached to the substance or article or to a container in which the substance or article is stored:

- (a) a description of the substance or article when acquired by the Commonwealth;
- (b) the place, date and time when so acquired;
- (c) the name of the person who acquired the substance or article on behalf of the Commonwealth; and
- (d) particulars of any dealings with the substance or article after its acquisition by the Commonwealth.

CRIMES (BIOLOGICAL WEAPONS) REGULATIONS - SECT. 4.  
Disposal of substances and articles

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4. (1) A person shall not dispose of a substance or article in respect of which an offence referred to in section 10 of the Act has been, or is alleged to have been, committed except in accordance with the directions of the Director-General or an authorized person.

(2) The Director-General or an authorized person may give such directions as, in his opinion, are necessary in respect of the disposal of a substance or article referred to in sub-regulation (1).

(3) In giving directions under sub-regulation (2), the Director-General or an authorized person shall have regard to-

- (a) the requirements of public health and safety; and
- (b) the effect of the directions with respect to plants and animals.

CRIMES (BIOLOGICAL WEAPONS) REGULATIONS - SECT. 5.  
Analysis of substances

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5. (1) A person who has been charged with an offence referred to in section 10 of the Act in respect of a substance referred to in paragraph 8 (1) (a) of the Act may request the Director-General or an authorized person to provide him with an opportunity to have a sample of the substance analysed on his behalf.

(2) Where a person charged has made a request to the Director-General or an

authorized person under sub-regulation (1), the Director-General or the authorized person, as the case may be, shall make a sample of the substance available for analysis by a person who, by virtue of his training and experience, is competent to analyse the substance, being a person nominated by the person charged.

(3) The Director-General or the authorized person, as the case may be, shall retain control at all times of a sample that he makes available for analysis in accordance with sub-regulation (2).

(4) An analysis of a sample that is made available in accordance with sub-regulation (2) shall be carried out at a time and place specified by the Director-General or the authorized person, being a time and place that is reasonable in the circumstances.

(5) In specifying a time and place for the purposes of sub-regulation (4), the Director-General or the authorized person shall have regard to the nature of the substance to be analysed and the requirements of public health and safety.