

**Chemical Weapons (Convention) Bill -
Follow-up on issues raised at the Bills Committee
meeting held on 18 October 2002**

Definitions of terms used in the CWC Bill

By virtue of Clause 2(2) of the CWC Bill, a term used in both the Bill and the Convention but which is not expressly defined in the Bill has the same meaning as in the Convention. At the meeting of the Bills Committee held on 18 October 2002, Members were generally of the view that the lack of express definitions of some terms in the Bill might cause inconvenience to the readers. The Administration undertook to review whether some terms used in the Bill should be expressly defined in Clause 2.

2. Having carefully reconsidered the matter, we agree that it would be more user-friendly if a few terms are expressly defined in Clause 2 of the Bill. We will therefore, in due course, propose committee stage amendments to add the definitions of “chemical weapons”, “discrete organic chemicals”, “facility”, “Organization” and “purposes not prohibited under the Convention” in Clause 2.

Schedule 1 to the Bill

3. The full text of the CWC is currently set out in Schedule 1 to the Bill. We have adopted this approach because the provisions of the Bill cannot be fully understood without the Convention and we believe it is more user-friendly to set out the full text of the Convention in a schedule to the Bill. That way, readers do not need to refer to the Convention separately. (The full text of the Convention is similarly set out in the Schedule to the Australian Chemical Weapons (Prohibition) Act 1994.) At the Bills Committee meeting held on 18 October, Members asked whether it was really necessary to set out the full text of the Convention in Schedule 1 to the Bill.

4. In light of Members’ query, we have revisited the matter. Having regard to the following considerations, we have come to a view that it would be acceptable if the full text of the Convention is not set out in a schedule to the Bill:

- (a) since some terms used in the Bill will be expressly defined in

Clause 2 (see para. 2 above), the need for cross-referencing between the Bill and the Convention will be reduced;

- (b) it is conceivable that the text of the Convention will be amended from time to time. To keep the Ordinance up-to-date, we might need to introduce legislative amendments to reflect changes to the Convention from time to time. This might not represent efficient use of resources given the availability of an alternative; and
- (c) even if the Convention is not set out in a schedule to the Ordinance, members of the public should still be able to have access to the Convention. The full text of the Convention is accessible through the Internet; it is on the website of the Organization for the Prohibition of Chemical Weapons. Upon request, the Government could provide hard copies to members of the public (we do not envisage a large number of such requests).

5. The Administration is therefore prepared to propose committee stage amendments to delete the current Schedule 1 to the Bill, and to set out the “Scheduled chemicals” in the Bill.

Commerce, Industry and Technology Bureau
November 2002