

Can you explain if there will be any difference in the way an Australian national is treated under either agreement?

Technically speaking, there is no difference in the standard of treatment expected to be provided to an Australian national detained in China or Macau under either agreement. The treatment provided to Australian nationals in China or Macau is primarily defined by the *Vienna Convention on Consular Relations*-(VCCR), which is given effect by the two agreements. However, a practical difference between the two agreement which will be addressed by the amendment is in the timing of official notification of arrests or the detention of Australian nationals. Under the China agreement a consular official must be informed within three days of the arrest or detention of an Australian national. Under the current Macau agreement, notification of an arrested or detained person is not specified beyond “without delay”, and is determined by the relevant authority. The amendments will ensure that the more specific timing provided in the China agreement will apply to Australian nationals detained in Macau as well.

What are the provisions to assist dual nationals under *the Agreement on Consular Relations between Australia and the People’s Republic of China*?

Article 10 (1) of the China agreement permits the travel of a person who may have a claim simultaneously to the nationality of Australia and the People's Republic of China. However, this does not imply that the People's Republic of China recognises dual nationality.

Article 10 (3) of the China agreement also allows for an Australian national who enters China on a valid Australian travel document, to be considered an Australian national for the purposes of ensuring consular access and protection.

Can you provide further detail on the projected jail term of the dual national Rio Tinto executive that is currently detained in China?

The Australian Government has provided all appropriate consular assistance to a former Rio Tinto Executive, in accordance with the *Consular Services Charter*.

Due to privacy obligations, we are unable to provide further information.

Does the Extradition treaty have any bearing on these amendments?

We confirm the extradition treaty between Australia and the People's Republic of China, which has not yet entered into force, has no bearing on these amended arrangements. Furthermore, Australia has no Extradition Agreement with the Macau Special Administrative Region.