



Australian Government

Department of Foreign Affairs and Trade

TREATIES TABLED 2 MAR 04

Submission No: 16

18 March 2004

Ms Julia Morris  
Inquiry Secretary  
Joint Standing Committee on Treaties  
Parliament House  
CANBERRA ACT 2600

Dear Ms Morris

I refer to your email of 10 March 2004 concerning the Hansard transcript of proceedings on the Consular Agreement between Australia and the Socialist Republic of Vietnam at the public hearing of the Joint Standing Committee on Treaties on Monday 8 March 2004. A corrected copy of the Hansard proof is attached (corrections on pages TR2 and TR4).

In addition, I would like to correct my response to the question asked by the Chair concerning whether Australia's practices for access by Vietnamese consular officials to citizens arrested or detained in Australia were currently comparable to those proposed in the new Agreement.

Australia's practices for access by Vietnamese officials are based on Article 36 of the Vienna Convention on Consular Relations (VCCR), which provides a general entitlement for consular access if an arrested person requests such access. This article does not provide any specific timeframes for such consular access. Rather, it states that advice be forwarded and consular access granted "without delay". Following entry into force of the Consular Agreement with Vietnam, Australia would be required to give effect to the provisions of the Agreement which require Australian officials who detain a Vietnamese national, to notify the relevant Vietnamese consular officials of the arrest within three days, and permit a consular visit to the detainee within two days thereafter. Reasons must also be provided for the detention of a Vietnamese national and the details of any charges, unless the Vietnamese national expressly requests that the Vietnamese consul not be informed.

If you require any further information, please do not hesitate to contact me on Tel: 62613013.

Yours sincerely

Rod Smith  
Assistant Secretary  
Consular Branch