



Our Ref: SM:TR:220049

Your Ref:

29 September 2023

By email: cbasa.sen@aph.gov.au

Committee Secretary
Senate Select Committee on Commonwealth Bilateral Air Services Agreements
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretary

Select Committee on Commonwealth Bilateral Air Services Agreements – Questions on notice to Qatar Airways Group Q.C.S.C

Senator SHELDON: I understand that it was some hundreds of millions of dollars, but, if you can come back to us with a final figure, that would be a great deal of assistance to the committee. The other question follows up on a statement from a previous question. There's been a lot of media coverage in Australia in 2020 regarding the treatment of Australian women transiting through Doha. Could you please talk us through what happened from your perspective? Is Qatar Airways actively looking to settle the case with the women? I am very mindful of the evidence we received yesterday from the Australia Qatar Business Council. In those comments, he said—and I'm paraphrasing—that this is a matter that should be dealt with and settled quickly. Where are we up to, and what transpired for us to be in the situation we're in now? Is there a pathway forward to get this resolved?

Mr Raos: This matter is currently before the Federal Court of Australia. I think you might be aware of that. The women involved have commenced legal proceedings. We are participating in that process. We think it's a very important process and we need to honour it and respect it. It does preclude us from going further into this topic today. But the assurance we would like to give this committee is that the outcome of that Federal Court case is something that we will honour and abide. We have voluntarily submitted to the jurisdiction of the Federal Court in this matter, and we would like to see that progress, and we will follow the guidance with the court.

Senator SHELDON: Before I hand over to my colleague, does that include mediation as well?

Senator ALLNMAN-PAYNE: On 28 October 2020, the Qatar Government Communications Office issued a press release about the incident on 2 October 2020 at Doha Airport. This release said that a “comprehensive, transparent investigation into the incident” would be conducted. On 30 October

2020, a further press release was issued saying that the investigation revealed that “standard procedures were violated”. On 31 October 2020, a statement was issued by the Foreign Ministry of the State of Qatar and the Department of Foreign Affairs and Trade which stated that “the officials involved have been referred to the Public Prosecution Office”.

(a) Given that one of the staff involved was criminally prosecuted do you agree that the response to the incident involved criminal conduct? Given that so many people were clearly involved, why is it that only one person was prosecuted?

(b) The State of Qatar said that the investigation would be ‘transparent’ so why haven’t the details of the investigation and prosecution of this person been made public?

Response from Morris Mennilli:

1. We refer to the above Inquiry and to questions on notice put to Qatar Airways by Senators Sheldon and Allman-Payne on 27 September 2023. We confirm we are the solicitors acting for Qatar Airways in Federal Court proceedings DH122 & Ors -v- Qatar Airways Group Q.C.S.C. & Ors NSD 837 of 2022.
2. Senator Sheldon’s question on notice is about whether our client has participated in a mediation of the Federal Court proceedings (see transcript for 27 September 2023 at page 8). It is a requirement of the Federal Court’s case management of proceedings that parties consider available alternative dispute resolution options, including mediation. The Committee can assume that the parties to the Federal Court proceedings have, consistent with the practices of the Federal Court, considered mediation. It is a condition of mediation that participants do not disclose information about the mediation to third parties. Consistent with that condition, our client is prevented from engaging further with Senator Sheldon’s question.
3. Senator Allman-Payne’s questions on notice are about a criminal referral to the Qatar Public Prosecution of an official responsible for the conduct of a police investigation undertaken at Hamad International Airport on the evening of 2 October 2020.
4. As a commercial airline, our client is committed to the safety and security of its passengers. Like the four (4) other commercial airlines and ten (10) other international flights affected by the police investigation that evening, our client was required to comply with directions given by the police. The obligation to comply with police directions is an obligation of every jurisdiction in which Qatar Airways and every other commercial airline operate, including Australia.
5. Contrary to the assumption implicit in Senator Allman-Payne’s questions, the police investigation undertaken at Hamad International Airport was not conducted by our client’s “staff”, and our client is not involved in any criminal referral of any officials involved in that police investigation to the Public Prosecution. The Public Prosecution is an independent judicial authority of the State of Qatar.
6. In those circumstances, and in response to Senator Allman-Payne’s questions, our client:
 - a. is not privy to prosecutorial decisions made by the Public Prosecution of the State of Qatar in relation to the prosecution of any officials involved in the incident; and
 - b. is not privy to subsequent investigations that may have been undertaken by the State of Qatar into the incident including with regards to any laws or standard procedures that were violated by officials involved in the incident.

7. Senator Allman-Payne's questions are in effect directed to the central legal question to be determined by the Federal Court. That question is whether liability for the conduct of a police investigation into the incident at Hamad International Airport should be attributed to our client. Our client is committed to the quick, inexpensive and efficient resolution of this question and has filed an application for the Federal Court to determine this question which is to be shortly heard on 30 November 2023.
8. Out of respect to the jurisdiction of the Federal Court and in fairness to the applicants in that proceedings, it is not appropriate for our client to otherwise comment on the substance or merit of the proceedings in this forum.

Yours faithfully

Morris Mennilli Pty Ltd

Simon Morris

Partner

Contact: Thomas Riddell | Senior Associate |