



Australian Government
Department of Foreign Affairs and Trade

CONSULAR MEDIA TALKING POINTS

Subject: Australian Employees of Jetstar Pacific Airlines Prevented from leaving Vietnam
Date/Version: 28 June 2010/ Version 8
Posts: Hanoi/Ho Chi Minh City
Time difference: 4 hours behind Canberra

Talking Points

- Confirm that two Australian employees of Jetstar Pacific, the Chief Operating Officer, Daniela Marsilli, and the Chief Financial Officer, Tristan Freeman, have been prevented from leaving Vietnam since December 2009.
- The Australian Government has made numerous senior-level representations to the Government of Vietnam about the case
 - including last week in the margins of the Toronto G20 and the Australia-Vietnam Joint Trade and Economic Cooperation Committee meeting in Melbourne
 - we are providing the two Australians and their families with consular assistance.
- There is a Vietnamese Government investigation into the operations of Jetstar Pacific
 - Ms Marsilli and Mr Freeman are required to remain in Vietnam to assist the investigations.

If Asked: Are the two likely to be allowed to depart this week?

- *We have been consistent in encouraging the Vietnamese authorities to lift the travel restriction as soon as possible, consistent with Vietnamese law*
 - *would obviously welcome early action*
 - *not helpful to speculate on timing.*

Background (not for public use)

Personal information about individuals contained in the following background section should not be made public. Any disclosure of personal information may constitute a breach of the Privacy Act 1988 (Cth).

On 26 June Qantas and the Vietnamese State Capital Investment Commission (SCIC) reached agreement on a commercial package that would also count as mitigation under Vietnamese law, so allowing the travel restrictions on Tristan Freeman and Daniela Marsilli to be lifted. s 33(a)(iii) s 33(a)(iii)

Tristan Freeman, Chief Financial Officer, Jetstar Pacific, was prevented from leaving Ho Chi Minh City on 19 December 2009. His passport was confiscated by immigration officials, but was subsequently returned with formal advice that he could not leave the country. He was also informed that Vietnamese police wanted to interview him about Jetstar's operations. Daniela Marsilli (Chief Operating Officer) was scheduled to leave on the same day, but decided not to
ONCE CLEARED TPS SHOULD BE EMAILED TO RELEVANT MEDIA AND POLICY ADVISERS IN THE MINISTERS' OFFICES AND TO THE MEDIA LIAISON SECTION (-M-MLS-Talking_Points)

attempt to leave after receiving advice that Vietnamese authorities also wanted to interview her. Freeman and Marsilli are both Qantas employees on secondment to Jetstar Pacific.

Vietnamese authorities have confirmed that Jetstar Pacific's \$31 million loss in fuel hedging contracts has led to a formal investigation. The loss incurred by Vietnam's State Capital Investment Corporation – the majority shareholder in the Jetstar Pacific joint venture – must be investigated under Vietnamese law. While Freeman and Marsilli are not detained they are prevented from leaving Vietnam.

The Ministry of Public Security (MPS) has conducted a series of interviews separately with Freeman in Ho Chi Minh City and Hanoi. Ms Marsilli has been interviewed only once, in HCMC in late December 2009. s 33(a)(iii)
s 33(a)(iii)

s 33(a)(iii) Joyce also told the media on 9 January that "There's no criminal or illegal irregularities in what the staff have been involved in... We are absolutely convinced that the people acted under the delegation of the board. They did the right thing".

Senior Qantas delegations have made a series of visits to Vietnam to engage Vietnamese counterparts. Our Ho Chi Minh and Hanoi posts provided full support in facilitating meetings. DFAT (SED and CPD) remains in close communication with Qantas over this matter, as do our posts in Vietnam with the two individuals.

s 33(a)(iii)

s 33(a)(iii)

s 33(a)(iii)

Ho Chi Minh City post continues to provide consular assistance to both Marsilli and Freeman and their families, who have joined them in-country.

Media Interest

Yes. Wide coverage in Vietnamese and Australian media.

Approval

Author	Michael Sadleir, Dir CSA
Cleared by	Bassim Blazey, AS SBB
Consultation	SED



Australian Government
Department of Foreign Affairs and Trade

CONSULAR
MEDIA TALKING POINTS

Subject: Australian Employees of Jetstar Pacific Airlines *Allowed to Leave Vietnam*
Date/Version: 30 June 2010/ Version 9
Posts: Hanoi/Ho Chi Minh City
Time difference: 3 hours behind Canberra

Talking Points

- . *Confirm that two Australian employees of Jetstar Pacific, the Chief Operating Officer, Daniela Marsilli, and the Chief Financial Officer, Tristan Freeman, have left Vietnam for Australia on 30 June.*
- . *The two Australians had been required to remain in Vietnam since 19 December last year to assist Vietnamese authorities with an investigation into commercial losses incurred by Jetstar Pacific*
 - *during this period they were not in detention but were not able to travel outside of Vietnam.*
- . *Both they and Qantas have cooperated fully with the Vietnamese authorities on what has been a complex and detailed investigation*
 - *one Vietnamese national, the former CEO of Jetstar Pacific, has so far been charged in relation to these losses*
 - *having concluded their assistance with the investigation the two Australians were advised by the Vietnamese authorities in a meeting in Ho Chi Minh city on 29 June, attended by the Australian Consul General and Qantas, that they were free to depart.*
- . *The Australian Government is pleased the process has now concluded for Mr Freeman and Ms Marsilli and that they are now returning to Australia*
 - *our Consul-General accompanied the two to the airport.*
- . *The Australian Government has provided extensive consular assistance to Mr Freeman, Ms Marsilli and their families while they were required to remain in Vietnam*

s 33(a)(iii)

s 22 1(a)(ii)

If Asked: What conditions were set on the release of the Australians?

The two Australians had concluded their assistance with the investigations and were permitted to depart

- they are entitled to their privacy and we don't intend to provide further comment on this matter.*

If Asked: Did Qantas have to provide any commercial concessions to allow this outcome?

The Australian Government has focused on the consular welfare of the two Australians and are pleased that the two are now on their way to Australia

- Qantas and its Vietnamese partner the State Capital Investment Commission (SCIC) are maintaining their investment in the airline and have issued a statement to that effect*
- questions about its forward plans should be put to Qantas.*

Background (not for public use)

Personal information about individuals contained in the following background section should not be made public. Any disclosure of personal information may constitute a breach of the Privacy Act 1988 (Cth).

On 26 June Qantas and the Vietnamese State Capital Investment Commission (SCIC) reached agreement on a commercial package that would also count as mitigation under Vietnamese law, so allowing the travel restrictions on Tristan Freeman and Daniela Marsilli to be lifted.

The Ministry of Public Security (MPS) met with Freeman and Marsilli in Ho Chi Minh City on 29 June, when they were advised that in s 33(a)(iii)

they were free to depart on 30 June.

s 33(a)(iii)

The Australian Consul General and Qantas attended the meeting.

The two Australians are departed Ho Chi Minh City at 11.30 on 30 June and were accompanied to the airport by the Consul General. Qantas has advised that it is making arrangements for their arrival in Sydney to ensure the two avoid the media.

Qantas is keen to manage media interest downwards. They have suggested than any media inquires about Qantas or Mr Freeman or Ms Marsilli be directed to Olivia Wirth in Qantas (Oliviawirth@qantas.com.au).

Tristan Freeman, Chief Financial Officer, Jetstar Pacific, was prevented from leaving Ho Chi Minh City on 19 December 2009. His passport was confiscated by immigration officials, but was subsequently returned with formal advice that he could not leave the country. He was also informed that Vietnamese police wanted to interview him about Jetstar's operations. Daniela Marsilli (Chief Operating Officer) was scheduled to leave on the same day, but decided not to attempt to leave after receiving advice that Vietnamese authorities also wanted to interview her. Freeman and Marsilli are both Qantas employees on secondment to Jetstar Pacific.

Jetstar Pacific's \$31 million loss in fuel hedging contracts has led to a formal investigation. The loss incurred by Vietnam's State Capital Investment Corporation – the majority shareholder in the Jetstar Pacific joint venture – had to be investigated under Vietnamese law. While Freeman and Marsilli were not detained they were prevented from leaving Vietnam.

ONCE CLEARED TPS SHOULD BE EMAILED TO RELEVANT MEDIA AND POLICY ADVISERS IN THE MINISTERS' OFFICES AND TO THE MEDIA LIAISON SECTION (-M-MLS-Talking Points)

s 33(a)(iii)

s 33(a)(iii)

Joyce also told the media on 9 January that “There’s no criminal or illegal irregularities in what the staff have been involved in... We are absolutely convinced that the people acted under the delegation of the board. They did the right thing”.

Senior Qantas delegations have made a series of visits to Vietnam to engage Vietnamese counterparts. Our Ho Chi Minh and Hanoi posts provided full support in facilitating meetings. DFAT (SED and CPD) worked closely with Qantas over this matter, as did our posts in Vietnam with the two individuals.

s 33(a)(iii)

HOM Hanoi has also been involved in a series of meetings between Qantas and senior Vietnamese officials *over the period*.

Ho Chi Minh City post has provided extensive consular assistance to both Marsilli and Freeman and their families, who joined them in-country.

Media Interest

Yes. Wide coverage in Vietnamese and Australian media.

Approval

Author	Bassim Blazey, AS SBB, 62611766 Michael Sadlier, DIR, CNB 62613838
Cleared by	Bassim Blazey, AS SBB

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Consultation	SED, CPD, Hanoi, Qantas	61
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Australian Government
Department of Foreign Affairs and Trade

CONSULAR MEDIA TALKING POINTS

Subject: Australian Employees of Jetstar Pacific Airlines *Allowed to Leave Vietnam*
Date/Version: 30 June 2010/ Version 10
Posts: Hanoi/Ho Chi Minh City
Time difference: 3 hours behind Canberra

Talking Points

- . *Confirm that two Australian employees of Jetstar Pacific, Daniela Marsilli and Tristan Freeman, have left Vietnam for Australia on 30 June.*
- . *The Australian Government is pleased that they are now returning to Australia.*
- . *The Australian Government has provided extensive consular assistance to Mr Freeman, Ms Marsilli and their families while they were required to remain in Vietnam.*

If Asked: What conditions were set on the release of the Australians?

- . *The two Australians had concluded their assistance with the investigations and were permitted to depart*
 - *for privacy reasons we don't intend to provide further comment.*

If Asked: Did Qantas have to provide any commercial concessions to allow this outcome?

- . *The Australian Government has focused on the consular welfare of the two Australians and are pleased that the two are now on their way to Australia*
 - *Understand Qantas and its Vietnamese partner the State Capital Investment Commission (SCIC) are maintaining their investment in the airline and have issued a statement to that effect*
 - *questions about its forward plans should be put to Qantas.*

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The Ministry of Public Security (MPS) met with Freeman and Marsilli in Ho Chi Minh City on 29 June, when they were advised that in s 33(a)(iii)

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they were free to depart on 30 June.

The Australian Consul General and Qantas attended the meeting.

The two Australians are departed Ho Chi Minh City at 11.30 on 30 June and were accompanied to

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the airport by the Consul General. Qantas has advised that it is making arrangements for their arrival in Sydney to ensure the two avoid the media.

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Tristan Freeman, Chief Financial Officer, Jetstar Pacific, was prevented from leaving Ho Chi Minh City on 19 December 2009. His passport was confiscated by immigration officials, but was subsequently returned with formal advice that he could not leave the country. He was also informed that Vietnamese police wanted to interview him about Jetstar's operations. Daniela Marsilli (Chief Operating Officer) was scheduled to leave on the same day, but decided not to attempt to leave after receiving advice that Vietnamese authorities also wanted to interview her. Freeman and Marsilli are both Qantas employees on secondment to Jetstar Pacific.

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Ho Chi Minh City post has provided extensive consular assistance to both Marsilli and Freeman and their families, who joined them in-country.

Media Interest

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Approval

Author	Bassim Blazey, AS SBB, 62611766 Michael Sadlier, DIR, CNB 62613838
Cleared by	Bassim Blazey, AS SBB
Consultation	SED, CPD, Hanoi, Qantas



Subject: Australian Employees of Jetstar Pacific Airlines Allowed to Leave Vietnam
Date/Version: 1 July 2010/ Version 11
Posts: Hanoi/Ho Chi Minh City
Time difference: 3 hours behind Canberra

Talking Points

- . *In the first instance, media enquiries should be directed to Qantas.*
- . Confirm that two Australian employees of Jetstar Pacific, Daniela Marsilli and Tristan Freeman, left Vietnam on 30 June and arrived in Australia on 1 July.
- . The Australian Government is pleased that *they have now returned* to Australia.
- . The Australian Government provided extensive consular assistance to Mr Freeman, Ms Marsilli and their families while they were required to remain in Vietnam.

If Asked: What conditions were set on the release of the Australians?

- . The two Australians had concluded their assistance with the investigations and were permitted to depart
 - for privacy reasons we don't intend to provide further comment.

If Asked: Did Qantas have to provide any commercial concessions to allow this outcome?

- . The Australian Government has focused on the consular welfare of the two Australians and are pleased that the two are now on their way to Australia
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The Australian Consul General and Qantas attended the meeting.

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The two Australians departed Ho Chi Minh City at 11.30 on 30 June *and arrived in Sydney at 7.40 on 1 July.*

Qantas is keen to manage media interest downwards. They have suggested than any media inquires about Qantas or Mr Freeman or Ms Marsilli be directed to Olivia Wirth in Qantas (Oliviawirth@qantas.com.au).

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