



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD914/2020

**IN THE MATTER OF VIRGIN AUSTRALIA HOLDINGS LTD
(ADMINISTRATORS APPOINTED) ACN 100 686 226 & ORS**

TRANSPORT WORKERS' UNION OF AUSTRALIA and others named in the schedule
Plaintiff

**VAUGHAN STRAWBRIDGE, SALVATORE ALGERI, JOHN GREIG AND
RICHARD HUGHES, IN THEIR CAPACITY AS JOINT AND SEVERAL
VOLUNTARY ADMINISTRATORS OF THE SECOND TO THIRTY-NINTH
PLAINTIFFS** and others named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MIDDLETON

DATE OF ORDER: 21 August 2020

WHERE MADE: Melbourne

THE COURT ORDERS THAT:

1. The time for service of the plaintiffs' originating process is abridged and the originating process is made returnable at 10.15am on 21 August 2020.
2. Pursuant to section 447A(1) of the *Corporations Act 2001* (the 'Act'), Part 5.3A of the Act and the *Insolvency Practice Rules (Corporations)* (the 'IPR') are to operate in relation to each of the second to forty-second defendants (the '**Virgin Companies**') as if they provided that, at the concurrent meetings of creditors of the Virgin Companies held pursuant to section 439A of the Act ('**Second Meetings**') (including at the recommencement of the meetings, if adjourned), each employee of the Virgin Companies who is a member of any of the following industrial association:
 - (a) Transport Workers' Union of Australia;
 - (b) Australian Municipal, Administrative, Clerical and Services Union;
 - (c) Flight Attendants' Association of Australia;
 - (d) The Australian Licenced Aircraft Engineers Association;



- (e) VIPA;
- (f) Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia; and
- (g) Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union,
 - (A) who has not, by the “POD Lodgement Date” (as that term is defined in order 8 of the orders made on 12 August 2020 in proceeding NSD464/2020):
 - (i) registered on the “Halo Platform” (as that term is defined in order 2 of the orders made on 11 August 2020 in proceeding NSD 464/2020);
and
 - (ii) lodged a proof of debt on the Halo Platform,
is deemed (for the purposes of order 4 of the orders made on 11 August 2020 and order 12 of the orders made on 12 August 2020 in proceeding NSD464/2020) to have lodged a proof of debt on the Halo Platform for the amounts owing to that employee as recorded in the books and records of the Virgin Companies; and
 - (B) who has not, by midday AEST on the business day prior to the Second Meetings:
 - (i) lodged a proxy form;
 - (ii) lodged an appointment of power of attorney; or
 - (iii) indicated to the Administrators that he or she wishes to vote or participate at the Second Meetings himself or herself, or
 - (iv) already voted through the Halo Platform,
is deemed to have:
 - (1) duly appointed the person whose name appears in column 2 of Appendix A to these orders applicable to the industrial association specified in column 1 of which the employee is a member, to be his or her attorney pursuant to section 75-155 of the IPR; and
 - (2) satisfied the requirement to lodge an instrument evidencing the appointment of attorney.



3. The Plaintiffs' reasonable costs of and incidental to this application and the Defendants' costs of and incidental to this application, be costs in the administration of the Virgin Companies.
4. Each plaintiff take all reasonable steps to cause notice of these orders to be given, within two (2) business days of the making of these orders, to its members who are employees of any of the Virgin Companies, in the following manner:
 - (a) where the plaintiff has an email address for a member, by notifying such member, via email, of the making of the orders and providing a link to a website where the member may download the orders and the originating process;
 - (b) where the plaintiff does not have an email address for a member but does a postal address for that member (or has received notification of non-delivery of an email sent in accordance with paragraph 4(a) above), by notifying each such member, via post, of the making of the orders and the website link where the member may download the orders and the originating process; and
 - (c) by placing scanned, sealed copies of the originating process and the orders on the website maintained by the plaintiff.
5. Any person who can demonstrate a sufficient interest has liberty to apply to vary or discharge any orders made pursuant to paragraph 2 above, on 3 business days' written notice to the plaintiffs, the defendants and the Associate to Justice Middleton.

Date that entry is stamped: 21 August 2020

Sia Lagos
Registrar



Schedule

No: NSD914/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Plaintiff	AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL AND SERVICES UNION (ASU)
Third Plaintiff	FLIGHT ATTENDANTS' ASSOCIATION OF AUSTRALIA - INTERNATIONAL DIVISION
Fourth Plaintiff	AUSTRALIAN LICENCED AIRCRAFT ENGINEERS ASSOCIATION
Fifth Plaintiff	VIPA
Sixth Plaintiff	COMMUNICATIONS, ELECTRICAL, ELECTRONIC, ENERGY, INFORMATION, POSTAL, PLUMBING AND ALLIED SERVICES UNION OF AUSTRALIA
Seventh Plaintiff	AUTOMOTIVE, FOOD, METALS, ENGINEERING, PRINTING AND KINDRED INDUSTRIES UNION
Second Defendant	VIRGIN AUSTRALIA HOLDINGS LTD (ADMINISTRATORS APPOINTED) ACN 100 686 226
Third Defendant	VIRGIN AUSTRALIA INTERNATIONAL OPERATIONS PTY LTD (ADMINISTRATORS APPOINTED) ACN 155 859 608
Fourth Defendant	VIRGIN AUSTRALIA INTERNATIONAL HOLDINGS PTY LTD (ADMINISTRATORS APPOINTED) ACN 155 860 021
Fifth Defendant	VIRGIN AUSTRALIA INTERNATIONAL AIRLINES PTY LTD (ADMINISTRATORS APPOINTED) ACN 125 580 823
Sixth Defendant	VIRGIN AUSTRALIA AIRLINES (SE ASIA) PTY LTD (ADMINISTRATORS APPOINTED) ACN 097 892 389
Seventh Defendant	VIRGIN AUSTRALIA AIRLINES HOLDINGS PTY LTD (ADMINISTRATORS APPOINTED) ACN 093 924 675
Eighth Defendant	VAH NEWCO NO.1 PTY LTD (ADMINISTRATORS APPOINTED) ACN 160 881 345
Ninth Defendant	TIGER AIRWAYS AUSTRALIA PTY LIMITED



	(ADMINISTRATORS APPOINTED) ACN 124 369 008
Tenth Defendant	VIRGIN AUSTRALIA AIRLINES PTY LTD (ADMINISTRATORS APPOINTED) ACN 090 670 965
Eleventh Defendant	VA BORROWER 2019 NO. 1 PTY LTD (ADMINISTRATORS APPOINTED) ACN 633 241 059
Twelfth Defendant	VA BORROWER 2019 NO. 2 PTY LTD (ADMINISTRATORS APPOINTED) ACN 637 371 343
Thirteenth Defendant	VIRGIN TECH PTY LTD (ADMINISTRATORS APPOINTED) ACN 101 808 879
Fourteenth Defendant	SHORT HAUL 2018 NO. 1 PTY LTD (ADMINISTRATORS APPOINTED) ACN 622 014 831
Fifteenth Defendant	SHORT HAUL 2017 NO. 1 PTY LTD (ADMINISTRATORS APPOINTED) ACN 617 644 390
Sixteenth Defendant	SHORT HAUL 2017 NO. 2 PTY LTD (ADMINISTRATORS APPOINTED) ACN 617 644 443
Seventeenth Defendant	SHORT HAUL 2017 NO. 3 PTY LTD (ADMINISTRATORS APPOINTED) ACN 622 014 813
Eighteenth Defendant	VBNC5 PTY LTD (ADMINISTRATORS APPOINTED) ACN 119 691 502
Nineteenth Defendant	A.C.N. 098 904 262 PTY LTD (ADMINISTRATORS APPOINTED) ACN 098 904 262
Twentieth Defendant	VIRGIN AUSTRALIA REGIONAL AIRLINES PTY LTD (ADMINISTRATORS APPOINTED) ACN 008 997 662
Twenty First Defendant	VIRGIN AUSTRALIA HOLIDAYS PTY LTD (ADMINISTRATORS APPOINTED) ACN 118 552 159
Twenty Second Defendant	VB VENTURES PTY LTD (ADMINISTRATORS APPOINTED) ACN 125 139 004
Twenty Third Defendant	VIRGIN AUSTRALIA CARGO PTY LTD (ADMINISTRATORS APPOINTED) ACN 600 667 838
Twenty Fourth Defendant	VB LEASECO PTY LTD (ADMINISTRATORS APPOINTED) ACN 134 268 741
Twenty Fifth Defendant	VA HOLD CO PTY LTD (ADMINISTRATORS APPOINTED) ACN 165 507 157



Twenty Sixth Defendant	VA LEASE CO PTY LTD (ADMINISTRATORS APPOINTED) ACN 165 507 291
Twenty Seventh Defendant	VIRGIN AUSTRALIA 2013-1 ISSUER CO PTY LTD (ADMINISTRATORS APPOINTED) ACN 165 507 326
Twenty Eighth Defendant	737 2012 NO.1 PTY. LTD (ADMINISTRATORS APPOINTED) ACN 154 201 859
Twenty Ninth Defendant	737 2012 NO. 2 PTY LTD (ADMINISTRATORS APPOINTED) ACN 154 225 064
Thirtieth Defendant	SHORT HAUL 2016 NO. 1 PTY LTD (ADMINISTRATORS APPOINTED) ACN 612 766 328
Thirty First Defendant	SHORT HAUL 2016 NO. 2 PTY LTD (ADMINISTRATORS APPOINTED) ACN 612 796 077
Thirty Second Defendant	SHORT HAUL 2014 NO. 1 PTY LTD (ADMINISTRATORS APPOINTED) ACN 600 809 612
Thirty Third Defendant	SHORT HAUL 2014 NO. 2 PTY LTD (ADMINISTRATORS APPOINTED) ACN 600 878 199
Thirty Fourth Defendant	VA REGIONAL LEASECO PTY LTD (ADMINISTRATORS APPOINTED) ACN 127 491 605
Thirty Fifth Defendant	VB 800 2009 PTY LTD (ADMINISTRATORS APPOINTED) ACN 135 488 934
Thirty Sixth Defendant	VB LEASECO NO 2 PTY LTD (ADMINISTRATORS APPOINTED) ACN 142 533 319
Thirty Seventh Defendant	VB LH 2008 NO. 1 PTY LTD (ADMINISTRATORS APPOINTED) ACN 134 280 354
Thirty Eighth Defendant	VB LH 2008 NO. 2 PTY LTD (ADMINISTRATORS APPOINTED) ACN 134 288 805
Thirty Ninth Defendant	VB PDP 2010-11 PTY LTD (ADMINISTRATORS APPOINTED) ACN 140 818 266
Fortieth Defendant	TIGER INTERNATIONAL NUMBER 1 PTY LTD (ADMINISTRATORS APPOINTED) ACN 606 131 944
Forty First Defendant	VAH NEWCO NO. 2 PTY LTD (IN LIQUIDATION) (ADMINISTRATORS APPOINTED) ACN 160 881 354
Forty Second	VB INVESTCO PTY LTD (IN LIQUIDATION)



Defendant

(ADMINISTRATORS APPOINTED) ACN 101 961 095



Appendix A

Column 1

Union

Transport Workers' Union of Australia

Australian Municipal, Administrative, Clerical
and Services Union

Flight Attendants' Association of Australia

The Australian Licenced Aircraft Engineers
Association

VIPA

Communications, Electrical, Electronic,
Energy, Information, Postal, Plumbing and
Allied Services Union of Australia

Automotive, Food, Metals, Engineering,
Printing and Kindred Industries Union

Column 2

Representative for voting purposes

Michael Kaine

Emeline Gaske

Teri O'Toole

Stephen Purvinas

John Lyons

Matt Murphy

Glenn Thompson