

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 2/09/2020 1:13:55 PM AEST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

### Filing and Hearing Details

Document Lodged: Interlocutory process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 3  
File Number: NSD914/2020  
File Title: IN THE MATTER OF VIRGIN AUSTRALIA HOLDINGS LTD (ADMINISTRATORS APPOINTED) ACN 100 686 226 & ORS  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA  
Reason for Listing: Interlocutory Hearing  
Time and date for hearing: 03/09/2020, 2:15 PM  
Place: By Web Conference, Level 17, Law Courts Building 184 Phillip Street Queens Square, Sydney; Virtual Recorder One, Owen Dixon Commonwealth Law Courts Building Level 7, 305 William Street, Melbourne; By Web Conference, Owen Dixon Commonwealth Law Courts Building Level 7, 305 William Street, Melbourne



*Sia Lagos*

Dated: 2/09/2020 3:26:02 PM AEST

Registrar

### Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



## Interlocutory process

Federal Court of Australia  
District Registry: New South Wales  
Division: General

No. NSD 914/2020

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

**TRANSPORT WORKERS' UNION OF AUSTRALIA AND OTHERS  
(ACCORDING TO SCHEDULE 1)**

Plaintiffs

and

**VAUGHAN STRAWBRIDGE, SALVATORE ALGERI, JOHN GREIG  
AND RICHARD HUGHES, IN THEIR CAPACITY AS JOINT AND  
SEVERAL ADMINISTRATORS OF EACH OF VIRGIN AUSTRALIA  
HOLDINGS LTD (ADMINISTRATORS APPOINTED) AND THE THIRD  
TO FORTY SECOND DEFENDANTS NAMED IN SCHEDULE 1**

Defendants

### A. DETAILS OF APPLICATION

This application is made under section 447A of the *Corporations Act 2001* (Cth) (**Act**) and section 90-15 of the Insolvency Practice Schedule (Corporations), being Schedule 2 to the Act (**IPSC**).

In this proceeding, the Court has made orders allowing eight industrial associations (**Unions**), who have members employed by various of the second to forty-second defendants (**Virgin Companies**), to represent those members at forthcoming meetings of creditors of the Virgin Companies (**Second Meetings**).

In this application, the Unions seek an order that the names of members of the respective Unions who are deemed by the orders to have appointed an attorney (**Relevant Members**) not be disclosed in the minutes of the Second Meetings.

On the facts stated in the supporting affidavit(s), the plaintiffs apply for the following relief:

1. An order abridging the time for service of this interlocutory process.
2. An order under section 447A of the Act and 90-15 of the IPSC that Part 5.3A of the Act is to operate such that the record required under r 75-145(4) of the Insolvency Practice Rules (Corporations) (**IPR**) be prepared in a manner that does not identify by name the Relevant Members present at the Second Meetings.
3. Alternatively to paragraph 2, orders under section 447A of the Act and 90-15 of the IPSC that Part 5.3A of the Act is to operate such that:
  - (a) the first defendants prepare the record of persons present at the Second Meetings under r 75-145(4) of the IPR so that names of the Relevant Members present at the Second Meetings is recorded in a schedule (**Schedule**);

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Filed on behalf of (name & role of party)	Transport Workers Union of Australia and others <b>(Plaintiffs)</b>		
Prepared by (name of person/lawyer)	James Higgins		
Law firm (if applicable)	Gordon Legal		
Tel	(03) 9603 3035	Fax	(03) 9603 3050
Email	jhiggins@gordonlegal.com.au		
<b>Address for service</b> (include state and postcode)	Level 22, 181 William Street Melbourne VIC 3000		



- (b) the Schedule is not to be available for inspection by creditors or contributories under r 75-145(5) of the IPR; and
- (c) the Schedule is not to be lodged with ASIC under r 75-145(1)(c) of the IPR.
4. An order that the Plaintiffs' reasonable costs of and incidental to this application and the Defendants' costs of and incidental to this application, be costs in the administrations of the Virgin Companies..
  5. An order that any person who can demonstrate a sufficient interest has liberty to apply to vary or discharge any orders made pursuant to paragraphs 1 and 2 above, on 3 business days' written notice being given to the Plaintiffs and to the Associate to Justice Middleton.
  6. Such further or other order as the Court sees fit.

Date: 2 September 2020

A handwritten signature in blue ink, appearing to be 'Gordon'.

.....  
 Gordon Legal  
 Solicitors for the plaintiffs

This application will be heard at the date and time set out in the "Notice of filing and hearing" issued by the Court.

**B. NOTICE TO DEFENDANT(S) (IF ANY)**

TO: The Defendants (as identified in Schedule 1)  
 c/- Clayton Utz  
 Lawyers  
 1 Bligh Street, Sydney NSW 2000  
 DX 370 Sydney

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence.

Before appearing before the Court, you must, except if you have already done so or you are the plaintiff in this proceeding, file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff in the originating process.

*Note* Unless the Court otherwise orders, a respondent that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

**C. FILING**

This interlocutory process is filed by Gordon Legal for the plaintiffs.

**D. SERVICE**

The plaintiffs' address for service is:

Gordon Legal  
Level 22, 181 William Street  
Melbourne VIC 3000  
Attention: Nicholas White

It is intended to serve a copy of this interlocutory process on each defendant and on any person listed below:

Australian Securities and Investments Commission  
Level 7, 120 Collins Street  
Melbourne VIC 3000

**SCHEDULE 1****Plaintiffs**

First Plaintiff	Transport Workers' Union of Australia
Second Plaintiff	Australian Municipal, Administrative, Clerical and Services Union
Third Plaintiff	Flight Attendants' Association of Australia
Fourth Plaintiff	The 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

and

**Defendants**

First Defendants	Vaughan Strawbridge, Salvatore Algeri, John Greig and Richard Hughes, in their capacity as joint and several administrators of the Second to Forty-Second Defendants
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 Defendant	VB Investco Pty Ltd (in liquidation) (Administrators Appointed) ACN 101 961 095