

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 18/08/2020 5:39:26 PM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged:	Outline of Submissions
File Number:	NSD464/2020
File Title:	APPLICATION IN THE MATTER OF VIRGIN AUSTRALIA HOLDINGS LTD (ADMINISTRATORS APPOINTED) ACN 100 686 226 & ORS
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads 'Sia Lagos'.

Dated: 19/08/2020 8:54:48 AM 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 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.



**IN THE MATTER OF VIRGIN AUSTRALIA HOLDINGS LTD
(ADMINISTRATORS APPOINTED) & ORS**

Federal Court of Australia proceedings No. NSD 464 of 2020

COMMONWEALTH'S SUBMISSIONS FOR HEARING 17 AUGUST 2020

1. The Commonwealth seeks leave to appear in the proceeding as an interested person pursuant to rule 2.13(1)(c) of the Federal Court (Corporations) Rules 2000. The Commonwealth's interest is in the timely resolution of Virgin's voluntary administration to ensure the continued existence of a competitive aviation industry in Australia. In addition, the Commonwealth is a significant contingent creditor through the Commonwealth's Fair Entitlements Guarantee scheme.
2. The following submissions are made both in support of the application for leave to appear, and as the submissions of the Commonwealth if leave is granted.
3. The Commonwealth only wishes to make submissions if the Court is minded to consider the parts of the application that relate to appointing a facilitator.
4. The Commonwealth is concerned the proposed appointment of a facilitator in this administration may add complexity and delay at a late stage of an already complex administration. Those consequences may make achieving the object of Part 5.3A of the Corporations Act – "for the business, property and affairs of an insolvent company to be administered in a way that maximises the chances of the company, or as much as possible of its business, continuing in existence" (453A(a)) – less likely in this administration. Timeliness and certainty of process, including roles will maximise the chances of the Virgin business continuing.
5. The facilitator regime proposed by the applicants brings with it a potential tension between the well-established roles, powers and duties of a voluntary

administrator and the proposed role of the facilitator. The precise scope and limits of the facilitator's duties, rights and activities in the course of an administration may be uncertain.

6. The specific informational, access and investigatory powers a facilitator would have, to whom they could be directed, for how long, and what (if any) powers the facilitator would have to compel production of information and assistance are also uncertain. If a person disputes a facilitator's decision to provide or not provide information, there may be a question whether the person has a right of appeal.
7. Any difficulty in obtaining information could be addressed by appropriate orders without the appointment of a facilitator.
8. The appointment of a facilitator will likely be an additional layer of complexity and delay. The applicants propose that the facilitator prepare a report to creditors on competing DOCA proposals. That will require a considerable amount of work by the intended facilitator and may delay the second creditors' meeting.

16 August 2020

J P Moore