

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 21/08/2020 10:03:07 AM 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: Affidavit - Form 59 - Rule 29.02(1)
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



Sia Lagos

Dated: 21/08/2020 10:03:16 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.



Affidavit

No. NSD914 of 2020

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

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

**TRANSPORT WORKERS' UNION OF AUSTRALIA
 AND OTHERS (AS SET OUT IN THE SCHEDULE)**

Plaintiffs

**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 (AS SET OUT IN THE SCHEDULE)**

Defendants

Affidavit of: **James Higgins**
 Address: Level 22, 181 William Street, Melbourne, Victoria 3000
 Occupation: Solicitor
 Date: 21 August 2020

I, James Higgins, of Level 22, 181 William Street, Melbourne, SOLICITOR, affirm:

1. I am a partner at the law firm Gordon Legal.
2. I have the care and conduct of this application on behalf of the Transport Workers Union (TWU) and other industrial associations listed in Schedule 1 (the **Plaintiffs**).
3. On 20 August 2020 at 1:17pm I received an email from the Court requesting that I notify the interested parties in proceeding NSD464/2020 of the hearing listed on 21 August 2020 at 10:15am.

Filed on behalf of (name & role of party)	Transport Workers Union of Australia and others (Plaintiffs)		
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		
Address for service (include state and postcode)	Level 22, 181 William Street Melbourne VIC 3000		

4. On 20 August 2020 at 4:30pm I emailed the Solicitors acting for the interested parties, advising them of the hearing, and providing them with a sealed copy of the Originating Process, my affidavit in support affirmed on 20 August 2020, and the Plaintiff's Proposed Submissions.
5. On 20 August 2020 at 4:55pm I sent a further email to the Solicitors acting for the interested parties which embodied the details of the Microsoft Teams meeting so that they may participate in the hearing if they wished to do so.
6. A copy of the two emails referred to in paragraphs four and five above is shown to me marked "JH-1".

Affirmed by the deponent)
at Melbourne)
in Victoria)
on 21 August 2020)
Before me:)



Signature of deponent



Signature of witness

DANIEL STEPHEN WALDRON F.Inst.L.Ex.
of Level 22, 181 William Street Melbourne Victoria
A fellow of the Institute of Legal Executives (Victoria)
ACN 004 670 928

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

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

**TRANSPORT WORKERS' UNION OF AUSTRALIA
AND OTHERS (AS SET OUT IN THE SCHEDULE)**

Plaintiffs

**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 (AS
SET OUT IN THE SCHEDULE)**

Defendants

ANNEXURE "JH-1"

This is the annexure marked **JH-1**, now produced and shown to James Higgins at the time of affirming his Affidavit before me this 21st day of August 2020.



Before me:.....

DANIEL STEPHEN WALDRON F.Inst.L.Ex.
of Level 22, 181 William Street Melbourne Victoria
A fellow of the Institute of Legal Executives (Victoria)
ACN 004 670 928

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

Subject: NSD914/2020 - Transport Workers's Union of Australia & Ors v Vaughan Strawbridge & Ors
Date: Thursday, 20 August 2020 at 4:29:56 pm Australian Eastern Standard Time
From: James Higgins
To: cameron.cheetham@corrs.com.au, michael.catchpoole@corrs.com.au,
David.Cowling@au.kwm.com, Mark.Clifton@hsf.com, Kathy.Merrick@gadens.com
CC: Daniel Waldron, Fiona Rothville
Attachments: STAMPED Plaintiffs Submissions.pdf, STAMPED Affidavit of James Higgins.pdf, STAMPED Originating Process.pdf

Dear all

We act for a several unions, with members who are employees within the Virgin Australia group of companies.

Our clients have filed an originating process, seeking orders allowing them to represent their members at the forthcoming second meetings of creditors of the Virgin companies.

The application is returnable **tomorrow, 21 August 2020 at 10.15am**, in the Federal Court before Justice Middleton.

The Court has asked that certain interested parties be notified of the application. We understand you respectively act for those parties.

Accordingly, please find attached:

- our clients' originating process
- an affidavit in support of the application; and
- our clients' submissions

We will send you details of the hearing (which will be via Microsoft Teams) by separate email.

Please feel free to contact me to discuss.

Regards

James Higgins
Partner



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E: jhiggins@gordonlegal.com.au

W: www.gordonlegal.com.au

From: James Higgins

Sent: Thursday, 20 August 2020 4:55 PM

To: cameron.cheetham@corrs.com.au; michael.catchpoole@corrs.com.au; David.Cowling@au.kwm.com; Mark.Clifton@hsf.com; Kathy.Merrick@gadens.com

Subject: IN THE MATTER OF VIRGIN AUSTRALIA HOLDINGS LTD (ADMINISTRATORS APPOINTED) ACN 100 686 226 & ORS (NSD914/2020)

Dear all

Further to my previous email please find below the details of the hearing as circulated by HH Associate to be heard at 10.15 AM tomorrow.

Regards

James Higgins

Partner



Level 22, 181 William Street
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Dear all

Please accept this appointment for the upcoming hearings in the above proceedings, to be heard via Microsoft Teams.

You must join this meeting no later than 15 minutes before the start of the hearing time.

Please join the hearing by telephone by dialing the number at the bottom of this invitation and keying in the conference ID when prompted. Any telephone attendances must be done before the start of this calendar appointment.

If you are observing the hearing you must have your phone on mute.

You may forward this appointment to any person wishing to join the hearing.

If you have any issues joining the hearing please text me on 0499002327, or email associate.middletonj@fedcourt.gov.au

Kind regards

Dilara

[Join Microsoft Teams Meeting](#)

[+61 2 9161 1229](#) Australia, Sydney (Toll)

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[862016018@t.plcm.vc](tel:862016018) VTC Conference ID: 1330122022

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