



Federal Court of Australia

District Registry: New South Wales

Division: Fair Work

No: NSD1040/2021

AUSTRALIAN LICENSED AIRCRAFT ENGINEERS ASSOCIATION

Applicant

VIRGIN AUSTRALIA AIRLINES PTY LTD (ACN 090 670 965) and another/others
named in the schedule

Respondent

ORDER

JUDGE: JUSTICE PERRY

DATE OF ORDER: 30 November 2021

WHERE MADE: Sydney

THE COURT NOTES THAT:

1. On a without admissions basis, the Respondents:
 - a) by **5:00pm AEST on Friday, 10 December 2021**, will delete all proof of COVID-19 vaccination documents (being COVID-19 Digital Certificates and Immunisation History Statement, PDF or screenshot) provided by employees that they hold and have verified at that time;
 - b) in respect of COVID-19 vaccination documents they hold at **Friday, 10 December 2021** but have not at that point verified, will treat those documents in accordance with (d)(ii) below;
 - c) by **Monday, 13 December 2021**, will notify all employees whose documents have been deleted in accordance with notation 1(a) above, that said documents have been deleted;
 - d) from **5:00pm on Friday, 10 December 2021**, subject to any future requirement imposed by any law, where employees are required to provide proof that they are vaccinated against COVID-19 to the Respondents:
 - i. where:
 - A. the Respondents require an employee to provide a copy of a document (electronically or otherwise); and
 - B. the employee does not wish to provide a document containing an IHI; and
 - C. the employee is unable to provide an alternative unaltered proof of COVID-19 vaccination document which does not contain an IHI (e.g. International COVID-19 Vaccination Certificate or iOS / Android wallet version),



- will make available an alternative way for the employee to verify their COVID-19 vaccination status in accordance with the COVID-19 Vaccination Policy which does not require the employee to provide a copy of a document containing their IHI;
- ii. where the Respondents collect a document in accordance with a requirement set out in notation (d)(i) above, will:
 - A. review and verify the document provided by the employee (which may include making a record of the employee's vaccination status, type of vaccination, the dates of the vaccination and type of vaccination evidence provided) as soon as practicable following receipt;
 - B. delete successfully verified documents within 48 hours of completion of such review; and
 - C. not derive, use, or make any separate record of any IHI contained on the document provided by the employee (for the avoidance of doubt, this does not prevent the retention of the entire initial document provided by the employee for the period between collection and destruction).
- e) by **Monday, 13 December 2021**, will:
- i. update their COVID-19 Vaccination Policy and COVID-19 Vaccination Privacy Statement to ensure the matters outlined in notation 1(d) above are addressed; and
 - ii. ensure the updated policy and statement is communicated to employees in a manner which draws attention to the changes.

THE COURT ORDERS BY CONSENT THAT:

- 2. The proceedings are discontinued with no order as to costs.

Date that entry is stamped: 30 November 2021

Sia Lagos
Registrar



Schedule

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Second Respondent VIRGIN TECH PTY LTD ACN 101 808 879

Third Respondent VIRGIN AUSTRALIA REGIONAL AIRLINES PTY LTD ACN
008 997 662