

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	6/05/2025 4:30:14 PM AEST
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File Number:	VID312/2021
File Title:	MINNIE MCDONALD v COMMONWEALTH OF AUSTRALIA
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



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

Registrar

Important Information

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 of the filing of the document is determined pursuant to the Court's Rules.



Form 59

Rule 29.02(1)

Affidavit

No. VID312 of 2021

Federal Court of Australia

District Registry: Victoria

Division: General

MINNIE MCDONALD

Applicant

COMMONWEALTH OF AUSTRALIA

Respondent

Affidavit of: Vicky Antzoulatos

Address: 6/299 Elizabeth Street, Sydney NSW 2000

Occupation: Lawyer/Joint Head of Class Actions, Shine Lawyers

Date: 6 May 2025

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Filed on behalf of (name & role of party) Minnie McDonald (Applicant)

Prepared by (name of person/lawyer) Vicky Antzoulatos

Law firm (if applicable) Shine Lawyers

Tel 02 8754 7229

Fax 02 9267 5650

Email vantzoulatos@shine.com.au

Address for service 6/299 Elizabeth Street, Sydney NSW 2000
(include state and postcode)

Version 3 form approved 02/05/2019

I, Vicky Antzoulatos, of 6/299 Elizabeth Street, Sydney, New South Wales, say on oath:

1. I make this affidavit in support of the Applicant's application for orders pursuant to s37AF of the *Federal Court Act 1976* (Cth) (**Act**) (**Final Suppression Orders**), filed on 6 May 2025 pursuant to Order 8 of Court Orders dated 17 April 2025.
2. I make this affidavit further to my affidavits in support of the application filed by the Applicant on 11 October 2024, seeking settlement approval pursuant to s 33V of the Act (**Approval Application**) sworn on 25 October 2024 (**First Antzoulatos Affidavit**), 30 October 2024 (**Second Antzoulatos Affidavit**), 4 November 2024 (**Third Antzoulatos Affidavit**), 2 December 2024 (**Fourth Antzoulatos Affidavit**) and 16 December 2024 (**Fifth Antzoulatos Affidavit**), and my affidavit updating the Court on the Applicant's communications with stakeholders sworn on 17 February 2025 (**Sixth Antzoulatos Affidavit**). This affidavit adopts the terminology used in the First, Second, Third, Fourth, Fifth and Sixth Antzoulatos Affidavits.

Interim Suppression Orders

3. On 9 December 2024 the Court made orders pursuant to s 37AI of the Act prohibiting, on an interim basis, the publication or disclosure of certain material filed in support of the Approval Application (**Interim Suppression Orders**). The Court ordered the Interim Suppression Orders to remain in place until the Second Approval Hearing on 17 December 2024. The applications for suppression orders were to be determined on a final basis at the Second Approval Hearing. A copy of the Interim Suppression Orders is Exhibit VA-29 to this affidavit.
4. At the Second Approval Hearing, the Court made orders continuing the Interim Suppression Orders until further order and indicated that Interim Suppression Orders would be considered upon the delivery of the Court's reasons in relation to the Approval Application. A copy of orders from the Second Approval Hearing is Exhibit VA-30 to this affidavit.
5. The Court's reasons were published on 17 April 2025 with Orders that the parties were to file and serve applications for Final Suppression Orders by 6 May 2025.

Street Confidentiality Orders

6. In the *Street v WA Proceeding*, Justice Murphy made orders pursuant to ss 37AF and 37AG(1)(a) of the Act on 10 December 2024 (**Street Suppression Orders**). A copy of the Orders is Exhibit VA-31 to this affidavit.



Final Suppression Orders

7. The Applicant seeks the Final Suppression Orders on the basis that the orders are necessary to prevent prejudice to the proper administration of justice pursuant to section 37AG(1)(a) of the Act.
8. It is possible to address the applicants' claims for suppression orders by reference to two categories.
9. **Category 1** contains, broadly speaking legal analysis prepared by counsel and the applicant's solicitors as to the merits of the legal claims brought, or to be brought, in the proceedings, as well as excerpts, summaries. This category may be further broken down into two subcategories:
 - (a) **Category 1(a)**: This subcategory comprises two documents, being counsel for the applicant's confidential opinion on settlement (CB290-461; item 3 in **Annex. A** to the interlocutory application) as well as an actuarial report prepared for the purposes of counsel's opinion on settlement (CB1121-1164; item 4 in Annex. A). The confidential opinion reflects counsel's candid views on the applicant's claims and was provided to the Court on a confidential basis in order to assist the Court in exercising its powers relating to approving settlement of the proceeding. The opinion is also privileged. The actuarial report was prepared for the purposes of enabling counsel to provide their opinion on the fairness and reasonableness of the settlement. It would be prejudicial to the proper administration of justice if the confidential opinion and the actuarial report were not subject of the suppression orders sought, as legal representatives in other group proceedings may be less candid in their opinions should there be a perceived risk that such opinions would ultimately be available to the public;
 - (b) **Category 1(b)**: This sub-category comprises summaries or excerpts of legal analysis prepared by counsel and the applicant's solicitors as to the merits of the legal claims brought, or to be brought, in the proceedings. These items appear in both the applicant's evidence and that of LLS (see **Annex. A** at items 2, 7-30). These legal analyses were not expressly prepared for the purposes of settlement approval. Much of the legal analysis occurred, prior to the commencement of the proceedings, and was prepared by persons who were the applicants' representatives following commencement of the proceeding. One purpose of some of these analyses was to secure funding for the proceeding. However, the same analyses also provided the bedrock for the applicants' claims that were brought in the proceeding, and informed the approach of the applicants' representatives to the proceeding. These materials



are privileged. Furthermore, if disclosure or publication of the materials were permitted because the orders sought were not made, it would disincentivise the placing of such material before the Court in settlement approval hearings, which would inhibit the proper administration of justice.

10. **Category 2:** This category contains materials that are subject of orders made pursuant to Part VAA of the Act in the *Street* proceeding. There are 3 items in this category, being:
 - (a) Item 1 (CB174) at para 109(a). This is a summary of an actuarial report that was before the Court in the *Street* settlement approval hearing, which were subject to the suppression order made in that proceeding: see Street Suppression Orders, O1 and Annexure A item 4.
 - (b) Item 5 (CB1275-1340). This is the actuarial report that is referred to in paragraph 10(a) above, which were subject to the suppression order made in that proceeding: see Street Suppression Orders, O1 and Annexure A item 4.
 - (c) Item 6 (CB1341-1672). This is a report prepared by Grant Thornton for the purposes of mediation in the *Street* proceeding. It was the subject of a suppression order made in that proceeding: see Street Suppression Orders, O1 and Annexure A item 5.
11. In respect of Category 2, suppression orders of the kind sought by the applicant are necessary to ensure that the material the subject of the Street Suppression Order is not published or disclosed in a manner contrary to those orders. That is, the orders are necessary to prevent prejudice to the proper administration of justice.
12. By way of summary, I note the following matters in support of the Interlocutory Application:
 - (a) The administration of justice occurring in this proceeding is settlement approval of a funded class action. The question for the Court on such an application is whether the settlement and deductions are fair and reasonable.
 - (b) To undertake the assessment, the Court relies upon the candid and fulsome disclosure of information from the applicant, the applicant's legal representatives and the applicant's litigation funder.
 - (c) In a funded matter such as this, there is necessarily an exchange of information, including privileged legal advice, between the applicant's legal team and the applicant's litigation funder. In my experience acting as a solicitor in matters of this kind, it is usual for a litigation funder to be in receipt of legal advice regarding a



potential claim even before a representative applicant is identified. This is necessary to enable the litigation funder to decide whether or not to fund the proceedings.

Sworn by the deponent)
at Sydney in)
New South Wales)
On)
electronically before me:)



Signature of deponent



Signature of witness

Harry Michael Tilse

Solicitor

Level 13, 160 Ann Street, Brisbane Qld 4000

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

1. I saw the face of the deponent.
2. I have known the deponent for at least 12 months
3. This document was signed and witnessed over audio visual link in accordance with section 14G of the *Electronic Transactions Act 2000* (NSW).

CERTIFICATE IDENTIFYING EXHIBIT

No. VID312/2021

Federal Court of Australia
District Registry: Victoria
Division: General

MINNIE MCDONALD

Applicant

COMMONWEALTH OF AUSTRALIA

Respondent

Affidavit of: Vicky Antzoulatos

Address: Level 6, 299 Elizabeth Street, SYDNEY NSW 2000

Occupation: Solicitor

Date: 6 May 2025

This is the exhibit marked "**VA-29**" referred to in the affidavit of Vicky Antzoulatos sworn electronically before me on 6 May 2025.

A handwritten signature in black ink, appearing to be 'HT' or similar initials, with a stylized flourish.

Harry Michael Tilse

Solicitor

Level 13, 160 Ann Street, BRISBANE QLD 4000



Federal Court of Australia

District Registry: South Australia Registry

Division: General

No: VID312/2021

MINNIE MCDONALD

Applicant

COMMONWEALTH OF AUSTRALIA

Respondent

ORDER

REGISTRAR: Registrar Colbran

DATE OF ORDER: 9 December 2024

WHERE MADE: Adelaide (*in Chambers*)

THE COURT ORDERS THAT:

1. On the basis that the material is not read and relied upon, leave be granted to the Applicant to uplift from the Court's file the First Affidavit of Ms Vicky Antzoulatos sworn 25 October 2024 and re-file and serve that affidavit with:
 - (a) the index entries in that affidavit for Exhibit VA-1: Tab 2 and Exhibit VA-3: Tabs 23-25 redacted (and which will be recorded by the Court as not read);
 - (b) paragraphs 217 to 222 of that affidavit redacted;
 - (c) exhibits VA-1: Tab 2 and VA-3: Tabs 23 and 24 removed;
 - (d) exhibit VA-3: Tab 25 removed (which will be recorded by the Court as not tendered into evidence); and
 - (e) paragraph 36 of exhibit VA-2: Tab 1 redacted.
2. Leave be granted to the Funder to:
 - (a) uplift from the Court's file the Affidavit of Stephen James Conrad affirmed 29 October 2024 filed on 1 November 2024 and the further redacted version filed on 6 November 2024 and has leave to refile and serve that Affidavit in its place with:



- (i) redactions of material over which a suppression order is sought pursuant to order 5; and
 - (ii) the following material removed on the basis that that material is not read on relied upon:
 - 1. paragraph [71(d)];
 - 2. paragraphs [104] to [105]; and
 - 3. in relation to the Confidential Exhibit SC1:
 - a. paragraph 2.2 on SC1:17;
 - b. paragraphs 2.12 to 2.14 on SC1:25;
 - c. the words following 'any form of compensation' in paragraph 2.15 to the end of the paragraph on SC1:26;
 - d. the title of tab 4 on SC1:31; and
 - e. the words immediately following 'scheme despite the' and preceding 'access to courts and tribunals' on SC1:33
- (b) uplift the Funder's Submissions filed on 30 October 2024 and 1 November 2024 and to re-file in their place a replacement version of the Funder's Submissions with any material not submitted or relied upon removed; and
- (c) uplift the Funder's Submissions in Reply filed on 4 November 2024 and each of the versions filed on 5 and 6 November 2024 and to re-file in their place a replacement version of the Funder's Submissions in Reply with any material not submitted or relied upon removed.
3. The Applicant and Funder are to file and serve the amended documents referred to in orders 1 and 2 above within 2 business days of the date this Order is made.
4. Pursuant to s 37AI of the *Federal Court of Australia Act 1976* (Cth) (**Act**), until determination of the application for suppression orders sought by the Applicant pursuant to ss 37AF(1)(b)(i), 37AH(1)(b) and 37AG(1)(a) of the Act at the Second Approval Hearing on 17 December 2024, there be no publication or other disclosure of the material identified in Annexure A to these orders to those persons identified in Annexure A, on the ground that it is necessary to prevent prejudice to the proper administration of justice.



5. Pursuant to s 37AI of the Act, until determination of the application for suppression orders sought by the Funder pursuant to ss 37AF(1)(b)(i), 37AH(1)(b) and 37AG(1)(a) of the Act at the Second Approval Hearing on 17 December 2024, there be no publication or other disclosure of the material identified in Annexure B to these orders to those persons identified in Annexure B, on the ground that it is necessary to prevent prejudice to the proper administration of justice.

Date orders authenticated: 9 December 2024


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.

Subsection 35A (5) of the *Federal Court of Australia Act 1976* (the *Act*) provides that a party to proceedings in which a Registrar has exercised any of the powers of the Court under subsection 35A (1) of the Act may, within the time prescribed by the Rules of Court, or within any further time allowed in accordance with the Rules of Court, apply to the Court to review that exercise of power.

Rule 3.11 provides that a party may apply to the Court under subsection 35A (5) of the Act for review of the exercise of a power of the Court by a Registrar and that any application must be made within 21 days after the day on which the power was exercised. A party seeking a review can apply to the Court to dispense with any requirement of the Rules (Rule 1.34).



ANNEXURE A – APPLICANT’S CLAIMS FOR SUPPRESSION ORDERS

No.	Description of filed document	Court Book reference	Page(s) of document	Details concerning aspect of document over which the suppression order applies	Basis for suppression	Parties
1.	First Affidavit of Ms Vicky Antzoulatos sworn 25 October 2024.	C-1	In part CB0174	- Paragraphs 109(a) and 109(b)	Contains information from the <i>Street</i> proceeding which is the subject of a claim for confidentiality.	Respondent; Non-parties
			In part CB0193	- Paragraph 170, the words following “On 13 November 2023,” to “was briefed to”, and following “was briefed to” to the end of the paragraph. -Paragraph 172, the words following “On 10 January 2024,” to the end the paragraph. - Paragraph 173, the words following “On 29 January 2024,” to the end of the paragraph.	Refers to commercial in confidence information and subject to legal professional privilege.	Respondent; Non-parties; Funder
2.	Exhibit VA-2 Tab 1: Confidential Opinion	C-1.3	CB0290 - CB0416	Whole document	Confidential and privileged opinion of counsel on settlement.	Respondent; Non-parties
3.	Exhibit VA-5: Confidential Expert Report of Mr Thomson	C-1.46	CB1121 – CB1164	Whole document	Document discloses content of material prepared on a without prejudice basis.	Respondent; Non-parties
4.	Exhibit VA-6: Tab 1: Affidavit of Vicky Antzoulatos, in relation to <i>Street v WA</i>	C-1.47	Part CB1169, CB1171, CB1188 CB1220	- Exhibit VA-5 index entry - Paragraph 7(e) - Paragraph 82	Document contains information and documents subject of claims for confidentiality in the <i>Street</i> proceeding.	Respondent; Non-parties



5.	Exhibit VA-6: Tab 1.2: Exhibit VA-5: Expert Report of Bruce Thomson, in relation to <i>Street v WA</i>	C-1.49	CB1275 – CB1340	Whole document	Document contains information and documents subject of claims for confidentiality in <i>Street v WA</i> .	Respondent; Non-parties
6.	Exhibit VA-7 Confidential Expert Report of Grant Thornton (prepared for mediation), in relation to <i>Street v WA</i>	C-1.50	CB1341 - CB1672	Whole document	Document prepared on a without prejudice basis.	Respondent; Non-parties
7.	Affidavit of Stephen James Conrad, Funder's representative	C-4	In part Page 15	[64(e)] the words and figures immediately following "a claim value of".	Disclosure would prejudice the proper administration of justice because the material contains a summary of privileged advice and/or counsel's opinions on legal and factual issues that were, or were to be, issues in the proceeding.	Respondent; Non-parties
			In part Page 17	[71(e)] the words following "a memorandum from Shine Lawyers" and to the end of the subparagraph	As above	Respondent; Non-parties
			In part Page 17	[72(b)] the figures immediately following (RDA claim) being" and to the end of the subparagraph.	As above	Respondent; Non-parties
			In part Page 18	[72(c)(ii)-(iii)] the entirety of the sub-paragraphs	As above	Respondent; Non-parties
			In part Page 18	[72(d)] the words immediately following "the potential claims" and to the end of the second sentence.	As above	Respondent; Non-parties
			In part Page 18	[73] the remainder of the paragraph following the words "(First Counsel Advice) which"	As above	Respondent; Non-parties



			In part Page 19	[76(a)–(c)], the entirety of the sub-paragraphs.	As above	Respondent; Non-parties
			In part Page 20	[78] the words following “these discussions” and to the end of the paragraph.	As above	Respondent; Non-parties
			In part Page 20	[79] the word immediately following “10 November 2020” and the entirety of the paragraph.	As above	Respondent; Non-parties
			In part Page 20	[80] the words immediately following “was received from” and to the end of the paragraph.	As above	Respondent; Non-parties
			In part Page 20	[81] the words immediately following “on or about 11 December 2020” and to the end of the paragraph.	As above	Respondent; Non-parties
			In part Page 21	[85] the words following “of the case,” to the end of the paragraph.	As above	Respondent; Non-parties
			In part Page 21	[86] the third sentence after the words following “After receiving further detailed information from Shine” and subparagraphs (a) – (b) (inclusive).	As above	Respondent; Non-parties
			In part Page 22	[91] the figures in the third sentence; and in the fourth sentence, the figures following “expressed to be”.	As above	Respondent; Non-parties
			In part Page 37	[140] the words following “the advice was that” and to the end of the second sentence.	As above	Respondent; Non-parties
8.	Confidential Exhibit SC1 to Affidavit of Stephen James Conrad affirmed 29 October 2024	C-4.4	In part Confidential Exhibit SC1:17	At paragraph 1.3, the figures immediately following “Racial Discrimination Act is” and preceding “depending on”.	As above	Respondent; Non-parties



		C-4.4	In part Confidential Exhibit SC1:28	At paragraph 3.9, the figures immediately following “being in the range” and preceding “(para 207 of WA joint advice); and the figures immediately following “Arguably, this could be in the range”.	As above	Respondent; Non-parties
		C-4.4	Confidential Exhibit SC1:29	At paragraph 3.17, the figures in the table under the headings “Estimated number of claimants and claim value” and “Aggregate Loss”.	As above	Respondent; Non-parties
		C-4.5	Confidential Exhibit SC1: 32	At subparagraph 1, the word immediately following “advice of counsel outlined a” and preceding “legal claim”; and the entire subparagraph 2.	As above	Respondent; Non-parties
		C-4.5	Confidential Exhibit SC1:33	Subparagraphs 1 - 4 (inclusive).	As above	Respondent; Non-parties
		C-4.6	Confidential Exhibit SC1:37	The second sentence in the first subparagraph; The words following “in relation to the RDA claim” in the fourth subparagraph; and The words following “the Proposed use of section 10 of the RDA” in the fifth subparagraph.	As above	Respondent; Non-parties
		C-4.7	Confidential Exhibit SC1:40	At the fifth subparagraph, the words immediately following “The claim on behalf of wards” and to the end of the subparagraph.	As above	Respondent; Non-parties
		C-4.8	Confidential Exhibit SC1:43	The words and figures immediately following “dated 30 March 2021 was”.	As above	Respondent; Non-parties



		C-4.8	Confidential Exhibit SC1:44	At subparagraph (c), the entire paragraph immediately following the word “Response”; at subparagraph (d), the entire paragraph immediately following the word “Response”; and at subparagraph (e), the entire paragraph immediately following the word “Response”.	As above	Respondent; Non-parties
		C-4.8	Confidential Exhibit SC1:45	At the first paragraph, the entire paragraph immediately following the word “Response”; at the second paragraph, the words immediately following “the claims were complex and” in the last sentence; and at the fourth paragraph, the words immediately following “this case was considered novel” and to the end of the paragraph.	As above	Respondent; Non-parties
		C-4.9	Confidential Exhibit SC1:49	The entire subparagraph immediately following the words “in relation to the evidence available, Counsel, Mr William Edwards, further advised:”	As above	Respondent; Non-parties
		C-4.9	Confidential Exhibit SC1:51	In the second sentence of the first subparagraph, the words immediately following “and the challenges of the claims themselves (even if not historical)”;	As above	Respondent; Non-parties
		C-4.9	Confidential Exhibit SC1:52	The entire subparagraph immediately following the words “the Joint Preliminary Advice summarised the claim as follows:”; and the entire subparagraph immediately following the words “however, has noted and would like to draw attention to the following:”	As above	Respondent; Non-parties
		C-4.10	Confidential Exhibit SC1:55	At the fifth subparagraph, the words immediately following “have provided written advices that the case” and preceding “present significant legal and evidentiary problems; in the seventh subparagraph, the words immediately following “summarised the claim as	As above	Respondent; Non-parties



				follows:" and the entire sub subparagraph; and the entire eighth subparagraph.		
		C-4.10	Confidential Exhibit SC1:56	At the second subparagraph, the words immediately following "dated 6 August 2020 Counsel states the" and the entire sentence.	As above	Respondent; Non-parties



ANNEXURE B – FUNDER’S CLAIMS FOR SUPPRESSION ORDERS

Item	Part claimed	Ground	Parties
Affidavit of Stephen James Conrad affirmed 29 October 2024			
1.	[114(c)] the words following “LLS had committed to” to “with Shine Lawyers.	Commercial in confidence	Respondent, non-parties
Confidential Exhibit SC1 to Affidavit of Stephen James Conrad affirmed 29 October 2024			
2.	Confidential Exhibit SC1:5 the word immediately following “reparations programme in” but preceding “and WA”.	Commercial In confidence	Respondent, non-parties
3.	Confidential Exhibit SC1:12 the words immediately following “LLS Fund Services” in the document heading; the subparagraph immediately preceding “Stolen Wages (NT): In Development”; and the first subparagraph immediately following “Purpose & Context”.	Commercial In confidence	Respondent, Applicant, non-parties
4.	Confidential Exhibit SC1:13 The words immediately following “LLS Fund Services” in the document heading; the words immediately following “Subject”; and the entire content of the document following the words “Case Synopsis”.	Commercial In confidence	Respondent, Applicant, non-parties
5.	Confidential Exhibit SC1:14 The words immediately following “LLS Fund Services” in the document heading	Commercial In confidence	Respondent, Applicant, non-parties
6.	Confidential Exhibit SC1:15 The words immediately following “LLS Fund Services” in the document heading; the words immediately following “seeking approval namely” and preceding “and Stolen Wages NT”; and the figures in the table following “Capital Call”; “Closing cash balance” and “Net cash balance”.	Commercial In confidence	Respondent, Applicant, non-parties
7.	Confidential Exhibit SC1:16 The entire content of the document following	Commercial In confidence	Respondent, Applicant, non-parties



	the words “LLS Fund Services” in the document heading.		
8.	Confidential Exhibit SC1:35 The words following “Matters for Consideration” and to the end of the document.	Irrelevant and commercially sensitive.	Respondent, Applicant, non-parties
	Confidential Exhibit SC1:36 the entire content of the document.	Irrelevant and commercially sensitive.	Respondent, Applicant, non-parties

CERTIFICATE IDENTIFYING EXHIBIT

No. VID312/2021

Federal Court of Australia
District Registry: Victoria
Division: General

MINNIE MCDONALD

Applicant

COMMONWEALTH OF AUSTRALIA

Respondent

Affidavit of: Vicky Antzoulatos

Address: Level 6, 299 Elizabeth Street, SYDNEY NSW 2000

Occupation: Solicitor

Date: 6 May 2025

This is the exhibit marked "**VA-30**" referred to in the affidavit of Vicky Antzoulatos sworn electronically before me on 6 May 2025.



Harry Michael Tilse

Solicitor

Level 13, 160 Ann Street, BRISBANE QLD 4000



Federal Court of Australia

District Registry: Victoria Registry

Division: General

No: VID312/2021

MINNIE MCDONALD

Applicant

COMMONWEALTH OF AUSTRALIA

Respondent

ORDER

JUDGE: Chief Justice Mortimer

DATE OF ORDER: 20 December 2024

WHERE MADE: Melbourne

THE COURT NOTES THAT:

- A. These orders are the second tranche of final orders in respect of the **Settlement Approval Application** dated 11 October 2024.
- B. Unless otherwise stated, a capitalised term in these Orders bears the same meaning as that defined in the **Deed**, including the **Scheme**, as defined in and approved by the Court, pursuant to orders made on 14 November 2024.

THE COURT ORDERS THAT:

Interim payments to living Eligible Claimants and Reimbursement Payments

1. Pursuant to ss 23, 33V and 33ZF of the *Federal Court of Australia Act 1976* (Cth) (the **Act**), the Administrators are directed to:
 - (a) make the Reimbursement Payments as approved by the Court pursuant to Order 13(c) made on 14 November 2024;
 - (b) make interim payments to each living Eligible Claimant in the amount of \$10,000 in accordance with clause 2.11 of the Deed,as soon as is practicable after the relevant Appeal Expiry Date (calculated in accordance with the Deed), and the Court NOTES that:



- (a) the Court may give further directions to the Administrator;
- (b) the relevant Appeal Expiry Date will be 27 January 2025 if:
 - (i) by 24 January 2025, there has been no appeal from, or no other proceeding otherwise challenging the validity of, the Orders made 14 November 2024, and
 - (ii) the Court does not extend the time permitted to appeal from such orders.

Costs of the Amici Curiae

2. Pursuant to ss 23 and 33V of the Act:

- (a) the costs and disbursements of the *amici curiae* are deemed to be part of the Costs Assessor's Costs pursuant to clauses 1.1 and 2.14 of the Deed; and
- (b) orders 3 and 4 of these Orders apply in relation to the costs and disbursements of the *amici curiae* in place of clauses 2.14.2 to 2.14.9 of the Deed.

3. The *amici curiae*:

- (a) are to submit estimates of their costs and disbursements to the Court (which the Court will provide to the Respondent) prior to undertaking any further work in the proceeding (to the extent such further work is not covered by an estimate of costs and disbursements previously given); and
- (b) are to submit invoices to the Respondent (c/o the Australian Government Solicitor) for their work in this proceeding.

4. The Respondent is to pay invoices rendered by the *amici curiae* within 15 business days of their receipt. This is subject to the Respondent objecting to any invoice rendered, in which case the Respondent is to promptly notify the *amicus curiae* of the objection and to seek to resolve that objection with the *amicus curiae* within 7 days of such notification. If that objection cannot be resolved by the *amicus curiae* and the Respondent, the objection must be promptly referred to the Court for determination.



Costs Assessor's Costs

5. Pursuant to ss 23 and 33V, the Costs Assessor's costs incurred in relation to the preparation of the report of 28 November 2024 in the amount of \$61,710 (incl GST) are approved.

Approval of Legal Advisor to Administrators

6. The Court approves Michael McCarthy and Tom Hutton of Hutton McCarthy to act as Legal Advisor to the Administrators for the purposes of clause 31 of the Scheme.

Approval of Independent Counsel

7. The Court approves Carla Klease to act as Independent Counsel for the purposes of Part U of the Scheme.

Other orders

8. The interim suppression orders made on 9 December 2024 are to continue until further order and will be further considered upon the delivery of the Court's reasons and final tranche of orders in relation to the Settlement Approval Application.
9. Shine Lawyers be granted leave to intervene in the proceeding in relation to the Settlement Approval Application.
10. The Applicant be granted leave to file and read the affidavit of Vicky Antzoulatos dated 16 December 2024.

Date orders authenticated: 20 December 2024


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.

CERTIFICATE IDENTIFYING EXHIBIT

No. VID312/2021

Federal Court of Australia
District Registry: Victoria
Division: General

MINNIE MCDONALD

Applicant

COMMONWEALTH OF AUSTRALIA

Respondent

Affidavit of: Vicky Antzoulatos

Address: Level 6, 299 Elizabeth Street, SYDNEY NSW 2000

Occupation: Solicitor

Date: 6 May 2025

This is the exhibit marked "**VA-31**" referred to in the affidavit of Vicky Antzoulatos sworn electronically before me on 6 May 2025.



Harry Michael Tilse

Solicitor

Level 13, 160 Ann Street, BRISBANE QLD 4000



Federal Court of Australia

District Registry: Western Australia Registry

Division: General

No: WAD237/2020

MERVYN STREET

Applicant

STATE OF WESTERN AUSTRALIA

Respondent

ORDER

JUDGE: Justice Murphy

DATE OF ORDER: 10 December 2024

WHERE MADE: Melbourne

THE COURT ORDERS THAT:

1. Pursuant to ss 37AF and 37AG(1)(a) of the *Federal Court of Australia Act 1976* (Cth), to prevent prejudice to the proper administration of justice, the material listed in the document titled "Annexure A" to these orders is to remain confidential and is not to be published or disclosed to any party.
2. Pursuant to ss 37AF and 37AG(1)(a) of the *Federal Court of Australia Act 1976*, to prevent prejudice to the proper administration of justice, the passages identified in the Schedule to the Funder's submissions dated 1 November 2024, being passages of the affidavit of Stephen James Conrad affirmed 10 October 2024, are to remain confidential and not to be published or disclosed to any party.

Date orders authenticated: 10 December 2024


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



ANNEXURE A – APPLICANT’S LIST OF CONFIDENTIAL DOCUMENTS

No	Description of filed document	Court Book reference	Page(s) of document	Details concerning aspect of document over which the confidentiality order applies	Basis for confidentiality
1.	Confidential Opinion prepared by Mr William AD Edwards KC, Mr Joshua Creamer, Mr Alexander H Edwards and Mr Julian Brezniak dated 30 May 2024	C-1.2	CB0240 – CB0349	Whole document	Privileged – contains legal advice.
2.	Second Confidential Opinion prepared by Mr William AD Edwards KC, Mr Alexander H Edwards and Mr Julian Brezniak dated 4 October 2024	C-1.3	CB0350 – CB0387	Whole document	Privileged – contains legal advice.
3.	Bundle of objections	C-1.26 – C-1.47	CB0682 – CB0957	Various redactions to remove contact information of objectors	Sensitive personal contact information of non-parties.
4.	Expert Report of Bruce Thomson	C-1.66	CB1225 – CB1290	Whole document	Document discloses contents of below document.
5.	Exhibit VA-28 in Fourth Affidavit of Vicky Antzoulatos sworn 28 October 2024 – Without Prejudice report of Joseph Box in relation to aggregate quantum of loss	-	-	Whole document	Document prepared on a without prejudice basis for Mediation purposes only.