

## NOTICE OF FILING

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A handwritten signature in blue ink, reading "Sia Lagos".

Registrar

### Important Information

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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: Sarah Jayne Thomson

Address: 13/160 Ann Street, Brisbane Queensland 4000

Occupation: Lawyer/Practice Leader, Shine Lawyers

Date: 4 July 2025

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

Prepared by (name of person/lawyer) Sarah Thomson

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I, **Sarah Jayne Thomson**, of 13/160 Ann Street, Brisbane, Queensland, affirm:

1. I am a legal practitioner employed by Shine Lawyers Pty Ltd trading as Shine Lawyers (**Shine**). I am a Practice Leader in the Class Actions team. I have had the day-to-day conduct of this proceeding since 10 February 2023, under the supervision of Ms Vicky Antzoulatos, Joint Head of Class Actions at Shine and the solicitor on the record for the Applicant.



2. I make this affidavit from my own knowledge unless stated otherwise. Where I depose to matters based on information provided to me by another person, I believe that information to be true and correct and I have set out the source of that information. Where I give opinions, they are based on my training, study and experience.
3. This affidavit adopts the terminology used in the Fourth, Fifth and Sixth Affidavits of Vicky Antzoulatos respectively sworn 2 December 2024, 16 December 2024 and 17 February 2024, in relation to engagement with stakeholders in the conduct of the outreach program, and the Deed of Settlement (**Deed**) dated 30 August 2024, including the Settlement Distribution Statement (**SDS**) which is Annexure A to the Deed.

### **Purpose of Affidavit**

4. Order 4(b) of the orders dated 16 September 2024 (**16 September Orders**) requires the Applicant (through Shine) to conduct a physical Outreach Program to various communities and towns listed in the annexure to those orders "which can reasonably be reached" for the purpose of conducting the Registration Process.
5. Shine are conducting the Registration Program and Outreach Program in compliance with the undertaking provided by Ms Antzoulatos dated 6 March 2025 (**Undertaking**) a copy of which is exhibited hereto and marked "SJT-19", and are seeking to act consistently with the reasons of the Court in the judgment dated 17 April 2025 (**Judgment**) at paragraph 572, in respect of Shine engaging community stakeholders to conduct the Outreach Program.
6. The Registration Date is 31 August 2025.
7. The purpose of making this affidavit is to provide a quarterly report to the Court in accordance with paragraph 3 of the Undertaking.

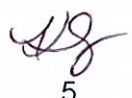
### **Update on Outreach Program**

8. An overview of Shine's engagement with stakeholders, and proposals received in respect of collaboration for the conduct of the Outreach Program, is contained in the Fourth, Fifth and Sixth Antzoulatos Affidavits.
9. Following publication of Chief Justice Mortimer's Judgment, Shine sent further correspondence to the stakeholder organisations who had expressed interest in being involved in the Outreach Program, namely:
  - (a) Laynhapuy Homelands Aboriginal Corporation (**Laynhapuy**);
  - (b) North Australia Aboriginal Justice Association (**NAAJA**);
  - (c) Lutheran Care;





- (d) Urupuntja Aboriginal Corporation (**Urupuntja**);
  - (e) ARDS Aboriginal Corporation (**ARDS**);
  - (f) Redgum Legal (**Redgum**);
  - (g) yamagigu; and
  - (h) YIMBA.
10. The purpose of this correspondence was to request proposals from each stakeholder as to their ability and availability to facilitate the Outreach Program in the way contemplated by the Judgment, and the cost. The communities / regions included in the request were selected having regard to the locations typically serviced by the community organisation, to leverage from their existing connections with the people in those locations.
11. Following receipt of each proposal, Shine reviewed and considered each proposal, and sent these to Mr William Edwards KC for consideration, in accordance with paragraph 2 of the Undertaking.
12. Mr Edwards KC considered each proposal (on a *pro-bono* basis), and provided his assessment as to whether it was fair and reasonable, and in the interests of Group Members.
13. On receipt of a positive assessment by Mr Edwards KC, Shine confirmed the engagement with the stakeholder (referred to collectively as "**Engaged Stakeholders**").
14. Once engaged, Shine provided an "information and summary pack" and preliminary training to the Engaged Stakeholder, including:
- (a) a recorded video providing a general overview of the proceeding, and how to assist group members completing the Registration Form;
  - (b) a "Frequently Asked Questions" document;
  - (c) written instructions to complete the Registration Form (consistent with the SDS);
  - (d) instructions on how to collect, manage and store sensitive group member information, and how to share that information with Shine on the conclusion of an outreach trip; and
  - (e) key documents relating to the Outreach Program, including the Registration Form and Information Brochure, a pastoral map of the Northern Territory, and a list of known stations, missions, communities and towns, skin names and languages in the Northern Territory.

  
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15. Shine has provided additional tailored training for each Engaged Stakeholder on request.
16. The written training brief and key documents are exhibited to this affidavit and marked "SJT-20". Should her Honour wish to view the recorded training video, this can be provided.
17. I refer to the map identifying the location of Engaged Stakeholders, which was exhibited to the Sixth Antzoulatos Affidavit and marked "VA-22". An updated version of the map is exhibited hereto and marked "SJT-21".
18. Shine continues to engage with and support the Engaged Stakeholders and specific information about the progress of each stakeholders' engagement follows.

*Lutheran Care*

19. Shine and Lutheran Care have formalised an agreement for Lutheran Care to complete registration sessions for the Outreach Program to 24 communities across the MacDonnell and Central Desert regions. A copy of Lutheran Care's updated proposal and the signed letter of engagement is exhibited hereto and marked "SJT-22: Tab 1" and "SJT-22: Tab 2".
20. Lutheran Care has commenced Outreach Program registration sessions (see Tables 1 and 2 below) and has indicated they will be in a position to finalise registration sessions in the communities noted in their proposal prior to the Registration Date, subject to any unforeseen circumstances which may arise.
21. Lutheran Care are also providing in-office support to group members in Alice Springs and are available to assist group members with registering from their Alice Springs office during office hours, namely Monday to Friday from 9:00am to 4:00pm.
22. To date, Lutheran Care have attended five (5) communities (Tennant Creek, Mutitjulu, Imanpa, Santa Teresa and Hermannsburg), in addition to their fixed in-office support from Alice Springs and completed approximately 114 registrations. Given the large population of some of these communities (for example, Tennant Creek, which has an estimated population in excess of 1,700), I consider this to be a low number of registrations.
23. I am informed by Ms Samantha Boardman, an Associate at Shine involved in supporting the stakeholder partners and Outreach Program, that Lutheran Care have observed lower than expected attendance at registration sessions owing to community events such as the Finke Desert Race.



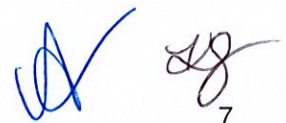
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24. Ms Boardman further informs me that Lutheran Care have had to reschedule or postpone a number of their planned registration sessions due to several communities observing extended Sorry Business, and/or general community unrest following the death of a Wadeye elder and young Aboriginal man in police custody in May and June 2025. Lutheran Care have had to have regard to the appropriateness of conducting registration sessions in communities impacted by these deaths.

*Urupuntja*

25. Shine and Urupuntja have formalised an agreement for Urupuntja to complete registration sessions for the Outreach Program to four (4) communities in the Urupuntja Homelands (Arawerr, Arlparra, Atheley and Atneltyey) and generally support any group members who live in other communities in that area with the Registration Process. A copy of Urupuntja's updated proposal and the signed letter of engagement is exhibited hereto and marked "SJT-23: Tab 1" and "SJT-23: Tab 2".
26. Urupuntja are also providing in-office support to group members in Arlparra, and are available to assist group members with registering from their Arlparra office on Mondays and Tuesdays between the hours of 9:00am and 4:00pm.
27. Notwithstanding their commitment to complete physical Outreach Program registration sessions as required by the SDS, Urupuntja's initial proposal did not contemplate their conducting formal sessions in each of the communities they service; rather, it contemplated two staff members being dedicated for two days to assist community members with registering from their base in Arlparra.
28. I am informed by Ms Boardman that Urupuntja's original proposal was structured in that way because they are concerned about the success of formal in-community registration sessions due to the transience of their community members, particularly in the winter months. Urupuntja have indicated that a large number of their community members leave town in June/July to follow the 'show' and 'rodeo' circuit, which includes traveling to Alice Springs, Tenant Creek, Darwin and Mt Isa.
29. Despite this, Urupuntja will commence its in-community Outreach Program registration sessions this month (June 2025) (see Table 2 below) and has indicated they will be in a position to finalise registration sessions in the communities noted in their proposal prior to the Registration Date, subject to any unforeseen circumstances which may arise.
30. Urupuntja consider they will provide registration assistance to approximately 1,000 community members. In respect of communities located in the Urupuntja Homelands, Shine has received a total of 84 registrations to date. We consider this is low having




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regard to population estimates, and Urupuntja's own estimate of how many group members they anticipate assisting with registering.

#### ARDS

31. Shine and ARDS have formalised an agreement for ARDS to complete registration sessions for the Outreach Program to 13 communities in the East Arnhem region and Laynhaphuy Homelands. They are also providing in-office support to group members in Darwin, Nhulunbuy and Galiwin'ku, and are available to assist with registering group members during office hours in these locations (Tuesday to Friday in Darwin between the hours of 8:30am and 5:00pm, Tuesday to Friday in Nhulunbuy between the hours of 9:00am and 4:00pm, and Tuesdays only in Galiwin'ku, between the hours of 9:00am and 12:00pm). A copy of ARDS's updated proposal and the signed letter of engagement are exhibited hereto and marked "SJT-24: Tab 1" and "SJT-24: Tab 2".
32. ARDS will commence its Outreach Program registration sessions by the end of August 2025 (see Table 2 below) and has indicated they will do their best to finalise registration sessions in the communities noted in their proposal prior to the Registration Date, subject to any unforeseen circumstances which may arise.
33. I am informed by Ms Boardman that ARDS requested population estimates for the communities where they will conduct the Outreach Program to understand how many group members they should expect to register.
34. It is estimated that the population of the 13 communities assigned to ARDS (excluding Darwin) is approximately 6,500 people. Not all 6,500 will be eligible group members, or descendants of eligible group members.
35. In respect of those communities, Shine has received a total of 57 registrations (of which 44 are Deemed Registrations, being pre-settlement registration forms received before 16 September 2024), with a further 18 to be provided in hard copy. I consider this to be a low number of registrations relative to the estimated population of 6,500.
36. I am informed by Ms Boardman that during conversations with Ms Eleanor Connop (ARDS lawyer), ARDS have expressed concerns about their ability to register group members by the Registration Date because of:
  - (a) language barriers, as many of the group members speak English as a second, third, fourth or fifth language. The registration material is currently being translated into Yolŋu and will be advertised on Yolŋu Radio assisting to spread information about the need to register for the class action. It is expected that registration



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numbers will increase once advertising and targeted registration sessions have commenced;

- (b) weather in the East Arnhem region, including a later than usual wet season which has meant that roads to communities have only recently re-opened. This has impacted the ability to deliver Outreach Program registration sessions, and also means that once the roads open, community members including potential claimants, are more likely to leave community for cultural activities such as hunting; and
- (c) lengthy Sorry Business. We are informed the Yolngu communities in East Arnhem are likely to engage in extended Sorry Business due to the passing of two very senior Yolngu elders. This is likely to result in the complete closure of Yolngu communities for potentially weeks.

37. ARDS have not committed to completing the Outreach Program by the Registration Date. I am informed by Ms Boardman that ARDS have requested an extension of the Registration Date by a minimum of three (3) months, to 30 November 2025, to allow appropriate opportunity for potential group members in the communities serviced by them to learn of the settlement approval and complete a Registration Form.

*Redgum Legal*

38. Redgum and Shine have formalised an agreement for Redgum to complete registration sessions for the Outreach Program to 12 communities in the Northwest Central and Top-End East regions of the Northern Territory, and Western Queensland. A copy of Redgum Legal's updated proposal, and the signed letter of engagement are exhibited hereto and marked "SJT-25: Tab 1" and "SJT-25: Tab 2".
39. Redgum Legal will commence its Outreach Program registration sessions by 11 July 2025 (see Table 2 below) and has indicated they will be in a position to finalise registration sessions in the communities noted in their proposal prior to the Registration Date, subject to any unforeseen circumstances which may arise.

*YIMBA*

40. YIMBA and Shine have formalised an agreement for YIMBA to complete registration sessions for the Outreach Program to 14 communities in the Arnhem and Groote Eylandt regions. A copy of the signed letter of engagement is exhibited hereto and marked "SJT-26: Tab 1".



41. On 12 June 2025, YIMBA provided additional information identifying that its core team for the Outreach Program were based in the Northern Territory, and an Aboriginal lawyer would attend all physical registration sessions.
42. A copy of YIMBA's updated proposals (including the additional information referred to above) is exhibited hereto and marked "SJT-26: Tab 2".
43. YIMBA will commence its Outreach Program registration sessions by mid- to- late July 2025.

NAAJA

44. On 22 April 2025, Shine received an email from Mr Anthony Beven, Acting CEO of NAAJA, in response to Shine's correspondence of 20 December 2024 seeking NAAJA's assistance in the conduct of the Outreach Program. Mr Beven advised, *inter alia*, that:
  - (a) NAAJA is the largest legal practice in the Northern Territory and all their clients are Aboriginal people;
  - (b) they have five (5) permanent offices and operate in 20 additional Aboriginal communities in the Northern Territory;
  - (c) Mr Beven himself was the administrator of the QLD 'Stolen Wages' settlement distribution scheme and ran the outreach and registration process for 14,000 claimants in that proceeding;
  - (d) NAAJA has the network, staff and resources to undertake the required work, and would establish a dedicated team of Aboriginal outreach workers that know communities and speak language to liaise with claimants and communities; and
  - (e) if NAAJA was to provide assistance it would be on a fee for service basis and it would not be possible to provide a fixed fee estimate for the work.

A copy of Mr Beven's email is exhibited hereto and marked "SJT-27: Tab 1".

45. On 29 April 2025, I, together with Ms Kate Gough (Senior Associate at Shine), held a teleconference with Mr Beven and Mr Matthew Connop (NAAJA Acting Deputy CEO) to discuss NAAJA's involvement in the Outreach Program and their capacity to complete registration sessions before the Registration Date. During that call, Mr Beven and Mr Connop:
  - (a) reiterated their position that NAAJA has the network, staff and resources to undertake the Outreach Program;



- (b) indicated NAAJA could conduct the Outreach Program in its entirety, but not before the Registration Date, and a lengthy extension should be sought in order for the Outreach Program to be conducted successfully; and
  - (c) advised they would seek board approval to conduct the Outreach Program, and provide an estimate of costs for completing this work.
46. Following this teleconference, Shine sent correspondence to NAAJA on 2 May 2025 seeking a formal proposal contemplating three (3) different scenarios:
- (a) for NAAJA to conduct Outreach to an allocation of communities in the Top End of the Northern Territory;
  - (b) for NAAJA to conduct Outreach in an allocation of communities in the Top End and in Central Australia; and
  - (c) for NAAJA to conduct the entirety of the Outreach Program.

A copy of Shine's letter to NAAJA is exhibited hereto and marked "SJT-27: Tab 2".

47. On 22 May 2025, Shine, through Mr Harry Tilse (former Associate at Shine), made a telephone call to Mr Connop. I am informed that Mr Connop advised the NAAJA board had approved NAAJA engaging with Shine in the conduct of the Outreach Program, and that a formal proposal would be forthcoming from NAAJA.
48. On 30 May 2025, Shine emailed NAAJA proposing a reallocation of communities. The reallocation would see communities in Central Australia reallocated from NAAJA to Lutheran Care, and NAAJA taking on a larger number of communities in the Top End. Mr Beven replied on the same day seeking confirmation of which organisation would be undertaking registration work in Central Australia, as NAAJA would "need to assess the reputational risk to NAAJA of association with the other parties involved in the program".
49. On 2 June 2025, Shine replied to Mr Beven's email outlining the cooperation between Shine and multiple stakeholder organisations to work towards completing the Outreach Program before the Registration Date. A copy of the email chain between Shine and NAAJA regarding the communications exchanged at paragraphs [44] to [49] is exhibited hereto and marked "SJT-27: Tab 3".
50. On 17 June 2025, I received an email from Mr Connop noting that NAAJA would provide a formal proposal by Friday, 20 June 2025. The email also noted that "[t]he registration deadline of 31 August 2025 would be unrealistic for any organisation in the Territory. The listed organisations will not reach all clients in that timeframe... For those reasons, NAAJA will provide a letter as part of our proposal explaining the real challenges that



exist and that an extension should be granted." A copy of this email is exhibited hereto and marked "SJT-27: Tab 4".

51. Despite this, and Shine's multiple attempts to telephone NAAJA subsequently, no proposal has been received from NAAJA as at the date of affirming this affidavit.

*yamagigu*

52. Following delivery of the Judgment, Shine held a concern that yamagigu was not a community stakeholder as contemplated by the Judgment.
53. Shine, accordingly, sought an updated proposal from yamagigu (as discussed above at [10]). In doing so, Shine requested consideration be given to a reduction in yamagigu's rates, and information about how the costs and disbursements of conducting the Outreach Program would benefit Northern Territory communities and the organisations that serve them (consistent with paragraph 519 of the Judgment). A copy of Shine's letter to yamagigu is exhibited hereto and marked "SJT-28: Tab 1".
54. yamagigu provided an updated proposal on 14 May 2025, a copy of which is exhibited hereto and marked "SJT-28: Tab 2". Although the rates were revised, they were still significantly more expensive than the other stakeholder organisations, which Shine considers sufficient reason not to engage them to conduct the Outreach Program.
55. On 16 May 2025 Mr Edwards KC also expressed doubts that yamagigu was a community stakeholder in the sense described in the reasons of the Court.
56. For the above reasons, Shine does not propose to engage yamagigu to conduct the Outreach Program.

*Laynhapuy*

57. On 2 May 2025, Shine sent an email to Laynhapuy seeking confirmation of their capacity to conduct registration sessions in communities in Arnhem Land within their geographical area before the Registration Date. A copy of this correspondence is exhibited hereto and marked "SJT-29: Tab 1".
58. On 16 May 2025, Laynhapuy emailed Shine to advise they were unable to conduct registration sessions for the Outreach Program without the assistance of Shine in the proposed communities. A copy of this correspondence is exhibited hereto and marked "SJT-29: Tab 2".
59. Accordingly, Laynhapuy have not been formally engaged to assist with the Outreach Program. Laynhapuy have agreed to provide assistance to ARDS to deliver registration

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sessions to the Laynhapuy Homelands. Shine continues to work with ARDS and Laynhapuy to offer Outreach Program support, where appropriate.

*Senior Counsel's opinion*

60. Pursuant to paragraph 2 of the Undertaking, Shine wrote to Mr William Edwards KC on 12 May 2025 and 5 June 2025 (supplemented on 12 June) who is providing his opinion on the fairness and reasonableness of the proposed Outreach Program on a *pro-bono* basis. Copies of these letters and Mr Edwards KC replies are exhibited hereto and marked "SJT-30".

*Outreach Program – Completed and Upcoming Sessions*

61. **Table 1** sets out the Outreach Program sessions which have been completed as at the date of affirming this affidavit.

**Table 1**

Date	Location	Region	Conducted by
8 November 2024	Alice Springs	MacDonnell	Shine
10 November 2024	Tennant Creek	Barkley	Shine
11 November 2024	Wilora	Central Desert	Shine
11 November 2024	Pmara Jutunta	Central Desert	Shine
12 November 2024	Ti-Tree	Central Desert	Shine
13 November 2024	Willowra	Central Desert	Shine
22 May 2025	Tennant Creek	Barkley	Lutheran Care
11 June 2025 12 June 2025	Mutitjulu	MacDonnell	Lutheran Care
13 June 2025	Imanpa	MacDonnell	Lutheran Care
17 June 2025 20 June 2025	Santa Teresa	MacDonnell	Lutheran Care
24 - 25 June 2025	Ntaria (Hermannsburg)	MacDonnell	Lutheran Care

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62. **Table 2** sets out the upcoming Outreach Program registration sessions which will be completed by an Engaged Stakeholder, but where dates and times have not yet been formalised.

**Table 2**

<b>Date</b>	<b>Location</b>	<b>Region</b>	<b>Conducted by</b>
July/August 2025	Ali Curung	Barkley	Lutheran Care
July/August 2025	Ampilatwatja	Barkley	Lutheran Care
July/August 2025	Orwaitilla (Canteen Creek)	Barkley	Lutheran Care
July/August 2025	Elliott	Barkley	Lutheran Care
July/August 2025	Mungkarta	Barkley	Lutheran Care
July/August 2025	Tara (Neutral Junction)	Barkley	Lutheran Care
July/August 2025	Tennant Creek	Barkley	Lutheran Care
July/August 2025	Wutunugurra (Epennara)	Barkley	Lutheran Care
July/August 2025	Artekerre (Harry Creek)	Central Desert	Lutheran Care
July/August 2025	Atitjere (Harts Range)	Central Desert	Lutheran Care
July/August 2025	Engawala	Central Desert	Lutheran Care
July/August 2025	Larambul	Central Desert	Lutheran Care
July/August 2025	Nyirripi	Central Desert	Lutheran Care
July/August 2025	Orrtipa-Thurra (Bonya)	Central Desert	Lutheran Care
July/August 2025	Yuelamu	Central Desert	Lutheran Care
July/August 2025	Yuendumu	Central Desert	Lutheran Care
July/August 2025	Amoonguna	MacDonnell	Lutheran Care
July/August 2025	Apatula (Finke)	MacDonnell	Lutheran Care



July/August 2025	Areyonga	MacDonnell	Lutheran Care
July/August 2025	Ikuntji (Haasts Bluff)	MacDonnell	Lutheran Care
July/August 2025	Papunya	MacDonnell	Lutheran Care
July/August 2025	Titjikala	MacDonnell	Lutheran Care
July/August 2025	Wallace Rockhole	MacDonnell	Lutheran Care
July 2025	Arawerr (Soapy Bore)	Barkley	Urupuntja
July 2025	Arlparra	Barkley	Urupuntja
July 2025	Atheley	Barkley	Urupuntja
July 2025	Atneltyey (Boundary Bore)	Barkley	Urupuntja
July 2025	Baniyala	East Arnhem	ARDS
July 2025	Dhalinybuy	East Arnhem	ARDS
July 2025	Galiwin'ku	East Arnhem	ARDS
July 2025	Gapuwiyak	East Arnhem	ARDS
July 2025	Garrthalala	East Arnhem	ARDS
July 2025	Gunyangara	East Arnhem	ARDS
July 2025	Mapuru	East Arnhem	ARDS
July 2025	Milingimbi	East Arnhem	ARDS
July 2025	Nhulunbuy	East Arnhem	ARDS
July 2025	Ramingining	East Arnhem	ARDS
July 2025	Wandawuy	East Arnhem	ARDS
July 2025	Yathalamarra	East Arnhem	ARDS
July 2025	Yirrkala	East Arnhem	ARDS



July 2025	Borrooloola	Roper Gulf	Redgum Legal
July 2025	Minyerri	Roper Gulf	Redgum Legal
July 2025	Ngukurr	Roper Gulf	Redgum Legal
July 2025	Rittarangu	Roper Gulf	Redgum Legal
July 2025	Robinson River	Roper Gulf	Redgum Legal
July 2025	Daguragu	Victoria Daly	Redgum Legal
July 2025	Kalkarindji	Victoria Daly	Redgum Legal
July 2025	Lajamanu (Hooker Creek)	Victoria Daly	Redgum Legal
July 2025	Nitipurru (Pigeon Hole)	Victoria Daly	Redgum Legal
July 2025	Yarralin	Victoria Daly	Redgum Legal
July 2025	Camooweal	Barkley QLD	Redgum Legal
August 2025	Mount Isa	Barkley QLD	Redgum Legal

*Outreach Program – Sessions to be Confirmed*

63. **Table 3** sets out those communities that are not currently allocated to a stakeholder to conduct the Outreach Program. It was originally contemplated that NAAJA would conduct the Outreach Program in the communities listed in Table 3.

**Table 3**

<b>Location</b>	<b>Region</b>
Adelaide River	Victoria Daly
Alpururulam (Lake Nash)	Barkley
Alyangula	Groote Eylandt
Amanbidji (Mialuni)	Victoria Daly



Angurugu	Groote Eylandt
Barunga (Bamyili)	Roper Gulf
Batchelor	Greater Darwin
Belyuen	Greater Darwin
Binjari	Roper Gulf
Bolkdjam	West Arnhem
Bulla	Victoria Daly
Bulman	Roper Gulf
Emu Point	Victoria Daly
Gamardi	West Arnhem
Gilwi	Victoria Daly
Gunbalanya (Oenpelli)	West Arnhem
Imangara (Murray Downs)	Barkley
Jabiru	West Arnhem
Jikminggan	Roper Gulf
Ji-Malawa	West Arnhem
Ji-Marda	West Arnhem
Kununurra	Victoria Daly
Malkala	Groote Eylandt
Mamadawerre	West Arnhem
Manmoyi	West Arnhem
Manyallaluk	Roper Gulf
Marlinja	Barkley



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Mataranka	Roper Gulf
Milikapti (Snake Bay)	Top End Islands
Milyakburra	Bickerton Island
Minjilang (Crocker Island)	Top End Islands
Muruning	Victoria Daly
Naiya (Daly River)	Victoria Daly
Nganmarriyanga (Palumpa)	Victoria Daly
Numbulwar	Roper Gulf
Peppimenarti	Victoria Daly
Pine Creek	Roper Gulf
Pirlangimpi (Garden Point)	Top End Islands
Rockhole	Roper Gulf
Timber Creek	Victoria Daly
Umbakumba	Groote Eylandt
Wadeye (Port Keats)	Victoria Daly
Waruwi (Goulburn Island)	Top End Islands
Weemol	Roper Gulf
Wugularr (Beswick)	Roper Gulf
Wurumiyanga (Nguu; Bathurst Island)	Top End Islands

64. Given the proximity of the Registration Date and the difficulties in obtaining a proposal from NAAJA, Shine is now liaising with other Engaged Stakeholders to understand if they have capacity to increase the number of communities they can attend for the Outreach Program. This approach is supported by Mr Edwards KC as set in his email dated 17 June 2025 (see "SJT-30" at pp 204 to 205).

65. Redgum and YIMBA have tentatively indicated an ability to extend their scope if required, but they would require time beyond the Registration Date to do so.
66. Shine is also progressing conversations with Ngaliwurru-Wuli Association Aboriginal Corporation Timber Creek, Waringarri Aboriginal Corporation, Stolen Generation Aboriginal Corporation and Larrakia Nation, who generally provide services to the unallocated communities, to see if they would be willing to assist with the conduct of the Outreach Program. Shine's emails to each of these organisations, dated 30 June 2025, are exhibited hereto and marked "SJT-31".
67. Shine may be required to conduct part of the Outreach Program if no alternative stakeholder is identified for the communities listed in Table 3.

*Registration Drop-in Offices*

68. In addition to Shine's permanent office in Darwin, Shine has worked with the Outreach Program stakeholders to utilise their offices in various locations across the Northern Territory until the Registration Date.
69. This allows group members to drop in on an 'as needs' basis to seek assistance from the Engaged Stakeholders to complete their registrations. If group members have existing registrations, Shine provides real time support to Engaged Stakeholders to provide updates to group members and note any deficiencies in these registrations, which can then be remedied.
70. Table 4 sets out a summary of the registration drop-in offices:

**Table 4**

Location	Stakeholder Partner	Day/s	Time/s
Alice Springs	Lutheran Care	Monday to Friday	9:00am to 4:00pm
Arlparra	Urupuntja	Mondays and Tuesdays	9:00am to 4:00pm
Darwin (for Yolŋu peoples only)	ARDS	Tuesday to Friday	8:30am to 5:00pm
Nhulunbuy	ARDS	Tuesday to Friday	9:00am to 4:00pm
Galiwin'ku	ARDS	Tuesdays	9:00am to 12:00pm



71. The Shine Darwin Office is open from 8:15am until 5:00pm, Monday to Friday. Shine has staff in this office to take registrations and provide information to group members until the Registration Date.

#### **Update on Registration Process**

72. The 16 September Orders, amongst other things, approved the Registration Process under the Deed, and the **Registration Form** (which was contained at Annexure A). Prior to the making of the 16 September Orders, Shine was receiving Pre-Settlement Registration Forms from potential claimants (**Deemed Registrants**), but these did not contain the minimum criteria as required by clause 10 of the SDS and are incomplete.
73. As at 30 June 2025, Shine has received 14,501 Registration Forms, which can be broken down into the following categories:
- (a) 8,071 Registration Forms, comprised:
    - (i) 6,450 Completed and Signed Registration Forms;
    - (ii) 1,354 Deficient Registration Forms (i.e. not Completed and/or not Signed, unreviewed or unconfirmed duplicates); and
    - (iii) 267 individuals have been identified as Preliminary Ineligible Claimants, following Shine's review of their Registration Form pursuant to clause 7(d) of the SDS. They will also still be categorised as Potential Claimants or Potential Descendant Claimants (as the case may be), pending the Administrator's assessment of their claim.

The above Registration Forms have the following Claim Types:

- (i) 1,018 are Potential Claimants;
  - (ii) 234 are Potential Descendant Claimants (Spouse claims);
  - (iii) 6,819 are Potential Descendant Claimants (Parent claims);
- (b) 3,310 Pre-Settlement Registration Forms, being those forms received before 16 September 2024 that have not yet converted to a Registration Form. These numbers are reported on separately to Registration Forms as there was no requirement for a Deemed Registrant to indicate who they were claiming on behalf of, and these forms are not Completed and not Signed; and
- (c) 3,120 withdrawn or duplicate Registration Forms. Typically, these are Registration Forms that were completed erroneously by Deemed Registrants (creating a duplicate),

   
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collectively, the **Registration Cohort**.

74. More information about the Registration Cohort, including explanation of Claim Types and preliminary reviews, Deemed Registrants, and “duplicate” Registration Forms, is contained below at [83] to [106].
75. **Table 5** provides a summary of the total number of Registration Forms received on a fortnightly basis since 17 September 2024, being the commencement of the Registration Process.

**Table 5**

Date	Total Registrations	Registrations received within previous fortnight
16 September 2024	42	0
30 September 2024	804	762
14 October 2024	1,148	344
28 October 2024	1,403	255
11 November 2024	1,953	550
25 November 2024	2,387	434
9 December 2024	2,936	549
23 December 2024	3,205	269
6 January 2025	3,527	322
20 January 2025	3,974	447
3 February 2025	4,493	519
17 February 2025	5,085	592
3 March 2025	5,336	251
17 March 2025	5,676	340
31 March 2025	5,926	250

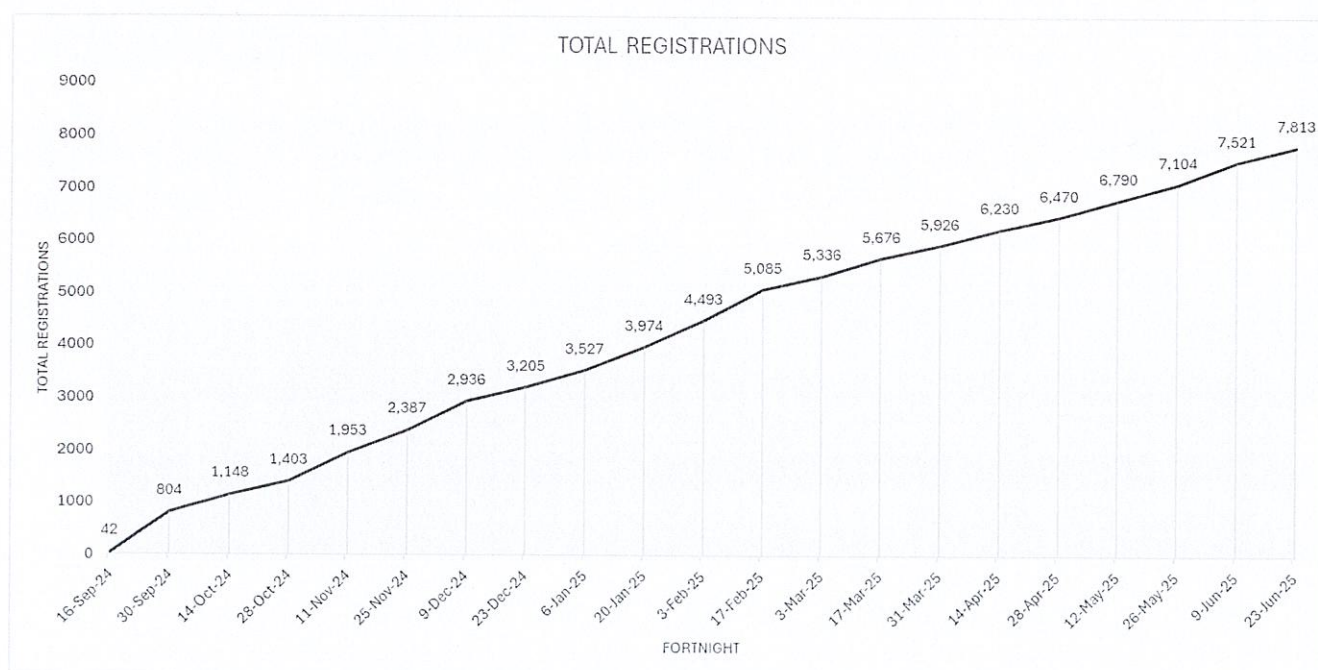
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14 April 2025	6,230	304
28 April 2025	6,470	240
12 May 2025	6,790	320
26 May 2025	7,104	314
9 June 2025	7,521	417
23 June 2025	7,813	292
7 July 2025	TBC	TBC

76. The information regarding Total Registrations in Table 5 is presented as a graph below. This graph shows a consistent increase in the rate of registrations received by Shine since 3 February 2025:

**Graph 1**



77. The Registration Process has been ongoing for 39 weeks. Shine has received an average of 198 registrations per week. The registration numbers were the highest in the week immediately after the settlement was announced during the week of 16 September 2024 (following the making of the 16 September Orders), and then remained at between

*[Signature]* 22

150 and 300 Registration Forms per week until the end of February 2025, except for over the Christmas and New Year period.

78. Approximately 940 of the initial Registration Forms were received in hardcopy during the approved Pre-Approval Program conducted by Shine Lawyers and defined in the Orders dated 16 September 2024.
79. The Pre-Approval Program included visits to the following six (6) locations:
- (a) Darwin (and surrounding suburbs);
  - (b) Alice Springs;
  - (c) Katherine;
  - (d) Maningrida;
  - (e) Galiwinku; and
  - (f) Tennant Creek.
80. In Shine's experience, we expect these numbers to increase as the Outreach Program continues. As outlined in paragraphs [19] to [22], and [61] above (including Table 1), Lutheran Care are the only Engaged Stakeholder that have commenced Outreach Program registration sessions. The remaining Engaged Stakeholders (Urupuntja, ARDS, Redgum and YIMBA) are due to commence physical outreach in July 2025.

#### **Review of Registration Forms**

81. Shine is required, pursuant to clause 7(d) of the SDS, to conduct a preliminary review of all Registration Forms received to ensure they include all necessary information required by the form (i.e. as prescribed by clause 10 of the SDS), and are Signed.
82. As clause 10(a) of the SDS requires the Registration Forms to contain the minimum eligibility evidence required by clauses 43 and 44 of the SDS, Shine's preliminary review also considers whether a person is likely to qualify as a Potential Claimant or Potential Descendant Claimant and, if not, Shine makes reasonable attempts to contact the claimant to rectify any deficiencies.
83. As described at [73(a)] above, Shine has received 14,501 Registration Forms, although of these, 3,311 are Pre-Settlement Registration Forms and 3,120 are withdrawn or duplicate Registration Forms, meaning they are unable to be reviewed by Shine for the purpose of a preliminary review (or have already been reviewed and identified as a duplicate as described below at [85(e)] below).



84. Of the remaining 8,070 Registration Forms, Shine has conducted a preliminary review with the following outcome:
- (a) 6,448 are preliminarily eligible;
  - (b) 267 are preliminarily ineligible;
  - (c) 781 are preliminarily inconclusive;
  - (d) 496 are deficient or requiring rectification;
  - (e) 25 are unconfirmed duplicates requiring further review; and
  - (f) 53 are currently unassessed.
85. A summary of the above categories follows:
- (a) A Registration Form is marked as *preliminarily eligible* when it meets the minimum eligibility requirements in clauses 43 and 44 of the SDS.
  - (b) A Registration Form is marked *preliminarily ineligible* when it does not meet the minimum eligibility requirements in clauses 43 and 44 of the SDS.
  - (c) A Registration Form is marked *preliminarily inconclusive* when it is incomplete (i.e. does not meet the minimum requirements prescribed by clause 10 of the SDS) and the claimant is either:
    - (i) unable to provide the instructions resolving the deficiency in the registration because the information is not known; or
    - (ii) unable to be contacted to obtain instructions to resolve the deficiencies in the registration. Shine will make three (3) attempts to contact a claimant to resolve deficiencies in the registration as described below from [90]. If after the third attempt, Shine has not been able to contact a claimant, the Registration Form is marked "inconclusive" and provided to the Administrator with appropriate comments noting the deficiencies.
  - (d) A Registration Form is marked as *deficient* or *requires rectification* when it is incomplete and contact with the group member is required to resolve the deficiencies in the registration;
  - (e) A Registration Form is marked as a *confirmed duplicate* when it has been reviewed by a solicitor at Shine and confirmed to be a duplicate of another registration, and a Registration Form is marked as an *unconfirmed duplicate* when it has not yet been confirmed as a duplicate of another registration, and further enquiries with the claimant(s) are required. As is evidenced above at [73(c)], a very large number

of Registration Forms have already been received throughout this Registration Process that have been identified as duplicates of existing Registrations, caused by a person submitting multiple Registration Forms for the same person in respect of the same claim. From my experience in this proceeding, I believe this is primarily due to the uniqueness borne out of this group member cohort (particularly due to the large number of group members and their relatives that suffer high socio-economic and associated technological disadvantage), and the impact of Deemed Registrants.

86. Shine conducts preliminary reviews as Registration Forms are received (either electronically or in the office in hard-copy, once converted to Shine's electronic claims portal).
87. Once a Registration Form has been preliminarily reviewed by Shine, and where it has been reviewed as *preliminarily eligible*, *preliminarily ineligible*, *preliminarily inconclusive* or a *confirmed duplicate*, it is finalised and sent to the Administrator for an eligibility assessment.
88. As at 27 June 2025, 7,176 Registration Forms have been provided to the Administrator, comprised:
  - (a) 1,296 on 7 March 2025;
  - (b) 817 on 24 March 2025;
  - (c) 900 on 4 April 2025;
  - (d) 425 on 17 April 2025;
  - (e) 306 on 2 May 2025;
  - (f) 1,067 on 20 May 2025;
  - (g) 1,113 on 9 June 2025;
  - (h) 837 on 13 June 2025; and
  - (i) 415 on 27 June 2025.
89. Shine will require time following the conclusion of the Outreach Program and expiration of the Registration Date to complete preliminary reviews before they are sent to the Administrator for an eligibility assessment. This will include time to allow the Engaged Stakeholder to send any hardcopy Registration Forms to Shine's office, and the time it will take Shine to attempt to rectify any deficiencies with claimants.



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### *Deficient Registration Forms*

90. To avoid delay in the provision of Registration Forms to the Administrator, Shine makes three (3) attempts to contact claimants to rectify deficiencies before Registration Forms are marked as *preliminarily inconclusive* and sent to the Administrator.
91. In Shine's experience, telephone and mobile contact is the most effective method of contacting claimants (as opposed to post or email) to obtain information required to rectify their Registration Form(s). Where a claimant does not answer a telephone call, Shine will also use "email to SMS" software to send a text message to claimants requesting contact from them. I am informed this is a more effective way to contact claimants, however it still takes, on average, one week before any responsive communication is received from a claimant.
92. Although only a small portion of claimants do not have a telephone number, in those circumstances, contact attempts are required to be made via email or physical post which does not result in responsive communication from the claimant for, on average, two (2) to four (4) weeks. This causes a significant delay in the completion and finalisation of their Registration Forms.
93. The Registration Forms reviewed by Shine to date are marked as "requires rectification" or "inconclusive" for the following reasons:
- (a) approximately 23.52% have not provided sufficient identification as required by clauses 43(c)(1) and 44(c)(1) of the SDS;
  - (b) approximately 38.4% have outstanding work history information as required by clauses 43(c)(4)-(5) of the SDS;
  - (c) approximately 9.73% have not signed their registration form/s as required by clause 2(bb) and 10(b) of the SDS.
  - (d) approximately 25.33% have not provided any payment details on their registration form/s as required by clause 10(c) of the SDS.

### **Group Member difficulties with the Registration Form**

94. The number of Registration Forms that Shine has identified as requiring rectification, and the nature of the deficiencies identified in paragraph [93] above and [98] below, lead me to hold the view that group members are having trouble completing the Registration Form. I am informed by Ms Boardman that this view is supported by feedback from Engaged Stakeholders who have indicated they consider the Registration Forms are complex and difficult to complete. Lutheran Care, ARDS, Urupuntja and Redgum Legal



have all expressed difficulty in completing Registration Forms with claimants due to its length and the level of detail required (i.e. in respect of work history and in respect of events that occurred a long time ago). These observations are formed having regard to their experience whilst conducting the Outreach Program or in reviewing the Registration Form in preparation of commencing the Outreach Program.

#### *Assistance with Registration Forms*

95. Shine has compared the number of Registration Forms received by claimants who required assistance with completing their Registration Forms and those who did not, with the following outcome:
- (a) 6,888 required assistance to complete their registration form (either through Outreach or via the telephone); and
  - (b) 1,242 people did not require assistance.
96. Of those who did not require assistance, 823 (or 66%) were deficiently completed and required contact to resolve the deficiencies in their Registration Form

#### *Unsubmitted Electronic Registration Forms*

97. As at 30 June 2025, there are 1,857 Unsubmitted Registration Forms. An online Registration Form is "unsubmitted" where a claimant has attempted to register, and has partially completed the Registration Form, but has stopped at some point before progressing past the "signing page".
98. Shine has considered the stage in which Unsubmitted Registration Forms were abandoned, or, in other words, at what point a claimant stopped filling out information and exited out of the form, in order to consider if there are specific trends showing. I am informed by a report prepared by Shine's Class Actions Technology Team the section the individual was up to when they abandoned the form. Annexed hereto and marked "SJT-32: Tabs 1-3" is a copy of the electronic Registration Form (noting there are small variations to the Registration Forms pursuant to claim type – that is, the Registration Form for living Potential Claimants is slightly different to the Registration Form for Potential Descendant Claimants), and the responses to the report prepared by Shine's Class Action Technology Team is below:
- (a) 28.3%, did not progress past the initial section, which asks for personal details;
  - (b) 4.7% did not progress past the second section which asks for current photo identification;





- (c) 47.9%, did not progress past the third section, which asks a claimant to identify whether they are registering their own claim, or a descendant claim;
  - (d) 8%, did not progress past the fourth section, which deals with substantive claim information for living claimants and spouse or child claimants respectively, including requesting information about family and work history;
  - (e) 1.6% did not progress past the fifth section which requests bank account details;
  - (f) 8.7% completed all of the above information, but did not progress past the "additional information" section which simply asks "is there anything else you'd like to tell us?"; and
  - (g) Less than 1% did not finalise the form on the final section by consenting to the declaration and completing their signature.
99. Shine will use reasonable endeavours to contact those individuals with an Unsubmitted Registration Form (where contact details are provided) to offer assistance in completing the Registration Form.

#### **Deemed Registrants**

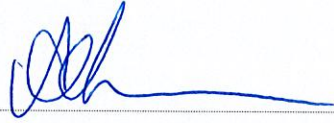
100. Shine received approximately 7,339 Pre-Settlement Registration Forms prior to 16 September 2024. Since that time, approximately 1,679 have converted to Registration Forms, 2,350 have been withdrawn or identified as a duplicate registration, and there remains 3,310 Deemed Registrations.
101. The Deemed Registrations do not contain the minimum criteria as required by clause 10 of the SDS and are not Completed or Signed.
102. Shine has been proactively attempting to contact Deemed Registrants for the purpose of taking additional instructions to convert to a Registration Form. As part of this process, Shine will first review our electronic registration portal to check whether a Deemed Registrant has re-registered instead of converting their existing Pre-Settlement Registration Form.
103. If a new Registration Form has been completed, Shine will only contact the claimant for the purpose of resolving any deficiencies with that form. Their Deemed Registration will then be marked as a duplicate.
104. If the Deemed Registration has not converted, Shine will contact the claimant for the purpose of taking additional instructions required to convert to a Registration Form.
105. Shine will make three (3) attempts to contact the Deemed Registrant for the purpose of taking those additional instructions. If, after three (3) attempts Shine has not been able




to contact the claimant, the Deemed Registration will be marked as "unable to convert" and the reason it is unable to convert will be recorded as "exhausted telephone calls".

106. Deemed Registrations that are unable to convert will be sent to the Administrator for a final eligibility assessment.

Sworn by the deponent )  
at Brisbane in )  
Queensland )  
on 4 July 2025 )  
before me: )

  
Signature of deponent

  
Signature of witness

**Kate Gough**  
**Solicitor**  
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