

Federal Court of Australia
District Registry: Victoria
Division: General

MINNIE MCDONALD

Applicant

COMMONWEALTH OF AUSTRALIA

Respondent

**REPORT OF APPLICANT, RESPONDENT AND ADMINISTRATOR
ON CONDUCT OF REGISTRATION PROCESS AND ADMINISTRATION OF SETTLEMENT
DISTRIBUTION SCHEME**

1. This is a report prepared by the Applicant, Respondent (**parties**) and Administrator in accordance with order 1 of the orders of her Honour Chief Justice Mortimer dated 12 August 2025 (**Joint Report**).
2. The Joint Report addresses the following:
 - (a) what has been agreed to increase the accuracy, timeliness and cost-effectiveness in the Registration Process conducted by Shine Lawyers and the administration of the Settlement Distribution Scheme (**Scheme**) conducted by the Administrators;¹ and
 - (b) an update to the Court in respect of the Registration Process and Administration Process, including providing the Court with estimates around total Eligible Claimants based on the Registration Data to date.²

Conduct of the Registration Process and administration of the Scheme

3. The parties and the Administrator have conferred in respect of the conduct of the Registration Process and administration of the Scheme. The Administrator has helpfully advised the parties of the issues they are currently experiencing in conducting eligibility assessments of the Registration Forms. In summary, these include:

¹ Pursuant to orders of Chief Justice Mortimer dated 12 August 2025.

² Transcript of hearing before Chief Justice Mortimer, 11 August 2025, T24:10-13.

- (a) Claimants not providing any, or any sufficient, identification as required by Item 1 of the tables at clauses 43 and 44 of the Scheme;
 - (b) Claimants not providing sufficient work history information as required by Item 4 of the table at clause 43 of the Scheme;
 - (c) Claimants incorrectly responding to questions on the Registration Form relating to “Aboriginal or Torres Strait Islander status” (Item 2 of the table at clause 43 of the Scheme), and being paid little or no wages in respect of work undertaken (Item 5 of the table at clause 43 of the Scheme);
 - (d) Claimants providing “conflicting date of birth information”, resulting in a difficulty in considering Item 3 of the table at clause 43 of the Scheme;
 - (e) Potential Descendant Claimants being unable to provide documentary evidence to substantiate their relationship with the Deceased Potential Claimant, as required by Item 3 of the table at clause 44 of the Scheme;
 - (f) Claimants not Signing their Registration Form/s as required by clause 2(bb) and 10(b) of the Scheme; and
 - (g) Claimants not providing payment details as required by clause 10(c) of the Scheme.
4. Schedule 1 summarises the outcome of the parties’ agreed position in respect of the issues raised by the Administrator.
5. The parties provide the following general guidance to the Administrators when assessing eligibility.
- (a) The Administrators are required to be reasonably satisfied on the basis of credible and plausible evidence that a claimant meets the relevant criteria. Accordingly, so long as there is no good reason to doubt the credibility of the evidence, the evidence need only have an appearance of truth or reason or be capable of being believed.
 - (b) The Administrators should take a pragmatic and beneficial approach to the assessment of evidence, in view of:
 - (i) the general difficulties that claimants will have in establishing their entitlements under the Scheme, including because: (i) claimants will generally be of advanced aged; (ii) claimants may have literacy and numeracy issues and may not speak English (or have limited English language skills); (iii) claimants may have experienced trauma and will

generally have experienced disadvantage in their lives; (iv) claimants may not have documentation to prove their entitlements; (iv) documentation that exists may be unreliable (e.g. it may not correctly record a claimant's date of birth); (v) claimants may not know their date of birth (or may have been assigned different dates of birth); (vi) more than 50 years have elapsed since Potential Claimants will have engaged in the work in question (and memories will have faded); (vii) Potential Descendant Claimants may be recounting work history from stories they have been told by their mother or father or spouse; and

- (ii) the significant consequences for claimants of having been assessed as not meeting any of the criteria – i.e. they will miss out on the settlement entitlement.
 - (c) Inconsistent evidence may not indicate a lack of credibility. Given the matters above, some inconsistencies in the information provided are to be expected.
 - (d) Significant weight should be given to information provided by a claimant in their Registration Form, in circumstances where they have 'Signed' the form and attested to the truth of that information (unless there is good reason to doubt the credibility of that information).
 - (e) The Administrators are not confined to the minimum evidence referred to in column B of the tables in clauses 43 and 44 of the Scheme. The Administrators may have regard to other relevant information contained in the Registration Form and any supporting documents when determining whether the claimant meets any of the criteria (clauses 43(d)(ii) and 44(c)(ii)).
6. In addition to the above overarching principles, the parties consider that Schedule 1 should be adopted by the Administrator as guidance for applying the relevant eligibility criteria set out in the Scheme for the purpose of conducting eligibility assessments.
7. The following paragraphs and Schedule 1 summarise the parties' and Administrators' position in respect of efficiencies to be gained in the Registration Process and administration of the Scheme more broadly. The parties intend to file a proposed minute of consent order seeking the Court's approval in respect of those efficiencies which require variation of the Scheme.

Efforts to rectify Registration Form deficiencies

8. Shine proactively contacts any registrant who has a deficient registration three (3) times over the course of a 21-day period, before marking the registration as inconclusive and

providing to the Administrator. These contact attempts include telephone calls, text messages (where the claimant has a mobile number), and an email or postal letter (in circumstances where the claimant has an email address or, as a last resort – where no other contact information has been provided – has provided a physical address). Copies of these attempts (emails, text messages, letters, etc) are provided to the Administrator, and data tables containing a record of these attempts will be provided to the Administrator. The Administrator should have regard to these attempts and the outcomes recorded. If, for example, it is noted that Shine has been unsuccessful in obtaining photo ID or 2 points of current identification (such as a Medicare card of evidence of a right to a government benefit) sufficient to meet the Scheme criteria, the Administrator should not repeat this request, and instead request a statement from a Trustee Referee or genealogical material that satisfies Item 1(A)(iii) or (iv) of clause 43 of the Scheme.

9. Once the Registration Form is transferred to the Administrator, they should attempt to find an alternative means to resolve any outstanding deficiencies.³ These attempts should include no more than three (3) further telephone calls, over a 21-day period, culminating in a final text message to the claimant informing them an inability to provide the outstanding information by a specified date may result in them missing out on compensation.
10. The Administrator will keep a register of those claim(s) that remain “inconclusive” or “deficient”, and the reason why, and provide in its report to the Court the reasons, in accordance with clause 46 of the Scheme.

Proposed amendment to the requirement that Registration Forms be ‘Completed’ and ‘Signed’ by the Registration Date

11. Senior Counsel for the Applicant raised before her Honour an issue arising under clause 13 of the Scheme whereby Registration Forms must be Completed and Signed by the Registration Date. If a Registration Form was received by Shine Lawyers by the Registration Date, but as at that Date it was not ‘Completed’ (because it was missing minimum eligibility evidence⁴) or Signed, the Claimant would be rendered ineligible (subject to any order of the Court).

³ Scheme, [12]: “The Administrator may during the Administration, in the Administrator’s absolute discretion: (a) seek further information than that provided in the Registration Form from the Potential Claimant or Potential Descendant Claimant, but only where it is necessary to do so to determine the Potential Claimant or Potential Descendant Claimant’s eligibility against the requirements in the criteria tables in clauses 43 and 44.”

⁴ See the definition of ‘Completed’ in cl 2(d) of the Scheme.

12. It takes approximately 21 days' lead time for Shine to make reasonable endeavours to ensure each Registration Form is Completed and Signed after it is received.
13. To address this issue, it is proposed that clauses 13 and 14 of the Scheme be replaced with new clauses 13, 13A and 14 to read:

13. Subject to clause 13A below, for each Potential Claimant and, subject to Part E below, each Potential Descendant Claimant to be considered by the Administrator for eligibility to participate in the Scheme:

- a. a Registration Form must be received by Shine Lawyers by the Registration Date which contains at least the Potential Claimant's or Potential Descendant Claimant's name, and contact details, and*
- b. if the Registration Form is not Completed and Signed by the Registration Date, the Registration Form must be Completed and Signed within 28 days of the Registration Date. Shine Lawyers must use reasonable endeavours to assist each such Potential Claimant and/or Potential Descendant Claimant to Complete and Sign their Registration Form within this 28 day period.*

13A. If any Registration Forms referred to in clause 13(a) above are not Completed and Signed within the time specified in clause 13(b) above:

- a. Shine Lawyers must provide all such Registration Forms to the Administrator as soon as is reasonably practicable after that time;*
- b. The Administrator may, in their absolute discretion and within a further 21 days of that time, take any action they consider appropriate to facilitate such Registration Forms being Completed and Signed (but should avoid taking any actions which replicate any unsuccessful actions previously taken by Shine Lawyers to assist a Potential Claimant or Potential Descendant Claimant to Complete and Sign their Registration Form).*

Any such Registration Forms which are:

- a. Completed and Signed within the further 21 days are to be considered by the Administrator for eligibility to participate in the Scheme.*
- b. not Completed and Signed within the further 21 days are not to be considered by the Administrator for eligibility to participate in the Scheme, unless the Court otherwise orders.*

14. Subject to:

- a. any order of the Court; and*

b. clauses 13 and 13A above and 26 and 27 below,

no further Registration Forms (Completed and Signed or otherwise) will be accepted after the Registration Date.

Bank account details

14. The parties understand that an issue has arisen in the course of the administration over Registration Forms which do not disclose bank account details, or where those bank account details are incomplete. The parties provide the following guidance on this issue.
15. Item 6 of the table in clause 43 and clause 44 requires that to be eligible, a Claimant must provide details of a bank account in their name *or* if such bank account details do not exist, such other information allowing payment to be made in a manner which reasonably satisfies the Administrator that the Claimant would receive the benefit of the payment. That can include, for example, a name and valid postal address for the purpose of receiving a bank cheque. It may also include the bank account details of *another* person if the Administrator is nonetheless satisfied the Claimant would receive the benefit of the payment.
16. As such, a bank account is not required to establish a Claimant's eligibility.
17. Further, clause 73 of the Scheme provides that distributions under the Scheme are to be paid by way of Electronic Funds Transfer unless the Administrator resolves to make payment in another way where the Claimant does not have a bank account. Again, that may include the examples of payment cited above.
18. For the purpose of administration of the Scheme, the Administrator should note that:
 - (a) Where a Registration Form does not provide bank account details (or bank account details which are incomplete), but *does* contain the name of the Claimant and their postal address (and this information is considered to be plausible and credible), it is open to the Administrator to be reasonably satisfied that the Claimant:
 - (i) would receive the benefit of the payment if a bank cheque was drawn in favour of the Claimant and posted to that address, and
 - (ii) meets the criterion at Item 6 of clause 43 or 44.
19. However, the Administrator should still attempt to obtain bank account details if they exist (to satisfy clause 73).

Update on Registration and Administration Process

Update on Registration Process

20. As at 22 August 2025, Shine has received 16,789 Registration Forms, which can be broken down into the following categories:

- (a) 10,323 Registration Forms, comprised:
 - (i) 7,702 Completed and Signed Registration Forms; and
 - (ii) 2,621 Deficient Registration Forms (i.e. not Completed and/or not Signed, unreviewed or unconfirmed duplicates).

The above Registration Forms have the following Claim Types:

- (i) 1,268 are Potential Claimants
- (ii) 280 are Potential Descendant Claimants (Spouse claims);
- (iii) 8,775 are Potential Descendant Claimants (Parent claims).

291 of the above have been identified as Preliminary Ineligible, and 7,702 have been identified as Preliminary Eligible (subject to confirmation from the Administrator).

- (b) 3,006 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.
- (c) 3,460 withdrawn or duplicate Registration Forms. Of these:
 - (i) 804 are confirmed duplicates; and
 - (ii) 2,656 are withdrawn or Registration Forms that were completely erroneously by Deemed Registrants (creating a duplicate).

The above are cumulatively referred to as the **Registration Cohort**.

Review of Registration Forms

21. As described above, Shine has received 16,789 Registration Forms, although of these 3,006 are Pre-Settlement Registration Forms and 2,656 are withdrawn or duplicate Registration Forms, meaning they are unable to be reviewed by Shine for the purpose of a preliminary review.

22. Of the remaining 11,127 Registration Forms, Shine has conducted a preliminary review of 10,404 with the following outcome:
- (a) 7,702 are preliminary eligible;
 - (b) 291 are preliminary ineligible;
 - (c) 939 are preliminary inconclusive;
 - (d) 601 are deficient or requiring rectification;
 - (e) 804 are confirmed duplicates;
 - (f) 67 are unconfirmed duplicates requiring further review; and
 - (g) 723 are currently unassessed.
23. Of the 10,404 Registration Forms reviewed by Shine to date, 1,540 (14.8%) have cumulatively been marked as “requires rectification” (601 or 5.8%) or “inconclusive” (939 or 9%). Further information about the reasons why a Registration Form may be marked as requires rectification or inconclusive follows:
- (a) 61.1% (941 Registrations) have not provided sufficient identification as required by Item 1 of the tables at clauses 43 and 44 of the Scheme, and of those:
 - (i) 16.2% have provided some form(s) of ID, although not sufficient to meet the minimum requirements prescribed by the Scheme; and
 - (ii) 83.7% have not provided any ID at all;
 - (b) 36.7% (565 Registrations) have outstanding work history information as required by Item 4 of the table at clause 43 of the Scheme;
 - (c) 9.5% (146 Registrations) have not signed their Registration Form/s as required by clauses 2(bb) and 10(b) of the SDS; and
 - (d) 20.4% (314 Registrations) have not provided any payment details on their Registration Form/s as required by clause 10(c) of the SDS.
24. Only Registration Forms marked as “inconclusive” are provided to the Administrator; those marked as “requires rectification” remain with Shine as the Shine team continue reasonable attempts to contact claimants to rectify deficiencies.
25. As at 12 August 2025, 9,016 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;
- (i) 415 on 27 June 2025;
- (j) 639 on 11 July 2025;
- (k) 751 on 28 July 2025; and
- (l) 450 on 12 August 2025.

Shine's assessment of likely Eligible Claimants

26. In L5 of the First Antzoulatos Affidavit, Ms Antzoulatos set out Shine's best estimate and projection, as at 25 October 2024, of the total number of Eligible Claimants that will result from the Registration Process. Ms Antzoulatos considered at that time an appropriate range of Eligible Claimants was between 6,000 to 8,000. The maximum number of Eligible Claimants under the Scheme is 10,000.
27. As part of Shine's preliminary review, the Shine team considers, and "links" together claims of Potential Descendant Claimants as they are found to relate to the same worker. This information is shared with the Administrator.
28. Having regard to this work, and the outcome of Shine's preliminary reviews conducted to date, the below table has been prepared with Shine's best estimate of current likely Eligible Claimants:

Gross Settlement Sum Inputs		
Registration Forms⁵ (as at 22.08.2025)	Potential Claimants	1,268
	Descendant Claimants	9,055
Shine Preliminary Eligibility assessment⁶	Potential Claimants	955 (73.5%)
	Descendant Potential Claimants	7,353 (81.2%)

⁵ See figure at [1(a)], and explanation at [21] – this figure only includes those Registration Forms capable of being reviewed by Shine Lawyers (that is, it does not include Deemed Registrations or Withdrawn/Duplicate Registrations).

⁶ This includes those Registration Forms currently assessed by Shine as Preliminary Eligible, and includes a projection based on current assessment rates to account for those Registration Forms received to date that have not yet been reviewed for the purpose of a preliminary assessment.

Estimated Original Claimants (Linking Factor)	Linking Factor ⁷	1.53
	Original Claimants (Living)	955
	Original Claimants (Deceased) ⁸	4,806
	Total Estimated Original Claimants as at 22.08.2025	5,761

Update on Outreach Program

29. The affidavit of Sarah Thomson dated 8 August 2025 provided an update to the Court regarding the status of the Outreach Program as at that date.
30. There were a small number of Unallocated Communities that were proposed not to be visited, where Shine was making ongoing enquiries about access to community-based facilities (such as video-conferencing facilities) that would afford community members a reasonable opportunity to register before the Registration Date.⁹
31. Shine continues to engage with Bawinanga Aboriginal Corporation in an attempt to assist with resourcing video-conferencing facilities in communities in the East-Arnhem region they service. It is proposed that, should these facilities and resourcing be secured, community members interested in completing a Registration Form are able to speak with a Shine team member and complete a Registration Form electronically over a video-call.
32. Separately, the Commonwealth has made enquiries:
 - (a) The National Indigenous Australians Agency (**NIAA**) provides grants to Aboriginal Corporations in the Northern Territory for a variety of purposes unrelated to this proceeding (or the settlement of this proceeding). The NIAA cannot direct or make any official requests to those organisations to assist with outreach in those communities for the purposes of this settlement scheme. However, the NIAA will provide contact details of the Aboriginal Corporations closest in proximity to the communities unable to be reached by Shine Lawyers. Shine Lawyers may then approach those organisations to see if they are willing to take any steps to assist with outreach in those communities. The NIAA can also provide indirect assistance such as placing posters regarding the Scheme in its regional offices in Katherine

⁷ This number is calculated by determining how many Potential Descendant Claimants have submitted Registration Forms in respect of the same deceased Potential Claimant/worker.

⁸ This number is calculated by dividing the total number of preliminary eligible Potential Descendant Claimants (7,353) by the Linking Factor (1.53).

⁹ Thomson Affidavit dated 8 August 2025, [22].

or Tennant Creek, or on community noticeboards if NIAA officers find themselves in the relevant community on NIAA business.

- (b) Otherwise, the NIAA's limited staffing presence coupled with logistical difficulties associated with distance significantly limit what it can do to assist with outreach.
 - (i) The NIAA's closest regional offices to these communities are Tennant Creek and Katherine. Katherine is the closest office to the communities of Bolkdjam, Gamardi, Ji-Milawa, Ji-Marda, Manmoyi and Muruning and the nearest community, Bolkdjam, is approximately 500km away (or a 7-hour drive, if it is safe to do so). Road access to these communities is affected by wet season, when driving becomes perilous if not impossible. The Tennant Creek office is approximately 300km from the community of Marlinja (or approximately a 3-hour drive).
 - (ii) NIAA Tennant Creek is staffed by 4 employees. NIAA Katherine is staffed by only 12 employees. The capacity of NIAA staff in the Northern Territory is already limited, and the administration of the agency's policies and programs must take precedence. Providing outreach engagement would impose a workload that these regional offices do not reasonably have capacity to service (and may compromise delivery of the NIAA's core business). Further, the NIAA do not routinely visit these communities as part of its usual workload.
- (c) The Commonwealth is also mindful of the confusion it may create for this cohort if it were to actively promote or assist with the taking of registrations, in circumstances where that is the role of Shine Lawyers under the Scheme and this proceeding has been against the Commonwealth.

33. Shine Lawyers confirm all other communities listed in the 16 September orders will be visited for the purpose of the Outreach Program before 31 August 2025.

Update on Administration Process

The team of the Administrator

34. The team employed by the Administrator responsible for the administration of the scheme initially consisted of 12 staff. As the number of Registrations and calls

increased, the team was expanded to ensure timely assessment of Registrations and to allow for payments to be made to living Eligible Claimants as efficiently as possible.

35. There are currently 27 staff employed by the Administrator who are responsible for the Administration of the scheme, including:
- (a) an Administration Team, who are responsible for data handling, eligibility assessments and call handling;
 - (b) the Payments Processing Team, who are responsible for making payments to eligible claimants; and
 - (c) the Build and Design Team, who are responsible for the build and maintenance of the ClaimsView portal which is used to store registration data, query management details, communications share with claimants and for the eligibility assessments..
36. The Administrator has engaged 'yamagigu', a First Nations consulting business, to provide training, advice and support to the team responsible for administering the scheme. To date, yamagigu have assisted with the following:
- (a) cultural awareness training;
 - (b) review of artefacts such as interactive voice response and portal wording;
 - (c) advice on issues associated with date of birth of claimants;
 - (d) understanding of cultural and traditional family relationships;
 - (e) the handling of persistent callers; and
 - (f) advice on availability of communities over the Dec/Jan period.

Review of Registration Forms

37. The Administrator has received 9,014 Registrations Forms.¹⁰
38. The Administrator has prioritised the review and processing of living Potential Claimants, noting:
- (a) whenever a tranche of Registration Forms is received, the Administrator reviews the tranche immediately to identify living Potential Claimants; and
 - (b) these claims are assessed as a matter of priority; and
 - (c) Interim Payments on these claims currently occur as early as 2 weeks after receipt of the Registration Form.

¹⁰ The difference between the number listed by Shine and the number listed by the Administrator (9,016 / 9,014) is the result of unidentified duplicates.

39. With respect to Potential Claimants:
- (a) 1,141 Registrations have been received by the Administrator;
 - (b) 740 of these have been determined to be eligible;
 - (c) 168 have been determined to be ineligible;
 - (d) 86 duplicate claims have been identified by the Administrator;
 - (e) 147 registrations remain under review.
40. With respect to Interim Payments:
- (a) the Administrator has attempted to make Interim Payments in relation to 650 Potential Claimants;¹¹
 - (b) 31 Interim Payments will be made on 28 August 2025, or shortly thereafter, subject to final review; and
 - (c) the balance (68 Interim Payments) will proceed on receipt of further information, such as bank account details.
41. With respect to Potential Descendant Claimants:
- (a) the Administrator has received 7,873 Registrations;
 - (b) 2,233 of these have been determined to be eligible;
 - (c) 121 of these have been determined to be ineligible;
 - (d) 539 duplicate claims have been identified; and
 - (e) the balance remain under review (with approximately 4,000 cases having been reviewed and assessed as inconclusive¹²), but are expected to be processed rapidly, on the basis of the proposed changes to the scheme and guidance provided by the parties in the context of these discussions.

Revised timeline

42. The previous timeline proposed by the administrator estimated a period of 23 weeks between Registration Date and when final payments were made, as follows:
- (a) 4 weeks for preliminary review by Shine;
 - (b) 6 weeks for the Administrator to review and remedy, where necessary, Registration Forms provided by Shine;

¹¹ 6 payments have failed – updated bank details are being followed up.

¹² The Administrator notes that cases that are inconclusive are still under review and are not considered ineligible.

- (c) 1 week to make final determinations in relation to eligibility;
 - (d) 2 weeks to issue Rejection Notices and make final remaining Interim Payments;
 - (e) 3 weeks for the court to make a determination with respect to deductions and other matters;
 - (f) 1 week to issue distribution statements to Eligible Claimants and Eligible Descendent Claimants;
 - (g) 4 weeks for reviews requested by Claimants to be reviewed and determined; and
 - (h) 2 weeks to make final payments to Eligible Descendent Claimants.
43. On the basis of the changes proposed by the parties, the Administrator estimates that the original period can be reduced by approximately 7 weeks, as follows:
- (a) item (b), being the review undertaken by the Administrator, can be undertaken within 3 weeks (rather than 6), subject to the discussion, below;
 - (b) items (c) and (d) can be undertaken within 2 weeks (rather than 3);
 - (c) Rejection Notices and Distribution Statements are to be issued at the same time and this will occur over 2 weeks (rather than 3); and
 - (d) the vast majority of final payments will be able to be made at the end of (g) (rather than over the 2 weeks period set out in (h)).
44. The original estimate of 6 weeks for the Administrator to review and remedy Registration Forms provided by Shine, was required, in part, because of the difficulty making contact with claimants over the Christmas period.
45. In the context of the changes to the Scheme and guidance provided by the parties, the Administrator estimates that this can be undertaken over a 21-day period, provided that 21-day period does not occur during the Christmas break, noting that making contact with claimants to remedy issues with Registration Forms will not be possible during this period.
46. We note that the Christmas break may result in unfairness to some claimants if Distribution Statements and Rejection Notices are issued at a time when they may not be received, reducing the capacity of claimants to seek a review of the decision under section U of the Scheme.
47. The Administrator has consulted with yamigigu, who have indicated that approximately one month is a reasonable amount of additional time to allow in order to accommodate for departures from community and periods during which contact will be difficult.

48. We have set out below some alternative timetables that accommodate the Christmas break.
49. It is the Administrator's view that these timetables are ambitious and that there are factors that have the potential to delay the making of final payments. By way of example, if a large number of reviews are lodged in relation to Distribution Statements and Rejection Notices, this has the potential to delay the making of final payments. The Administrator will provide the parties and Court with regular updates, during this period.

Registration Date of 3 October 2025

	Relevant Step	Period	Proposed dates
a)	Preliminary review by Shine	4 weeks	3 Oct – 31 Oct 2025
b)	Administrator to review and remedy Registration Forms provided by Shine	3 weeks	31 Oct – 21 Nov 2025
c)	Administrator to make final determinations in relation to eligibility	1 week	21 Nov – 28 Nov 2025
d)	Administrator to issue Distribution Statements and Rejection Notices	2 weeks	28 Nov – 12 Dec 2025
e)	Review period	4 weeks	12 Dec 2025 – 9 Jan 2026
f)	Final order by Court	3 weeks	9 Jan - 30 Jan 2026
g)	Final payments commence		30 Jan 2026

Registration Date of 17 October 2025

	Relevant Step	Period	Proposed dates
a)	Preliminary review by Shine	4 weeks	17 Oct – 14 Nov 2025
b)	Administrator to review and remedy Registration Forms provided by Shine	3 weeks	14 Nov – 5 Dec 2025
c)	Administrator to make final determinations in relation to eligibility	1 week	5 Dec – 12 Dec 2025
d)	Administrator to issue Distribution Statements and Rejection Notices	2 weeks	12 Dec – 26 Dec 2025

e)	Period to allow receipt of Distribution Statements and Rejection Notices over Christmas period and lodge Review as required	4 weeks	26 Dec 2025 – 23 Jan 2026
f)	Review period	4 weeks	23 Jan – 20 Feb 2026
g)	Final order by Court	3 weeks	23 Jan – 13 Mar 2025
h)	Final payments commence		13 Mar 2026

Registration Date of 31 October 2025

Relevant Step		Period	Proposed dates
a)	Preliminary review by Shine	4 weeks	31 Oct – 28 Nov 2025
b)	Administrator to review and remedy Registration Forms provided by Shine	3 weeks	28 Nov 2025 – 19 Dec 2025
c)	Administrator to make final determinations in relation to eligibility	1 week	19 – 26 Dec 2025
d)	Administrator to issue Distribution Statements and Rejection Notices	2 weeks	26 Dec 2025 – 9 Jan 2026
e)	Period to allow receipt of Distribution Statements and Rejection Notices over Christmas period and lodge Review as required	4 weeks	9 Jan – 6 Feb 2026
f)	Review period	4 weeks	6 Feb – 6 March 2026
g)	Final order by Court	3 weeks	6 Mar – 27 March 2026
h)	Final payments commence		27 Mar 2026

Registration Date of 14 November 2025

Relevant Step		Period	Proposed dates
a)	Preliminary review by Shine	4 weeks	14 Nov – 12 Dec 2025

b)	Administrator to review and remedy Registration Forms provided by Shine (noting Christmas break)	6 weeks	12 Dec 2025 – 23 Jan 2026
c)	Administrator to make final determinations in relation to eligibility	1 week	23 Jan – 30 Jan 2026
d)	Administrator to issue Distribution Statements and Rejection Notices	2 weeks	30 Jan – 13 Feb 2026
e)	Review period	4 weeks	13 Feb – 13 Mar 2026
f)	Final order by Court	3 weeks	13 Mar – 3 Apr 2026
g)	Final payments commence		3 Apr 2026

Schedule 1
Issues arising on Registration Forms
Minnie McDonald v Commonwealth of Australia (VID312/2021)

Table 1. Issues arising in Claims by Potential (Self) Claimants

	Issue identified by Administrator	Description of issue, and variation in examples from Administrator	Parties' Guidance
1.	Claimant ID not provided	<p>Item 1 of the table in clause 43 requires that the Administrator be satisfied of the Claimant's identity, by reference to:</p> <ol style="list-style-type: none"> 1. photo ID (current or expired in last 5 years); or 2. two forms of current ID, with the DOB in the Registration Form; or 3. a statement from a Trusted Referee; or 4. genealogical material. <p>In these instances, Claimants have not provided any identification documents sufficient to meet one of the four above criteria.</p>	<p>The Scheme is to be amended to:</p> <p>(a) include a new Item 1(A)(v) in the table in clause 43 that permits a Potential Claimant to provide 1 point of current identification that does not include a DOB, on the basis it has been issued by the Commonwealth Government or Northern Territory Government (for example but not limited to, a Medicare card or other social security card) AND the Potential Claimant includes a statement of their DOB in their Signed Registration Form;</p> <p>(b) revise the definition of 'Sign or Signed' at cl 2(bb) of the Scheme to permit a Trusted Referee to Sign a statement in the same way that a claimant may Sign a Registration Form.¹³</p> <p>Following such amendment, where a Claimant is unable to provide photo ID or government issued ID as described above and in Item 1 to clause 43, the Administrator should seek a</p>

¹³ Signed, as defined by the Scheme at [2(bb)], which includes an oral statement made by a person to Shine Lawyers or the Administrator by telephone or otherwise, or an electronic declaration, whereby the person declares that the information provided is true and they understand that lying may be a criminal offence.

A further amendment to the Scheme will be drawn to add a clause requiring the Administrators to verify by affidavit the process followed for all Trusted Referee statements that were taken and 'signed' orally (see cl17(k) and 25 of the Scheme with respect to this requirement for Registration Forms). Shine Lawyers will be subject to a similar requirement if they take any Trusted Referee statements that are signed orally.

			statement from a Trustee Referee per Item 1A(iii) of the table at clause 43 of the Scheme, which may be given orally and 'Signed' verbally by telephone or by electronic declaration.
2.	Claimant ID document provided, but is not sufficient	<p>Item 1 of the table in clause 43 requires that the Administrator be satisfied of the Claimant's identity, by reference to:</p> <ol style="list-style-type: none"> 1. photo ID (current or expired in last 5 years); or 2. two forms of current ID, with the DOB in the Registration Form; or 3. a statement from a Trusted Referee; or 4. genealogical material. <p>In these instances, supporting ID is provided, but it is not sufficient. For example, the photo may be so blurry that it is illegible and impossible to ascertain the name or date of birth of the person, or key information such as name and date of birth are excluded from the frame.</p>	<p>As outlined above, it is proposed that the Scheme be varied to allow 1 form of current ID which need not include a DOB so long as it has been issued by the Commonwealth Government AND the Potential Claimant includes a statement of their DOB in their Signed Registration Form.</p> <p>Shine request Claimants to provide evidence that is not blurry, but if further contact is unsuccessful, the evidence will be provided to the Administrator as received.</p> <p>The Administrator need only be reasonably satisfied that the material provided constitutes credible and plausible evidence of the identity of the Claimant (consistent with Item 1 of the table at clause 43 of the Scheme¹⁴).</p>
3.	Workplace not provided or insufficient information	<p>Item 4 of the table in clause 43 requires the Administrator to be satisfied that the Claimant worked in the Northern Territory during the Claim Period (1 June 1933 to 12 November 1971) at a workplace that existed at the relevant time.</p> <p>In these instances, the information about the workplace (e.g. "bungalow") is insufficient to enable the Administrator to be satisfied the workplace existed at all; or stations in South Australia are listed; or the dates provided (e.g. "1970's" are insufficient for the Administrator to be satisfied that the Claimant worked there during the Claim Period (up to 12 November 1971).</p>	<p>The Administrator may accept general dates or date ranges, so long as:</p> <ul style="list-style-type: none"> • There is credible and plausible information to indicate that the Claimant was born in 1961, or earlier; and • When all available information is assessed beneficially, there is credible and plausible information that reasonably satisfies the Administrator that the date range includes dates within the eligibility period (for instance "early 1970's").

¹⁴ Item 1(A), following (iv), which states "AND IF THE ADMINISTRATOR IS NOT REASONABLY SATISFIED THIS CRITERION IS MET BY REASON OF A: The Administrator will need to obtain credible and plausible evidence confirming the identity of the Potential Claimant."

			<p>The Administrator may accept any workplace/employer listed on the Registration Form, so long as the location is in the Northern Territory, however the absence of naming a place of work or employer is not a bar to eligibility, consistent with Items 4(C) and (D) of the table at clause 43 of the Scheme.¹⁵ A pragmatic and beneficial approach to the assessment of evidence should be taken, noting that claimants may have difficulty proving where they or their parents or spouse worked (for the reasons discussed above). Significant weight should be given to information provided by a claimant in their Registration Form, in circumstances where they have 'Signed' the form and attested to the truth of that information (unless there is good reason to doubt the credibility of that information)..</p>
4.	"Aboriginal or Torres Strait Islander status" not indicated	<p>Item 2 of the table in clause 43 requires that the Potential Claimant "<i>must confirm</i>" in the Registration Form that they are an Aboriginal or Torres Strait Islander person to be eligible.</p> <p>On the Registration Form, Claimants are required to answer the question "<i>Are you Aboriginal or Torres Strait Islander?</i>". These Claimants have either not answered the question, or selected "No".</p>	<p>It is always appropriate for the Administrator to have regard to broader information in the Registration Form and supporting documents (per cl.43(d) of the Scheme), including a Claimant's intention in completing a Registration Form (that is, given the subject of the proceeding, it is more likely than not that they would satisfy this criteria), the level of detail provided about themselves (including e.g. skin names, language groups, community groups), their family or family history, work history, and their declaration about the contents of the Registration Form.</p> <p>If information in or supporting evidence provided with the Registration Form is consistent with the Claimant or deceased</p>

¹⁵ "A failure by the Claimant to specifically name in the Statement a Station, Institution, Settlement or Other employer or workplace in the Northern Territory where the Potential Claimant worked during the Claim Period will not in and of itself mean this criterion is not satisfied. If the Claimant cannot specifically name a workplace or employer, they must provide as much information as they can in the Work Statement to identify the workplace or employer."

			Potential Claimant being Aboriginal or Torres Strait Islander, and such information or supporting evidence is credible and plausible, the Administrator should resolve in favour of the Claimant. ¹⁶ Nothing in the Scheme is to be taken to prohibit the Administrator from rectifying or disregarding an apparent error by a Claimant in a Registration Form.
5.	"Little or no wages" is not indicated	<p>Item 5 of the table in clause 43 requires that the Administrator be satisfied that the Claimant was paid little or no wages for the work they performed.</p> <p>On the Registration Form, Claimants are required to answer the question "<i>Did you receive little or no wages for your work (above)?</i>"</p> <p>In these instances, Claimants have either not answered the question, or selected "No".</p>	<p>It is always appropriate for the Administrator to have regard to broader information in the Registration Form and supporting documents (per cl.43(d) of the Scheme), including a Claimant's intention in completing a Registration Form (that is, given the subject of the proceeding, it is more likely than not that they would satisfy this criteria), the level of detail provided about themselves, their family or family history, the level of detail provided in respect of their work history,¹⁷ and their declaration about the contents of the Registration Form.</p> <p>If information in Registration Form is consistent with the Claimant or deceased Potential Claimant receiving little or no wages for their work, and that information or any accompanying evidence is credible and plausible, it is appropriate for Administrators to resolve in favour of the Claimant. As noted above, nothing in the Scheme is to be taken to prohibit the Administrator from rectifying or disregarding an apparent error by a Claimant in a Registration Form.</p> <p>If the broader information does not allow the Administrator to be</p>

¹⁶ This is consistent with information provided constituting "credible and plausible evidence that the Potential Claimant is or was an Aboriginal or Torres Strait Islander person": Item 2 of the table at clause 43 of the Scheme.

¹⁷ For example, if a claimant has indicated "no" to "were you paid little or no wages" but indicates in the additional details section that they were underpaid or paid in rations then this would support the administrative error in completing the registration form.

			reasonably satisfied that this criterion is met, then it would be appropriate for the Administrator to confirm the position with the claimant.
6.	Conflicting DOB information	<p>Item 3 of the table in clause 43 requires that the Administrator be satisfied that the Claimant was born before 12 November 1961, such that they were at least 10 years old within the Claim Period (which ended on 12 November 1971). The evidence required is the same as that required for identification.</p> <p>In these instances, Claimants have provided conflicting information regarding their date of birth, one of which would render them eligible and one of which would render them ineligible.</p>	<p>The general guidance in [5] of this report should be followed where conflicting DOB information is provided. In particular, a pragmatic and beneficial approach to the assessment of the conflicting evidence should be taken, having regard to all relevant matters including:</p> <ul style="list-style-type: none"> • documentary evidence of a claimant's DOB (ie driver's licence) may be unreliable • claimants may have great difficulty proving their, or another's, DOB (and may not know the actual date of birth) • significant weight should be given to information provided by a claimant in their Registration Form, in circumstances where they have 'Signed' the form and attested to the truth of that information (unless there is good reason to doubt the credibility of that information) <p>Where there are conflicts in the information provided in Registration Forms, or the supporting documentation, the Administrator may rely on the truth of the most favourable interpretation of the conflicting information where the most favourable information is plausible and there is no good reason to doubt the credibility of that information (for example, the parent is only 2 years older than the child or commenced stock work at 5 years old based on the dates provided).</p>

Table 2. Issues arising in forms submitted by Potential Descendant Claimants

	Issue identified by Administrator	Description of issue, and variation in examples from Administrator	Parties' Guidance
1.	No or insufficient documentation provided to substantiate relationship between Potential Descendant Claimant and deceased Worker	<p>Item 3 of the table in clause 44 requires the Administrator to be satisfied that the Potential Descendant Claimant is a living Spouse or Child of the deceased Worker. The evidence required is:</p> <ol style="list-style-type: none"> 1. a statement of the relationship; and 2. particular information about the relationship; and 3. any documentary evidence to assist in verification of the relationship. <p>In these instances, supporting documentation is either not provided at all, or does not assist in verifying the relationship.</p> <p>For example:</p> <ul style="list-style-type: none"> • no supporting documentation is provided; • a death certificate of the Worker might be provided but does not list the Potential Descendant Claimant as a child; or • a birth certificate of the Potential Descendant Claimant might be provided which does not list the Worker as a parent. 	<p>Supporting documentation is not required to meet this criterion.</p> <p>In the absence of documentation verifying the descendant relationship, it is appropriate for the Administrator to have regard to the statement of the relationship, the particulars provided in demonstrating a relationship between the Potential Descendant Claimant and the deceased Potential Claimant and any broader information in the Signed Registration Form, consistent with Item 3(A)(i)(ii) and Item 3(B)(i)-(ii) of the table at clause 44 of the Scheme to determine the relationship. If required, it is open to the Administrator to require the Potential Descendant Claimant to provide further information, or otherwise obtain its own credible and plausible evidence, pursuant to Item 3(iv) and (v) of clause 44.¹⁸</p> <p>If particulars cannot demonstrate the descendant relationship, the Administrator should seek a statement from a Trusted Referee proving the relationship, to be Signed¹⁹ verbally over the telephone if necessary (in accordance with the proposed variation of the Scheme discussed above).</p>
2.	ID document is not provided for	Item 2 of the table in clause 44 requires the Administrator to be	In the absence of documentation verifying the identity of the

¹⁸ "If the Administrator is not reasonably satisfied that the Potential Descendant Claimant meets this criterion... the Administrator may... obtain credible and plausible evidence confirming that the Claimant meets this criterion."

¹⁹ Signed, as defined by the Scheme at [2(bb)], which includes an oral statement made by a person to Shine Lawyers or the Administrator by telephone or otherwise, or an electronic declaration. See Item 1 above with respect to the proposed amendment to the Scheme in this regard.

	deceased Worker or insufficient information is provided	<p>satisfied that the deceased Worker meets the eligibility criteria set out in the table in clause 43, item 1, including that the identity of the deceased Worker must be established.</p> <p>In these instances, Potential Descendant Claimants have either provided no documentation to establish the identity of the deceased Worker (for example, their own birth certificate or a death certificate of the deceased Worker), or the information is insufficient to enable the Administrator to be satisfied of the deceased Worker's identity (for example, names are different).</p> <p>This issue will often be accompanied by insufficient particulars as specified in item 1B(ii) in the table in clause 43.</p>	<p>deceased Potential Claimant, it is appropriate for the Administrator to have regard to any particulars provided, and broader information, in the Registration Form confirming the identity of the deceased Potential Claimant, consistent with Item 1(B) of the table at clause 43 of the Scheme.²⁰</p> <p>If the particulars (together with any broader information) cannot identify the deceased Potential Claimant to the reasonable satisfaction of the Administrator, the Administrator should seek a statement from a Trusted Referee who knew the deceased Potential Claimant, to be Signed verbally over the telephone if necessary, in accordance with the proposed variation of the Scheme (discussed above).</p>
3.	ID document not provided for Potential Descendant Claimant	<p>Item 1 of the table in clause 44 requires that the Administrator be satisfied of the Potential Descendant Claimant's identity, by reference to:</p> <ol style="list-style-type: none"> 1. photo ID (current or expired in last 5 years); or 2. two forms of current ID, with the DOB in the Registration Form; or 3. a statement from a Trusted Referee; or 4. genealogical material. <p>In these instances, no supporting ID is provided by the Potential Descendant Claimant to verify their own identity.</p>	<p>The Scheme is to be amended to include a new Item 1A(v) in the table in clause 44 that permits a Potential Descendant Claimant to provide 1 point of current identification that does not include a DOB, on the basis it has been issued by the Commonwealth Government or Northern Territory Government (for example but not limited to, a Medicare card or other social security card) AND the Potential Descendant Claimant includes a statement of their DOB in their Signed Registration Form;</p> <p>Where the Potential Descendant Claimant is unable to provide photo ID or other permissible forms of ID (including as above), the Administrator should seek a statement from a Trustee Referee per Item 1A(iii) of the table at clause 44 of the Scheme, which can be taken and Signed verbally over the telephone (in</p>

²⁰Refer to Item 1(B), following (iv), which states "AND IF THE ADMINISTRATOR IS NOT REASONABLY SATISFIED THIS CRITERION IS MET BY REASON OF B: The Administrator will need to obtain credible and plausible evidence confirming the identity of the deceased Potential Claimant (**which will be the best available evidence having regard to the nature of such evidence as is likely to exist for Potential Claimants of different generations**)" (emphasis added).

			accordance with the proposed variation of the Scheme (discussed above)).
4.	ID document provided for Potential Descendant Claimant is not sufficient	<p>Item 1 of the table in clause 44 requires that the Administrator be satisfied of the Potential Descendant Claimant's identity, by reference to:</p> <ol style="list-style-type: none"> 1. photo ID (current or expired in last 5 years); or 2. two forms of current ID, with the DOB in the Registration Form; or 3. a statement from a Trusted Referee; or 4. genealogical material. <p>In these instances, supporting ID is provided, but it is not sufficient. For example, the photo may be so blurry that it is illegible and impossible to ascertain the name or date of birth of the person, or key information such as name and date of birth are excluded from the frame.</p>	<p>If two forms of non-photo ID are provided under Item 1A(ii) of the table at clause 44 of the Scheme, neither needs to include a DOB as long as one is government-issued (i.e. Medicare card) and DOB is contained in Registration Form. Further reference is made to the proposed new Item 1A(v) (discussed above).</p> <p>Shine request Potential Descendant Claimants to provide evidence that is not blurry, but if further contact is unsuccessful, the evidence will be provided to the Administrator as received. The Administrator need only be reasonably satisfied that the material provided constitutes credible and plausible evidence of the identity of the Claimant (consistent with Item 1 of the table at clause 44 of the Scheme²¹).</p>
5.	Aboriginal or Torres Strait Islander status of deceased Worker not indicated	<p>Item 2 of the table in clause 44 requires the Administrator to be satisfied that the deceased Worker meets the eligibility criteria set out in the table in clause 43, item 2 of which is that the deceased Worker was an Aboriginal or Torres Strait Islander Person.</p> <p>On the Registration Form, Potential Descendant Claimants are required to answer the question "<i>Was the deceased person Aboriginal or Torres Strait Islander?</i>". These Claimants have either not answered the question, or selected "No".</p>	The parties give the same guidance as in point 4 of Table 1 above.
6.	Conflicting DOB information	Item 1 of the table in clause 44 requires that the Administrator be satisfied that the deceased Worker was born before 12	The parties give the same guidance as in point 6 of Table 1 above.

²¹ Item 1(A), following (iv), which states "AND IF THE ADMINISTRATOR IS NOT REASONABLY SATISFIED THIS CRITERION IS MET BY REASON OF THE ABOVE EVIDENCE [in 1(A) of the table in clause 44]: The Administrator will need to obtain credible and plausible evidence confirming the identity of the Potential Claimant."

		<p>November 1961, such that they were at least 10 years old within the Claim Period (which ended on 12 November 1971). The evidence required is the same as that required for identification.</p> <p>In these instances, Claimants have provided conflicting information regarding the deceased Worker's date of birth, or have not provided it at all.</p>	
7.	No or little wages not indicated for deceased Worker	<p>Item 2 of the table in clause 44 requires the Administrator to be satisfied that the deceased Worker meets the eligibility criteria set out in the table in clause 43, item 5 of which is that they were paid little no wages for the work they performed. On the Registration Form, Potential Descendant Claimants are required to answer the question "<i>Did the deceased person receive little or no wages for their work (above)?</i>"</p> <p>In these instances, Claimants have either not answered the question, or selected "No".</p>	The parties give the same guidance as in point 5 of Table 1 above.
8.	Workplace of deceased Worker is not provided or insufficient information	<p>Item 2 of the table in clause 44 requires the Administrator to be satisfied that the deceased Worker meets the eligibility criteria set out in the table in clause 43, item 4 of which is that they worked in the Northern Territory during the Claim Period (1 June 1933 to 12 November 1971) at a workplace that existed at the relevant time.</p> <p>In these instances, the information about the workplace is insufficient to enable the Administrator to be satisfied the workplace existed at all; or stations in South Australia are listed; or the dates provided (e.g. "1970's") are insufficient for the Administrator to be satisfied that the Claimant worked there during the Claim Period (up to 12 November 1971).</p>	The parties give the same guidance as in point 3 of Table 1 above.

9.	Registration Form is not Signed	<p>Clauses 43(b) and 44(b) require Registration Forms to be Completed and Signed to be determined to be eligible.</p> <p>Signed is defined in clause 2(bb) to include by oral statement or electronic declaration.</p> <p>In these instances, the Registration Forms are not signed and no suggestion of a verbal or other declaration is included.</p>	<p>Registration Form must be Signed. The Administrator is aware of a technical error in Shine's portal which has resulted in Forms that were Signed by verbal declaration not appearing in signature box. The Administrator is to query any forms that are not Signed with Shine before completing eligibility assessment.</p>
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