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

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

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Sixth Report of the Administrator in accordance with the Settlement Distribution Scheme dated 30 August 2024

Minnie McDonald v Commonwealth of Australia

Federal Court of Australia

No. VID 312 of 2021

19 February 2026

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PRIVATE AND CONFIDENTIAL

Associate to the Chief Justice
The Hon. Justice D S Mortimer CJ
305 William Street
Melbourne VIC 3000

BY EMAIL ONLY: vicreg@fedcourt.gov.au

Dear Hon. Justice D S Mortimer CJ

**In the matter of Minnie McDonald v Commonwealth of Australia
The Federal Court of Australia | No. VID 312 of 2021**

I refer to Clauses 46 and 48 of the Settlement Distribution Scheme in relation to the captioned proceeding and attach the sixth report of the Administrator.

Should you have any questions please contact me on 03 9671 8335.

Yours sincerely



Julia Kaye

Partner, Deloitte SRT Pty Ltd
On behalf of the Administrator of the Settlement Distribution Scheme

cc. Vicky Antzoulatos, Joint Head of Class Actions, Shine Lawyers
Paul Barker, Senior Executive Lawyer, Australian Government Solicitor
Brendon Jacomb, Chief Lawyer, National Indigenous Australians Agency
Emma Colantonio, Chief Investment Officer, Litigation Lending Services Limited
Liz Harris, Costs Assessor, Ovid Consulting
Michael McCarthy, Legal Adviser to the Administrator, Hutton McCarthy

SIXTH REPORT OF THE ADMINISTRATOR
MINNIE McDONALD V COMMONWEALTH OF AUSTRALIA

A. BACKGROUND

1. This is the Sixth Court Report prepared by the Administrator pursuant to clauses 46 and 48 of the Settlement Distribution Scheme (the **Scheme**) in the captioned proceeding and covers the period from 13 December 2025 to 16 February 2026 (**Sixth Court Report**).
2. The background to this matter is set out in the first Court Report of the Administrator dated 1 May 2025 (**First Court Report**) and is not repeated here.
3. The second Court Report of the Administrator was dated 1 July 2025 (**Second Court Report**).
4. The third Court Report of the Administrator was dated 1 September 2025 (**Third Court Report**).
5. The fourth Court Report of the Administrator was dated 30 October 2025 (**Fourth Court Report**).
6. The fifth Court Report of the Administrator was dated 19 December 2025 (**Fifth Court Report**).
7. All defined terms in this Court Report have the meaning as set out in the Deed or the Scheme.

B. PROGRESS OF THE ADMINISTRATION OF THE SCHEME

8. During the period from 12 December 2025 to 16 February 2026 (the **Relevant Period**), the Administrator has completed the following activities to progress the Administration of the Scheme:
 - Approximately 41,764 calls were made to our hotline, of which approximately 26,070 were handled via the Interactive Voice Response (**IVR**), and 5,392 calls were answered by our contact centre team. Calls not able to be answered live are directed to voicemail (9,530 for the period) and receive a call back from our contact centre team. We note that this is a highly engaged cohort, and we continue to receive a large volume of calls daily
 - In addition to handling inbound calls from claimants, 1,214 outbound calls were made during the period where a voicemail was being responded to or additional information to support claims was sought from claimants
 - Total call volume for the relevant period increased significantly and was likely due to the release of Distribution Statements in December 2025 and the expectation of the commencement of payments at the end of January 2026. The Administrator anticipates the call volume to reduce once the payments process is completed, and will scale down coverage on the hotline, with a view to closing the hotline by 24 July 2026 as provided in Orders dated 19 August 2025.
9. Since receipt of the first tranche of registration data on 28 March 2025, the Administrator prioritised the assessment of living Eligible Claimants, to ensure this population was paid the Interim Payments in accordance with the Orders dated 20 December 2024 as soon as practicable. The final tranche of Interim Payments were made on 18 December 2025.
10. By 12 December 2025, a final eligibility assessment was made on all cases and during the week beginning 15 December 2025, Distribution Statements were released to 11,730 Eligible Claimants via email, post or SMS. Where contact details were unavailable or communications were returned, further outreach was undertaken to obtain contact details and re-send the Distribution statements in January 2026.

11. In accordance with Section U of the Settlement Distribution Scheme, the review process was established and discussions were held with Independent Counsel, Ms Carla Klease to commence the review process. Details on the progress of the reviews is set out in Section J below.
12. Ad hoc meetings were held between the Litigation Funder and the Administrator to discuss the progress of the Administration and the number of Eligible claimants.
13. Legal advice was sought from Hutton McCarthy regarding various items within the Administrator’s remit; in particular, in relation to the final assessments of the inconclusive claims, the distribution statements, and cases where review was requested.
14. Meetings were held with the Costs Assessor, Ms Liz Harris, to discuss the Costs Reports provided for approval, the relevant exclusions based on the Court Orders made on 24 November 2025 and the review of the Administrator’s working files.
15. A total of 13,142 registration forms were received from Shine Lawyers in the period up to 31 October 2025, with the final tranche of registration data received on that date. On the same day, the Administrator also received 5,634 Pre-Settlement, Withdrawn & Duplicate Registration Forms.
16. Orders dated 19 August 2025 required the Administrator to allow claimants three weeks to provide any missing information. Once the final registrations forms were received, the Administrator allowed the claimants four weeks to provide any additional information, being one week in addition to those required under the Orders dated 19 August 2025.
17. The Administrator has made Reimbursement payments to 22 out of 23 eligible Group Members/Lay Witnesses pursuant to the Court Orders dated 20 December 2024 and Order 13(c) dated 14 November 2024. The position as stated in the Fifth Court Report is unchanged.

C. LIVING CLAIMANTS

18. In relation to Living Claimants, a total of 1,621 registration forms were received and assessed by the Administrator as set out below:

Administrator’s determination	Count
Eligible claims	1,241
Ineligible claims	203
Duplicate claims	177
Total	1,621

D. DECEASED CLAIMANTS

19. Where claims were received from claimants who were alive at the time of Registration and died before the date of Distribution, the provisions in Section R (clauses 53 to 59) of the Deed were applied.
20. 122 parental claims were received from claimants who were alive at the time of Registration and died before the date of Distribution and assessed by the Administrator as below:

Administrator’s determination	Count
Eligible claims	104
Ineligible claims	9
Duplicate claims	9
Total	122

21. 50 self-claims were received from claimants who were alive at the time of Registration and died before the date of Distribution and assessed by the Administrator as below:

Administrator’s determination	Count
Eligible claims	43
Ineligible claims	5
Duplicate claims	2
Total	50

22. 9 spousal claims were received from claimants who were alive at the time of Registration and died before the date of Distribution. All 9 claims were assessed as eligible.

E. DESCENDANT CLAIMS

23. Out of the total of 13,142 registrations received by the Administrator, a total of 11,521 descendant claims were received, being 361 spousal claims and 11,160 parental claims. These were assessed by the Administrator as below:

Administrator’s determination	Count
Eligible claims	10,138
Ineligible claims	394
Duplicate claims	987
Withdrawn by claimant	2
Total	11,521

F. INTERIM PAYMENTS DISTRIBUTED

24. The Administrator made interim payments to Eligible Self Claimants during the period from 8 May 2025 to 18 December 2025.
25. Of the total of 1,241 Eligible Claimants for self-claims, the Administrator have made payments to 1,059 distinct claimants. In the case of 162 claimants, no bank details were provided as at 18 December 2025, and therefore an interim payment could not be attempted.

	Count	Amount \$
Successfully paid between 8 May 2025 and 18 December 2025	1,059	10,590,000
No payments attempted (as no bank details provided)	162	1,620,000
Outstanding failed payments (where invalid banking details)	20	200,000
Total	1,241	12,410,000

26. The Administrator is no longer making interim payments. Claimants that have not received an interim payment will receive their full entitlement in the final payment tranches (upon submission of banking and identification details).

G. NUMBER OF ELIGIBLE CLAIMANTS

27. The Administrator has determined 8,240 of the registrants to be Eligible Claimants, being 1,203 living Eligible Claimants and 7,037 deceased Eligible Claimants as at the Effective Date.

28. In total, we requested \$94,266,000 from the Commonwealth for all claimants for 5,240 additional eligible claimants.
29. A request for a further \$54,000 was provided to the Commonwealth on 10 February 2026 for an additional 3 Eligible claimants. These funds are yet to be received by the Administrator.

H. NUMBER OF INDIVIDUALS NOTIFIED AS BEING INELIGIBLE

30. The Administrator has identified 597 individuals as ineligible to participate in the Scheme.
31. The Administrator notified 582 individuals via SMS or email or post of their ineligibility to participate in the Scheme and 15 individuals could not be notified as the Administrator does not have any contact details for them.
32. Rejection reasons are set out below, noting that claimants may have more than one reason for rejection:
 - 264 claims where the claimant (impacted person) was born after 12 November 1961
 - 257 claims where the claimant worked in the Northern Territory outside the review period (being between 1 June 1933 and 12 November 1971)
 - 159 claims where the claimant did work within the review period but not in the Northern Territory
 - 130 claims where the Administrator was not satisfied that the claimant was a descendant of the impacted worker (i.e. that the deceased worker was a biological, adopted or customary parent of the claimant, or had otherwise raised the claimant)
 - 51 claims where the Administrator received a registration form that was not signed by the claimant and the claimant failed to provide a rectified form
 - 21 claims where the Administrator was not satisfied that the claimant was of Aboriginal or Torres Strait Islander descent
 - 14 claims where the Administrator was not satisfied the claimant received little to no wages for their work performed during the eligible period
 - 13 claims where the claimant was a spouse of the impacted worker, but the Administrator were not satisfied they were in a relationship with the impacted worker at the time of their death
 - 5 claims where the Administrator was not satisfied of the identity of the claimant or impacted worker.
33. The Administrator applied a beneficial approach to the date of birth criteria (born before 12 November 1961) being set out in the Scheme (refer table provided at clause 43 of the Scheme) and included impacted individuals whose date of birth was within 1 year of the date set out in the Scheme. This resulted in 34 individuals who were formerly determined as ineligible, to be deemed eligible.

I. DISTRIBUTION STATEMENTS

34. In December 2025, the Administrator sent 11,370 Distribution Statements in relation to the 8,240 Eligible Claimants:

- 8,900 distribution statements were sent via email, 2,447 distribution statements were sent via post and 23 distribution statements via SMS (where email or postal addresses were not provided).

J. REVIEWS

35. Pursuant to Part U of the Scheme, the Administrator received 47 requests for reviews during the relevant period. This includes review requests from claimants who had been issued either Distribution Statements or Rejection Notices by the Administrator.
36. Eight cases were escalated to Independent Counsel for review. Of these:
 - The Independent Counsel’s final & binding review determination was sent to seven claimants
 - The determination in one case is due on 4 March 2026 (i.e. not due as at the date of this report).
37. Four cases where the Administrator issued a revised Distribution Statement following the provision of additional information by the claimant.
38. 34 cases were reviewed by the Administrator and did not merit an escalation to the Independent Counsel. These cases are described below:
 - 27 cases where the claimant was unsatisfied with the Settlement Entitlement Amount and required further details as to the calculation of the amount. Based on independent legal advice and following discussions with the Independent Counsel, the Administrator wrote to the claimants and explained the calculation of the estimated Eligible Claimant Payment and the estimated Settlement Entitlement amount.
 - Three cases where the claimant had sought a review in error. These claimants all had multiple claims and had been issued Distribution Statements or Rejection Notices for their various claims. Upon discussion with the Administrator, these review requests were withdrawn.
 - Two cases where the claimant sought a deviation from the hierarchy prescribed by the Scheme. Based on independent legal advice and following discussions with the Independent Counsel, the Administrator wrote to the claimants, clarifying that under the terms of the Scheme, children of the deceased worker do not get any share of the payment where the deceased worker had a spouse at the time of their death (refer Part O of the Scheme).
 - Two cases where no additional information was provided by the claimant and therefore a review could not be undertaken.
39. One review request was withdrawn by the claimant and therefore was not reviewed by the Administrator.

K. SETTLEMENT ENTITLEMENT DISTRIBUTIONS

40. The first tranche of Settlement Entitlement payments (for 1,399 claims) was made on 12 February 2026, to 672 claimants totalling \$13,249,802.17.
41. The second tranche of Settlement Entitlement payments (for 3,983 claims) was made on 18 February 2026, to 1,939 claimants totalling \$25,216,179.06.
42. The remaining Settlement Entitlement payments are expected to be made during the weeks ending 20 or 27 of February 2026.

L. STATUS OF SETTLEMENT FUND

- 43. The balance of the Settlement Fund as of 16 February 2026 is \$ 110,081,512.72.
- 44. Interest earned on the Settlement Fund as of 16 February 2026 is \$2,367,482.11.
- 45. Total payments made from the Settlement Fund as of 16 February 2026 is \$40,551,969. (Note, this excludes Tranche 2 Final payments of \$25,216,179 which are being processed today).

M. COSTS INCURRED BY THE ADMINISTRATOR

- 46. The Administrator incurred costs of \$2,714,799 (excluding GST) for the period from 18 November 2024 to 31 December 2025.
- 47. A fifth Costs Report for the period 1 September to 30 September 2025, and sixth Costs Report for the period 1 October to 31 October 2025 totalling \$549,858 was shared with the Costs Assessor for review and approval. 80% of these costs of \$439,886.40 have been approved by the Costs Assessor, Ms Liz Harris. The remainder is to be approved once the Costs assessor has reviewed the Administrator’s working files (to be carried out on 26 February 2026).
- 48. A further \$420,721 in costs (excluding GST) was incurred for the period 1 November to 31 December 2025. These costs remain to be reviewed and approved by Ms Harris.
- 49. The fees of the Legal Adviser to the Administrator, Hutton McCarthy, total \$19,855 for the period to 16 February 2026; and \$173,598.60 for the duration of the Administration to date.
- 50. The fees of the Independent Counsel, Ms Carla Klease KC, total \$1,897.50 for the period 15 January to 31 January 2026.
- 51. The Administrator’s total costs incurred to 31 December 2025 represents 93% of the Administrator’s revised approved costs.

N. PAYMENTS MADE FROM THE SETTLEMENT FUND

- 52. Set out below is a summary of total payments made from the Settlement Fund as of 16 February 2026:

	\$	\$
Payments to claimants		
Interim payments	10,590,000	
First Tranche (net of bounce backs)	13,084,565	
Reimbursement payments?	160,000	23,834,565
Payments of Applicant’s costs		
Applicants actual costs to 17 Dec 24	2,416,990	2,416,990
Payments against funders’ costs		
Litigation Funder commission and premium	11,845,000	11,845,000
Administrator’s costs		
Deloitte costs paid	2,455,414	2,455,414
Total		40,551,969

O. LIMITATIONS

53. This report has been prepared to provide an update to the Court in accordance with clauses 46 and 48 of the Settlement Distribution Scheme dated 30 August 2024.
54. A copy of this report has been made available to Shine Lawyers as representatives of the Applicant, Minnie McDonald, to the AGS as representatives of the Commonwealth, to the Respondent, the National Indigenous Australians Agency, to the Litigation Funder, Costs Assessor and the Legal Adviser to the Administrator. In all other respects this report is confidential.
55. This report has been prepared for the sole purpose of updating the Court on the progress of the Administration in this matter and should not be relied upon by any other party for any other purpose.
56. Neither Deloitte, nor any of its employees or agents, accept any liability or responsibility for loss suffered by any party as a result of the circulation, publication, reproduction, or other use of this report.
57. In preparing this report, we have considered the registration documents and supporting materials provided to us by Shine Lawyers as of 19 December 2025. Other than performing the required eligibility assessments as set out in clause 43 of the Scheme, we have not otherwise been asked to, nor have we conducted, an audit or otherwise verified the completeness and accuracy of the material made available to us. Accordingly, we do not accept any responsibility for any errors that result from reliance thereon.
58. This report should not be construed as expressing opinions on matters of law, which are outside our expertise and for the Court to determine. However, it necessarily reflects our understanding thereof.

Dated: 19 February 2026



Julia Kaye

Partner, Deloitte SRT Pty Ltd

On behalf of the Administrator of the Settlement Distribution Scheme