

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

1 May 2025

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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 this matter and attach the first report of the Administrator.

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

Yours sincerely



Julia Kaye
Partner, Deloitte Strategy Risk & Transactions
On behalf of the Administrators 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

REPORT OF THE ADMINISTRATOR
MINNIE McDONALD V COMMONWEALTH OF AUSTRALIA

A. BACKGROUND

1. This is the first Court Report prepared by the Administrators pursuant to clauses 46 and 48 of the Settlement Distribution Scheme in this matter.
2. On 30 August 2024, the parties to the proceeding executed a Deed of Settlement (Deed). Schedule 1 to that Deed provides for the establishment and administration of a Settlement Distribution Scheme (Scheme), forming part of the Deed, pursuant to which certain payments are to be made to eligible group members, or if they are deceased, their descendants, and other persons ordered by the Court.
3. On 14 November 2024, pursuant to Order 1 of the Orders of Mortimer CJ, the settlement of the proceeding was approved on the terms set out in the Deed. By Order 7 of those Orders, Ms Julia Kaye, Mr David Orr, and Mr Sal Algeri, Partners of Deloitte were appointed as Administrators of the Scheme.
4. All defined terms in this Court Report have the meaning as set out in the Deed or the Scheme.
4. Pursuant to clause 46 of the Scheme, the Administrators are required to provide a Court Report to the Court and the Parties during the Administration that:
 - a. outlines the progress of the administration of the Scheme;
 - b. states the number of individuals who have been determined to be Eligible Claimants; and
 - c. states the number of individuals the Administrator has notified as being ineligible to participate in the Scheme, and the reason.
5. Pursuant to clause 48 of the Scheme, Court Reports must be provided to the Court and the Parties on a regular basis and no less than once every two months to ensure that the Administration is undertaken in a transparent and accountable way and in accordance with this Scheme and the Deed.

B. PROGRESS OF THE ADMINISTRATION OF THE SCHEME

6. Since being appointed by the Court on 14 November 2024, the Administrators have completed the following steps to progress the Administration of the Scheme:
 - a. The Administrators did not register Commonwealth Historic Wages Settlement Pty Ltd pursuant to clause 29 of the Scheme as it was agreed with the Parties that this was not necessary.
 - b. On 25 November 2024, the Administrators caused to be opened a Settlement Fund bank account (Settlement Fund Trust Account) pursuant to cl 2.5 of the Deed.
 - c. On 3 December 2024, the Administrators received part payment of the Lump Sum amount of \$53,175,000 from the Commonwealth, pursuant to cl 2.6.1 of the Deed into the Settlement Fund Trust Account. On 4 December 2024 the Administrators received the remaining \$825,000 into the Settlement Fund Trust Account, resulting in the entire Lump Sum of \$54 million as successfully received into that account.
 - d. Several meetings (7) were held during January to March 2025 to discuss and set up the process and cadence for sharing data between Shine lawyers and the Administrators.

- e. A secure portal was developed to hold the Registration data and to allow for the eligibility assessments to be performed. This portal was activated on 7 April 2025.
- f. A contact centre was established to handle calls and respond to queries from claimants once the registration data was transferred from Shine Lawyers to the Administrators. Since 7 April 2025, approximately 2,700 calls have been made to our hotline to 30 April 2025, of which approximately 1,500 were handled via the Interactive Voice Response (IVR), and 918 calls answered by our contact centre team. Calls not able to be answered live are directed to voicemail and receive a call back from our contact centre team.
- g. On 7 March 2025, the Administrators received 1,296 Registration Forms from the Applicant's solicitors, Shine Lawyers. The supporting documents were received on 28 March 2025.
- h. On 24 March 2025, the Administrators received 817 Registration Forms from the Applicant's solicitors, Shine Lawyers. The supporting documents were received on 7 April 2025.
- i. On 4 April 2025, the Administrators received 900 Registration Forms from the Applicant's solicitors, Shine Lawyers. The supporting documents were received on 15 April 2025.
- j. On 17 April 2025, the Administrators received 425 Registration Forms from the Applicant's solicitors, Shine Lawyers. The supporting documents were received on 17 April 2025.
- k. The Administrators have made Reimbursement payments to 19 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, comprising payments to 14 Group Members/Lay witnesses on 7 March 2025 and to five Group Members/Lay witnesses on 29 March 2025. Of the four outstanding Reimbursement payments, three Group Members/Lay Witnesses have since passed and the Administrator is awaiting advice from the independent Legal Advisor on the process for the distribution of these payments to beneficiaries of these Estates. The payment details for the remaining Group Member/Lay Witness was received from Shine Lawyers on 30 April 2025 and payment will be made in the next week.
- l. Since receipt of the first tranche of complete registration data on 28 March 2025, the Administrators have prioritised the assessment of living Eligible Claimants, as this population will be paid Interim Payments in accordance with the Orders dated 20 December 2024.

C. NUMBER OF ELIGIBLE CLAIMANTS

- 7. A total of 391 living Eligible Claimant claims (out of 425 Registration Forms for living claimants received to date) have been reviewed since the first tranche of complete data was received on 28 March 2025.
- 8. Given the focus on determining living Eligible Claimants for the purpose of payment of Interim Payments, to 30 April 2025, the Administrator has determined 103 of the registrants to be Eligible Claimants.
- 9. Of those, all 103 Eligible Claimants are living at the Effective Date.
- 10. The 103 Eligible Claimants will be paid in the first week of May 2025 with future pay files for Interim payments (at \$10,000 per living Eligible Claimant) intended to be generated on a fortnightly basis.
- 11. None of the Descendant Claimant registrations have been reviewed for eligibility as of 30 April 2025.

D. NUMBER OF INDIVIDUALS NOTIFIED AS BEING INELIGIBLE

12. Given the focus on determining living Eligible Claimants for the purpose of payment of Interim Payments, to 30 April 2025, the Administrator has not yet identified or notified any individuals as ineligible to participate in the Scheme.

E. LIMITATIONS

13. 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.
14. 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 and to the Respondent, the National Indigenous Australians Agency. In all other respects this report is confidential.
15. 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.
16. 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.
17. In preparing this report, we have considered the registration documents and supporting materials provided to us by Shine Lawyers. 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.
18. 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: 1 May 2025



Julia Kaye

On behalf of the Administrators of the Settlement Distribution Scheme