

NOTICE OF FILING

Details of Filing

Document Lodged:	Submissions
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
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File Title:	MINNIE MCDONALD v COMMONWEALTH OF AUSTRALIA
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

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No. VID312/2021

Federal Court of Australia

District Registry: Victoria

Division: General

MINNIE MCDONALD

Applicant

COMMONWEALTH OF AUSTRALIA

Respondent

**ADMINISTRATORS' WRITTEN SUBMISSION
OPPOSING UPLOAD OF UNREDACTED MATERIAL TO ONLINE FILE**

A. SUMMARY

1. Pursuant to order 5 of the Orders of Mortimer CJ made 24 November 2025, the **Administrators** of the Settlement Distribution Scheme provide these submissions in objection to the upload of the unredacted affidavit of Julia Kaye affirmed 25 September 2025 (**Kaye Affidavit**) to the Court's online file.
2. The Administrators submit that the Kaye Affidavit should not be uploaded to the online file in an unredacted form because it contains commercially sensitive information, and reveals parts of Deloitte's business model which are not publicly shared, including hourly rates for its specialist staff and infrastructure costs relating to matters such as the design and construction of its claims review platform. The upload of the Kaye Affidavit to the online file without redaction would result in the ready disclosure of that commercially sensitive information to each of Deloitte's competitors, would provide its market competitors with a competitive advantage and cause commercial harm to Deloitte. In addition, public disclosure of this information would have a chilling effect on the provision of similar information by prospective administrators in future, because tenderers would be more reluctant to disclose sensitive information they know will be publicly shared online. That is not conducive to the fundamental task of the Court to identify an appropriate administrator, including by scrutinising proposed expenses to ensure they are fair and reasonable in the interests of all class members.
3. Instead, the Administrators respectfully submit that the Kaye Affidavit should only be uploaded with Annexure JK-1 removed, and with the other commercially sensitive material contained in the body of the Kaye Affidavit redacted, as effected in the version of the Kaye Affidavit annexed to these submissions.

B. ESTABLISHMENT OF ONLINE FILE AND MATERIALS UPLOADED

4. Online files are provided for in the Court's *Technology and the Court Practice Note*.¹ Relevantly, an online file is a “*special arrangement*” for the provision of “*publicly available documents*” in “*cases that attract significant public interest*”. Online files are not established by way of course nor right, and materials filed in the proceeding are not automatically uploaded to them once established. They are created, and contributed to, in the discretion of the Court having regard to all the circumstances.
5. Pursuant to order 18 of the Orders of Mortimer CJ dated 14 November 2024, an online file in respect of this proceeding was established. At that time, only the Orders of the Court made since 16 September 2024, and the written submissions of the parties and interveners, were uploaded. The effect was that all other materials filed in the proceeding prior to that date, including those that were read in open court or that non-parties were otherwise *entitled* to access pursuant to r 2.42(2)–(2A) of the *Federal Court Rules 2011* (Cth) (**Rules**), were not uploaded. Since that time, the Court has uploaded most, but not all, of the materials arising out of the administration, including the Administrators’ Reports, further interlocutory applications, and Court orders.
6. It is in that context that the reasons for the Administrators’ objections should be considered.

C. REASONS FOR OBJECTION

7. The Administrators object to the upload of the Kaye Affidavit because it contains commercially sensitive information which, once uploaded, would be disseminated widely, and would provide its market competitors with a competitive advantage and cause commercial harm to Deloitte.²
8. That is so notwithstanding that the Kaye Affidavit has been read onto the record and is available on the Court file. Uploading materials to the online file has the consequence of “*bypassing*” the process for access set out in rule 2.42 of the *Federal Court Rules 2011* (Cth),³ which persons wishing to inspect the Kaye Affidavit would otherwise need to follow. As Mortimer CJ recently observed, “*there are real differences in terms of reach and ease of distribution between the usual third-party inspection processes and placing material on an online file*”.⁴

¹ Federal Court of Australia, *Practice Note GPN-TECH: Technology and the Court*, 25 October 2016, [4.23]–[4.25].

² See Affidavit of Kate Grimley made on 14 October 2025, [21]–[25]; see also Administrators’ Written Outline of Submissions in Support of Application for Suppression Order, dated 14 October 2025, [15(a)–(c)].

³ *Lattouf v Australian Broadcasting Corporation (Contempt)* [2025] FCA 812, [5] (Rangiah J).

⁴ *McDonald v Commonwealth of Australia (No 4)* [2025] FCA 1450, [140].

9. In particular, uploading the Kaye Affidavit would mean that persons wishing to inspect it are no longer required to apply to the Registrar for leave to do so pursuant to rule 2.32(4) of the Rules. Given the Court has previously indicated its typical process upon receiving applications for leave to inspect documents is to notify the parties and provide them an opportunity to make submissions, the Administrators would no longer have that opportunity. There would no longer be anything to stop the Kaye Affidavit from being downloaded, shared, and distributed by anyone outside the Court's control.
10. On the other hand, not uploading the Kaye Affidavit means that the Administrators will continue to have the opportunity to consider applications by non-parties for leave to inspect it, and to make submissions to the Court in the event the Administrators have reason to believe that particular access could prejudice their commercial interests. As the Administrators have repeatedly made clear, they have no difficulty with group members or other bona fide community members reviewing the material contained in the Kaye Affidavit.⁵
11. We note the Court recently considered the confidentiality of the information contained in the Kaye Affidavit and the risks of commercial harm which could arise from its distribution, in the context of the Administrators' application for suppression orders over it.⁶ Ultimately, the Court was not satisfied those orders were necessary. However, the Court's task is different here, and many of the matters considered by the Court do not apply, or do not apply with the same weight, as they did there. In particular:
 - a. The test imposed by s 37AF of the *Federal Court of Australia Act 1976* (Cth) (**Act**), in relation to suppression orders, admits of one correct answer and is not discretionary.⁷ On the other hand, the decision whether to upload a document to the Court's online file *is* discretionary, and is made by the Court having regard to all the circumstances. The bar is therefore lower for the Court to decide not to upload material to the online file than it is to be satisfied that a suppression order is "*necessary*" within the meaning of s 37AF of the Act.
 - b. The Kaye Affidavit, including the Deloitte tender documents at Annexure JK-1, are not presently available on the online file and never have been. Uploading them would not be a continuation of the status quo, but a departure from that. That was not the case with respect to the suppression order application, where the tender documents the subject of the application

⁵ See, e.g., Administrators' Written Outline of Submissions in Support of Application for Suppression Order, dated 14 October 2025, [19]. The same point was made by Mr McCarthy, solicitor for the Administrators, during the interlocutory hearing on 15 October 2025.

⁶ See, generally, *McDonald v Commonwealth of Australia (No 4)* [2025] FCA 1450 [106]–[137].

⁷ *McDonald v Commonwealth of Australia (No 4)* [2025] FCA 1450, [119].

had been on the Court file since 25 October 2024.⁸

- c. Although both of Grant Thornton’s and McGrathNicol’s tenders are on the Court file,⁹ neither is on the online file. Uploading Deloitte’s tender in circumstances where those other entities’ are not would be singling Deloitte out and exposing it to a unique commercial risk which the other tenderers are not exposed to, despite all tenderers providing the information on the same basis.
 - d. Unlike granting a suppression order, declining to upload the material to the online file would not prevent the ability of class members, community organisations and others to scrutinise the Administrators’ expenses.¹⁰
12. In addition, publicly disclosing the material would have a chilling effect on the disclosure of such information in future proceedings. When deciding whether to tender for class action administrations, or preparing their tender proposals, entities would be required to balance the competing interests of providing as much information as the Court requires to properly scrutinise and assess the reasonableness of the costs while also preventing the disclosure of information they know will end up in the possession of their market competitors by being published online. That would discourage the type of “*fulsome disclosure*” necessary to the class action settlement approval process,¹¹ would impede the Court’s task of being satisfied that the proposed expenses are fair and reasonable to all class members, and may ultimately result in fewer suitable entities tendering for this type of work.
 13. For those reasons, the Administrators object to the Kaye Affidavit being uploaded to the online file in this proceeding in unredacted form. The Administrators respectfully request that it be uploaded without Annexure JK–1, and with the confidential information contained in the body of the affidavit redacted, as effected in the version annexed to these submissions.¹²

Hutton McCarthy
Solicitors for the Administrators
3 December 2025

⁸ *Ibid*, [133].

⁹ *Ibid*.

¹⁰ Which scrutiny the Court considered was necessary: see *McDonald v Commonwealth of Australia (No 4)* [2025] FCA 1450, [124]–[126], [128].

¹¹ *J&J Richards Super Pty Ltd ATF The J&J Richards Superannuation Fund v Neilsen* [2025] FCA 431, [74] (Halley J). Although those observations were made in the context of suppression orders over commercial documents of a litigation funder, the Administrators submit they are relevant considerations in the exercise of the Court’s discretion to upload material to the online file relating to any type of entity involved in a class action settlement, including administrators.

¹² The redactions effected are of the same matters the Administrators sought suppression orders over in their interlocutory application filed 10 October 2025, as set out in Annexure A to that application.

NOTICE OF FILING

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Registrar

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Form 59
Rule 29.02(1)

Affidavit

No. VID312/2021

Federal Court of Australia
District Registry: Victoria
Division: General

MINNIE MCDONALD

Applicant

COMMONWEALTH OF AUSTRALIA

Respondent

Affidavit of: **Julia Kaye**
Address: Deloitte, 477 Collins Street
Melbourne, Victoria, 3000
Occupation: Forensic Accountant
Date: 25 September 2025

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3	Annexure "JK-2", being a copy of the Deloitte Tender Response	16	4

Filed on behalf of (name & role of party) Julia Kaye, David Orr and Sal Algeri of Deloitte, Administrators of the Settlement Distribution Scheme
Prepared by (name of person/lawyer) Michael McCarthy
Law firm (if applicable) Hutton McCarthy
Tel +61 421 921 121 Fax _____
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Address for service Level 17, 19 Smith Street Mall
(include state and postcode) Darwin, Northern Territory, 0800

[Version 3 form approved 02/05/2019]

I, **Julia Marie Kaye**, of c/- Deloitte, 477 Collins Street, Melbourne in Victoria, Forensic Accountant, affirm:

1. I am a Partner in the Forensic & Financial Crime division at Deloitte. Pursuant to order 7 of the orders of Mortimer CJ made 14 November 2024 in this proceeding, David Orr, Sal Algeri and I are the Administrators of the Settlement Distribution **Scheme** in this proceeding, which is Schedule 1 to the **Deed** of Settlement dated 30 August 2024.
2. I am authorised to make this affidavit on the Administrators' behalf.
3. I make this affidavit in support of the Administrators' interlocutory application for an increase in the approved estimate of Administrators' costs pursuant to clause 2.15.1 of the **Deed**.
4. I make this affidavit from my own knowledge, save where I state otherwise. Where I depose to matters on information or belief, I believe those matters to be true.
5. Capitalised terms in this affidavit are the same terms defined either in clause 1.1.1(a) of the **Deed**, or clause 2 of the **Scheme**.

A. BACKGROUND AND QUALIFICATIONS

A.1. Professional background

6. I am a Chartered Accountant with approximately 35 years' experience. I have specialised in forensic risk, litigation and dispute advisory and support, contested business valuations since 1996, and prior to that worked in audit, tax and general accounting services.
7. Since July 2021, I have held the position of Partner, Forensic & Financial Crime at **Deloitte** Australia. In this role, I am responsible for overseeing a number of projects delivered by Deloitte covering forensic accounting, expert valuations, litigation settlement administration, major infrastructure projects, loss of profit claims, and professional negligence claims, among others. My Curriculum Vitae is annexed and marked "**JK-1**".
8. In the course of my career, I have either led or been a member of the team responsible for the administration of a number of class action settlements and litigation related processes. These administrations have varied in terms of the levels of engagement and sophistication of the claimants, along with the level of involvement of the administrators in assessing and determining eligibility and distributing quantum. By way of example:



- (a) Between 2024 and 2025, I was engaged by the administrators of the settlement scheme for a class action against Colonial First State Investments Ltd, relating to superannuation fees. I was responsible for the management of the registration process relating to a settlement sum of \$100 million and approximately 360,000 claimants.
 - (b) Between 2024 and 2025, I was engaged by the administrators of the settlement scheme for a class action against ANZ and OnePath Super. This matter relates to the end-to-end management of the distribution process relating to a settlement sum of \$50 million and approximately 380,000 claimants.
 - (c) Between 2023 and 2024, I was engaged by the administrators of the settlement schemes for three class actions relating to consumer credit insurance against the Commonwealth Bank of Australia, Westpac, and ANZ. I was responsible for the end-to-end management of the distribution process for a combined settlement sum of \$126 million and approximately 1.5 million claimants.
9. In addition to those class actions (and others where I have provided calculation support), I have also been responsible for the administration of a number of customer redress schemes arising from actions by the Australian Competition and Consumer Commission (ACCC) for misleading and deceptive conduct, across multiple industries including aviation and accommodation services.

A.2. Qualifications and memberships

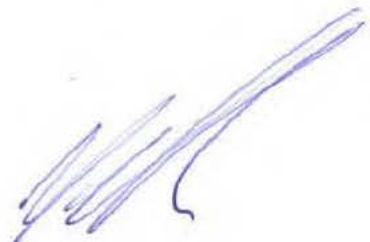
- 10. I hold a Master of Applied Finance and Investment from the Financial Services Institute of Australasia, which I obtained in 2003.
- 11. I have been a Member of the Institute of Chartered Accountants in Australia and New Zealand (CAANZ) since 2001, and am a Fellow of the Institute of Chartered Accountants in England and Wales, where I have been a member since 1995.
- 12. I am certified by CAANZ as a Business Valuation Specialist and a Forensic Accounting Specialist.

B. SUBMISSION OF TENDER RESPONSE

- 13. On 27 September 2024, I received a letter from Ms Sarah Thomson of Shine Lawyers titled *Expression of Interest to Tender*. In that letter, Ms Thomson sought Deloitte's interest in submitting a tender to administer and distribute the proposed settlement in this proceeding. The letter enclosed a copy of the proposed Settlement Distribution Scheme (Scheme).



14. On the same day, I wrote to Shine Lawyers confirming our interest in tendering for the project and requested provision of further information and materials.
15. On 2 October 2024, I received a letter from Shine Lawyers titled *Request for Tender to Administer and Distribute Settlement Fund (RFT)*. The RFT included an overview of the proposed settlement, and enclosed the **Deed** of Settlement, the Scheme (as a schedule to the Deed), and the orders made by the Court on 16 September 2025, including relevant annexures.
16. On 16 October 2024, I sent a letter to Shine Lawyers containing a response to the RFT, including the requirements set out therein (**Deloitte Tender Response**). Annexed and marked **JK-2** is a copy of the Deloitte Tender Response. I confirm that the contents of the Deloitte Tender Response are commercial in confidence.
17. In summary, the Deloitte Tender Response was prepared on the basis that the administration would run for approximately 12 months and that the Administrator would be required to review and pay between 10,000 and 15,000 claims.
18. The estimate of fees included in the Deloitte Tender Response was calculated by reference to four phases of the administration:
 - (a) Phase 1 of the administration, titled *Design & Build*, is referable to the design and build of the digital database which ingests Registration Forms and evidence, and was based on our initial engagement with Shine, the Australian Government Solicitor, and the materials. Deloitte estimated that Phase 1 could be completed for [REDACTED]
 - (b) Phase 2 of the administration, titled *Eligibility & Assessment*, is referable to the receipt of Registration Forms and their assessment for eligibility pursuant to the Scheme. It includes the operation of the call centre (referred to as the **Claims Contact Centre**), and ongoing reporting required by the Scheme. Deloitte estimated that Phase 2 could be completed for [REDACTED], based on the following assumptions:
 - (i) the Administration would run for a period of 12 months;
 - (ii) 50% of claimants would contact the Claims Contact Centre;
 - (iii) 20% of claimants would require outreach or a request for additional information to enable assessment;
 - (iv) 80% of claimants would provide sufficient information to enable an eligibility assessment;



- (v) 90% of all Claimants would receive communications (including Distribution Statements) via email, with the remaining 10% to be contacted via postal letters;
 - (vi) Live operators would be available between Monday to Friday, 9am to 5pm ACST. The first four weeks were assumed to be at a high service level (with 5 or 6 FT operators) and the remaining 46 weeks being at a low/minimal service level (with two operators);
 - (vii) Initial datasets required for initiation would be provided to us in a timely and complete manner, requiring less than two weeks of effort by Deloitte team to cleanse and to load into the secure portal; and
 - (viii) A simple build of the Review Platform to store the registration data and enable the assessment of claims.
- (c) Phase 3 of the administration, titled *Calculation & Distribution*, is referable to the calculation of monies payable to Eligible Claimants and Eligible Descendent Claimants and the distribution of the same. Deloitte estimated that Phase 3 could be completed for [REDACTED], based on the following assumptions:
- (i) payment file preparation and processing would occur every two-months/six times during the Administration;
 - (ii) the trust account would be active for 12 months; and
 - (iii) there would be one round of distribution statements to be provided to Eligible Claimants and Eligible Descendant Claimants.
- (d) Phase 4 of the administration, titled *Closure*, is referable to winding down of the database and the secure archival of records. Deloitte estimated that Phase 4 could be completed for [REDACTED].
19. On the basis of the above, Deloitte estimated that the administration of the Scheme could be completed for approximately \$1.8 million (exclusive of GST). By Orders 7 and 11 of the Orders made on 14 November 2024, the Court appointed me, David Orr and Sal Algeri of Deloitte as Administrators of the Scheme and approved our estimated costs of \$1.8 million, respectively.



C. ADMINISTRATION TEAM

20. In early 2025, the team within Deloitte that was stood up for the purposes of the administration of the Scheme (**Administration Team**) comprised approximately 12 staff, who at that stage, were directed toward the design and build of the secure portal to store registration data and facilitate the eligibility assessments (the **Review Platform**), as part of phase 1.
21. By early April 2025, the review platform had been established and was operational. At that stage, the members of the Administration Team comprised staff for the purposes of data acceptance and handling, eligibility assessments and call handling. The number of staff members on the Administration Team has fluctuated during the Administration, however the majority are responsible for call handling of the very large number of calls received, and eligibility reviews and assessment of the registrations that have been received. The table below shows the breakdown of the Administration team by role/activity:

	Proposed	At Peak (June-August 2025)	Current
Partner	1	1	1
Director	1	1	1
Manager	1	1	1
Eligibility Assessor	4	7	4
Contact Centre operator	4	11	6
Data Team	3	3	2
Payments team	3	3	3
Total	17	27	18

22. As the demand on the Administration Team reduces following the completion of the eligibility review and assessment, the size of the Administration Team will again be scaled back. At that stage, the Administration Team will be directed toward engagement with Claimants and calculating and managing Distributions.

D. PROGRESS WITH RESPECT TO THE ADMINISTRATION OF THE SCHEME

23. In the period to 1 September 2025, the Administrators have completed phase 1 and have progressed each of phases 2 and 3. I set out a detailed update with respect to the progress of the administration, below.
24. Between January and March 2025, the Administrator:
- (a) liaised with Shine Lawyers to clarify and define the operational responsibilities with respect to the administration of the Scheme. It was agreed as follows:

- (i) Shine would be conducting or facilitating outreach to ensure completed forms were provided to the Administrator;
 - (ii) the Administrator would not be undertaking outreach as part of the Administration, including through its indigenous partner, yamagigu; and
 - (iii) the Administrator would likely be required to undertake some follow up in order to retrieve some additional forms/ information. As noted above, I anticipated this would be the case in relation to approximately 20% of the registrations received.
- (b) considered the type of information and documentation that was to be provided in the context of the Scheme; and
- (c) designed and built the Review Platform.
25. On 7 March 2025, the Administration Team received the first tranche of Registration Forms from Shine Lawyers. The accompanying supporting documents were received on 28 March 2025. Since that time, the Administration Team has received further Registration Forms and supporting documentation from Shine Lawyers in tranches, which are shared approximately fortnightly. Details with respect to each tranche, including the date the tranche was received and the number of Registration Forms contained within the tranche, are set out in the table, below.

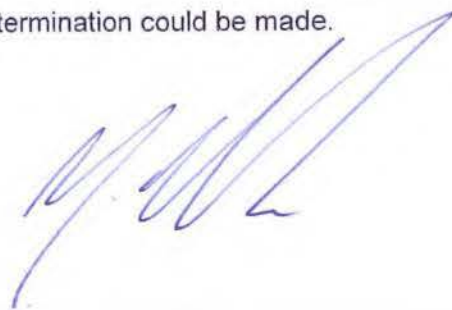
Tranche	Date	Number
1	28 March 2025	1,296
2	7 April 2025	817
3	15 April 2025	900
4	17 April 2025	425
5	2 May 2025	306
6	20 May 2025	1,067
7	9 June 2025	1,106
8	13 June 2025	843
9	27 June 2025	415
10	11 July 2025	639
11	28 July 2025	751
12	2 August 2025	450
13	29 August 2025	373
14	5 September 2025	355
TOTAL		9,743

26. By 3 April 2025, the Review Platform was operational. The first tranche of Registration Forms was then processed and uploaded on 3 April 2025 and the Administration Team commenced eligibility review and assessment on 7 April 2025 when the Review Platform and Claims Contact Centre was activated.
27. The Administration Team focused its efforts in the first instance on reviewing and assessing Registration Forms for Potential Claimants, being those living persons who claim in respect of work they completed for little or no wages themselves. That was pursuant to Order 1 of the Orders made on 20 December 2024, and the Court's priority to deliver Interim Payments as soon as practicable to those persons.
28. By 1 May 2025, approximately 3 weeks after phase 2 had commenced, the Administrator had reviewed 391 Registration Forms by Potential Claimants and 103 had been determined to be Eligible Claimants.
29. On 8 May 2025, Interim Payments were made with respect to each of these living Eligible Claimants. A further 9 tranches of Interim Payments have since been made to living Eligible Claimants, fortnightly, since that time. Details with respect to each of the tranches of Interim Payments made are set out in the table, below.

No.	Date	Number of Interim Payments	Unsuccessful Payments
1	8 May 2025	103	6
2	22 May 2025	111	4
3	5 June 2025	72	2
4	19 May 2025	90	0
5	3 July 2025	92	7
6	17 July 2025	79	7
7	31 July 2025	62	0
8	14 August 2025	56	1
9	28 August 2025	33	0
10	11 September 2025	81	0
		779	27

30. A further 68 living Eligible Claimants have been assessed and are due to be paid on 29 September 2025.


31. On or about 5 May 2025, the Administration Team commenced its review of Registration Forms by Potential Descendant Claimants, being the Spouses and Children of those deceased persons who worked for little or no wages. Throughout this time, review of Registration Forms by Potential Claimants also continued, as additional Registration Forms continued to be received from Shine Lawyers.
32. By 30 June 2025, the Administration Team had reviewed 2,207 Registration Forms and had assessed 743 as either Eligible Claimants or Eligible Descendant Claimants. A more detailed breakdown is set out below.
- (a) With respect to Registration Forms for living Potential Claimants:
- (i) 899 were received;
 - (ii) 695 were reviewed by the Administration Team;
 - (iii) 510 were determined to be Eligible Claimants;
 - (iv) 104 were determined to be ineligible; and
 - (v) 81 remained under review.
- (b) With respect to Registration Forms for Potential Descendant Claimants:
- (i) 6,283 were received;
 - (ii) 1,512 were reviewed by the Administration Team, comprising 120 Registration Forms by a Spouse and 1,392 Registration Forms by a Child; and
 - (iii) 233 were determined to be Eligible Descendant Claimants.
33. By 1 September 2025, the Administration Team had received 9,388 Registration Forms, had reviewed 8,983 of them and had assessed 3,054 as either Eligible Claimants or Eligible Descendant Claimants. A more detailed breakdown is set out below.
- (a) With respect to Registration Forms for living Potential Claimants:
- (i) 1,192 were received;
 - (ii) 1,141 were reviewed by the Administration Team;
 - (iii) 777 were determined to be Eligible Claimants;
 - (iv) 123 were determined to be ineligible;
 - (v) 109 were identified as duplicate claims; and
 - (vi) 132 were considered inconclusive, and required additional information from the Potential Claimant before an eligibility determination could be made.



- (b) With respect to Registration Forms for Potential Descendant Claimants:
- (i) 8,196 were received;
 - (ii) 7,842 were subject to an initial review by the Administration Team, comprising 252 Registration Forms by a Spouse and 7,590 Registration Forms by a Child;
 - (iii) 3,823 were subject to a secondary review and assessment by the Administration Team, following the receipt of further material or information;
 - (iv) 2,277 were determined to be Eligible Descendant Claimants;
 - (v) 77 were determined to be ineligible;
 - (vi) 240 were identified as duplicate claims; and
 - (vii) 1,229 remained inconclusive and required additional information from the Potential Descendant Claimant before an eligibility determination could be made.

34. As at 17 September 2025, the Administration Team had received 9,743 Registration Forms, conducted an initial review of each of those forms and had assessed 4,704 as either Eligible Claimants or Eligible Descendant Claimants. A more detailed breakdown is set out below:

- (a) With respect to Registration Forms for living Potential Claimants:
- (i) 1,238 were received;
 - (ii) 1,238 were reviewed by the Administration Team;
 - (iii) 892 were determined to be Eligible Claimants;
 - (iv) 133 were determined to be ineligible;
 - (v) 114 were identified as duplicate claims; and
 - (vi) 99 were considered inconclusive and required additional information from the Potential Claimant before an eligibility determination could be made.
- (b) With respect to Registration Forms for Potential Descendant Claimants:
- (i) 8,505 were received;
 - (ii) 8,252 were subject to an initial review by the Administration Team, comprising 266 Registration Forms by a Spouse and 7,986 Registration Forms by a Child;
 - (iii) 5,388 were subject to a secondary review and assessment by the Administration Team, following the receipt of further material or information;



- (iv) 3,812 were determined to be Eligible Descendant Claimants;
- (v) 106 were determined to be ineligible;
- (vi) 271 were identified as duplicate claims; and
- (vii) 1,199 remained inconclusive and require additional information from the Potential Descendant Claimant before an eligibility determination could be made.

35. A summary of the breakdown of registrations during the period is set out in the table below:

Potential Claimants:

Date	Forms Received	Forms Reviewed	Eligible Claimants	Ineligible	Duplicate Claims	Remaining Inconclusive
30 Jun	899	695	510	104	0	81
1 Sep	1,192	1,141	777	123	109	132
17 Sep	1,238	1,238	892	133	114	99

Potential Descendant Claimants:

Date	Forms Received	Initial Review	Second Review	Eligible Claimants	Ineligible	Duplicate Claims	Remaining Inconclusive
30 Jun	6,283	1,512	233	233	0	0	0
1 Sep	8,196	7,842	3,823	2,277	77	240	1,229
17 Sep	8,505	8,252	5,388	3,812	196	271	1,199

36. I note that while the number of registrations that are classified as "remaining inconclusive" continues to be high, we expect that number to reduce significantly as the review of the backlog of inconclusive registrations, progresses.

E. INCREASE IN FEES REFERABLE TO THE ADMINISTRATION OF THE SCHEME

37. Throughout the administration, a number of matters have arisen that have increased the work required of the Administrators to discharge our duties and functions under the Scheme, including as follows:
- (a) Registration Forms and supporting documentation have been received on a fortnightly basis, instead of in one or two large batches as assumed when preparing the Tender Response;
 - (b) Registration Forms have required additional engagement with Potential Claimants or Potential Descendant Claimants to obtain further information or documentation;

- (c) client engagement with the Claims Contact Centre has been higher than was estimated;
- (d) there has been a higher number of duplicate Registration Forms than anticipated, and more work of the Administrators has been required to identify and remove them;
- (e) the process associated with making Interim Payments has been more frequent and time-consuming than anticipated, including the preparation of additional Payment Files, the preparation and distribution of statements to Eligible Claimants, and the preparation of notices to the Commonwealth summarising the locations of Interim Payments;
- (f) the period of the Administration is longer than that was anticipated;
- (g) additional work was required to update the Review Platform after go-live;
- (h) the application for the extension of the Registration Date (and the associated application for an extension in the Administration Finalisation Date) required the diversion of some resources; and
- (i) additional work has been required to develop, progress and apply the amendments to the Scheme (discussed in section F, below).

38. We provide details in relation to each of these, below.

E.1. Fortnightly receipt of data/Registration Forms

39. Registration Forms and supporting documentation have been received on a fortnightly basis, instead of in one or two large batches as anticipated when preparing the Tender Response. This has required the ongoing involvement of the Data team who are involved in the cleansing and loading of the data onto the Review Platform.
40. As a result, a complete view of the relevant claimants and the impacted workers will not be possible until all Registration Forms have been received, which will not occur until after the Registration Date, noting at that stage, all information with respect to all claimants will have been provided to the Administrator, and the information from related Registration Forms can be cross checked and used to assist with the determination of eligibility and payment.



41. It is not practicable to wait until the receipt of all of the materials following Registration Date to commence the review of the forms, noting (1) the requirement for the Administrator to seek further information and documentation from many Potential Claimants and Descendent Claimants; and (2) the need to progress a large number of eligibility determinations, and for living Potential Claimants in particular, in as short a period of time, as possible.

E.2. Registration Forms requiring additional consultation with claimants and consideration

42. A higher proportion of the Registration Forms received by the Administration Team did not contain sufficient information to allow the Administrators to determine eligibility than was originally anticipated. To ensure the Scheme is capturing as many eligible persons as possible, this has required the Administration team to conduct a more detailed review of these Registration Forms, implementation of a "second review" process and subsequent reviews of a significant number of documents, plus additional follow-up contact with Claimants.
43. On the basis of our review of the RFT and my experience administering other settlement and compensation schemes, I formed the following view at the time of submitting the Deloitte Tender Response:
- (a) approximately 80% of Registration Forms received by the Administration Team would be full and complete or would otherwise not require any additional contact with the Claimant; and
 - (b) approximately 20% would be incomplete and would require follow up with Claimants.

This assumption is set out at page 27 of the Deloitte Tender Response.

44. I formed that view on the following basis:
- (a) In my experience administering other settlement and compensation schemes, 20% of Registration Forms failing to meet the requisite minimum requirements is higher than average. I formed the view that this higher rate was warranted, given the practical difficulties (such as the ability to provide exact dates or the required supporting documents) that are faced by Aboriginal and Torres Strait Islander people living in remote communities, who make up the claimant base.

- (b) Under the Scheme, at the time the quote was submitted, Shine Lawyers was to undertake a substantial outreach program between September 2024 and August 2025, in 114 locations across the Northern Territory. This was set out in:
- (i) page 2 of the RFT;
 - (ii) summary clause B and clause 7 of the Scheme; and
 - (iii) Orders 2–4 of the Orders made 16 September 2024.
- (c) In the context of this outreach program, staff from Shine Lawyers would be meeting with persons who might be eligible under the Scheme and would be working with them to prepare and submit Registration Forms, and ensure those Registration Forms contained all necessary information, related documentation and were signed by the person. This is set out in clauses 7 and 19 of the Scheme and in Orders 2-4 of the Orders dated 16 September 2024.
- (d) A similar registration process had previously been undertaken in Queensland and was underway in Western Australia, and I understood that the format of the Registration Forms and the processes for obtaining the information would likely have been refined in the course of those proceedings, with those lessons applied to make the process smoother and more efficient in this proceeding.
- (e) The requirements for information and supporting documentation appeared reasonable and straightforward on my review.
45. Further, in putting the Deloitte Tender Response together, I anticipated that Shine Lawyers would be undertaking the outreach required to get Registration Forms into a position on which an eligibility determination could conclusively be made, noting clause 7(d) of the Scheme provides that the Applicant, by Shine Lawyers, would review Registration Forms *"to ensure that they include all necessary information required by the form and are Signed"*, and *"may request that the [person] complete or provide missing information from the Registration Form and Sign (or re-Sign) that form"*.
46. Taking the above matters into account, I estimated that it would take the Administration Team approximately 4 minutes per Registration Form to determine the eligibility of a Potential Claimant or Potential Descendant Claimant. Additional time of approximately 11 minutes per claim was allowed for the follow up of additional information where the registration was not complete, which was estimated to be necessary for 20% or 3,000 of the total number of registrations.



47. By in or about July 2025, it was clear to me that this represented an underestimation of the issues that were being encountered with the Registration Forms. To illustrate, of the approximately 7,000 forms that had been received and reviewed by the Administration Team by 20 August 2025:
- (a) 813 Registration Forms did not include identity documents sufficient to establish the identity of the person making the claim, as per Item 1 of the tables at clauses 43 and 44 of the Scheme;
 - (b) 543 Registration Forms included some identity documents to establish the identity of the person making the claim, though these documents were not sufficient under the Scheme, as per Item 1(A) of column B in the tables at clauses 43 and 44 of the Scheme;
 - (c) 3,092 Registration Forms by Potential Descendant Claimants did not include sufficient particulars or documentation to confirm the relationship of the Potential Descendant Claimant to the deceased worker, as per Item 3 of the table in clause 44 of the Scheme;
 - (d) 2,307 Registration Forms by Potential Descendant Claimants did not include sufficient particulars or documentation to confirm the identity of the deceased worker, as per Item 2 of the table in clause 44 of the Scheme;
 - (e) 135 Registration Forms did not include sufficient information and particulars with respect to the relevant places of work for the Administrators to be satisfied the relevant criteria had been met, as per Item 4 of the table at clause 43 of the Scheme and Item 2 of the table at clause 44 of the Scheme;
 - (f) 149 Registration Forms indicated that the relevant worker was not Aboriginal or Torres Strait Islander, or had received more than little or no wages for the work undertaken; and
 - (g) 30 Registration Forms had not been signed.



48. Digital analysis undertaken by the Administration Team showed that approximately 70% of the Registration Forms identified as inconclusive were impacted by two or more of the above issues. That in turn increased the complexity of each review, because those Registration Forms had multiple issues which required addressing before a conclusive determination on eligibility could be made. Because of the level of judgment that is required to address the overlapping issues identified, the Administrators had to implement an additional quality assurance check following eligibility determination, to ensure a fair and accurate application of the Scheme eligibility criteria.
49. Given the above, I considered that if unresolved, the above issues would render a significant number of Potential Claimants, and a particularly large number of Potential Descendant Claimants, ineligible pursuant to the Scheme. Given the express intention of the parties and the Court that the Scheme operate in a beneficial way which captures as many persons as possible, the Administration Team took steps to make contact with Claimants to give them the opportunity to provide information or supporting documentation required under the Scheme.
50. By way of illustration, in the period from 7 April 2025 to 19 August 2025, the Administration Team made 1,527 outbound calls to Claimants, with a total duration of 2,508 minutes, or approximately 42 hours. Approximately 73% of these calls involved representatives of the Administrator following up specific Claimants to obtain further information or documentation. Approximately 27% of these calls involved returning voicemails left by callers, some of which, relate to the obtaining of further information or documentation in relation to claims.
51. The Administration Team also engaged with Shine Lawyers and the Commonwealth to explore whether amendments to the Scheme could be made to ensure persons who were in fact eligible were not being excluded by the requirements of the Scheme. This is discussed in further detail in section G, below.
52. In addition to there being a greater number of Claimants that the Administration Team was required to contact, we also had greater difficulty contacting Claimants than I had anticipated. In some instances, up to 11 phone calls were required to be made before successfully connecting with the Claimant.



53. The need to make contact with Claimants and revisit such a large number of Registration Forms following the receipt of further information and material added significantly to the time spent on each claim. Analysis undertaken by the Administration Team indicates that in the period to 31 August 2025, rather than spending, on average, 4 minutes per Registration Form (as estimated in the Deloitte Tender Response), Registration Forms were requiring, on average, 22 minutes.
54. Of the 1,527 outbound calls made to Claimants to obtain further information, 345 calls were successful in obtaining further information or documentation sufficient to meet the eligibility criteria, representing a success or conversion rate of approximately 22%. While this figure is lower than I would like, it demonstrates that the outreach is resulting in the inclusion of a significant number of Eligible Claimants and Eligible Descendant Claimants, that would otherwise have been excluded from the scheme.

E.2. Client engagement with Claims Contact Centre

55. On the basis of our review of the RFT and my experience administering other settlement and compensation schemes, I formed the view that approximately 50% of the overall population would engage with the Claims Contact Centre. This was based on my past experience of dealing with high-engagement cohorts where contact has been at approximately 25% to 30% of the population, but with an uplift to recognise the additional unique characteristics of this cohort. The Tender Response assumed four- levels of contact during the 52-week duration of the Administration; high with 6 operators, medium with 5 operators, low and minimal (each with two operators). It was assumed that there would be two high-weeks, two medium weeks, 33 low weeks and 13 minimal weeks.
56. As set out in more detail below, for the 24-weeks since the Contact Centre has been operational, the Contact Centre has been required to be operated at a high-level each week, which equates to a cost of [REDACTED]. This can be compared to the original cost of [REDACTED] which was included in the Tender Response. This represents a difference of [REDACTED] from the cost originally included for the Contact Centre support.
57. The Claimants in this matter are a far more engaged cohort and have made a far greater number of calls to the Claims Contact Centre run by the Administration Team than was anticipated. To illustrate, for the period from 7 April 2025 to 19 August 2025, the Claims Contact Centre received 17,526 telephone calls. Of these:
- (a) 6,972 calls were answered by a member of the Administration Team, of which 1,267 were greater than 5 minutes in duration;




- (b) 9,380 were handled via the Interactive Voice Response (IVR), which is a self-service system through which Claimants receive information about the process; and
 - (c) 1,366 left a voicemail, requiring a call back from the Administration Team.
58. As a result of the high volumes of calls, the Claims Contact Centre was upscaled from four to eleven in order to respond to the high volume of calls received. This required additional training workshops for the new operators and a diversion of resources from the core task of the Administrator, being the assessment of registrations.
59. I confirm that I am taking steps to meet with Shine and the Commonwealth to discuss alternative ways that these call volumes and the associated costs can be managed.

E.3. Identification of duplicate Registration Forms

60. On the basis of our review of the RFT and my experience administering other settlement and compensation schemes, I did not anticipate that the Administrators would be required to consider duplicate Registration Forms, where the same person has submitted a Registration Form in respect of the same claim (that does not include, for example, where a person submits one Registration Form relating to work they performed, and another two Registration Forms relating to work each of their parents performed).
61. Given the higher number of duplicate claims received, and in order to identify duplicates, the Administration Team was required to implement an additional process ("the de-duplication process" which includes the following steps:
- (a) The information from the Registration Forms is digitally extracted into the Review Platform with standardised fields for personally identifiable data values such as name, date of birth, family information and workplace information, which allows for comparison across Registration Forms;
 - (b) Data from each Registration Form (record) is computationally compared against all other records using a combination of exact and approximate matching techniques;
 - (c) A weighted scoring system is applied to assess the likelihood that two or more records relate to the same individual;
 - (d) All records which surpass a defined similarity threshold are automatically linked together and assigned a common "Group ID". Each Group ID represents a collection of records which relate to the same person (for example, a deceased parent on whose behalf multiple descendants claim);



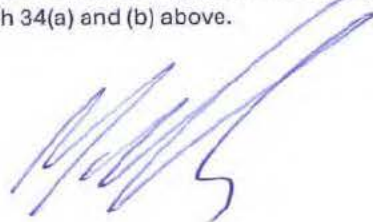
- (e) The Administration Team then reviews each Group ID to confirm the records assigned to it are from different persons, so that (for example) one Child is not registering in relation to the same parent twice.
62. A far greater number of duplicate claims have been received by the Administrators than had been anticipated. To illustrate, as at 1 September 2025 of the 9,388 registrations received to date, the Administration Team has identified 694 duplicate claims. This has increased to 731¹ at 17 September 2025.
63. On 20 August 2025, representatives of the Administration Team met with representatives from Shine Lawyers, to determine whether the de-duplication process undertaken by the Administrators was necessary, in light of the checks also being undertaken by Shine Lawyers. It was identified that the checks undertaken by the Administration Team had identified duplicates that had not been identified by Shine Lawyers. This was subsequently quantified to be 71 duplicates. On this basis, it was agreed that the process being carried out by the Administration Team would need to continue.

E.4. Additional work associated with Interim Payments

Frequency of payments

64. On the basis of our review of the RFT and my experience administering other settlement and compensation schemes, I formed the view that six payment cycles would be required for the estimated population.
65. In other administrations I have worked on, the frequency of payments has varied. For example, in some administrations, only one "round" of payments was necessary, made at the conclusion of the administration once all the eligibility assessments had been completed. In others, payments were made monthly on a rolling basis. Given that spread, and noting the Scheme provided for the payment of Interim Payments and Reimbursement Payments, my best estimate was that payments would likely need to be in six times during the 12-month period.

¹ Of the 731 duplicate claims identified as at 17 September 2025, 385 have been part of the final quality assurance process. These duplicates are referred to in paragraph 34(a) and (b) above.

66. In the context of the urgency with which the parties and the Courts intend Interim Payments be made, and given additional tranches of Registration Forms are received from Shine Lawyers on a fortnightly basis, the Administration Team has been processing Interim Payments to Eligible Claimants fortnightly. This is a substantial increase in the frequency of payments; namely 10 payment tranches during a period of four and a half months.
67. Although the compiling and processing of payment files is not necessarily a complex task, there are a number of financial and accounting requirements plus risk management processes which must be met/followed for the bank to accept the file and make the payments. Overall, I estimate that the Administration Team spends approximately 6-8 hours per fortnight progressing the additional payment files.

Preparation of Interim Payments statements

68. On 24 July 2025, Shine Lawyers indicated that Claimants in the Northern Territory were receiving payments from multiple schemes, and that the receipt of various payments was causing confusion.
69. To alleviate that confusion, Shine Lawyers requested that the Administrators issue statements, similar to the Distribution Statements provided for in part "S" of the Scheme, for Eligible Claimants relating to their Interim Payments. Statements for Interim Payments are not provided for at all in the Scheme and were not anticipated when the Deloitte Tender Response was submitted.
70. The issuing of the statements for Interim Payments involves a number of additional steps once the Payment Files are finalised. I estimate that the Administration Team spend approximately 2-3 hours per fortnight preparing and issuing the statements for Interim Payments.

Preparation of notices regarding location of recipients of Interim Payments

71. On 18 March 2025, representatives from AGS, on behalf of the Commonwealth, requested that each time the Administrators make a round of Interim Payments, they prepare and provide a notice with de-identified details of where persons receiving Interim Payments are located (e.g. which community they live in). The purpose of those notices was so that the Commonwealth, through its emanations such as the National Indigenous Australian Agency, could provide targeted support to those communities.
72. This was not anticipated at the time of the submission of the Deloitte Tender Response.



73. The preparation of those notices involves additional steps during the preparation and finalisation of the Payment File which typically takes an additional 30 minutes each time a Payment File is prepared.
74. I estimate that the Administration Team spend approximately 0.5 hours per fortnight preparing and issuing the notices.

E.5. Period of the Administration

75. On the basis of our review of the RFT, I formed the view the Administration of the Scheme would be undertaken over a period of approximately 12 months. That was on the basis of the steps the Administrators were required to take both leading up to and following the Registration Date. In addition, the Administration Finalisation Date was proposed in clause 1.1.1(a) of the Deed to be the date 12 months after the date of Settlement Approval, while the Registration Date was proposed in clause 2(u) of the Scheme to be the date 6 months after the date of Settlement Approval.
76. In fact, the Administration of the Scheme will continue for a period of 20 months, total, having commenced in November 2024 and continuing until 24 July 2026.
77. While the resourcing of the Administration Team will be scaled up and down, by reference to the work and specific activities required of the Administrators during the period, there are a number of fixed costs that will be incurred as a result of the extension.
78. These include as follows:
- (a) the infrastructure costs for licensing and data hosting, which is [REDACTED] per month;
 - (b) the hosting fee for the Claims Contact Centre, which is [REDACTED] per month;
 - (c) the telephony usage fee, which is the cost incurred to actually make and receive calls to and from the Claims Contact Centre, which is \$0.40 per minute;
 - (d) postage fees, which are \$2 per letter or approximately \$3,000 for an estimated additional 1,500 letters; and
 - (e) telephone call line, which is \$22 per month.
79. I note that the infrastructure costs will be reduced from [REDACTED] per month to [REDACTED] per month during periods of hibernation, for example, during the review period and when minimal activity is taking place during the period from March 2026 – July 2026.



E.6. Additional work required to build the database

80. Additional work during the design Design and Build phase of the project, in addition to that anticipated at the time of the Tender Response, including:
- (a) The implementation of a de-duplication process which determines whether duplicate Registration Forms are being received from the same individual in respect of the same person. This includes an identifier in the Review Platform to mark claims pertaining to the same impacted person. This was required given that multiple Registration Forms relating to the same claim continue to be received.
 - (b) Additional updates to the Review Platform and dashboard used to track/report on the status of the registrations once multiple eligibility reviews were implemented. This became vital once the second review process was introduced to ensure that assessments were accurately made given the incomplete data that was received.

F. APPLICATION FOR EXTENSION OF THE REGISTRATION DATE AND ADMINISTRATION FINALISATION DATE

81. On 11 July 2025, the Applicant filed an interlocutory application for an extension of the Registration Date for the purposes of the Scheme (**Registration Extension Application**), and a supporting affidavit of Ms Sarah Thomson dated 11 July 2025.
82. On 15 July 2025, the Applicant's solicitors, Shine Lawyers, brought the application and the supporting affidavit to the Administrators' attention and provided us with a copy of both.
83. Upon review of the Registration Extension Application, I formed the view that the Administrators would likely require a commensurate or greater extension to the Administration Finalisation Date. To process the Administrators' application more efficiently and quickly, and to keep costs down, I considered it would be prudent for any application by the Administrators to be considered at the same time as the Registration Extension Application.
84. On that basis, I caused an application to be filed on 6 August 2025 on behalf of the Administrators seeking an extension to the Registration Finalisation Date (**Administration Extension Application**), along with a supporting affidavit of Michael McCarthy dated 6 August 2025.
85. To properly explain the basis of the Administration Extension Application, and compile the evidence necessary to substantiate it, the Administration Team had to undertake work in addition to their core duties of administering the Scheme, including:




- (a) performing digital analysis of the records in the Review Platform to identify the missing information tagged in Registration Forms; and
- (b) reviewing and compiling specific examples to provide to the parties and the Court.

G. CONSULTATION WITH THE PARTIES AND AMENDMENT OF THE SCHEME

86. In the context of the issues identified with the quality of the information and supporting documentation described from [42], above, and pursuant to Order 1 of the Orders made 12 August 2025, on 18 August 2025 representatives from the Administration Team (including me), Hutton McCarthy, Shine Lawyers, Australian Government Solicitor (AGS) and Litigation Lending Solutions met to discuss whether changes to the Scheme might improve the efficiency and accuracy of the Administration.
87. In preparation for this meeting, members of the Administration Team and Hutton McCarthy engaged in a detailed review of Registration Forms that were impacted by the various issues that were arising in the context of the Administration and prepared a schedule of issues, case examples, and a number of proposals to address them.
88. Following a period of engagement, the parties agreed to make a number of changes to the Scheme (subject to Court approval) and provided clear guidance to the Administrator with respect to the issues identified. Relevantly, the Scheme was amended to broaden the eligibility criteria in the following respects:
- (a) the minimum evidence required for identification of Potential Claimants and Potential Descendant Claimants was lowered such that a single government-issued ID, in combination with a signed Registration Form listing the claimant's date of birth, would be sufficient.
 - (b) the minimum evidence required for identification of Potential Claimants and Potential Descendant Claimants was lowered such that a statement by a Trusted Referee as to the identity of the claimant provided and signed over the phone (rather than in writing, as was previously required by the Scheme) would be sufficient.
 - (c) the minimum evidence required for establishing the relationship between a Potential Descendant Claimant and a deceased worker was lowered such that a statement by a Trusted Referee provided and signed over the phone would be sufficient.
 - (d) the minimum evidence required for establishing the relationship between a Potential Descendant Claimant and a deceased worker was clarified to make clear that documentary records may be attached but were not required.



89. The parties also agreed that where a Registration Form did not contain sufficient information to determine eligibility, the Administrators should attempt to find an alternative means to resolve any outstanding deficiencies (for example, by comparing Registration Forms of two Potential Descendant Claimants in relation to the same deceased worker to see if one contained information which would assist assessment of the other). Further, the parties agreed that attempts to contact the Claimant 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 that a failure to provide the outstanding information by a specified date may result in them missing out on compensation.
90. The changes to the Scheme have significantly improved the Administrators' capacity to determine the eligibility of Potential Claimants and Potential Descendant Claimants more quickly and inexpensively.
91. By way of illustration, since 29 August 2025 (after the changes), the Administrator reviewed 373 Registration Forms applying the new criteria. With respect to those Registration Forms, I note the following:
- (a) 81% were determined to be eligible;
 - (b) 10% were inconclusive, down from approximately 50%; and
 - (c) the average time required for an eligibility assessment was 13 minutes, down from 22 minutes.
92. It is too early to determine with precision the effect of the changes regarding contact with Claimants (including with respect to Trusted Referees, and the limit of 3 contact attempts) on the administration costs, because the Administration Team is still in the process of reaching out to those Claimants — we are still in the 21-day period. However, my expectation is that substantially fewer outbound contact attempts will be required, because there are substantially fewer inconclusive Registration Forms. On that basis, I expect the costs associated with those outbound contact attempts will also fall.
93. At 17 September 2025, the Administration Team has reviewed 2,248 Registration Forms which were previously inconclusive on the basis of the new eligibility criteria. Of those, the Administrators have determined that 1,717 of them are eligible, which is approximately 76%.
94. The number of inconclusive cases continues to decline and is approximately 1,268 at present compared to approximately 4,000 at the time of filing the Joint Report of the parties on 22 August 2025.



95. The cases that remain inconclusive are largely descendant claims which will require individual review and consultation with the parties, as they contain circumstances that are complex, for example:
- (a) spousal claims that do not contain any proof of relationship and an eligible assessment of that spousal claim would cause multiple parental claims to be rejected.
 - (b) where children are claiming for multiple “parents” such as a mother, father and grandfather. In these cases, it is difficult to make a determination on eligibility until all registrations are received, which can only be once the registration end date has passed.
96. I estimate that the Administration Team spent approximately 122 hours preparing the materials associated with the Administration Extension Application and in progressing the discussions with respect to the amendment of the scheme. These costs were not anticipated at the time of the Deloitte Tender Response.

H. FEES TO DATE AND ESTIMATE

97. The costs (excluding GST) incurred by the Administrators to 31 August 2025 are set out in the table, below.

Phase	Budgeted costs	Costs incurred
Expenses	\$ 203,942.00	\$ 100,626.00
TOTAL	\$ 1,791,148.00	\$ 1,689,192.00

98. The Administrator’s costs paid to date have been paid out of the interest earned on the Settlement Fund account.
99. The Administration Team has taken a number of steps, to date, to attempt to minimise the costs of the administration, and is considering further steps, including as follows:
- (a) we have worked with the parties and agreed to the revised guidelines to be used in assessing registrations in order to ensure accurate and efficient processing of registrations. This has been effective in increasing the number of claims that are assessed as eligible and reducing the number of inconclusive claims that require follow-up with registrants as detailed in paragraphs [90] to [92];

- (b) the Administration Team will also reduce the cost associated with the assessment of Claims. Presently, the assessment process is a three-step process. This process will be reduced to a two-step process by the introduction of a digital assessment of claims, removing secondary human handling and approximately 4 minutes per claim;
 - (c) the resourcing of the Administration Team, including with respect to staffing, is scaled up and down as workload increases and decreases, respectively. For example, during the forecasted period, 12 out of 30 weeks, only one operator will be utilised for the Claims Contact Centre. This covers the period post-review of the final registrations to be received from Shine Lawyers, where final determinations will be made, and Distribution statements will be disseminated. It is assumed that call volumes will decline during this period and thus the number of operators will be reduced;
 - (d) since July 2025, the Administration Team charges all time spent on eligibility assessments at the lower 'operator rate', regardless of the actual level of the staff member performing the eligibility assessment. This has been done in order to ensure that the registrations could be reviewed and follow up undertaken as quickly as possible using all resources available and necessary; and
 - (e) the Administration Team has been working to digitise the de-duplication process using the Review Platform, reducing the need for human review.
100. Accounting for those steps, and having regard to the matters set out above, the administration of the Scheme cannot be undertaken for the quantum included in the Tender Response.
101. I refer to the comments of the Cost Assessor, Ms Liz Harris, in her Review of Costs dated 17 July 2025, where she acknowledged the higher volume of costs, the increased time spent undertaking eligibility reviews and the increased complexity of the assessments due to the nature of the information provided.
102. In her subsequent Review of Costs dated 8 September 2025, Ms Liz Harris acknowledged that the budget for the Eligibility Review phase will be exceeded given the further work to be undertaken, noting the likely cost savings as a result of the changed validation criteria.
103. On the basis of the Administration Team's experience with of the administration to date, I have prepared a revised estimate of the fees associated with the administration of the scheme and set out details with respect to that estimate, below, as well as the key assumptions on which it is based.



H.1. Revised estimate of fees required (excluding GST)

Phase	Description	Budgeted costs in Deloitte Tender Response	Revised budgeted costs	Increase required
	Expenses	\$ 203,942	\$ 268,936	\$ 69,994
	Total	\$ 1,791,148	\$ 2,905,892	\$ 1,114,744

H.2. Assumptions

104. The *Revised budgeted costs* set out in the table above are calculated based on the following assumptions:

- (a) First, there are 4,600 Registration Forms that have been reviewed by the team but are subject to a digital second review and the final review as at 1 September 2025. The final review is a sample review of 10% of the claims (see [Error! Reference source not found.] above). The Administration Team are forecast to complete these reviews during the months of September and October 2025.
- (b) Second, I assume (based on discussions with Shine Lawyers) that an additional 2,600 Registration Forms will be received from Shine Lawyers during September and October 2025 (this includes two tranches of 800 Registration Forms in September and a maximum of 1,000 Registration Forms at the end of October). The Administration Team calculated it takes an average of [REDACTED] minutes to complete an initial review, and [REDACTED] minutes to complete final quality assurance checks, using the new criteria in the Scheme. Therefore, with the 2,600 first reviews of those Registration Forms and 260 quality assurance checks (at a sample size of 10%), this will take a total of [REDACTED] hours across [REDACTED] weeks in November 2025.
- (c) Third, at the time of preparing the forecast of costs there were approximately 3,000 inconclusive Registration Forms requiring an additional review on the basis of the new criteria. I assume it will take [REDACTED] minutes to review each case on the new criteria, or [REDACTED] hours. The Administration team are forecast to complete these additional reviews and associated follow-up during September and October 2025.

(d) Fourth, I have assumed that the servicing of the Contact centre will gradually be reduced throughout the remainder of the administration as follows. This assumes that there will continue to be medium to high rates of contact until notices are provided in December, and will further decline after payments are made in late January/early February:

- (i) the Administration Team will have █ operators working on the calls full time for █ weeks;
- (ii) the Administration Team will have █ operators, working on the calls full time for █ weeks;
- (iii) the Administration Team will have █ operator working on the calls full time for █ weeks; and
- (iv) the Administration Team will have 1 operator available to take calls during the hibernation/review period from March 2026 to July 2026 but on an as-needed basis (i.e. calls are assumed to be minimal over this period).

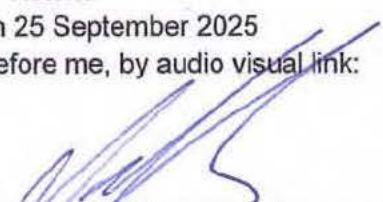
(e) Fifth, the forecast of costs also includes time for the making of the additional Interim Payments (post the registration end date); the issuing of final Distribution Notices and Rejection Notices, the calculation and making of final payments and the handling of any reviews that are requested by Registrants.

105. On those bases, I estimate the Administrators will require an increase to the approved fees of \$1,114,744 to complete the administration, from an approved estimate of \$1.791 million excluding GST to \$2.905 million excluding GST.

Affirmed by the deponent
at Melbourne
in Victoria
on 25 September 2025
Before me, by audio visual link:

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)
)
)
)


Signature of deponent


Signature of witness

Pursuant to s 27(1A) of the *Oaths and Affirmations Act 2018* (Vic):

1. This affidavit was signed and affirmed by the deponent by audio visual link.
2. I, the witness, have used a scanned or electronic copy of the signed affidavit in completing the jurat.