

## NOTICE OF FILING AND HEARING

### Filing and Hearing Details

Document Lodged:	Interlocutory Application (Human Rights Div 2.4 Exemption) - Form 35 - Rule 17.01(1)(a)
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	6/05/2025 4:25:28 PM AEST
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File Number:	VID312/2021
File Title:	MINNIE MCDONALD v COMMONWEALTH OF AUSTRALIA
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



*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.

The date of the filing of the document is determined pursuant to the Court's Rules.



## Interlocutory application

No. VID312 of 2021

Federal Court of Australia  
District Registry: Victoria  
Division: General

**MINNIE MCDONALD**

Applicant

**COMMONWEALTH OF AUSTRALIA**

Respondent

To the Respondent, the Intervenor (Shine Lawyers) and the Litigation Funder (LLS Fund Services Pty Ltd (ABN 51 627 975 213))

The Applicant applies for the interlocutory orders set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

**Time and date for hearing:** [Registry will insert time and date]

**Place:** [address of Court]

The Court ordered that the time for serving this application be abridged to [Registry will insert date, if applicable]

Date:

Signed by an officer acting with the authority  
of the District Registrar

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

Prepared by (name of person/lawyer) Vicky Antzoulatos

Law firm (if applicable) Shine Lawyers

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(include state and postcode)



### **Interlocutory orders sought**

1. Pursuant to ss 37AF and 37AG(1)(a) of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**), to prevent prejudice to the proper administration of justice, the material listed in Annexure A to these orders is, until further order of the Court, to remain confidential and is not to be published or disclosed to those persons identified in Annexure A.

### **Service on the**

It is intended to serve this application on the Respondent, the Intervenor and the Litigation Funder.

Date: 6 May 2025

A handwritten signature in black ink, appearing to read "V. Antzoulatos", is written above a horizontal dotted line.

Signed by Vicky Antzoulatos  
Lawyers for the Applicant



## ANNEXURE A - APPLICANT'S CLAIMS FOR SUPPRESSION ORDERS

No.	Description of filed document	Court Book reference	Page(s) of document	Details concerning aspect of document over which the suppression order applies	Basis for suppression	Parties
1.	First Affidavit of Ms Vicky Antzoulatos sworn 25 October 2024.	C-1	In part CB0174	Paragraph 109(a)	Summary of report subject to orders made in <i>Street</i> proceeding pursuant to Part VAA of the FCA Act.	Respondent; Non-parties
2.	As above	C-1	In part CB0174	Paragraph 109(b)	(a) Summary of report prepared for the purpose of counsel's confidential opinion on settlement; and/or (b) privilege.	Respondent; Non-parties
3.	Exhibit VA-2 Tab 1: Confidential Opinion	C-1.3	CB0290 - CB0416	Whole document	–(a) Opinion of counsel on settlement, reflecting counsel's views which were provided on confidential basis; and/or (b) privilege.	Respondent; Non-parties
4.	Exhibit VA-5: Confidential Expert Report of Mr Thomson	C-1.46	CB1121 – CB1164	Whole document	(a) report prepared for the purpose of counsel's confidential opinion on settlement; and/or (b) summarises. report prepared for mediation on without prejudice basis; and/or (c) privilege.	Respondent; Non-parties
5.	Exhibit VA-6: Tab 1.2: Exhibit VA-5: Expert Report of Bruce Thomson, in relation to <i>Street v WA</i>	C-1.49	CB1275 – CB1340	Whole document	Report subject to orders made in <i>Street</i> proceeding pursuant to Part VAA of the FCA Act.	Respondent; Non-parties



6.	Exhibit VA-7 Confidential Expert Report of Grant Thornton (prepared for mediation), in relation to <i>Street v WA</i>	C-1.50	CB1341 - CB1672	Whole document	Report subject to orders made in <i>Street</i> proceeding pursuant to Part VAA of the FCA Act.	Respondent; Non-parties
7.	Affidavit of Stephen James Conrad affirmed 29 October 2024	C-4	In part Page 17 CB 1692	[71(e)] the words following “a memorandum from Shine Lawyers” and to the end of the subparagraph	–(a) Summarises memorandum prepared by Shine; and/or (b) privilege..	Respondent; Non-parties
8.	As above	C-4	In part Page 17 CB 1692	[72(b)] the figures immediately following (RDA claim) being” and to the end of the subparagraph.	(a) Summarises or contains legal analysis of Applicant’s legal representatives; and/or (b) privilege..	Respondent; Non-parties
9.	As above	C-4	In part Page 17 CB 1692	[72(c)(ii)-(iii)] the entirety of the sub-paragraphs	As above.	Respondent; Non-parties
10.	As above	C-4	In part Page 18 CB 1693	[72(d)] the words immediately following “the potential claims” and to the end of the second sentence.	As above.	Respondent; Non-parties
11.	As above	C-4	In part Page 18 CB1693	[73] the remainder of the paragraph following the words “(First Counsel Advice) which”	As above.	Respondent; Non-parties



12.	As above	C-4	In part Page 19 CB1694	[76(a)–(e)], the entirety of the sub-paragraphs.	As above.	Respondent; Non-parties
13.	As above	C-4	In part Page 20 CB1695	[79] the word immediately following “10 November 2020” and the entirety of the paragraph.	(a) Summarises or contains legal analysis of Applicant’s legal representatives; and/or (b) privilege..	Respondent; Non-parties
14.	As above	C-4	In part Page 20 CB1695	[80] the words immediately following “was received from” and to the end of the paragraph.	–(a) Summarises legal advice by C Ronalds SC; and/or (b) privilege.	Respondent; Non-parties
15.	As above	C-4	In part Page 21 CB1696	[86] the third sentence after the words following “After receiving further detailed information from Shine” and subparagraphs (a) – (b) (inclusive).	– (a) Summarises legal advice prepared by WAD Edwards KC; and/or (b) privilege.	Respondent; Non-parties
16.	As above	C-4	In part Page 22 CB1697	[91] the figures in the third sentence; and in the fourth sentence, the figures following “expressed to be”.	–(a) Summarises Applicant’s counsel’s opinion on prospects and quantum; and/or (b) privilege.	Respondent; Non-parties
17.	As above	C-4	In part Page 37 CB1712	[140] the words following “the advice was that” and to the end of the second sentence.	(a) Summarises Applicant’s counsel’s opinion on prospects; and/or (b) privilege.	Respondent; Non-parties



18.	Confidential Exhibit SC1 to Affidavit of Stephen James Conrad affirmed 29 October 2024	C-4.4	In part  Confidential Exhibit SC1:28  CB1760	At paragraph 3.9, the figures immediately following "being in the range" and preceding "(para 207 of WA joint advice); and  the figures immediately following "Arguably, this could be in the range".	–(a) Summarises Applicant's counsel's opinion on quantum ; and/or (b) privilege.	Respondent; Non-parties
19.	As above	C-4.5	Confidential Exhibit SC1: 32  CB1764	At subparagraph 1, the word immediately following "advice of counsel outlined a" and preceding "legal claim"; and  the entire subparagraph 2.	(a) Summary of Applicant's counsel's legal opinions regarding prospects; and/or (b) privilege.	Respondent; Non-parties
20.	As above	C-4.5	Confidential Exhibit SC1:33  CB1765	Subparagraphs 1 - 4 (inclusive).	As above.	Respondent; Non-parties
21.	As above	C-4.6	Confidential Exhibit SC1:37  CB1769	The second sentence in the first subparagraph;  The words following "in relation to the RDA claim" in the fourth subparagraph; and  The words following "the Proposed use of section 10 of the RDA" in the fifth subparagraph.	As above.	Respondent; Non-parties
22.	As above	C-4.7	Confidential Exhibit SC1:40  CB1772	At the fifth subparagraph, the words immediately following "The claim on behalf of wards" and to the end of the subparagraph.	As above.	Respondent; Non-parties
23.	As above	C-4.8	Confidential Exhibit SC1:43  CB1775	The words and figures immediately following "dated 30 March 2021 was".	–(a) Summary of Shine's legal opinions regarding quantum; and/or (b) privilege.	Respondent; Non-parties
24.	As above	C-4.8	Confidential Exhibit	At subparagraph (c), the entire paragraph	(a) Summary or excerpt of	Respondent; Non-parties

			SC1:44 CB1776	<p>immediately following the word "Response";</p> <p>at subparagraph (d), the entire paragraph immediately following the word "Response"; and</p> <p>at subparagraph (e), the entire paragraph immediately following the word "Response".</p>	counsel's legal opinions regarding prospects; and/or (b) privilege.	
25.	As above	C-4.8	Confidential Exhibit SC1:45 CB1777	<p>At the first paragraph, the entire paragraph immediately following the word "Response";</p> <p>at the second paragraph, the words immediately following "the claims were complex and" in the last sentence; and</p> <p>at the fourth paragraph, the words immediately following "this case was considered novel" and to the end of the paragraph.</p>	As above.	Respondent; Non-parties
26.	As above	C-4.9	Confidential Exhibit SC1:49 CB1781	The entire subparagraph immediately following the words "in relation to the evidence available, Counsel, Mr William Edwards, further advised:"	As above.	Respondent; Non-parties
27.	As above	C-4.9	Confidential Exhibit SC1:51 CB1783	In the second sentence of the first subparagraph, the words immediately following "and the challenges of the claims themselves (even if not historical)";	As above.	Respondent; Non-parties
28.	As above	C-4.9	Confidential Exhibit SC1:52 CB1784	<p>The entire subparagraph immediately following the words "the Joint Preliminary Advice summarised the claim as follows:"; and</p> <p>the entire subparagraph immediately following the words "however, has noted and would like to draw attention to the following:"</p>	As above.	Respondent; Non-parties





29.	As above	C-4.10	Confidential Exhibit SC1:55 CB1787	At the fifth subparagraph, the words immediately following "have provided written advices that the case" and preceding "present significant legal and evidentiary problems;  in the seventh subparagraph, the words immediately following "summarised the claim as follows:" and the entire sub subparagraph; and  the entire eighth subparagraph.	As above.	Respondent; Non-parties
30.	As above	C-4.10	Confidential Exhibit SC1:56 CB1788	At the second subparagraph, the words immediately following "dated 6 August 2020 Counsel states the" and the entire sentence.	As above.	Respondent; Non-parties