

Fourth 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

30 October 2025

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 fourth 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
Emma Colantonio, Chief Investment Officer, Litigation Lending Services Limited
Liz Harris, Costs Assessor, Ovid Consulting
Michael McCarthy, Legal Adviser to the Administrator, Hutton McCarthy

FOURTH REPORT OF THE ADMINISTRATOR
MINNIE McDONALD V COMMONWEALTH OF AUSTRALIA

A. BACKGROUND

1. This is the Fourth Court Report prepared by the Administrators pursuant to clauses 46 and 48 of the Settlement Distribution Scheme in this matter and covers the period from 1 September 2025 to 30 October 2025.
2. The background to this matter is set out in the first Court Report of the Administrators dated 1 May 2025 (First Court Report) and is not repeated here.
3. The second Court Report of the Administrators was dated 1 July 2025 (Second Court Report).
4. The third Court Report of the Administrators was dated 1 September 2025 (Third Court Report).
5. 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

6. During the period from 1 September 2025 to 30 October 2025 (the Relevant Period), the Administrators have completed the following activities to progress the Administration of the Scheme:
 - a) Approximately 15,104 calls have been made to our hotline, of which approximately 8,803 were handled via the Interactive Voice Response (IVR), and 5,182 calls were answered by our contact centre team. Calls not able to be answered live are directed to voicemail (1,268 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.
 - b) In addition to handling inbound calls from claimants, 464 outbound calls were made during the period where a voicemail was being responded to or additional information to support claims was sought from claimants.
 - c) Total call volume for the relevant period increased by 71% and was likely due to the original and extended registration end dates.
7. Since receipt of the first tranche of registration data on 28 March 2025, the Administrators have prioritised the assessment of living Eligible Claimants, to ensure this population is paid the Interim Payments in accordance with the Orders dated 20 December 2024 as soon as practicable.
8. At the same time, the Administrators' team has also continued with the eligibility assessments of spouse and parent claims. Since the Orders made on 29 August 2025 regarding updated guidelines and agreed variations to the Settlement Deed, and the reduced requirements in relation to what supporting documents claimants are required to submit, the number of inconclusive cases has reduced, and the number of eligible cases has increased accordingly. In August 2025, the number of inconclusive cases was approximately 49%. This reduced to approximately 24 % at the end of September 2025 and further to approximately 17% at the end of October 2025.
9. Our eligibility review process has been updated to include an automated assessment of claims replacing a secondary manual review of each outcome. The overarching results (whether determined to be eligible/ineligible) are then reviewed on a sample basis by senior team members to ensure accuracy and consistency of assessment. This has increased the efficiency in the processing of claims.

10. Weekly meetings were held between Shine Lawyers and the Administrators to discuss the sharing of registration data, impact of outreach, claimant queries and the details of the eligibility assessments.
11. Legal advice was sought from Hutton McCarthy regarding various items within the Administrator's remit.
12. Meetings were held with the Costs Assessor, Ms Liz Harris, to discuss the Fourth Costs Report provided for approval.
13. The Court hearing for the Application of additional costs and Suppression Orders was attended by all parties, including the Administrator and their Legal Adviser on 15 October 2025. This is discussed further at Section C.
14. During the Relevant Period, the following tranches of Registration data with supporting documents were received from the Applicant's solicitors, Shine Lawyers:
 - 5 September 2025 – 355 Registration Forms
 - 23 September 2025 – 747 Registration Forms
 - 7 October 2025 – 851 Registration Forms
 - 17 October 2025 – 532 Registration Forms
 - 24 October 2025 – 518 Registration Forms
15. A total of 12,391 registration forms have been received from Shine Lawyers to 30 October 2025.
16. The Administrators have made Reimbursement payments to 21 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. In relation to the two outstanding Reimbursement payments, those Group Members/Lay Witnesses have since passed away and the Administrator has received advice from the independent Legal Adviser on the process for the distribution of these payments to beneficiaries of these Estates and is now awaiting confirmation of beneficiary details from the representatives of the two Estates.
17. Registrations closed on 3 October 2025 and the Administrator is expecting the final Tranche of registration data (approximately 700 registrations) to be received from Shine Lawyers on 31 October 2025. Note, an additional 3,800 deemed, withdrawn and duplicate registrations are also expected to be received during the week ending 31 October 2025.

C. APPLICATION FOR ADDITIONAL COSTS AND SUPPRESSION ORDERS

18. There was a hearing held on 15 October 2025 regarding the Application by the Administrator for additional costs and suppression orders. To assist with the hearing, two Affidavits were filed on behalf of the Administrator setting out the progress of the Administration to date and the likely costs that would be required to complete the administration given the extension to registration date and the additional work carried out during the administration.
19. At the hearing, the main reasons for the additional costs and for the suppression orders was discussed and Judgement was reserved.
20. The reasons for the increased time and costs required are set out in the Affidavit of Julia Kaye dated 25 September 2025, and in our Court reports.

D. LIVING CLAIMANTS

21. In relation to Living Claimants, a total of 1,516 registration forms have been received to date. Of those, a total of 1,435 claims for living claimants have been through the assessment process during the period to 30 October 2025. Of the claims, a total of 1,089 have been determined to be Eligible claims, 153 have been determined to be Ineligible claims, 117 claims are duplicate claims, and the remaining 76 claims are inconclusive and are in the process of being followed up prior to undergoing final review.

E. DESCENDANT CLAIMS

22. Out of the total of 12,391 registrations received to date, a total of 10,875 are spouse or parental claims. In relation to descendant claims, as of 30 October 2025:

- The assessments of spouse and parental claims are ongoing and a total of 9,895 registrations have been through initial assessment. This comprises a total of 266 spouse claims and 9,629 parental claims.
- A total of 7,319 registrations have been through a secondary assessment.
- 5,670 of the Descendant claims have been determined to be Eligible and 112 descendant claims have been determined to be ineligible.
- 1,197 claims remain inconclusive and require follow up whilst 340 claims are duplicates.

F. INTERIM PAYMENTS DISTRIBUTED

23. A total of 690 Interim payments (totalling \$6,900,000) were successfully made as of 1 September 2025, as stated in the Third Court Report; noting there were an additional 8 attempted payments which were unsuccessful.

24. During the period from 1 September 2025 to 30 October 2025, the following Interim payments were attempted:

- The tenth tranche of Interim payments to 81 living Eligible claimants was made on 11 September 2025.
- The 11th tranche of Interim payments to 68 living Eligible claimants was made on 29 September 2025.
- The 12th tranche of Interim payments to 72 living Eligible claimants was made on 9 October 2025.
- The 13th tranche of Interim payments to 55 living Eligible claimants was made on 23 October 2025.
- A total of 974 Interim payments (out of the total of 1087) have been attempted to 952¹ distinct claimants as of 30 October 2025). 946 payments have been successful. The remaining 135² eligible claimants are in the process of confirming bank/other details so that they can be included in the next payment tranche.

¹ Out of 26 distinct failed payments, 6 payments are yet to be reprocessed, meaning 20 have since been successfully paid

² 1087 minus 952 distinct claimants leaves 135 where we are yet to confirm details

G. NUMBER OF ELIGIBLE CLAIMANTS

25. The Administrator has determined 4,909 of the registrants to be Eligible Claimants.
26. Of those, 1,089 Eligible Claimants were living at the Effective Date.
27. A total of 3,820 were deceased Eligible Claimants at the Effective Date.
28. We determined the 3,000th Eligible Claimant at the end of September 2025.
29. On 10 October 2025, the Administrator prepared and provided the payment report to the Commonwealth as per Clause 2.8.2 of the Deed.
30. The Administrator also submitted to the Commonwealth a request for the payment of \$16,524,000 (the applicable amount of the “Per person sum” for an additional 918 Eligible Claimants). The payment was made in two batches received on 17 and 22 October 2025.
31. The Administrator made the following payments from the Settlement Fund Account for (as per the Orders dated 28 May 2025):
 - Payment of the Litigation Funder’s ATE premiums - \$1,045,000 on 12 September 2025
 - Payment of Applicants’ Actual costs to 17 December 2024 and uplift in the amount of \$2,416,989.80 on 18 September 2025
 - Payment of the Litigation Funder’s commission (20% of the settlement sum for 3000 ECs) of \$10,800,000 on 12 September 2025

H. NUMBER OF INDIVIDUALS NOTIFIED AS BEING INELIGIBLE

32. The Administrator has identified 211 individuals as ineligible to participate in the Scheme for the following reasons (some claimants have more than one reason):
 - 171 claims where the claimant (impacted person) was born after 12 November 1961.
 - 88 claims where the claimant worked in the Northern Territory outside the review period (between 1 June 1933 and 12 November 1971).
 - 39 claims where the claimant did work within the review period but not in the Northern Territory.
33. Currently, the Administrator has notified 211 individuals via SMS or email of their ineligibility to participate in the Scheme.
34. The Administrator is collating the contact details of a further 54 claimants who are deemed ineligible so that individuals may be notified of the outcome and the associated reason/s.

I. STATUS OF SETTLEMENT FUND

35. The balance of the Settlement Fund as of 29 October 2025 is \$46,905,195.47.
36. Interest earned on the Settlement Fund as of 29 October 2025 \$1,582,260.72.
37. Total Interim payments made from the Settlement Fund as of 29 October 2025 is \$9,460,000.

J. COSTS INCURRED BY THE ADMINISTRATOR

38. The Administrator has incurred costs of \$2,060,535 (excluding GST) for the period from 18 November 2024 to 30 September 2025. Costs to 31 July 2025 of \$857,662 have been approved by the Costs Assessor, Ms Liz Harris.
39. The fees of the Legal Adviser to the Administrator, Hutton McCarthy, totals \$43,571 for the period to 30 October 2025.
40. A fourth Costs Report for the period 1 August to 31 August 2025 and a fifth Costs Report for the period 1 September to 30 September 2025, totalling \$791,312 have been shared with the Costs Assessor for review and approval.
41. The Administrators' total costs incurred to 30 September 2025 represent 115% of the Administrator's approved costs. Following the hearing on 15 October 2025, the Administrator awaits the Court's judgment regarding the application for an increase in costs which is necessary for the completion of the Administration.

K. LIMITATIONS

42. 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.
43. 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.
44. 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.
45. 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.
46. In preparing this report, we have considered the registration documents and supporting materials provided to us by Shine Lawyers as of 30 October 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.
47. 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: 30 October 2025



Julia Kaye

On behalf of the Administrators of the Settlement Distribution Scheme