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

Registrar

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**Eighth 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

17 June 2026

17 June 2026

PRIVATE AND CONFIDENTIAL

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

BY EMAIL ONLY: vicreg@fedcourt.gov.au

Dear Hon. Justice D S Mortimer CJ

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

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

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

Yours sincerely



Julia Kaye

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

cc. Sarah Thomson, Class Actions Practice Leader, 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

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EIGHTH REPORT OF THE ADMINISTRATOR
MINNIE McDONALD V COMMONWEALTH OF AUSTRALIA

A. BACKGROUND

1. This is the Eighth Court Report prepared by the Administrator pursuant to clauses 46 and 48 of the Settlement Distribution Scheme (the **Scheme**) in the captioned proceeding and covers the period from 17 April 2026 to 16 June 2026 (**Eighth Court Report**).
2. The background to this matter is set out in the first Court Report of the Administrator dated 1 May 2025 (**First Court Report**) and is not repeated here.
3. The second Court Report of the Administrator was dated 1 July 2025 (**Second Court Report**).
4. The third Court Report of the Administrator was dated 1 September 2025 (**Third Court Report**).
5. The fourth Court Report of the Administrator was dated 30 October 2025 (**Fourth Court Report**).
6. The fifth Court Report of the Administrator was dated 19 December 2025 (**Fifth Court Report**).
7. The sixth Court Report of the Administrator was dated 19 February 2026 (**Sixth Court Report**).
8. The seventh Court Report of the Administrator was dated 17 April 2026 (**Seventh Court Report**).
9. 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

10. During the period from 17 April 2026 to 16 June 2026 (the **Relevant Period**), the Administrator has completed the following activities to progress the Administration of the Scheme:
 - Additional Settlement distribution payments (290 payments) were made. Details of the sixth to tenth payment tranches can be found at Section K below.
 - To align with the majority of final distribution payments being made and the reduction in overall call volume in the previous period, the Administrator continued to divert calls to voicemail (1,047) and responded with a return call where the voicemail related to outstanding payments.
 - A total of 286 outbound calls were made during the period. These were in response to voicemails where additional information to support claims was required from claimants.
 - Legal advice was sought from Hutton McCarthy regarding various items within the Administrator's remit; in particular, in relation to the handling of queries regarding "missed/late registrations", as discussed below.
11. In our last report filed on 17 April 2026, we reported that the Administrators and Shine Lawyers had been contacted by community stakeholders expressing concerns including that some group members did not know about the Scheme, could not register, or encountered issues when trying to register. Since that report, the Administrators have been proactively working with Shine Lawyers, the Commonwealth and relevant community stakeholders to understand the nature of the concerns raised, the number of persons who may be affected, and to explore whether those concerns could be resolved within the terms of the Deed and the Scheme, or otherwise.
12. On 30 April 2026, the Administrators met with representatives from Shine Lawyers, the Commonwealth, the North Australian Aboriginal Justice Agency (**NAAJA**) and other community

stakeholders (**Meeting**). The purpose of the Meeting was to provide NAAJA and other community stakeholders the opportunity to share their concerns, and to enable them to ask questions of the Parties and the Administrators.

13. The concerns raised by NAAJA and other community stakeholders at the Meeting included that people who may have been eligible to participate in the Scheme did not know about it, could not register or experienced issues with the registration process. NAAJA also expressed concern that information about the current status of the settlement, including which stage it was at, was not easily ascertainable for members of the community.
14. At the conclusion of the Meeting, the representatives in attendance mutually agreed that NAAJA would engage with its stakeholder networks and provide the Administrators, Shine Lawyers and the Commonwealth with further, specific details about the circumstances of any alleged missed or late registrations, including:
 - (a) the number of alleged missed or late registrations;
 - (b) the communities affected; and
 - (c) the reasons why they were unable register.
15. As at the date of this report, the Administrators are yet to hear back from NAAJA.
16. On 28 May 2026, following the Meeting, the Administrators prepared and provided fact sheets to NAAJA to assist them with answering queries from community members about the status of the Administration, and for them to distribute to other community organisations or claimants/potential claimants, as necessary. These fact sheets clearly and concisely set out that the Registration Period has ended; that there is no further ability for group members to register to participate in the Scheme; and that final payments have been made in all but a small number of cases, which we are actively seeking information (e.g. bank details) to progress.
17. In the event further directions or Orders are required from the Court, the Administrators will work with the Parties to seek those accordingly.

C. LIVING CLAIMANTS

18. The position in relation to Living Claimants remains unchanged since the Seventh Court Report.

D. DECEASED CLAIMANTS

19. Where claims were received from claimants who were alive at the time of Registration and died before the date of Distribution, the provisions in Section R (clauses 53 to 59) of the Deed were applied.
20. 138 parental claims were received from claimants who were alive at the time of Registration and died before the date of Distribution and assessed by the Administrator as below:

Administrator's determination	Count
Eligible claims	118
Ineligible claims	9
Duplicate claims	11
Total	138

21. 54 self-claims were received from claimants who were alive at the time of Registration and died before the date of Distribution and assessed by the Administrator as below:

Administrator's determination	Count
Eligible claims	45
Ineligible claims	5
Duplicate claims	4
Total	54

22. 10 spousal claims were received from claimants who were alive at the time of Registration and died before the date of Distribution. All 10 claims were assessed as eligible.
23. Please note that movement in these cases is due to updated information the Administrator has received with regards to the deceased status of claimants.

E. DESCENDANT CLAIMS

24. The position in relation to Descendant claims remains unchanged since the Seventh Court Report.

F. INTERIM PAYMENTS DISTRIBUTED

25. The position in relation to Interim Payments Distributed remains unchanged since the Seventh Court Report.

G. NUMBER OF ELIGIBLE CLAIMANTS

26. The Administrator has determined 8,242 of the registrants to be Eligible Claimants, being 1,203 living Eligible Claimants and 7,039 deceased Eligible Claimants as at the Effective Date.
27. In total, over the period of Administration, the Administrator has requested \$94,356,000 from the Commonwealth for 5,242 additional eligible claimants. The final \$36,000 was requested from the Commonwealth on 20 March 2026 and was received on 18 May 2026 by the Administrator.

H. NUMBER OF INDIVIDUALS NOTIFIED AS BEING INELIGIBLE

28. The position in relation to the number of individuals who were notified as being ineligible remains unchanged since the Seventh Court Report.

I. DISTRIBUTION STATEMENTS

29. The position in relation to Distribution Statements remains unchanged since the Seventh Court Report.

J. REVIEWS

30. The position in relation the number of reviews received (47) remains unchanged since the Seventh Court Report.

K. SETTLEMENT ENTITLEMENT DISTRIBUTIONS

31. The first tranche of Settlement Entitlement payments (for 1,399 claims) was made on 12 February 2026, totalling \$13,249,802.17.
32. The second tranche of Settlement Entitlement payments (for 3,983 claims) was made on 19 February 2026, totalling \$25,216,179.06.
33. The third tranche of Settlement Entitlement payments (for 4,752 claims) was made on 24 February 2026, totalling \$55,579,538.90, with 2 re-attempted payments.
34. The fourth tranche of Settlement Entitlement payments (for 309 claims) was made on 18 March 2026, totalling \$2,666,423.90, with 110 re-attempted payments.
35. The fifth tranche of Settlement Entitlement payments (for 145 claims) was made on 31 March 2026, totalling \$1,501,153.91, with 33 re-attempted payments.
36. The sixth tranche of Settlement Entitlement payments (for approximately 70 claims) totalling \$780,031.29, with 16 re-attempted payments, was made on 23 April 2026.
37. The seventh tranche of Settlement Entitlement payments (for approximately 76 claims) totalling \$841,903.25, with 25 re-attempted payments, was made on 1 May 2026.
38. The eighth tranche of Settlement Entitlement payments (for approximately 43 claims) totalling \$444,265.64, with 4 re-attempted payments, was made on 20 May 2026.
39. The ninth tranche of Settlement Entitlement payments (for approximately 6 claims) totalling \$67,472.52, with 4 re-attempted payments, was made on 5 June 2026.
40. The tenth tranche of Settlement Entitlement payments (for approximately 95 claims) totalling \$997,129.37, with 14 re-attempted payments, was made on 11 June 2026.
41. The remaining Settlement Entitlement payments (437) are expected to be made as soon as outstanding details for claimants become available in the coming weeks. Note, these 437 payments relate to 278 individuals for whom we do not have complete details to enable payment – please see Table at item 42 below.
42. The table below sets out the categories of the outstanding information required to enable payment for the remaining 278 individuals:

Missing Information	Count
Missing ID	103
Missing Bank	90
Missing Bank and ID	49
To be paid subject to validation checks	21
Deceased Estate without registered representative form	14
International payment requiring more information	1
Total	278

43. There have been some challenges faced in obtaining (for the majority of the remaining payments) identification and bank details for claimants. These registration forms were received by the Administrator without the minimum identification requirements and/or banking details being provided.
44. According to s 43 (d)(ii) of the Settlement Distribution Scheme and s 44 (c)(ii) of the Settlement Distribution Scheme, Potential Living Claimants and Potential Descendent Claimants must establish their identity through photo or other points of identification. Where the claimant (Potential Living or Potential Descendent) has not provided ID, the Administrator has continued to attempt contact with the Claimant via email, SMS, phone to obtain this information. 152 claimants have not provided sufficient ID to allow their claim to be paid.
45. A further 90 people have not provided banking details, with an additional 49 not providing banking details or ID. The Administrator is continuing to attempt to obtain this information, as it is the most secure way of paying funds, with payment by cheque being possible if this information is not received. Addresses provided on registration forms were not always accurate or complete and thus the Administrator is conscious of the risks involved if cheques were the only mechanism available.
46. The Administrator has marked 21 individuals to be paid subject to further validation checks, including ensuring that all information required for payment is received. This includes cases that are likely to be paid in the next tranche of payments.
47. As per s 53 of the Settlement Distribution Scheme, where an Eligible or Eligible Descendant Claimant dies before the date of Distribution, the payment is to be paid to the Registered Representative of the Eligible Claimant. The Administrator is seeking a signed Registered Representative form from 14 Deceased Estate representatives to enable payment to be made. In some cases, it has been challenging to determine who the Deceased Estate representative is, whilst in other cases there have been difficulties in successfully contacting the Deceased Estate representative.
48. The Administrator is seeking further information relating to the overseas bank details provided for one claimant. International payments are more complex and require specific details to be provided to ensure that the payment is successfully processed. As such, the Administrator continues to seek the missing information.
49. The Administrator is also reaching out to organisations where the claimant has nominated the organisation (for example a community agency) as a point of contact. These details were provided to the Administrator by Shine Lawyers or otherwise collected throughout the administration process. Please note that some claimants have no contact details or have only indicated Shine Lawyers as a point of contact. We are reviewing all information provided as part of the registration forms or supporting documentation provided to find an additional point of contact. This outreach is ongoing and will assist the Administrator to obtain contact details for claimants who have otherwise been unreachable.

L. STATUS OF SETTLEMENT FUND

50. The balance of the Settlement Fund as of 12 June 2026 is \$5,880,357.99.
51. Interest earned on the Settlement Fund as of 12 June 2026 is \$ \$2,757,961.11.
52. Total payments made from the Settlement Fund as of 12 June 2026 is \$146,216,116.

M. COSTS INCURRED BY THE ADMINISTRATOR

53. During the Relevant Period, the Administrator received approved costs in the amount of \$490,624.67 from the Commonwealth representing the excess of the interest earned on the Settlement Fund Account. A final payment of \$746,067.30 (including GST) was made to the Administrator on 22 May 2026, covering work performed in the period to 28 February 2026.
54. As set out in the Seventh Court Report, the limit of the approved funds available to be paid to the Administrator to cover the costs of undertaking the required activities has been reached. Notwithstanding that the Administrator continues to make efforts to complete the outstanding payments, respond to queries and perform other administrative tasks, we are not seeking payment for time costs incurred during the Relevant Period.
55. There were no further costs invoices issued by the Legal Adviser to the Administrator, Hutton McCarthy, during the Relevant Period.

N. PAYMENTS MADE FROM THE SETTLEMENT FUND

56. Set out below is a summary of total payments made from the Settlement Fund during the relevant period:

	Amount \$	Amount \$
Total payments made to 16 April 2026		142,332,047
Payments to claimants		
Sixth Tranche	780,031	
Seventh Tranche	841,903	
Eighth Tranche	444,266	
Ninth Tranche	67,473	
Tenth Tranche	997,129	3,130,802
Payments against funders' costs		
Litigation Funder commission	7,200	7,200
Administrator's costs		
Deloitte costs paid	746,067	746,067
Total payments made to 15 June 2026		146,216,116

O. LIMITATIONS

57. 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.
58. 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.
59. 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.

60. 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.
61. In preparing this report, we have considered the registration documents and supporting materials provided to us by Shine Lawyers as of 19 December 2025 and information provided by the Claimants subsequently and up to the date of this report. 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.
62. 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: 17 June 2026



Julia Kaye

Partner, Deloitte SRT Pty Ltd

On behalf of the Administrator of the Settlement Distribution Scheme