

NOTICE OF FILING

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Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	8/08/2025 5:17:12 PM AEST
Date Accepted for Filing:	8/08/2025 5:17:18 PM AEST
File Number:	VID312/2021
File Title:	MINNIE MCDONALD v COMMONWEALTH OF AUSTRALIA
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



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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.



Form 59
Rule 29.02(1)

Affidavit

No. VID312 of 2021

Federal Court of Australia
District Registry: Victoria
Division: General

MINNIE MCDONALD

Applicant

COMMONWEALTH OF AUSTRALIA

Respondent

Affidavit of: Sarah Jayne Thomson
Address: 13/160 Ann Street, Brisbane Queensland 4000
Occupation: Lawyer/Practice Leader, Shine Lawyers
Date: 8 August 2025

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Filed on behalf of (name & role of party) Minnie McDonald (Applicant)
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 (include state and postcode)

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7	Exhibit SJT-37	Letter from Shine to Mr William Edwards KC and Email Correspondence from Mr William Edwards KC to Shine	[32]	35

I **Sarah Jayne Thomson**, of 13/160 Ann Street, Brisbane, Queensland, affirm:



1. I am a legal practitioner employed by Shine Lawyers Pty Ltd trading as Shine Lawyers (**Shine**). I am a Practice Leader in the Class Actions team. I have had the day-to-day conduct of this proceeding since 10 February 2024, under the supervision of Ms Vicky Antzoulatos, Joint Head of Class Actions at Shine and the solicitor on record for the Applicant.
2. I make this affidavit from my own knowledge unless stated otherwise. Where I depose to matters based on information provided to me by another person, I believe that information to be true and correct and I have set out the source of that information. Where I give opinions, they are based on my training, study and experience.
3. This affidavit adopts the terminology used in, and relies upon:
 - (a) the Fourth, Fifth and Sixth Affidavits of Vicky Antzoulatos respectively sworn 2 December 2025, 16 December 2024 and 17 February 2024, in relation to engagement with stakeholders in the conduct of the Outreach Program;
 - (b) the affidavit I affirmed on 4 July 2025 with an update to the Court on the Outreach Program (**Shine's Reporting Affidavit**), and the affidavit I affirmed on 11 July 2025 (**July Affidavit**) in support of the Applicant's interlocutory application filed on the same day seeking an extension of the Registration Date (**Application for extension of Registration Date**); and
 - (c) the Deed of Settlement (**Deed**) dated 30 August 2024, including the Settlement Distribution Statement (**SDS**) which is Annexure A to the Deed.
4. The purpose of this affidavit is to:
 - (a) provide an update to the Court in respect of instructions received from Ms Minnie McDonald, the lead applicant, in respect of the Application for extension of Registration Date, and associated matters;
 - (b) provide a further report to the Court regarding the status of the Outreach Program, following Shine's Reporting Affidavit; and




- (c) respond to the interlocutory application filed by the Administrators of the Settlement Distribution Scheme dated 6 August 2025 and supporting affidavit of Michael McCarthy affirmed 6 August 2025.

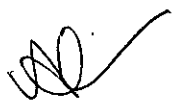
Application for extension of Registration Date

5. The Application for extension of Registration Date contemplated an extension to 30 November 2025, or such other date as the Court specifies.
6. I refer to paragraph [5] of my July Affidavit.
7. I confirm I have now had the opportunity to speak with the Applicant, Ms Minnie McDonald, in relation to the proposed extension to the Registration Date, and related matters including the Administrators' proposal for an extension of time to make payment.
8. Ms McDonald informed me that:
 - (a) she is getting sick, and old;
 - (b) she wants to receive the rest of her money as soon as possible. (It is my understanding that Ms McDonald has already been paid \$10,000 together with her reimbursement payment of \$30,000, and that the money she is yet to get would be the balance of the assessed entitlement for her own claim, and her share of her claims in respect of her father and mother if they are eligible);
 - (c) she agreed that she needs to think about other people in the community, and that some people have not been reached yet and are still finding out they need to register, and she still thinks people need a good opportunity to register, but she also thinks lots of people want to get paid soon and they want to know when they will get their money. She thinks Easter next year is too long away for people to get paid as she has waited a long time; and
 - (d) she thinks it is "hard" to work out if the deadline should be extended if that means that it takes a lot longer for people to get paid.
9. Ms McDonald instructed me that she thinks the Court should decide how much longer people should have to register, and how long it will be until people get their money.
10. Having regard to my instructions from Ms McDonald and the fact that different categories of Group Members have different interests in the outcome of the **Application for extension of Registration Date**, I consider that it is a matter for the Court whether to extend the Registration Date, and if so, by how much, and to give directions to the Administrator in relation to the expedition of payments to Group Members. I therefore seek to provide the Court with information to enable the Court to make this decision.

Update on Outreach Program

11. Shine's Reporting Affidavit summarises the status of the Outreach Program and Shine's engagement with stakeholders as at 4 July 2025. To assist the Court, I consider it appropriate to provide an update to that affidavit providing the most recently available information.
12. I refer to paragraphs [19] to [59] of Shine's Reporting Affidavit, and provide the following summary. The following stakeholders are engaged to conduct a significant portion of the Outreach Program (**Engaged Stakeholders**) which is to continue to be conducted until the current Registration Date of 31 August 2025:
 - (a) Lutheran Care;
 - (b) Urupuntja Aboriginal Corporation (**Urupuntja**);
 - (c) ARDS Aboriginal Corporation (**ARDS**);
 - (d) Redgum Legal (**Redgum**); and
 - (e) YIMBA.
13. I refer to paragraphs [44] to [51] of Shine's Reporting Affidavit which outlined the difficulties Shine faced in formalising an engagement with NAAJA to conduct the Outreach Program for the communities listed in Table 3 (the **Unallocated Communities**).
14. As stated at paragraph [66] of Shine's Reporting Affidavit, Shine was in the process of making inquiries with other potential stakeholders to reallocate the Unallocated Communities listed in Table 3. The outcome of Shine's inquiries with those organisations is summarised below:
 - (a) Ngaliwurru-Wuli Association Aboriginal Incorporation initially indicated they were willing to assist and were interested in further discussions, however these did not eventuate despite Shine's multiple attempts at contact;
 - (b) Larrakia Nation initially indicated they were willing to assist and were interested in further discussions, however these did not eventuate despite Shine's multiple attempts at contact;
 - (c) Waringarri Aboriginal Corporation indicated they were unable to assist with registration sessions, but were willing to assist by spreading the word, putting up posters promoting registration sessions and/or by potentially assisting with video

conferencing facilities to register people by video conference in and around Kununurra. Shine is continuing to explore that option;

- (d) ALPA indicated they were unable to assist with registration sessions, but were willing to assist by spreading the word and putting up posters promoting registration sessions. ALPA own many grocery stores across the Northern Territory, including in the towns and communities not allocated to outreach partners, such as Milingimbi, and independent stores in Gunbalanya, Warruwi, Umbakumba, Numbulwar and Nganmarriyanga. They also have stores in areas allocated to outreach partners and therefore have reasonable reach across the Northern Territory. Shine is continuing to explore this option; and
 - (e) NT Stolen Generations Corporation, Kalano Community Association, Yagbani Aboriginal Corporation, Warnbi Aboriginal Corporation – Kakadu, Thamarrurr Development corporation and Jawoyn Association have not responded to Shine's initial correspondence or returned our telephone calls.
15. Given the proximity of the Registration Date, and that inquiries with the above organisations did not result in community stakeholder agreeing to contact all the Unallocated Communities listed in Table 3, I, in consultation with Ms Antzoulatos, took the following steps:
- (a) Engaged Redgum to conduct the Outreach Program to a small subset of the unallocated communities they have identified they can visit before the Registration Date, being Batchelor / Adelaide River, Daly River, Emu Point, Peppimentari, Palumpa and Wadeye. Further information about this is contained at paragraph [17] to [19] below;
 - (b) Considered feedback from community organisations such as Bawinanga Aboriginal Corporation (**Bawinanga**) and Ngaliwurru-Wuli Aboriginal Corporation (**Ngaliwurru-Wuli**), in respect of communities Bolkdjam, Gamardi, Ji-Milawa, Ji-Marda, Manmoyi, Marlinja and Muruning, which we consider should no longer be visited for the purpose of conducting registration sessions because it is no longer safe or cost-efficient to do so. Further information about this is contained at paragraph [20] to [27] below; and
 - (c) Resolved, given the absence of any alternative community stakeholder able to assist, that Shine needed to conduct registration sessions in the remaining Unallocated Communities, being Belyuen, Wurrumiyanga (Nguui), Pirlangimpi, Milikapiti, Pine Creek, Katherine, Rockhole, Binjari, Manyallaluk, Barunga,

Wugularr (Beswick), Jilkminggan, Mataraka, Timber Creek, Gilwi, Bulla, Amanbidji (Mialuni) and Kununurra. Further information about this is outlined at paragraph [28] to [31] below.

Unallocated Communities

16. I refer to the map exhibited to Shine's Reporting Affidavit and marked "SJT-21" and provide an updated map (exhibited hereto and marked "SJT-33") which identifies:
- (a) the confirmed outreach locations for ARDS, Urupuntja, Lutheran Care, Redgum and YIMBA (and, of those confirmed locations, the communities that have been visited to date, identified by a red dot next to the community);
 - (b) the re-allocation of the previously unallocated communities (and, of those re-allocated communities, the communities that have been visited to date, identified by a red dot next to the community):
 - (i) Redgum, highlighted in grey;
 - (ii) Shine, highlighted in orange; and
 - (c) those communities that are now proposed not to be visited.

Redgum – Additional Allocation

17. On 11 July 2025, Shine formalised a request to Redgum to conduct the Outreach Program to all or some of the unallocated communities. Shine and Redgum had previously informally discussed Redgum's capacity to take on an additional allocation.
18. On 22 July 2025, Redgum confirmed they could assist with conducting the Outreach Program to some of the unallocated communities prior to the Registration Date. A copy of this correspondence is exhibited hereto and marked "SJT-34".
19. Given Redgum are progressing well with their current allocation, and are conducting the Outreach Program consistent with their proposal which adopted best-practices, Shine considered it is fair, reasonable and in the best interests of group members that they assume a further allocation.

Proposal not to conduct registration sessions in specific communities

20. There are a small number of communities that, following feedback from community stakeholders and analysis of costs, Shine did not consider it appropriate or cost-effective to conduct the Outreach Program to, a list of which is detailed below at Table 1.



Table 1

Community	Region
Bolkdjam	West Arnhem
Gamardi	West Arnhem
Ji-Milawa	West Arnhem
Ji-Marda	West Arnhem
Manmoyi	West Arnhem
Marlinja	Barkley
Muruning	Victoria Daly

21. In respect of the communities in the West Arnhem region which are now proposed not to be visited, on 18 July 2025 Shine was advised by **Bawinanga** (the key Aboriginal Corporation servicing these communities/homelands) of the following:

- (a) Ji-Malawa, Gamardi and Bolkdjam each have total community numbers below 50 people (being populations of 15, 25 and 25 people respectively).
- (b) Ji-Marda is a community of approximately 50 people.
- (c) Despite large populations in the 1960's and 1970's, many of the elderly in these communities who worked during the claim period, or their children, have passed away in the last couple of years.
- (d) Approximately 50 people across all five locations are estimated to be born during, or have parents born during, the claim period.
- (e) The best way to reach the residents in each of these communities is to drive in to the homelands. The roads and carriage ways are dangerous terrain to navigate and require sand driving (in the dry season) or water driving (during the wet season) experience. Given the difficult terrain, there is no option for charter flights to travel into these communities as it is not safe to land. The homelands are serviced by long-haul freight transport which delivers groceries into homelands.
- (f) Video conferencing facilities and private rooms are available, and Shine is exploring whether Bawinanga can assist with the provision of access to these facilities, despite Bawinanga having low resources and indicating they are unable to dedicate resources to assist with taking registrations. Shine is hoping Bawinanga can provide access to video conference facilities, for Shine team members to dial in and provide assistance to group members who require



assisting in completing a registration. Shine is escalating this as a matter of urgency.

22. In the circumstances, Shine does not consider it is reasonable to travel into Ji-Marda, Ji-Malawa, Gamardi, or Bolkjam as the travel and accommodation costs to reach those communities is significant, and the population is not high enough to justify such an expense. The communities have extremely limited or no accommodation options, and there is no option to charter a private flight due to the difficult terrain and unsuitable airstrips, meaning the only option would be long and difficult driving days. Shine is exploring the availability of video-conferencing facilities with Bawinanga so that group members residing in these communities are afforded a reasonable opportunity to register before the Registration Date.
23. With regard to the information provided by Bawinanga, and considering the close proximity on a map to the above four communities, Shine conducted its own enquiries in respect of Manmoyi. Bushtel data suggests Manmoyi has a population of about 81 people. It is located about 84km south of Maningrida and 186km east of Oenpelli. Shine understands the only way to access the community is to drive, although the roads and carriage ways are dangerous terrain to navigate and require sand driving (in the dry season) or water driving (during the wet season) experience. Given the difficult terrain, there is no option for charter flights to travel into these communities as it is not safe to land. For the same reasons as listed above at [22], Shine does not consider it is reasonable to travel into Manmoyi.
24. In respect of Marlinja:
 - (a) Marlinja is a community of approximately 68 people located about 25km north of Elliott in the Barkly region (that is, about 20 minutes away).
 - (b) Marlinja was originally proposed to be allocated to NAAJA. Elliott was allocated to Lutheran Care. It was a planning error that Marlinja was not also allocated to Lutheran Care at this time, or that the very close proximity between Elliott and Marlinja was not identified earlier.
 - (c) Lutheran Care has already conducted a registration session in Elliott. They have indicated it would be costly and inefficient to make a specific visit to Marlinja. A copy of the email received from Lutheran Care with an estimate of the costs to conduct a specific visit to Marlinja has been exhibited and marked "SJT-35".
 - (d) Shine has, accordingly, reviewed the steps taken to provide adequate notice of the requirement to register to residents of Marlinja, and confirm:

- (i) 20 registrations have been received from Marlinja residents; and
 - (ii) promotional material, including text messages, was sent to registrants (including deemed registrants) located in and around Marlinja notifying them of the registration session being conducted in Elliott (approximately 20 minutes away) by Lutheran Care.
25. In the circumstances, I consider registrants residing in Marlinja have been made aware of the settlement generally and have been provided with sufficient opportunity to register, and a reasonable portion of the estimated population have already completed a Registration Form. I do not consider it is reasonable or in the best interests of group members (with regard to the additional costs that would be incurred) to conduct a specific outreach trip to Marlinja.
26. In respect of Muruning, we confirm:
- (a) Muruning is a community of approximately 30 people located 2km by road east of Timber Creek, in the Victoria Daly region.
 - (b) The Aboriginal Corporation that services Muruning is Ngaliwurru-Wuli. Shine is in regular contact with Ngaliwurru-Wuli, who advised:
 - (i) Muruning is populated predominantly with young people, with the average age being 30 years old or younger;
 - (ii) The community is transient, and most people travel in and out of Katherine and Darwin regularly, and are only in community on school holidays;
 - (iii) Only one community member may be potentially eligible to register for the class action. Ngaliwurru-Wuli has advised this individual of the settlement and requirement to register, and will provide Shine with her contact details to assist her in completing a Registration Form if she wishes to register as a potential group member.
27. Timber Creek is currently a community allocated to Shine. If, whilst completing the outreach session in Timber Creek, Shine team members identify a need to specifically service Muruning, we will do so before or after the Timber Creek outreach session. On the basis of the above information, however, we do not consider it is necessary or cost-effective for an outreach session to be conducted in Muruning.

Shine – Outreach to Remaining Unallocated Communities

28. Shine has commenced conducting the Outreach Program to the remaining unallocated communities.

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29. Shine's proposal for undertaking outreach in these communities is exhibited to this affidavit and marked "SJT-36", and contemplates two trips conducted simultaneously:
- (a) Trip 1: Darwin (being the base to travel out to the Top End Islands), Belyuen, Wurrumiyanga (Nguju), Pirlangimpi and Milikapiti; and
 - (b) Trip 2: Pine Creek, Katherine, Rockhole, Binjari, Manyallaluk, Barunga, Wugularr (Beswick), Jilkminggan, Mataraka, Timber Creek, Gilwi, Bulla, Amanbidji (Mialuni) and Kununurra.
30. Each trip will be conducted by three Shine employees, and:
- (a) trip 1 will occur between 3 August 2025 and 9 August 2025; and
 - (b) trip 2 will occur between 3 August 2025 and 16 August 2025.
31. By way of summary, Shine's estimated legal costs and disbursements for the conduct of outreach to 19 communities over 13 days (with 7 of those days being for trips run simultaneously), is in the order of \$136,400 for legal costs and \$47,842 for disbursements.

Opinion of Senior Counsel

32. Pursuant to paragraph 2 of the Undertaking, Shine wrote to Mr William Edwards KC on 25 July 2025 who is providing his opinion on the fairness and reasonableness of the proposed Outreach Program on a *pro-bono* basis. Copies of this letter and Mr Edwards KC's reply dated 31 July 2025 is exhibited hereto and marked "SJT-37".

Summary of Registration Sessions

Outreach Program – Completed and Upcoming Registration Sessions

33. **Table 2** below sets out the Outreach Program Sessions which have been completed as at the date of affirming this affidavit. This table does not include sessions conducted as part of "registration drop-in offices", as detailed in Shine's Reporting Affidavit at Table 4 (although I confirm these are ongoing, and will continue to be conducted until the Registration Date).

Table 2

Date	Location	Region	Conducted by
8 November 2024	Alice Springs	MacDonnell	Shine
10 November 2024	Tennant Creek	Barkley	Shine

11 November 2024	Wilora	Central Desert	Shine
11 November 2024	Pmara Jutunta	Central Desert	Shine
12 November 2024	Ti-Tree	Central Desert	Shine
12 November 2024	Nturiya	Central Desert	Shine
13 November 2024	Willowra	Central Desert	Shine
22 May 2025	Tennant Creek	Barkley	Lutheran Care
11 – 12 June 2025	Mutitjulu	MacDonnell	Lutheran Care
13 June 2025	Imanpa	MacDonnell	Lutheran Care
17 – 20 June 2025	Santa Teresa	MacDonnell	Lutheran Care
24 – 25 June 2025	Ntaria (Hermannsburg)	MacDonnell	Lutheran Care
14 July 2025	Minyerri	Roper Gulf	Redgum Legal
14 July 2025	Ramingining	East Arnhem	ARDS
15 – 16 July 2025	Ngukurr	Roper Gulf	Redgum Legal
15 – 16 July 2025	Tennant Creek	Barkley	Lutheran Care
16 July 2025	Garrthalala	East Arnhem	ARDS
17 July 2025	Gapuwiyak	East Arnhem	ARDS
17 July 2025	Dhalinybuy	East Arnhem	ARDS
17 July 2025	Rittarangu	Roper Gulf	Redgum Legal
17 July 2025	Elliot	Barkley	Lutheran Care
17 July 2025	Mungkarta	Barkley	Lutheran Care
18 – 19 July 2025	Borrooloola	Roper Gulf	Redgum Legal

21 July 2025	Tennant Creek	Barkley	Lutheran Care
21 July 2025	Borroloola	Roper Gulf	Redgum Legal
22 July 2025	Ali Curung	Barkley	Lutheran Care
22 July 2025	Yarralin	Victoria Daly	Redgum Legal
22 July 2025	Robinson River	Roper Gulf	Redgum Legal
23 July 2025	Epenarra	Barkley	Lutheran Care
23 July 2025	Pigeon Hole / Nitjpurru	Victoria Daly	Redgum Legal
23 – 24 July 2025	Ampilatwatja	Barkley	Lutheran Care
24 July 2025	Canteen Creek	Barkley	Lutheran Care
24 – 25 July 2025	Itchy Koo Park	Barkley	
24 July 2025	Daguragu	Victoria Daly	Redgum Legal
24 – 25 July 2025	Kalkarindji	Victoria Daly	Redgum Legal
27 July 2025	Daguragu	Victoria Daly	Redgum Legal
28 – 29 July 2025	Lajamanu	Central Desert	Redgum Legal
28 July 2025	Rocket Range (Inkawenyerre)	Barkley	Urupuntja
28 July 2025	Ngkwarleranem	Barkley	Urupuntja
28 July 2025	Indaringinya (Antarringinya)	Barkley	Urupuntja
28 July – 30 July 2025	Akaye (Mulga Bore)	Barkley	Urupuntja
28 July – 30 July 2025	Angula	Barkley	Urupuntja
28 July – 30 July 2025	3 Bore (Artekerr)	Barkley	Urupuntja
28 July – 30 July 2025	Utopia Homestead	Barkley	Urupuntja

28 July – 30 July 2025	Camel Camp	Barkley	Urupuntja
28 July – 30 July 2025	Tommyhawk	Barkley	Urupuntja
28 July – 30 July 2025	Aniltye (Boundary Bore)	Barkley	Urupuntja
28 July – 30 July 2025	Apungalindum	Barkley	Urupuntja
29 July 2025	Finke	MacDonnell	Lutheran Care
29 July 2025	Yathalamarra	East Arnhem	ARDS
30 July 2025	Atneltyey	Barkley	Urupuntja
29 – 30 July 2025	Nyirripi	Central Desert	Lutheran Care
29 – 31 July 2025	Laramba	Central Desert	Lutheran Care
30 July 2025 – 1 August 2025	Kurrajong Bore (Inkwelaye)	Barkley	Urupuntja
30 July 2025 – 1 August 2025	Mosquito Bore (Iylentye)	Barkley	Urupuntja
30 July 2025 – 1 August 2025	Soakage Bore (Atnarara)	Barkley	Urupuntja
30 July 2025 – 1 August 2025	Soapy Bore (Arawerr)	Barkley	Urupuntja
30 July 2025 – 1 August 2025	Atheley	Barkley	Urupuntja
30 July 2025 – 1 August 2025	Irrultja	Barkley	Urupuntja
30 July 2025 – 1 August 2025	Atnwengerrpe	Barkley	Urupuntja
31 July 2025	Titjikala	MacDonnell	Lutheran Care
4 August 2025	Maningrida	West Arnhem	YIMBA

4 August 2025	Pine Creek	Roper Gulf	Shine
4 August 2025	Rockhole	Roper Gulf	Shine
4 August 2025	Darwin	Greater Darwin	Shine
5 August 2025	Belyuen	Greater Darwin	Shine
5 August 2025	Katherine	Roper Gulf	Shine
6 August 2025	Bulman & Weemol	West Arnhem	YIMBA
6 August 2025	Imangara	Barkley	Lutheran Care
6 August 2025	Engawala	Central Desert	Lutheran Care
6 August 2025	Yirrkala	East Arnhem	ARDS
6 August 2025	Jilkminggan	Roper Gulf	Shine
6 August 2025	Mataranka	Roper Gulf	Shine
6 August 2025	Milikapiti (Snake Bay)	Top End Islands	Shine
6 – 7 August 2025	Mt Liebig	MacDonnell	Lutheran Care
7 August 2025	Tara	Barkley	Lutheran Care
7 August 2025	Engawala	Central Desert	Lutheran Care
7 August 2025	Manyallaluk	Roper Gulf	Shine
7 August 2025	Barunga	Roper Gulf	Shine
7 August 2025	Wurrumiyanga (Nguju)	Top End Islands	Shine
7 August 2025	Minjilang	West Arnhem	YIMBA
8 August 2025	Waruwi	West Arnhem	YIMBA
8 August 2025	Gunyangara	East Arnhem	ARDS
8 August 2025	Mt Isa	Queensland	Redgum
8 August 2025	Wugular (Beswick)	Roper Gulf	Shine
8 August 2025	Pirlangimpi	Top End Islands	Shine

34. **Table 3** below sets out the upcoming confirmed Outreach Program registration sessions.

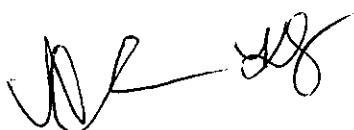


Table 3

Date	Location	Region	Conducted by
10 August 2025	Mt Isa	Queensland	Redgum Legal
9 August 2025	Katherine	Roper Gulf	Shine
9 August 2025	Binjari	Roper Gulf	Shine
10 August 2025	Camooweal	Queensland	Redgum Legal
10 August 2025	Alpururulam	Barkley	Redgum Legal
11 August 2025	Papunya	MacDonnell	Lutheran Care
11 August 2025	Timber Creek	Victoria Daly	Shine
11 August 2025	Jabiru	West Arnhem	YIMBA
11 – 12 August 2025	Papunya	MacDonnell	Lutheran Care
12 August 2025	Atitjere	Central Desert	Lutheran Care
12 August 2025	Gilwi	Victoria Daly	Shine
12 August 2025	Bulla	Victoria Daly	Shine
12 August 2025	Gunbalanya & Mamadawerre	West Arnhem	YIMBA
13 August 2025	Milyakburra	West Arnhem	YIMBA
13 August 2025	Orrtipa-Thurra	Central Desert	Lutheran Care
13 August 2025	Amanbidji (Mialuni)	Victoria Daly	Shine
14 August 2025	Atitjere	Central Desert	Lutheran Care
14 August 2025	Haasts Bluff	MacDonnell	Lutheran Care
14 August 2025	Kununurra	Victoria Daly	Shine
14 August 2025	Numbulwar	West Arnhem	YIMBA
14 – 15 August 2025	Haasts Bluff	MacDonnell	Lutheran Care
18 August 2025	Milingimbi	East Arnhem	ARDS
18 August 2025	Alyangula	Groote Eylandt	Yimba

18 August 2025	Angurugu	Groote Eylandt	Yimba
18 August 2025	Malkala	Groote Eylandt	Yimba
18 August 2025	Umbakumba	Groote Eylandt	Yimba
19 August 2025	Wandawuy	East Arnhem	ARDS
19 – 20 August 2025	Yuendumu	Central Desert	Lutheran Care
19 – 20 August 2025	Baniyala	East Arnhem	ARDS
19 – 20 August 2025	Milingimbi	East Arnhem	ARDS
19 – 20 August 2025	Kaltukatjara (Docker River)	MacDonnell	Lutheran Care
19 – 21 August 2025	Mapuru	East Arnhem	ARDS
21 – 22 August 2025	Yuelamu	Central Desert	Lutheran Care
22 August 2025	Imanpa	MacDonnell	Lutheran Care
25 August 2025	Batchelor	Greater Darwin	Redgum
25 August 2025	Adelaide River	Victoria Daly	Redgum
25 – 26 August 2025	Yuendumu	Central Desert	Lutheran Care
26 August 2025	Naiyu (Daly River)	Victoria Daly	Redgum
27 August 2025	Emu Point	Victoria Daly	Redgum
28 August 2025	Peppimenarti	Victoria Daly	Redgum
29 August 2025	Nganmarriyanga (Palumpa)	Victoria Daly	Redgum
30 August 2025	Wadeye	Victoria Daly	Redgum
TBC	Artekerre (Harry Creek)	Central Desert	Lutheran Care

TBC	Walungurru (Kintore)	MacDonnell	Lutheran Care
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35. Unless the communities in Table 1 are required to be visited, all other communities listed in the 16 September orders will be visited for the purpose of the Outreach Program before 31 August 2025.

Update on Registration Process

36. As at 4 August 2025, Shine has received 15,666 Registration Forms, which can be broken down into the following categories:

- (a) 9,201 Registration Forms, comprised:

- (i) 7,238 Completed and Signed Registration Forms
- (ii) 1,963 Deficient Registration Forms (i.e. not Completed and/or not Signed, unreviewed or unconfirmed duplicates); and

The above Registration Forms have the following Claim Types:

- (i) 1,154 are Potential Claimants
- (ii) 256 are Potential Descendant Claimants (Spouse claims);
- (iii) 7,791 are Potential Descendant Claimants (Parent claims).

282 of the above have been identified as Preliminary Ineligible, and 7,238 have been identified as Preliminary Eligible (subject to confirmation from the Administrator).

- (b) 3,048 Pre-Settlement Registration Forms, being those forms received before 16 September 2024 that have not yet converted to a Registration Form. These numbers are reported on separately to Registration Forms as there was no requirement for a Deemed Registrant to indicate who they were claiming on behalf of, and these forms are not Completed and not Signed; and
- (c) 3,417 withdrawn or duplicate Registration Forms. Of these:
 - (i) 783 are confirmed duplicates; and
 - (ii) 2,634 are withdrawn or Registration Forms that were completely erroneously by Deemed Registrants (creating a duplicate).

The above are cumulatively referred to as the **Registration Cohort**.

37. **Table 5** below provides a summary of the total number of Registration Forms received on a fortnightly basis since 17 September 2024, being the commencement of the Registration Process.

Table 5

Date	Total Registrations	Registrations received within previous fortnight
16 September 2024	42	0
30 September 2024	804	762
14 October 2024	1,148	344
28 October 2024	1,403	255
11 November 2024	1,953	550
25 November 2024	2,387	434
9 December 2024	2,936	549
23 December 2024	3,295	269
6 January 2025	3,527	322
20 January 2025	3,974	447
3 February 2025	4,493	519
17 February 2025	5,085	592
3 March 2025	5,336	251
17 March 2025	5,676	340
31 March 2025	5,926	250
14 April 2025	6,230	304
28 April 2025	6,470	240
12 May 2025	6,790	320
26 May 2025	7,104	314
9 June 2025	7,521	417
23 June 2025	7,813	292

7 July 2025	8,168	355
21 July 2025	8,849	681
4 August 2025	9,201	352

38. Shine continues to receive, on average, 380 registrations per fortnight. We anticipate this will continue through to the Registration Date, particularly given Outreach Program registration sessions are scheduled up to 30 August 2025.
39. Although Shine has not yet had the opportunity to update its full registration report (that is, the complete summary contained at [36] above), I confirm 331 new Registration Forms have been received between 5 August 2025 and 8 August 2025. Given Outreach Program registration sessions are currently being conducted concurrently by Shine, YIMBA, Redgum, ARDS and Lutheran Care, I expect Shine will continue to receive about 300 Registration Forms per week leading up to the Registration Date. On that basis, I estimate Shine will receive about 1,000 new Registration Forms by 31 August.

Costs of the Outreach Program and Registration Process

40. I was assisted by the Finance Team at Shine in preparing the following costs updates.
41. An estimate of the Applicant's legal costs and disbursements for the conduct of the Outreach and Registration Program was contained in the First Antzoulatos Affidavit at [130], and revised in the Fourth Antzoulatos Affidavit at [32].
42. I provide the below update on the costs actually incurred to date by Shine in progressing the Outreach and Registration Program.

Professional Fees and Disbursements – 18 December 2024 to 31 July 2025			
Summary of Professional Fees	Original Estimate as at 25.10.2024 (First Antzoulatos Affidavit)	Revised Estimate as at 02.12.2024 (Fourth Antzoulatos Affidavit)	Actual Costs as at 31.07.2025
Outreach	\$3,368,568	\$2,295,080	\$260,605
Registration	\$3,972,160	\$3,764,260	\$2,808,508
GST	\$734,073	\$605,934	\$306,911
Subtotal	\$8,074,801	\$6,665,274	\$3,376,024



Summary of Disbursements	Original Estimate	Revised Estimate	Actual Costs
Outreach	\$943,557	\$943,557	\$84,155
Registration	\$305,300	\$305,300	\$231,189
GST	\$124,886	\$124,886	\$31,534
Subtotal	\$1,373,743	\$1,373,743	\$346,878
TOTAL	\$9,448,544	\$8,039,017	\$3,722,902

43. Although Engaged Stakeholders have been conducting Outreach Program registration sessions since late May 2025, Shine has not yet been invoiced for all of this work. The work Shine has been invoiced for are reflected in the summary of disbursements above, in the "Outreach" section.
44. To assist the Court, I have also sought to quantify an estimate of the costs of the Outreach Program and Registration Process per registration.
45. With regard to the total number of Registration Forms received to date (including Deemed Registrations) (15,666) the cost of each registration is \$375. This is \$253 less than the estimate provided in the First Antzoulatos Affidavit at [133], being \$628.
46. Should the Registration Date be extended, I have provided below an estimate of the cost of each registration, with regard to how many additional registrations I consider may be received:

Registration Date	Estimated total registrations	Cost per registration
31 August 2025	16,393	\$358
30 September 2025	17,143	\$365
31 October 2025	17,643	\$372
30 November 2025	17,893	\$383

47. Having regard to the costs incurred to date, and the work required to finalise the Registration Process (including tasks required to be conducted by Shine pursuant to clause 7(d) of the SDS), my best estimate of future costs to be incurred up to and including the end of November 2025 is below. To assist the Court in understanding the impact of extending the Administration Date, I have estimated additional costs on a




month-by-month basis, with regard to how many additional registrations I expect will be received each month (as outlined above at [46]), and with regard to the significant costs Shine anticipates paying in August for the work of Engaged Stakeholders:

Professional Fees and Disbursements (Month by Month) – 1 August 2025 to 30 November 2025				
Summary of Professional Fees	1 August to 31 August	1 September to 30 September	1 October to 31 October	1 November to 30 November
Outreach	\$170,000	-	-	-
Registration	\$335,000	\$308,000	\$238,000	\$218,000
GST	\$50,500	\$30,800	\$23,800	\$21,800
Subtotal	\$555,500	\$338,800	\$261,800	\$239,800
Summary of Disbursements	1 August to 31 August	1 September to 30 September	1 October to 31 October	1 November to 30 November
Outreach	\$1,393,000	-	-	-
Registration	\$65,000	\$40,000	\$40,000	\$40,000
GST	\$145,800	\$4,000	\$4,000	\$4,000
Subtotal	\$1,603,800	\$44,000	\$44,000	\$44,000
MONTHLY TOTAL	\$2,159,300	\$382,800	\$305,800	\$283,800
+ costs to date	\$3,722,902	\$3,722,902	\$3,722,902	\$3,722,902
GRAND TOTAL	\$5,882,202	\$6,265,002	\$6,570,802	\$6,854,602

Impact of extending or not extending the Administration Date

48. I am concerned that given the way word of mouth spreads in the communities, Shine will continue to receive registration forms, especially from the communities being reached in the month of August, after the current Registration Date of 31 August 2025. If there was no extension to the Registration Date, then these persons would be ineligible to receive compensation:



- (a) Clause 13 of the SDS indicates that a Completed and Signed Registration Form must be received by Shine by the Registration Date “for such persons to be considered by the Administrator for eligibility to participate in the Scheme”; and
- (b) Clause 14 of the SDS states no further Registration Forms will be accepted after the Registration Date, except:
 - (i) by order of the Court; or
 - (ii) at the Administrator’s discretion, in circumstances where an additional potential claimant is seeking to register on behalf of an already existing deceased Potential Claimant (pursuant to clauses 26 and 27 of the SDS).

49. I have had the opportunity to consider the Administrator’s Application seeking an extension of the Finalisation of Administration Date and the Affidavit of Michael McCarthy affirmed 6 August 2025. I understand that the Administrators say that if the Registration Date is extended this will in turn mean they need more time to finalise the administration. It is my understanding from the evidence of Mr McCarthy that he expects residual payments to living eligible claimants will be made 13 weeks after the Registration Date, and that payments will be made in respect of deceased eligible claimants 10 weeks later (that is, 23 weeks after the Registration Date). On the basis of that evidence, I have prepared the following table (which does not account for public holidays and office shutdowns):

Registration Date	Date for payment of residue to living Eligible Claimants (+13 weeks)	Date for payment to Eligible Descendant Claimants (+10 weeks)
31 August 2025	30 November 2025	8 February 2026
30 September 2025	30 December 2025	10 March 2026
31 October 2025	30 January 2026	10 April 2026
30 November 2025	8 February 2026	10 May 2026

50. I refer to paragraphs [12] to [14] of my July Affidavit. Having regard to the progress made in July, and the anticipated progress to be made to 31 August 2025 (including that by that date the Outreach Program will have reached all of the communities other than those identified in this affidavit), and having regard to Ms McDonald’s instructions and

Handwritten signature and initials, likely of the Administrator, located at the bottom left of the page.

the McCarthy Affidavit, my views have changed because more information is now available. While I still consider that it may be desirable to extend the Registration Process in the interests of Group Members, it is not clear to me that a minimum three month-extension (to 30 November 2025) is in Group Member interests. While a further extension will give unregistered group members a better opportunity to register, that must be balanced against other factors including the delay in finalising payments and additional costs (including administration costs). In all the circumstances, the Court might consider that a shorter extension is warranted, but consistently with Ms McDonald's most recent instructions this is a matter for the Court. In saying this, I am particularly concerned about the persons whose Registration Forms will inevitably come in after 31 August 2025 because of how information spreads within the communities.

Affirmed by the deponent
at Brisbane
in Queensland
on 8 August 2025
Before me: Kate Gough, Solicitor

)
)
)
)
)



Signature of deponent



Signature of witness

CERTIFICATE IDENTIFYING EXHIBIT

No. VID312 of 2021

Federal Court of Australia
District Registry: Victoria
Division: General

MINNIE MCDONALD

Applicant

COMMONWEALTH OF AUSTRALIA

Respondent

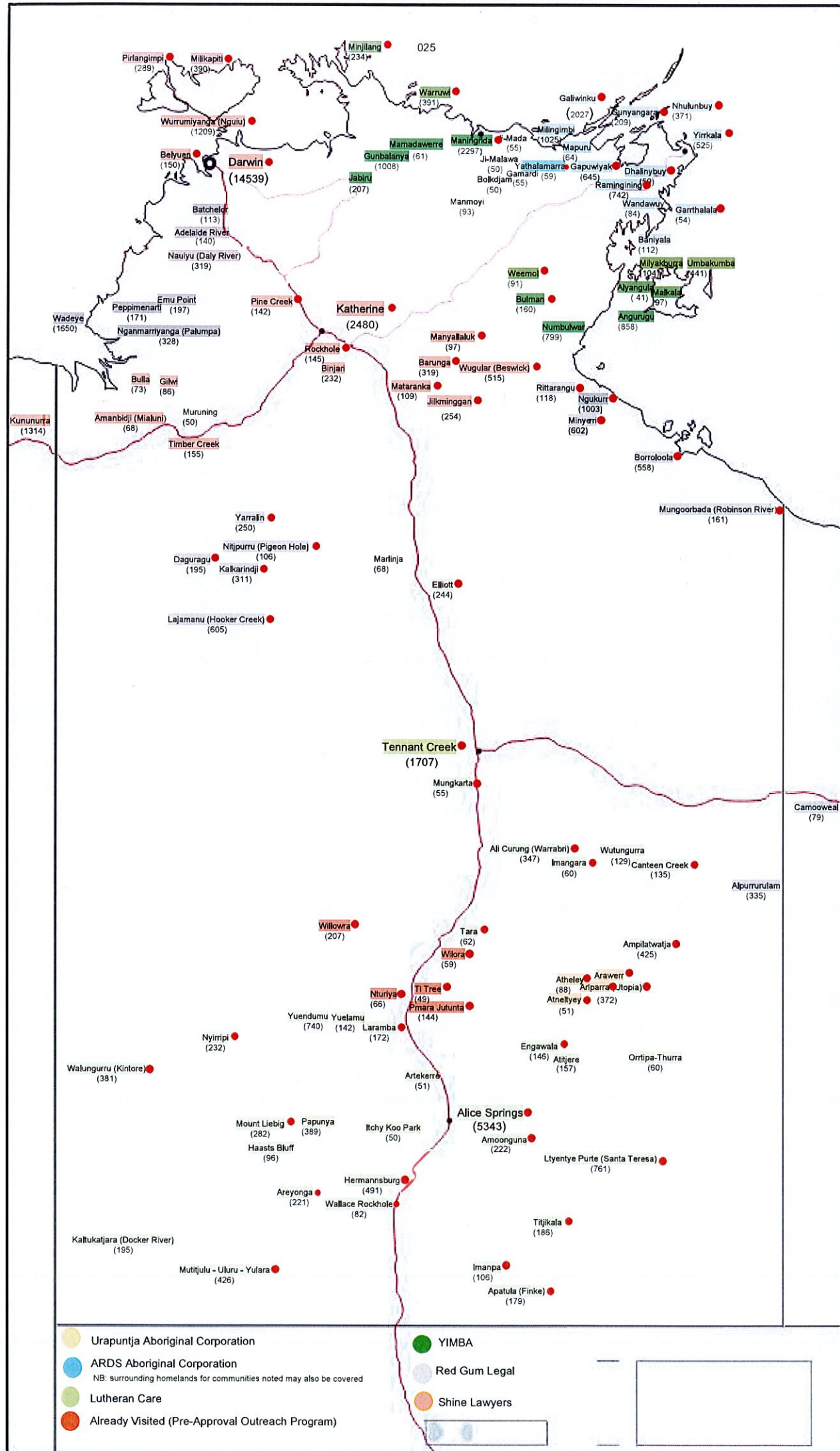
Affidavit of: Sarah Thomson
Address: Level 13, 160 Ann Street, Brisbane QLD 4000
Occupation: Solicitor
Date: 8 August 2025

This is the exhibit marked "**SJT-33**" referred to in the affidavit of Sarah Thomson sworn before me on 8 August 2025.

Before me:



Kate Gough
Solicitor



CERTIFICATE IDENTIFYING EXHIBIT

No. VID312 of 2021

Federal Court of Australia
District Registry: Victoria
Division: General

MINNIE MCDONALD

Applicant

COMMONWEALTH OF AUSTRALIA

Respondent

Affidavit of: Sarah Thomson
Address: Level 13, 160 Ann Street, Brisbane QLD 4000
Occupation: Solicitor
Date: 8 August 2025

This is the exhibit marked "**SJT-34**" referred to in the affidavit of Sarah Thomson sworn before me on 8 August 2025.

Before me:



Kate Gough
Solicitor

From: Daniel Kelly <dan.kelly@redgumlegal.com>
Sent: Tuesday, 22 July 2025 6:58 PM
To: Samantha Boardman
Cc: NT Outreach
Subject: Re: Stolen Wages NT - Additional Registration Sessions [SHINE-CLASSACTIONS.FID1738]

Hi Sam,

Sorry I didn't get back to you today but sign us up for Trip 1.

Not sure who yet, but we'll get it done, second half of / late August.

Thanks - Dan .

From: Samantha Boardman <sboardman@shine.com.au>
Sent: Friday, 18 July 2025 12:14
To: Daniel Kelly <dan.kelly@redgumlegal.com>
Cc: NT Outreach <NToutreach@shine.com.au>
Subject: RE: Stolen Wages NT - Additional Registration Sessions [SHINE-CLASSACTIONS.FID1738]

Hi Dan,

I appreciate that you are currently on the road and conducting registration sessions, however, I was hoping to briefly catch-up with you today to discuss Redgum Legal's capacity to assist with additional registration sessions as outlined below?

More specifically, I am interested to know:

1. Are you likely to be able to assist with any or all of the proposed trips below?
 - a. If you are able to assist with any of the proposed trips below, which ones?
2. Do you have any changes to the proposed grouping of communities/locations below?

I am in meetings between 2pm – 4pm (AEST) but can speak before or after that, if suitable.

Kind regards,
 Sam

Samantha Boardman | Associate

T +61 7 3894 0890 | F +61 7 3229 1999

E sboardman@shine.com.au

Level 13, 160 Ann Street, Brisbane QLD 4000

PO Box 12011, George St QLD 4003

13 11 99 SHINE.COM.AU



Shine Lawyers acknowledges the Traditional Owners of the land and waters on which we live and work and pay our respects to elders, past, present and emerging.

The content of this email is subject to Shine Lawyers Pty Ltd ACN 134 702 757 confidential communication disclosure statement. [Click here to view the disclosure statement](#) on the Shine website. We take cyber security seriously and have taken steps to deter fraudulent activity. You should be aware that if we request you to make a payment, we will also confirm our banking details with you verbally. Please reach out to us should you have any concerns of the validity of any requests from us. To maintain security we only use secure file sharing service Mimecast, and do not accept files from other file sharing services. Please request a link to be sent to you to transfer large files.

From: Samantha Boardman

Sent: Friday, 11 July 2025 9:54 AM

To: Daniel Kelly <dan.kelly@redgumlegal.com>

Cc: NT Outreach <NToutreach@shine.com.au>

Subject: Stolen Wages NT - Additional Registration Sessions [SHINE-CLASSACTIONS.FID1738]

Hi Dan,

Thanks for your time on the phone yesterday.

Hard copy materials

The printing of hard copy materials should be delivered to Liam today at approximately 2pm. Please let me know if this is not suitable.

Additional Registration sessions

As discussed, could you please consider whether Redgum Legal has capacity to assist with any of the below locations?

We have considered options for travelling to each location and the suitability of group multiple locations together. In our view the below proposed trips would work. We also considered that it may be possible to combine Trip 1 and 2. If you would like to propose a different combination of locations, we would be happy to consider any such proposal.

Trip 1:

- Batchelor / Adelaide River
- Daly River
- Emu Point
- Peppimentari
- Palumpa
- Wadeye

Trip 2:

- Belyuen
- Pirlangimpi (Garden Point)
- Milikapiti (Snake Bay)
- Wurrumiyanga (Nguu) (Bathurst Island)

Trip 3:

- Pine Creek / Rockhole
- Katherine
- Manyallaluk / Barunga
- Wugular (Beswick)
- Mataranka
- Jilkminggan
- Binjari
- Timber Creek
- Gilwi / Bulla
- Amanbidju (Mialuni)
- Kununurra

We look forward to hearing from you about whether Redgum can assist with any registration sessions to the above communities.

Kind regards,
Sam

CERTIFICATE IDENTIFYING EXHIBIT

No. VID312 of 2021

Federal Court of Australia
District Registry: Victoria
Division: General

MINNIE MCDONALD

Applicant

COMMONWEALTH OF AUSTRALIA

Respondent

Affidavit of: Sarah Thomson
Address: Level 13, 160 Ann Street, Brisbane QLD 4000
Occupation: Solicitor
Date: 8 August 2025

This is the exhibit marked "**SJT-35**" referred to in the affidavit of Sarah Thomson sworn before me on 8 August 2025.

Before me:



Kate Gough
Solicitor

Please see requested information below.

Please let me know if you require any further information.

Warm regards
Anne
Ph 0428 326 523

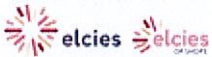


Anne Crouch
Project Lead - Shine & Central Australia

E: acrouch@lutherancare.org.au

2/21 Gregory Terrace Alice Springs NT 0870 - T: 08 8953 5160
My office is on **Arrernte Country**

Lutheran Care acknowledges Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia and recognise Aboriginal people as the original custodians of this land. We pay respect to their Elders past, present and emerging. We are committed to creating inclusive environments and strongly support equality for all. We embrace diversity and celebrate, value and include people of all backgrounds, faiths, genders, sexualities, cultures, bodies and abilities.



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CERTIFICATE IDENTIFYING EXHIBIT

No. VID312 of 2021

Federal Court of Australia
District Registry: Victoria
Division: General

MINNIE MCDONALD

Applicant

COMMONWEALTH OF AUSTRALIA

Respondent

Affidavit of: Sarah Thomson
Address: Level 13, 160 Ann Street, Brisbane QLD 4000
Occupation: Solicitor
Date: 8 August 2025

This is the exhibit marked "**SJT-36**" referred to in the affidavit of Sarah Thomson sworn before me on 8 August 2025.

Before me:



Kate Gough
Solicitor

PROPOSAL FOR SHINE OUTREACH PROGRAM TRIPS

Table 1.1

Summary of Proposed Trip 1: Darwin, Belyuen, Wurrumiyanga (Nguu), Pirlangimpi, Milikapiti

Day	Date (Estimated)	Travel	Information Session Locations ¹	Accommodation Base	Estimated Costs ² and Disbursements ³	Shine Staff
1	3 August 2025	Flight Brisbane to Darwin	N/A	Darwin	Shine costs: \$6,820 Disbursements: \$3,735	3 x Shine staff: 1 Senior Solicitor or Solicitor and 2 Law Clerks or Paralegals
2	4 August 2025	Flight (return) Darwin to Pirlangimpi	Pirlangimpi (289)		Shine costs: \$6,820 Disbursements: \$3,901	
3	5 August 2025	Flight (return) Darwin to Milikapiti	Milikapiti (390)		Shine costs: \$6,820 Disbursements: \$2,841	
4	6 August 2025	Flight (return) Darwin to Wurrumiyanga	Wurrumiyanga (1209)		Shine costs: \$6,820 Disbursements: \$2,582	
5	7 August 2025	Drive (return) Darwin to Belyuen	Belyuen (150)		Shine costs: \$6,820 Disbursements: \$1,461	
6	8 August 2025	N/A	Darwin (14539)		Shine costs: \$6,820 Disbursements: \$1,761	
7	9 August 2025	Flight Darwin to Brisbane	N/A		Shine costs: \$6,820 Disbursements: \$2,874	
TOTAL					Shine costs: \$47,740 Disbursements: \$19,655 = \$67,395	

Table 1.2

Summary of Disbursements⁴

Day	Venue	Catering	Accom	Car Hire	Fuel	Flights	Interpreter	Meals	Daily Subtotals
1	-	-	\$861	-	-	\$2,574	\$1,000	\$300	\$3,735
2	\$300	\$100	\$861	-	-	\$1,440		\$300	\$3,201
3	\$300	\$100	\$861	-	-	\$1,380		\$300	\$3,141
4	\$191	\$100	\$861	-	-	\$1,230		\$300	\$2,882
5	\$300	\$100	\$861	\$400	\$200	-		\$300	\$1,761
6	-	\$100	\$861			-		\$300	\$2,061
7	-	-	-	-	-	\$2,574		\$300	\$2,874
TOTAL	\$1,091	\$500	\$5,166	\$400	\$200	\$9,198	\$1,000	\$2,100	\$19,655

Table 2.1

Summary of Proposed Trip 2: Pine Creek, Katherine, Rockhole, Binjari, Manyallaluk, Barunga, Wugularr (Beswick), Jilkminggan, Mataraka, Timber Creek, Gilwi, Bulla, Amanbidji (Mialuni), Kununurra

Day	Date (Estimated)	Travel	Information Session Locations ⁵	Accommodation Base	Estimated Costs ⁶ and Disbursements ⁷	Shine Staff
1	3 August 2025	Flight Brisbane to Darwin	N/A	Katherine	Shine costs: \$6,820 Disbursements: \$3,804	3 x Shine staff: 1 Senior Solicitor or Solicitor, 2 Law Clerks or Paralegals
2	4 August 2025	Drive (return) Katherine to Rockhole via Pine Creek	Pine Creek (142) Rockhole (145)		Shine costs: \$6,820 Disbursements: \$1,711	

¹ Each location has been allocated sufficient time to allow for visits to aged care facilities and other community locations (where appropriate). Populations for each location is noted in (brackets).

² Includes estimated costs for Shine staff, with the daily cap on rates applied per [30(b)-(c)] of the Fourth Antzoulatos Affidavit.

³ Includes estimated disbursements including accommodation, car hire, catering, venue hire, fuel, flights, meals and interpreters. These are particularised in Table 1.2.

⁴ Shine has made enquiries in relation to disbursements, and therefore actual costs have been included here where known.

⁵ Each location has been allocated sufficient time to allow for visits to aged care facilities and other community locations (where appropriate). Populations for each location is noted in (brackets).

⁶ Includes estimated costs for Shine staff, with the daily cap on rates applied per [30(b)-(c)] of the Fourth Antzoulatos Affidavit.

⁷ Includes estimated disbursements including accommodation, car hire, catering, venue hire, fuel, flights, meals and interpreters. These are particularised in Table 2.2.

3	5 August 2025	N/A	Katherine (2480)		Shine costs: \$6,820 Disbursements: \$1,981
4	6 August 2025	Drive (return) Katherine to Binjari	Katherine (2480) Binjari (232)		Shine costs: \$6,820 Disbursements: \$1,711
5	7 August 2025	Drive (return) Katherine to Barunga via Manyallaluk	Manyallaluk (97) Barunga (319)		Shine costs: \$6,820 Disbursements: \$1,711
6	8 August 2025	Drive (return) Katherine to Wugularr	Wugularr (515)		Shine costs: \$6,820 Disbursements: \$1,711
7	9 August 2025	Drive (return) Katherine to Mataranka via Jilkminggan	Jilkminggan (245) Mataranka (109)		Shine costs: \$6,820 Disbursements: \$1,711
8	10 August 2025	Drive Katherine to Darwin Flight Darwin to Kununurra	N/A	Kununurra	Shine costs: \$6,820 Disbursements: \$2,797
9	11 August 2025	Drive Kununurra to Timber Creek	Timber Creek (155)	Timber Creek	Shine costs: \$6,820 Disbursements: \$1,801
10	12 August 2025	Drive Timber Creek to Bulla via Gilwi	Gilwi (86) Bulla (73)		Shine costs: \$6,820 Disbursements: \$1,916
11	13 August 2025	Drive Timber Creek to Kununurra via Amanbidju	Amanbidju (68)	Kununurra	Shine costs: \$6,820 Disbursements: \$1,702
12	14 August 2025	N/A	Kununurra (1314)		Shine costs: \$6,820 Disbursements: \$1,852
13	15 August 2025	Flight Kununurra to Brisbane via Darwin	N/A		Shine costs: \$6,820 Disbursements: \$3,775
TOTAL					Shine costs: \$88,660 Disbursements: \$28,187 = \$116,847

Table 2.2
Summary of Disbursements⁸

Day	Venue	Catering	Accom	Car Hire	Fuel	Flights	Interpreter	Meals	Daily Subtotals
1	-	-	\$540	-	-	\$2,964	-	\$300	\$3,804
2	\$300	\$100	\$540	\$121	\$150	-	\$200	\$300	\$1,711
3	\$420	\$250	\$540	\$121	\$150	-	\$200	\$300	\$1,981
4	\$300	\$100	\$540	\$121	\$150	-	\$200	\$300	\$1,711
5	\$300	\$100	\$540	\$121	\$150	-	\$200	\$300	\$1,711
6	\$300	\$100	\$540	\$121	\$150	-	\$200	\$300	\$1,711
7	\$300	\$100	\$540	\$121	\$150	-	\$200	\$300	\$1,711
8	\$300	\$100	\$531	\$121	\$150	\$1,395	-	\$300	\$2,797
9	\$300	\$100	\$630	\$121	\$150	-	\$200	\$300	\$1,801
10	\$415	\$100	\$630	\$121	\$150	-	\$200	\$300	\$1,916
11	\$300	\$100	\$531	\$121	\$150	-	\$200	\$300	\$1,702
12	\$300	\$250	\$531	\$121	\$150	-	\$200	\$300	\$1,852
13	-	-	-	\$121	\$150	\$3,204	-	\$300	\$3,775
TOTAL	\$3,535	\$1,300	\$6,633	\$1,456	\$1,800	\$7,563	\$2,000	\$3,900	\$28,187

⁸ Shine has made enquiries in relation to disbursements, and therefore actual costs have been included here where known.

CERTIFICATE IDENTIFYING EXHIBIT

No. VID312 of 2021

Federal Court of Australia
District Registry: Victoria
Division: General

MINNIE MCDONALD

Applicant

COMMONWEALTH OF AUSTRALIA

Respondent

Affidavit of: Sarah Thomson
Address: Level 13, 160 Ann Street, Brisbane QLD 4000
Occupation: Solicitor
Date: 8 August 2025

This is the exhibit marked "**SJT-37**" referred to in the affidavit of Sarah Thomson sworn before me on 8 August 2025.

Before me:



Kate Gough
Solicitor

25 July 2025

William Edwards KC
Barrister-at-Law
Level 22 Chambers, 52 Martin Place
Sydney NSW 2000

By email: edwards@level22.com.au

Dear Mr Edwards KC,

McDonald v Commonwealth | Federal Court of Australia Proceeding No. VID 312/2021

1. We refer to your emails of 16 May 2025 and 17 June 2025, in response to our correspondence of 12 May 2025 and 5 June 2025, respectively.
2. Since that correspondence, a report to the Court (by way of affidavit affirmed by Sarah Thomson) was filed on 4 July 2025 providing a quarterly update on the outcome of the progress of the Outreach Program (**Quarterly Report to the Court**). A copy of the Quarterly Report to the Court is **enclosed** with this correspondence.
3. We write to provide you with a further update following the Quarterly Report to the Court, and to seek your assessment as to whether Shine's tentative proposal for outreach trips leading up to 31 August 2025 is fair and reasonable and in the interests of group members.

Update on Conduct of Outreach Program

4. The Quarterly Report to the Court contains the status of the Outreach Program and engagement with stakeholders as at 4 July 2025.
5. Consistent with senior counsel's assessment, we confirm the below stakeholders have been engaged in the conduct of the Outreach Program (**Engaged Stakeholders**):
 - (a) Lutheran Care;
 - (b) Urupuntja Aboriginal Corporation (**Urupuntja**);
 - (c) ARDS Aboriginal Corporation (**ARDS**);
 - (d) Redgum Legal (**Redgum**); and
 - (e) YIMBA.

6. Unfortunately, given the difficulties in obtaining a proposal from NAAJA (as described in our letter to you on 5 June 2025, and more recently in the Quarterly Report to the Court particularly at paragraphs 44 to 51), the Engaged Stakeholders do not cover all communities required to be visited pursuant to the orders dated 16 September 2024.

Unallocated Communities

7. The communities that are not currently allocated to a stakeholder to conduct the Outreach Program are identified in Table 3 of the Quarterly Report to the Court.
8. As indicated at paragraph 66 of the Quarterly Report to the Court, Shine has been progressing conversations with Ngaliwurru-Wuli Association Aboriginal Incorporation, Larrakia Nation, Waringarri Aboriginal Corporation, Arnhem Land Progress Aboriginal Corporation (**ALPA**), NT Stolen Generations Corporation, Kalano Community Association, Yagbani Aboriginal Corporation, Warnbi Aboriginal Corporation – Kakadu, Thamarrurr Development Corporation, Jawoyn Association. Each of those stakeholders were identified as servicing the unallocated communities. Shine considered engagement of some or all of the following stakeholders would have ensured appropriate re-allocation of those locations previously proposed to be allocated to NAAJA (and that remain unallocated).
9. The outcome of Shine's inquiries with the above organisations is summarised below:
 - (a) Ngaliwurru-Wuli Association Aboriginal Incorporation initially indicated they were willing to assist and were interested in further discussions, however these did not eventuate despite Shine's multiple attempts at contact;
 - (b) Larrakia Nation initially indicated they were willing to assist and were interested in further discussions, however these did not eventuate despite Shine's multiple attempts at contact;
 - (c) Waringarri Aboriginal Corporation indicated they were unable to assist with registration sessions, but were willing to assist by spreading the word, putting up posters promoting registration sessions and/or by potentially assisting with video conferencing facilities to register people by video conference in and around Kununurra. Shine is continuing to explore that option;
 - (d) ALPA indicated they were unable to assist with registration sessions, but were willing to assist by spreading the word and putting up posters promoting registration sessions. ALPA own many grocery stores across the Northern Territory, including in the towns and communities not allocated to outreach partners, such as Milingimbi, and independent stores in Gunbalanya, Warruwi, Umbakumba, Numbulwar and Nganmarriyanga. They also have stores in areas allocated to outreach partners and

therefore have reasonable reach across the state. Shine is continuing to explore this option; and

- (e) NT Stolen Generations Corporation, Kalano Community Association, Yagbani Aboriginal Corporation, Warnbi Aboriginal Corporation – Kakadu, Thamarrurr Development corporation and Jawoyn Association have not responded to Shine's initial correspondence or returned our telephone calls.

10. Whilst not identified as servicing any of the unallocated communities in particular, Redgum indicated they are prepared to conduct the Outreach Program to a small subset of the unallocated communities.

Proposal for Unallocated Communities

11. Given the unsuccessful attempts to engage stakeholders to conduct outreach in these locations, and the proximity of the Registration Date, Shine considers it prudent to conduct visits to the unallocated communities as soon as possible.
12. Subject to senior counsel's views, Shine proposes that:
 - (a) Redgum be engaged to conduct the Outreach Program to a small subset of the unallocated communities they have identified they can visit before the Registration Date;
 - (b) a limited number of communities are no longer visited to conduct registration sessions because it is no longer safe or cost-efficient to do so; and
 - (c) Shine conduct registration sessions in the remaining unallocated communities.

Updated Map

13. An updated map has been prepared identifying:
 - (a) the confirmed locations for ARDS, Urupuntja, Lutheran Care, Redgum and YIMBA (and, of those confirmed locations, the communities that have been visited to date, identified by a red dot next to the community);
 - (b) the proposed re-allocation of the previously unallocated communities:
 - (ii) Redgum, highlighted in grey;
 - (iii) Shine, highlighted in orange; and
 - (c) those communities that are now proposed not to be visited.
14. A copy of the updated map is **enclosed** with this correspondence.

Redgum – Additional Allocation

15. On 11 July 2025, Shine formalised a request to Redgum to conduct the Outreach Program to all or some of the unallocated communities. Shine and Redgum had previously informally discussed Redgum's capacity to take on an additional allocation.
16. On 22 July 2025, Redgum confirmed they could assist with conducting the Outreach Program to some of the unallocated communities prior to the Registration Date. A copy of this correspondence is **enclosed**.
17. Given Redgum are progressing well with their current allocation, prepared a proposal which her Honour considered was "best practice", and are conducting the Outreach Program consistent with that proposal, we consider, subject to senior counsel's opinion, that it is fair, reasonable and in the best interests of group members that they assume a further allocation.

Proposal not to conduct registration sessions in specific communities

18. Shine has identified a small number of communities that we do not consider it is appropriate or cost-effective to conduct the Outreach Program to. These communities are:

Community	Region
Bolkdjam	West Arnhem
Gamardi	West Arnhem
Ji-Milawa	West Arnhem
Ji-Marda	West Arnhem
Manmoyi	West Arnhem
Marlinja	Barkley
Muruning	Victoria Daly

19. In respect of the communities based in the West Arnhem region above, Shine commenced planning to travel to these communities as part of the Outreach Program. However, as part of this planning, Bawinanga Aboriginal Corporation (**Bawinanga**) (the key Aboriginal Corporation servicing these communities/homelands) advised the following:
 - (a) Ji-Malawa, Gamardi and Bolkdjam each have total community numbers below 50 people (being populations of 15, 25 and 25 people respectively).

- (b) Ji-Marda is a community of approximately 50 people.
 - (c) Manmoyi is a community of approximately 81 people.
 - (d) Despite large populations in the 1960's and 1970's, many of the elderly in these communities who worked during the claim period, or their children, have passed away in the last couple of years.
 - (e) Approximately 50 people across all five locations are estimated to be born during, or have parents born during, the claim period.
 - (f) The best way to reach the residents in these communities is to drive in to the homelands. The roads and carriage ways are dangerous terrain to navigate and require sand driving (in the dry season) or water driving (during the wet season) experience. Given the difficult terrain, there is no option for charter flights to travel into these communities as it is not safe to land. The homelands are serviced by a trucker-run service which delivers groceries into homelands.
 - (g) Video conferencing facilities and private rooms are available, and Shine is exploring whether Bawinanga can assist with the provision of access to these facilities, despite Bawinanga having low resources and indicating they are unable to dedicate resources to assist with taking registrations. Shine is hoping Bawinanga can provide access to video conference facilities, for Shine team members to dial in and provide assistance to group members who require assisting in completing a registration. Shine is escalating this as a matter of urgency.
20. In the circumstances, and subject to senior counsel's views, we do not consider it is reasonable to travel into Ji-Marda, Ji-Malawa, Gamardi, Bolkjam or Manmoyi as the travel and accommodation costs to reach those communities is significant, and the population is not high enough to justify such an expense. The communities have extremely limited or no accommodation options, and there is no option to charter a private flight due to the difficult terrain and unsuitable airstrips, meaning the only option would be long and difficult driving days. Shine is exploring the availability of video-conferencing facilities with Bawinanga so that group members residing in these communities are afforded a reasonable opportunity to register before the Registration Date.
21. In respect of Marlinja, we confirm:
- (a) Marlinja is a community of approximately 68 people located about 25km north of Elliott in the Barkly region (that is, about 20 minutes away).
 - (b) Marlinja was originally proposed to be allocated to NAAJA. Elliott was allocated to Lutheran Care. It was a planning error that these communities were not allocated to

the same stakeholder, or that the very close proximity between Elliott and Marlinja was not identified earlier.

- (c) Lutheran Care has already conducted a registration session in Elliott. They have indicated it would be costly and an inefficient use of time to make a specific visit to Marlinja. A copy of the email received from Lutheran Care with an estimate of the costs to conduct a specific visit to Marlinja is **enclosed**.
 - (d) Shine has, accordingly, reviewed the steps taken to provide adequate notice of the requirement to register to residents of Marlinja, and confirm:
 - (i) 20 registrations have been received from Marlinja residents; and
 - (ii) promotional material, including text messages, was sent to registrants (including deemed registrants) located in and around Marlinja notifying them of the registration session being conducted in Elliott (approximately 20 minutes away) by Lutheran Care.
22. In the circumstances, we consider registrants residing in Marlinja have been made aware of the settlement generally and have been provided with sufficient opportunity to register, and a reasonable portion of the estimated population have already completed a Registration Form. Subject to senior counsel expressing a view in the alternative, we do not consider it is reasonable or in the best interests of group members (with regard to the additional costs that would be incurred) to conduct a specific outreach trip to Marlinja.
23. In respect of Muruning, we confirm:
- (a) Muruning is a community of approximately 30 people located 2km by road east of Timber Creek, in the Victoria Daly region.
 - (b) Timber Creek is currently an unallocated community, and it is proposed that Shine will conduct outreach to this community.
 - (c) The Aboriginal Corporation that services Muruning is Ngaliwurru-Wuli Aboriginal Corporation (**Ngaliwurru-Wuli**). Shine is in regular contact with Ngaliwurru-Wuli, who advised:
 - (i) Muruning is populated predominantly with young people, with the average age being 30 years old or younger;
 - (ii) The community is transient, and most people travel in and out of Katherine and Darwin regularly, and are only in community on school holidays;
 - (iii) Only one community member may be potentially eligible to register for the class action. Ngaliwurru-Wuli has advised this individual of the settlement and

requirement to register, and will provide Shine with her contact details to assist her in completing a Registration Form if she wishes to register as a potential group member.

24. If, whilst completing the outreach session in Timber Creek, Shine team members identify a need to specifically service Muruning, we will do so before or after the Timber Creek outreach session. On the basis of the above information, however, we do not consider it is necessary or cost-effective for an outreach session to be conducted in Muruning.

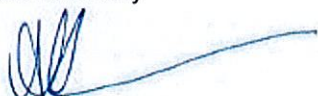
Shine – Outreach to Remaining Unallocated Communities

25. It is otherwise proposed that Shine conduct the Outreach Program to the remaining unallocated communities.
26. Shine's proposal for undertaking outreach in these communities is **enclosed**, and contemplates two trips conducted simultaneously:
- (a) Trip 1: Darwin, Belyuen, Wurrumiyanga (Nguu), Pirlangimpi and Milikapiti; and
 - (b) Trip 2: Pine Creek, Katherine, Rockhole, Binjari, Manyallaluk, Barunga, Wugularr (Beswick), Jilkminggan, Mataraka, Timber Creek, Gilwi, Bulla, Amanbidji (Mialuni) and Kununurra.
27. Subject to senior counsel expressing alternate views, it is proposed that each trip will be conducted by three Shine employees, and:
- (a) trip 1 will occur between 3 August 2025 and 9 August 2025; and
 - (b) trip 2 will occur between 3 August 2025 and 16 August 2025.
28. By way of summary, Shine's estimated legal costs and disbursements for the conduct of outreach to 19 communities over 13 days (with 7 of those days being for trips run simultaneously), is in the order of \$136,400 for legal costs and \$47,842 for disbursements.

Next steps

29. Please provide your opinion on whether you consider Shine's further tentative proposal to be fair and reasonable and in the interests of group members.
30. Should you require any further information, please do not hesitate to contact us.

Yours faithfully



Sarah Thomson
Practice Leader
SHINE LAWYERS

From: William A D Edwards <William.Edwards@vicbar.com.au>
Sent: Thursday, 31 July 2025 11:12 AM
To: Kate Gough
Cc: Sarah Thomson; Vicky Antzoulatos; Samantha Boardman
Subject: Re: McDonald v Commonwealth of Australia - VID312/2021 - Update on Outreach Program [SHINE-CLASSACTIONS.FID1738]

Importance: High

Dear Kate

I have reviewed your correspondence dated 25 July 2025, which I was unable to attend to earlier due to Court commitments earlier this week.

I note the relatively imminent Registration Deadline (31 August 2025), and the proposal which will be considered by the Court on 11 August to extend that deadline. It is prima facie concerning, and not in Group Member interests, that there continue to be “unallocated communities” who have not been reached by the Outreach Program. In relation to those communities:

- **Redgum additional allocation:** I concur that it is appropriate to extend Redgum’s retainer so that they take on some additional communities, as is proposed by Shine and consider this is in Group Member interests
- **Specific communities not to be reached:** At the outset I note that if the Court’s orders require the Outreach Program to attend these communities, I do not consider it is open to fail to reach them without advising the Court and seeking dispensation.
 - Ji-Marda, Ji-Malawa, Gamardj, Bolijam or Manmoyi: while I must bear in mind that collectively they appear to have 196 residents and we only have hearsay information that “*many of the elderly in these communities who worked during the claim period, or their children, have passed away in the last couple of years*”, that information is from an informed source, namely Bawinanga Aboriginal Corporation. I concur that it would be appropriate to urgently explore Bawinanga facilitating video conference facilities, given the high cost of physically attending and the lack of any community stakeholder with resources to conduct physical outreach, and this would be in group member interests.
 - Marlinja: despite the planning error, it does appear that there has been notification to Marlinja and that that community has benefitted from the exercise conducted by Lutheran Care in Elliott. It would not be fair and reasonable for group members to bear the cost of an additional discrete physical trip to visit Marlinja, notwithstanding the relatively low cost of the trips. I would be of a different view if there had not already been material registrants from Marlinja, but am comforted by the fact that such registrations have been received, and that Marlinja residents were informed of the Elliott sessions which is only 20 minutes away.
 - Muruning: it appears appropriate to rely upon the informed advice of Ngaliwurru-Wali Aboriginal Corporation as to the characteristics of the community, and rely upon it to forward the details of potential eligible registrants.
- **Communities proposed to be allocated to Shine:** while it must be acknowledged that this is not what the Court expressed was preferable, it is my view that in balancing the interests of group members, the fact that these communities will otherwise likely not be reached prior to the Registration Deadline is a paramount consideration. I therefore consider Shine’s proposal to be in group member interests. I do not express a view on the costs of the same, as this will be a matter for the Costs Assessor and the Court.

Given the matter is in Court on 11 August, it would be appropriate for Shine to update its quarterly report to the Court by a supplementary report bringing the Court up to date with the activities in July, and what is happening

in August. That report should ideally be available to her Honour the Chief Justice by the morning of Friday 8 August so that her Honour has an opportunity during business hours to review the same prior to the hearing.

With kind regards

William Edwards KC

Barrister-at-Law

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From: Kate Gough <kgough@shine.com.au>

Date: Friday, 25 July 2025 at 6:36 pm

To: William A D Edwards <William.Edwards@vicbar.com.au>

Cc: Sarah Thomson <sthomson@shine.com.au>, Vicky Antzoulatos <vantzoulatos@shine.com.au>, Samantha Boardman <sboardman@shine.com.au>

Subject: McDonald v Commonwealth of Australia - VID312/2021 - Update on Outreach Program [SHINE-CLASSACTIONS.FID1738]

Dear William

We refer to our correspondence to you dated 12 May 2025 and 5 June 2025, and your response to those matters received on 16 May 2025 and 17 June 2025 (respectively).

Please see **attached** correspondence which provides an update on Shine's proposal regarding the conduct of the Outreach Program, and related annexures.

Please let us know if you have any queries, or wish to discuss. We are otherwise grateful for your consideration and look forward to hearing from you.

Kind regards,
Kate

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