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A handwritten signature in blue ink, reading "Sia Lagos".

Registrar

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Fifth 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

19 December 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 the captioned proceeding and attach the fifth 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 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

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FIFTH REPORT OF THE ADMINISTRATOR
MINNIE McDONALD V COMMONWEALTH OF AUSTRALIA

A. BACKGROUND

1. This is the Fifth Court Report prepared by the Administrators pursuant to clauses 46 and 48 of the Settlement Distribution Scheme in the captioned proceeding and covers the period from 31 October 2025 to 12 December 2025 (**Fifth Court Report**).
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. The fourth Court Report of the Administrators was dated 30 October 2025 (**Fourth Court Report**).
6. 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

7. During the period from 31 October 2025 to 12 December 2025 (the **Relevant Period**), the Administrators have completed the following activities to progress the Administration of the Scheme:
 - a) Approximately 11,877 calls have been made to our hotline, of which approximately 8,151 were handled via the Interactive Voice Response (**IVR**), and 2,717 calls were answered by our contact centre team. Calls not able to be answered live are directed to voicemail (1,038 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, 644 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 decreased by 22% and was likely due to the registration end date on 3 October 2025.
8. 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.
9. 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, approximately 17% at the end of October 2025. By 12 December 2025, a final assessment was made on all cases.
10. Ad hoc 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; in particular regarding the final assessments of the inconclusive claims and the distribution statements.
12. Meetings were held with the Costs Assessor, Ms Liz Harris, to discuss the Costs Reports provided for approval, and the relevant exclusions based on the Court Orders made on 24 November 2025.
13. As set out in the Fourth Court Report, a 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. The outcome of the hearing was that the application for additional costs of \$1.216m (including GST)¹ were approved bringing to revised costs to \$3.196m (including GST) and the application for suppression orders was denied².
14. During the Relevant Period, the following tranches of Registration data with supporting documents were received from the Applicant’s solicitors, Shine Lawyers:
 - 31 October 2025 – 750 Registration Forms
 - 31 October 2025 – 5,634 Pre-Settlement, Withdrawn & Duplicate Registration Forms (2 of these Registration Forms were later re-instated at the request of the claimant)
15. A total of 13,142 registration forms have been received from Shine Lawyers in the period up to 12 December 2025. This excludes the 5,632 Pre-Settlement, Withdrawn & Duplicate Registration Forms.
16. The Administrators have made Reimbursement payments to 22 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 one outstanding Reimbursement payment, this Group Member/Lay Witness has since passed away and the Administrator has received advice from the independent Legal Advisor 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 Estates. The Administrator has made numerous attempts to contact the Executor of this Estate however, they have not responded.

C. LIVING CLAIMANTS

17. In relation to Living Claimants, a total of 1,578 registration forms have been received and assessed during the period to 12 December 2025. Of the claims, a total of 1,205 have been determined to be Eligible claims, 199 have been determined to be Ineligible claims, 174 claims are duplicate claims, and there are no claims that remain inconclusive at the end of the Relevant Period.

D. DECEASED ESTATE SELF CLAIMS

18. A total of 43 self-claims were received in respect of deceased estates. Of these, 36 claims were assessed as eligible, 5 were determined to be ineligible, and 2 claims were closed as duplicate submissions.

¹ The Administrator’s estimated costs were \$1.8m (exclusive of GST), being \$1.98m inclusive of GST. Additional costs of \$1.216m (inclusive of GST) were approved, resulting in a revised estimate of \$3.196m (inclusive of GST).

² Orders dated 24 November 2025 made by Hon. Justice D S Mortimer CJ in the proceeding.

E. DESCENDANT CLAIMS

19. Out of the total of 13,142 registrations received to date, a total of 11,522 are spouse or parental claims. In relation to descendant claims, as of 12 December 2025:
- The assessments of spouse and parental claims have been completed and a total of 11,522 registrations have been assessed. This comprises a total of 361 spouse claims and 11,161 parental claims
 - A total of 11,522 registrations have been through a secondary assessment
 - 10,164 of the Descendant claims have been determined to be Eligible and 406 descendant claims have been determined to be ineligible
 - Nil claims remain inconclusive, whilst 952 claims are duplicates.

F. INTERIM PAYMENTS DISTRIBUTED

20. A total of 934 Interim payments (totalling \$9,340,000) were successfully made as of 30 October 2025, as stated in the Fourth Court Report; noting there were an additional 20 attempted payments which were unsuccessful.
21. During the period from 31 October 2025 to 12 December 2025, the following Interim payments were attempted:
- The 14th tranche of Interim payments to 75 living Eligible claimants was made on 6 November 2025
 - The 15th tranche of Interim payments to 26 living Eligible claimants was made on 20 November 2025
 - The 16th tranche of Interim payments to 22 living Eligible claimants was made on 4 December 2025
 - A total of 1,100 Interim payments (out of the total of 1,241 Eligible Claimants³ for self-claims) have been attempted to 1,074 distinct claimants as of 12 December 2025. Payments to 1,057 claimants were made successfully. The remaining 184⁴ eligible claimants are in the process of confirming bank/other details so that they can be included in the next payment tranche.
22. The 17th tranche of Interim payments to 6 living Eligible claimants was processed on 18 December 2025.

G. NUMBER OF ELIGIBLE CLAIMANTS

23. The Administrator has determined 8,237 of the registrants to be Eligible Claimants.
24. Of those, 1,205 Eligible Claimants were living at the Effective Date.
25. A total of 7,032 were deceased Eligible Claimants at the Effective Date.
26. We determined the 3,000th Eligible Claimant at the end of September 2025 and submitted to the Commonwealth a request for the payment of \$16,524,000 on 10 October 2025.

³ Being 1,205 eligible self-claimants and 36 eligible self-claims that were received in respect of now deceased estates.

⁴ Being 184 = 1,241 less 1,057

27. On 14 November 2025, the Administrator prepared and provided a second payment report to the Commonwealth as per Clause 2.8.2 of the Deed.
28. The Administrator also submitted to the Commonwealth a request for the payment of \$35,010,000 (the applicable amount of the “Per person sum” for an additional 1,945 Eligible Claimants). The payment was made in two batches received on 25 November and 1 December 2025.
29. A request for an additional \$42,732,000 was made to the Commonwealth on 18 December 2025 for the remaining 2,374 Eligible Claimants.

H. NUMBER OF INDIVIDUALS NOTIFIED AS BEING INELIGIBLE

30. The Administrator has identified 598 individuals as ineligible to participate in the Scheme.
31. Currently, the Administrator has notified 331 individuals via SMS or email of their ineligibility to participate in the Scheme (some claimants have more than one reason):
 - 221 claims where the claimant (impacted person) was born after 12 November 1961
 - 129 claims where the claimant worked in the Northern Territory outside the review period (being between 1 June 1933 and 12 November 1971)
 - 53 claims where the claimant did work within the review period but not in the Northern Territory.
32. The Administrator is collating the contact details of a further 267 claimants who are deemed ineligible so that individuals may be notified of the outcome and the associated reason/s. The remaining individuals will be notified in early January 2026.
33. The Administrator has decided to include impacted individuals whose birth date was within 1 year of the criteria under the Settlement Distribution Scheme. This has resulted in 34 individuals who were formerly determined as ineligible, as now being deemed eligible.

I. DISTRIBUTION NOTICES

34. The Administrator is required to send 11,382 distribution notices relating to the 8,237 Eligible Claimants. During the week ending 19 December 2025:
 - 8,877 distribution notices have been sent via email and 2,453 distribution notices have been sent via post
 - The Administrator is in the process of contacting 38 claimants to collate email or postal addresses in relation to 52 distribution notices.

J. STATUS OF SETTLEMENT FUND

35. The balance of the Settlement Fund as of 12 December 2025 is \$80,361,842.20.
36. Interest earned on the Settlement Fund as of 12 December 2025 is \$1,816,371.20.
37. Total Interim payments made from the Settlement Fund as of 12 December is \$10,570,000⁵.

⁵ The 17th tranche of Interim payments to 6 living Eligible claimants was processed on 18 December 2025.

K. COSTS INCURRED BY THE ADMINISTRATOR

38. The Administrator has incurred costs of \$2,294,048 (excluding GST) for the period from 18 November 2024 to 31 October 2025. Costs to 31 August 2025 of \$1,744,190 have been approved by the Costs Assessor, Ms Liz Harris.
39. The fees of the Legal Adviser to the Administrator, Hutton McCarthy, totals \$23,380.50 for the period to 12 December 2025.
40. A fifth Costs Report for the period 1 September to 30 September 2025, and sixth Costs Report for the period 1 August to 31 August 2025 totalling \$549,858 have been shared with the Costs Assessor for review and approval.
41. The Administrators' total costs incurred to 31 October 2025 represent 79% of the Administrator's revised approved costs.

L. 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 19 December 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: 19 December 2025



Julia Kaye

Partner, Deloitte SRT Pty Ltd

On behalf of the Administrators of the Settlement Distribution Scheme