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

Registrar

Important Information

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**Ninth 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 August 2026

17 August 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 ninth 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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NINTH REPORT OF THE ADMINISTRATOR
MINNIE McDONALD V COMMONWEALTH OF AUSTRALIA

A. BACKGROUND

1. This is the Ninth 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 June 2026 to 16 August 2026 (**Ninth 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. The eighth Court Report of the Administrator was dated 17 August 2026 (**Eighth Court Report**).
10. 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

11. During the period from 17 June 2026 to 16 August 2026 (the **Relevant Period**), the Administrator has completed the following activities to progress the Administration of the Scheme:
 - Additional Settlement distribution payments (503 payments) were made. Details of the eleventh to seventeenth payment tranches can be found at Section K below.
 - The Administrator continued to divert incoming calls (1,847) to voicemail (700) and responded with a return call where the voicemail related to outstanding payments.
 - A total of 432 outbound calls were made during the period. These were in response to voicemails where additional information to support claims was required from claimants.
 - The dedicated Administration mailbox was monitored to ensure that additional information required to enable payments was received and claimant queries were responded to.
 - Legal advice was sought from Hutton McCarthy regarding various items within the Administrator's remit.
 - Feedback was sought from the Applicant and the Commonwealth regarding the missed/late registrations and the proposed approach for Outstanding payments where either bank details or evidence of identification were incomplete/unavailable.
12. In our 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.

13. As at the date of this report, the Administrators are yet to hear back from the North Australian Aboriginal Justice Agency ("NAAJA") on behalf of the relevant community stakeholders regarding the specific details about the circumstances of any alleged missed or late registrations.
14. The Administrator has continued to liaise with Shine Lawyers and the Commonwealth regarding the missed or late registrations and the Administrator's proposed approach for Outstanding payments.
15. 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

16. The position in relation to Living Claimants remains unchanged since the Eighth Court Report.

D. DECEASED CLAIMANTS

17. The position in relation to Living Claimants remains unchanged since the Eighth Court Report.

E. DESCENDANT CLAIMS

18. The position in relation to Descendant claims remains unchanged since the Eighth Court Report.

F. INTERIM PAYMENTS DISTRIBUTED

19. The position in relation to Interim Payments Distributed remains unchanged since the Eighth Court Report.

G. NUMBER OF ELIGIBLE CLAIMANTS

20. 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.
21. In total, over the period of Administration, the Administrator has requested \$94,356,000 from the Commonwealth for 5,242 additional eligible claimants.

H. NUMBER OF INDIVIDUALS NOTIFIED AS BEING INELIGIBLE

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

I. DISTRIBUTION STATEMENTS

23. The position in relation to Distribution Statements remains unchanged since the Eighth Court Report.

J. REVIEWS

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

K. SETTLEMENT ENTITLEMENT DISTRIBUTIONS

25. Settlement Entitlement payments have been made as follows:

- The first tranche of Settlement Entitlement payments (for 1,399 claims) was made on 12 February 2026, totalling \$13,249,802.17.
- The second tranche of Settlement Entitlement payments (for 3,983 claims) was made on 19 February 2026, totalling \$25,216,179.06.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- The eleventh tranche of Settlement Entitlement payments (for approximately 74 claims) totalling \$818,999.50, with 21 re-attempted payments, was made on 3 July 2026.
- The twelfth tranche of Settlement Entitlement payments (for approximately 174 claims) totalling \$1,949,066.44, with 60 re-attempted payments, was made on 17 July 2026 by cheque.
- The thirteenth tranche of Settlement Entitlement payments (for approximately 40 claims) totalling \$345,419.77, with 7 re-attempted payments, was made on 24 July 2026.
- The fourteenth tranche of Settlement Entitlement payments (for approximately 94 claims) totalling \$1,018,612.98, with 10 re-attempted payments, was made on 7 August 2026 by cheque.
- The fifteenth tranche of Settlement Entitlement payments (for approximately 3 claims) totalling \$32,572.94, was made on 24 July 2026.

- The sixteenth tranche of Settlement Entitlement payments (for approximately 116 claims) totalling \$1,346,891.06, was made on 4 August 2026.
- The seventeenth tranche of Settlement Entitlement payments (for approximately 2 claims) totalling \$11,633.20, with 2 re-attempted payments, was made on 31 July 2026.

26. The remaining Settlement Entitlement payments (45) relate to 25 claimants as set out below:

Outstanding payments	Payments	Claimants
In the process of being paid	13	8
No payment/address details (Note)	17	8
Deceased Estate - no registered representative form (Note)	14	8
International payment requiring additional information	1	1
Total	45	25

Note – Administrator is in the process of liaising with NT Indigenous organisations and the State Trustee to locate claimant/next of kin as applicable.

L. STATUS OF SETTLEMENT FUND

27. The balance of the Settlement Fund as of 16 August 2026 is \$3,205,812.23.
28. Interest earned on the Settlement Fund as of 16 August 2026 is \$2,798,501.47
29. Total payments made from the Settlement Fund as of 16 August 2026 is \$151,739,311.

M. COSTS INCURRED BY THE ADMINISTRATOR

30. As set out in the Eighth 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.
31. 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

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

	Amount \$	Amount \$
Total payments made to 15 June 2026		146,216,116
Payments to claimants		
Eleventh Tranche	819,000	
Twelfth Tranche	1,949,066	
Thirteenth Tranche	345,420	
Fourteenth Tranche	1,018,613	
Fifteenth Tranche	32,573	
Sixteenth Tranche	1,346,891	

Seventeenth Tranche	11,633	5,523,196
Payments against funders' costs		
Litigation Funder commission	0	0
Administrator's costs		
Deloitte costs paid	0	0
Total payments made to 13 August 2026		151,739,311

O. LIMITATIONS

33. 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.
34. 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.
35. 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.
36. 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.
37. 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.
38. 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 August 2026



Julia Kaye

Partner, Deloitte SRT Pty Ltd

On behalf of the Administrator of the Settlement Distribution Scheme