

## NOTICE OF FILING

### Details of Filing

Document Lodged:	Submissions
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
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File Number:	VID312/2021
File Title:	MINNIE MCDONALD v COMMONWEALTH OF AUSTRALIA
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



*Sia Lagos*

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.



MCDONALD v COMMONWEALTH (VID312/2021)

APPLICANT'S CONCISE SUBMISSIONS ON UNDERTAKING

1. These submissions relate to the sixth affidavit of Ms Antzoulatos on 17 February 2025, the undertaking referred to in that affidavit, and the Court's communication to the parties of 19 February 2025.
2. **Affidavit:** The Applicant respectfully seeks leave to file and rely on Ms Antzoulatos' further affidavit in the settlement approval application. The affidavit addresses the form of proposed undertaking and informs the Court of interactions with stakeholder organisations who may be able to assist the registration process, both being developments subsequent to hearing. The affidavit was provided in the event that the Court considered it appropriate for physical outreach to resume at the earliest possible opportunity this year having regard to the registration deadline (see paragraph 3 below); but the Applicant accepts the Court may prefer for this to await the delivery of final orders and reasons. The Applicant does not assume that any grant of leave implies the Court's acceptance of the evidence given or the course suggested.
3. **Extension of Registration Date:** Extending the present registration deadline may alleviate existing time pressures, but would require the consent of the Commonwealth, or Court orders. The desirability of resuming the physical outreach program only after the Court delivers reasons must be weighed against the possibility of certain Group Members' health deteriorating (which is difficult to quantify). The Applicant considers this is a matter for the Court.
4. **Person giving proposed undertaking:** The undertaking was proposed to be given by Ms Antzoulatos where order 2 of the Court's orders of 16 ~~February~~ 2024 oblige the Applicant, by her solicitors, to conduct the registration process. Given the way in which the orders are framed it may be appropriate for the undertaking to be given both by Ms Antzoulatos in her capacity as solicitor for the Applicant, and also by an officer of

By email  
on 21/2/25,  
correction  
to 16  
September  
2024

Shine Lawyers in right of the firm. The Applicant considers that this is a matter for the Court.

5. **Role of Senior Counsel for the Applicant:** The mechanism of Senior Counsel review of future proposals made by Shine Lawyers was and is put forward in order that the Court may have the benefit of knowing such proposals have been independently scrutinised. If the mechanism is considered desirable, it need not be the presently nominated counsel. Senior Counsel for the Applicant did not seek to have a role pursuant to Shine's proffered undertaking but was nominated by Shine as the role appeared consistent with the previous role of counsel in giving the court an opinion as to fairness and reasonableness of the settlement. Should the Court consider it is appropriate for Senior Counsel for the Applicant to take on such a role as is envisaged in Shine's proffered undertaking, Senior Counsel proposes to undertake it on a pro bono basis, such that there will be no further cost to group members.

20 February 2025



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