

NOTICE OF FILING

Details of Filing

Document Lodged:	Outline of Submissions
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	24/02/2025 5:12:00 PM AEDT
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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.



RESPONDENT'S WRITTEN SUBMISSIONS

FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: VICTORIA
DIVISION: GENERAL

NO VID 312 OF 2021

MINNIE MCDONALD
Applicant

COMMONWEALTH OF AUSTRALIA
Respondent

1. These submissions have been prepared in compliance with order 1 of the orders made by the Court on 19 February 2025.

Sixth Affidavit of Ms Vicky Antzoulatos dated 17 February 2025

2. The Commonwealth does not oppose leave being granted to the applicant to file, read and rely on the affidavit of Ms Antzoulatos filed on 17 February 2025 (the **Sixth Antzoulatos Affidavit**) in the settlement approval application.
3. In respect of its contents, the Commonwealth refers to and repeats paragraphs [62]-[69] of the Respondent's submissions dated 9 December 2024 filed for the purposes of the Second Settlement Approval Hearing.

Extension of Registration Date

4. The Commonwealth submits it is a matter for the Court as to whether the Registration Date should be extended. In considering whether to do so, the Commonwealth submits that the Court should have regard to the following factors:
 - 4.1. Order 1(b) of the orders made by the Court on 20 December 2024 which directs the Administrators to make interim payments to living Eligible Claimants as soon as is practicable after the relevant Appeal Expiry Date
 - 4.2. whether extending the Registration Date would increase the number of claimants registered under the Settlement Distribution Scheme
 - 4.3. the possibility of Group Members' health deteriorating in the intervening period, noting that living Eligible Claimants and also many Eligible Descendant Claimants are likely to be of an advanced age

- 4.4. the impact of extending the Registration Date meaning that Eligible Descendant Claimants may receive payments later
- 4.5. whether by extending the Registration Date it would increase the costs of the registration and outreach process.

Person giving proposed undertaking

5. In the circumstances outlined by the Applicant at paragraph [4] of her submission, and in particular order 2 of the Court's orders of 16 February 2025, the Commonwealth does not oppose the undertaking being proffered by Ms Antzoulatos in her capacity as a solicitor for the Applicant.
6. Noting that Shine Lawyers has been separately represented in the proceeding in order to address the reasonableness of the costs incurred by Shine (and the deductions should in respect of those costs), it may be prudent for the undertaking (which relates to ensuring Shine's outreach activities are appropriate and reasonable) to be also proffered on behalf of Shine.

Role of Senior Counsel for the Applicant

7. The Commonwealth does not oppose the mechanism of Senior Counsel review which is proposed especially in circumstances where Senior Counsel has generously offered to undertake the role on a pro bono basis so that there will be no further cost to group members. The Commonwealth submits whether such a mechanism is necessary is ultimately a matter for the Court.

Date: 24 February 2025



Paul Barker

AGS Lawyer
For and on behalf of the Australia Government Solicitor
Lawyer for the Respondent