

NOTICE OF FILING

Details of Filing

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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.

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FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: VICTORIA
DIVISION: GENERAL

NO VID 312 OF 2021

MINNIE MCDONALD

Applicant

COMMONWEALTH OF AUSTRALIA

Respondent

SUPPLEMENTARY SUBMISSIONS OF THE RESPONDENT ON SETTLEMENT APPLICATION

1. An error has been identified in the calculations underlying the table at [132] of the Respondent's submissions of 1 November 2024 (**RS**). The table below is a corrected version of the table. The table is an estimate of the likely final in-hand payments to Eligible Claimants using the Commonwealth's proposed Differentiation Order (see RS [131]) and otherwise using equivalent assumptions to the Applicant's 'Option #1 @8,000 BUFFERED', with assumptions regarding the possible number of Eligible Claimants who may fall into each Sub-Group.

	Assumed number of Eligible Claimants	Payment
Sub-Group 1	400 (5%)	\$16,881.85
Sub-Group 2	2,000 (25%)	\$13,505.48
Sub-Group 3	2,400 (30%)	\$13,505.48
Sub-Group 4	3,200 (40%)	\$10,129.11

Alternative Differentiation Order

2. If the total number of Eligible Claimants is 7,437 or below (and the same assumed deductions and other assumptions are made), the Commonwealth's proposed Differentiation Order could see the payment to Eligible Claimants in Sub-Group 4 fall below \$10,000. The Commonwealth raises this noting the Applicant's proposal for a 'Minimum Payment' of \$10,000. The below table sets out estimated in-hand payments at different numbers of total Eligible Claimants (keeping all other variables, and the proportion in each sub-group the same) under the Commonwealth's Differentiation Order:

Filed on behalf of the Respondent, the Commonwealth of Australia

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Prepared by: Fiona McLeod AO SC, Zoe Maud SC, Joshua Ingrames and Sophie Molyneux of counsel, and Paul Barker and Stephen Reeves, AGS lawyers within the meaning of s 55I of the *Judiciary Act 1903*

Address for Service:
The Australian Government Solicitor,
Level 5, 101 Pirie St, Adelaide, SA 5000
Marcella.Bienvenue@ags.gov.au

Telephone: 08 8205 4261
Lawyer's Email:
Marcella.Bienvenue@ags.gov.au
Facsimile: 08 8205 4499

	Payment at 6,000 Eligible Claimants	Payment at 7,000 Eligible Claimants	Payment at 8,000 Eligible Claimants
Sub-Group 1	\$15,933.79	\$16,475.54	\$16,881.85
Sub-Group 2	\$12,747.03	\$13,180.43	\$13,505.48
Sub-Group 3	\$12,747.03	\$13,180.43	\$13,505.48
Sub-Group 4	\$9,560.27	\$9,885.32	\$10,129.11

3. If the Court is concerned to ensure that all Eligible Claimants receive a minimum payment of \$10,000, the Commonwealth's Differentiation Order could be adjusted to reduce the discount in respect of those born after 3 March 1943 to 15% and the discount in respect of the claims of Deceased Eligible Claimants to 15%, so that:
 - 3.1. the payments to Sub-Groups 2 and 3 are 85% of the payments to Sub-Group 1 (instead of 80%), and
 - 3.2. the payments to Sub-Group 4 are 70% of the payments to Sub-Group 1 (instead of 60%).
4. The Commonwealth estimates this would produce the following in-hand payments (applying the same assumptions as above):

	Payment at 6,000 Eligible Claimants	Payment at 7,000 Eligible Claimants	Payment at 8,000 Eligible Claimants
Sub-Group 1	\$14,585.16	\$15,081.06	\$15,452.98
Sub-Group 2	\$12,397.39	\$12,818.90	\$13,135.03
Sub-Group 3	\$12,397.39	\$12,818.90	\$13,135.03
Sub-Group 4	\$10,209.61	\$10,556.74	\$10,817.08

5. Using these alternative discounts (and applying the same assumptions as above), payments for Sub-Group 4 would fall below \$10,000 if there were 5,523 or less Eligible Claimants.

Dated: 5 November 2024

Fiona McLeod SC, Zoe Maud SC, Joshua Ingrams, Sophie Molyneux

Counsel for the Respondent

Australian Government Solicitor

Solicitor for the Respondent