

HANS PEARSON

v

STATE OF QUEENSLAND

APPLICANT'S SETTLEMENT DISTRIBUTION SCHEME

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Hans Pearson

v

State of Queensland

BACKGROUND TO THE SCHEME

- A. This Scheme provides for the distribution of money paid by the State of Queensland in settlement of the Proceeding.
- B. The Applicant has agreed to settle the Proceeding on his own behalf and on behalf of all Group Members for the Settlement Sum of \$190 million, inclusive of costs.
- C. The Applicant has incurred legal costs and disbursements in conducting the proceeding and has entered a funding agreement with a litigation funder (**LLS**).
- D. Pursuant to an order of the Court made on 25 August 2017, LLS is (subject to further order) entitled to a funding commission from the Settlement Sum.
- E. Costs will also be incurred in administering this Scheme.
- F. This Scheme provides for: (1) deduction from the Settlement Sum of Court-approved costs, litigation funding commission, Court approved Approval Costs, administration costs and other costs; and (2) distribution to Participating Claimants of the net amount remaining following such deductions.

OPERATIVE PART

A. DEFINED TERMS

- 1. The following definitions apply unless the context requires otherwise:

[ACN] Pty Ltd means a private company incorporated, or to be incorporated, under the *Corporations Act 2001* (Cth):

- (a) the constitution of which is to be substantially in the form provided to the Court seven days prior to the hearing of the Settlement Approval Application;
- (b) the sole director of which is the Administrator; and
- (c) all of the shares in which are held by the Administrator as Administrator of this Scheme;

Administration Costs means the expenses of and incidental to the administration of the Scheme incurred by the Administrator, and includes the costs of the Legal Advisor or any other advisor, in an amount approved by the Court.

Administrator means the person or persons that will administer this Scheme as provided for in clause 4.

Applicant's Legal Costs and Disbursements means the legal costs and disbursements incurred by the Applicant in conducting the Proceeding, in the amount approved by the Court.

Applicant's Reimbursement Payment means the amount of no more than \$35,000 as approved by the Court, payable to the Applicant in recognition of time and inconvenience in acting as representative in the Proceeding.

Approval Costs means the outstanding legal costs and disbursements (not being part of the Applicant's Legal Costs and Disbursements) incurred by the Applicant in obtaining Court approval of the settlement including the cost of defending any appeals from the approval.

Assessment Methodology Schedule means the formula set out in the schedule to this Scheme.

BELAW means Bottoms English Lawyers, which has been the solicitor for the Applicant in the Proceeding.

BELAW Database means the record of Prior Registrants maintained by BELAW.

Children means a person who was alive on the Effective Date and who is a natural child of a person, including any illegitimate child, as well as any child who was legally adopted or was adopted pursuant to Traditional Torres Strait Islander Adoption.

Claimants means the Applicant and all Group Members, as defined in paragraphs 2 and 3 of the Fourth Amended Statement of Claim in the Proceeding.

Court means the Federal Court of Australia.

Deceased Claimant means a Claimant who has died prior to the Effective Date.

Deed means the Deed of Settlement between the Applicant and the State dated [insert].

De Facto Relationship means a relationship where the persons were not legally married to each other, were not related by family and were living together as a couple on a domestic basis for a period of at least two years.

Distribution means an amount distributed to a Participating Claimant including a Registered Representative in respect of a Deceased Claimant from the Settlement Distribution Fund in accordance with this Scheme.

Distribution Statement means a notice provided in accordance with clause 39.

Effective Date means the date upon which this Scheme is approved by the Court.

Final Approval Date means the business day following the Exhaustion of Appeal Date.

Final Settlement Entitlement means:

- (a). a Settlement Entitlement contained in a Distribution Notice or an amended Distribution Notice which is taken to have been accepted by a Participating Claimant including a Registered Representative on behalf of a Deceased Claimant under clauses 41 or 43; and
- (b). a revised Settlement Entitlement, contained in, or consequential on, a Review Determination under clause 44.

Funding Costs means the amount to be paid to LLS by way of funding commission, as approved by the Court.

Independent Counsel means [two senior junior counsel].

Legal Advisor means the person appointed as legal advisor to the Administrator as provided for in clause 5.

Loss Assessment Formula means the formulae set out in the operative part of the Assessment Methodology Schedule.

LLS means Litigation Lending Services.

Net Claimant Distribution Sum means the amount of the Settlement Distribution Fund available for distribution to Claimants after the deduction of:

- (a). the Applicant's Legal Costs and Disbursements;
- (b). the Funding Costs;
- (c). the Applicant's Reimbursement Payment;
- (d). the Approval Costs;
- (e). the Administration Costs; and
- (f). any other amount required or permitted to be withheld by the Administrator pursuant to this Scheme.

New Registrants means those Claimants who are not Prior Registrants.

Participating Claimants means:

- (a). Prior Registrants (including, for the avoidance of doubt, the Applicant), save for any Prior Registrants excluded by the Administrator in accordance with clause 18(b)(ii); and

(b) New Registrants, save for any New Registrants excluded by the Administrator in accordance with clause 23(b)(ii).

Prior Registrants means those Claimants who have prior to the Effective Date already registered with BELAW as group members in the Proceeding.

Proceeding means the representative proceeding *Hans Pearson v State of Queensland* (QUD714 of 2016).

Registration Notice means a notice by which New Registrants register as Participating Claimants, such notice to be in a form and to be advertised and sent in a manner approved by the Court.

Registered Representative means, in respect of a Deceased Claimant, the person or persons ascertained to be a Registered Representative of a Deceased Claimant in accordance with clauses 24 to 28.

Registration Date means the date specified in the Registration Notice as being the date by which the Registration Notice of New Registrants must be received by the Administrator.

Review means a request for a review of a Distribution Statement made in accordance with clause 41.

Scheme means this Settlement Distribution Scheme.

Settlement Distribution Fund means the Settlement Sum (plus any accrued interest on that sum less any bank fees or tax) paid into the Settlement Fund Account in accordance with clause 5.4 of the Deed.

Settlement Entitlement means the individual entitlement of a Participating Claimant calculated in accordance with the Loss Assessment Formula or as varied by Review.

Settlement Fund Account means the account established under clause 5.3 of the Deed.

Settlement Sum means the sum of \$190,000,000.

Spouse means a person who is alive on the Effective Date and who was (a) a party to a marriage or (b) a party to a De Facto Relationship with a Deceased Claimant.

State means the State of Queensland.

Tax means a tax, levy, duty, charge, deduction or withholding or an imposition, however it is described, that is imposed by law of a Government of Australia or elsewhere, together with any related interest, penalty, fine or other charge.

Traditional Torres Strait Islander Adoption means the practice found in the Torres Strait of permanently transferring a child from one family to another, with

the child usually remaining within the extended family and the child taking the name of the new family.

Uncollected Amounts means any Distribution by cheque which remains unrepresented within 120 days of the date on which the cheque was sent to the Claimant.

2. Terms defined in the Deed have the meaning set out in the Deed, unless this Scheme otherwise provides, or the context otherwise provides.
3. The following rules apply unless the context requires otherwise:
 - (a). Headings are for convenience only and do not affect interpretation.
 - (b). Mentioning anything after includes, including, for example, or similar expressions, does not limit what else might be included.
 - (c). Nothing in this document is to be interpreted against a party solely on the ground that the party put forward this document or a relevant part of it.
 - (d). The singular includes the plural, and the converse also applies.
 - (e). If a word or phrase is defined, its other grammatical forms have a corresponding meaning.
 - (f). A reference to a clause is a reference to a clause of this document unless stated otherwise.
 - (g). A reference to an agreement, deed or document (including a reference to this document) is to the agreement or document as amended, supplemented, novated or replaced, except to the extent prohibited by this document or that other agreement or document, and includes the recitals, schedules and annexures to that agreement or document.
 - (h). A reference to writing includes any method of representing or reproducing words, figures, drawings or symbols in a visible and tangible form.
 - (i). A reference to a party to a deed, agreement or document includes the party's successors, permitted substitutes and permitted assigns (and, where applicable, the party's legal personal representatives).
 - (j). A reference to legislation or to a provision of legislation includes an amendment or re-enactment of it, a legislative provision substituted for it and a regulation or statutory instrument issued under it.
 - (k). A reference to a right or obligation of any two or more people comprising a single party confers that right, or imposes that obligation, as the case may be, on each of them severally and each two or more of them jointly. A reference to that party is a reference to each of those people separately (so that, for example, a representation or warranty by that party is given by each of them separately).

- (l). All references to time are to Australian Eastern Standard time.
- (m). A reference to dollars or \$ is to Australian currency.

B. ADMINISTRATOR

I Appointment

- 4. The Scheme will be administered by [] as joint and several Administrators.

II Legal Advisor

- 5. BELAW will act as Legal Advisor to the Administrator in respect of:
 - (a). any of the matters in relation to which the Administrator is required by clause 6 to consult with the Legal Advisor;
 - (b). any matter in relation to the exercise of the Administrator's functions set out in this Scheme which requires instructions or documents, or additional instructions or documents to be obtained from or in respect of a Claimant, including but not limited to the matters set out in clauses 15, 18(a) and 23(a) of this Scheme; or
 - (c). any other matter in relation to which the Administrator considers it is appropriate to consult with the Legal Advisor, in its sole discretion.
- 6. The Administrator is required to consult the Legal Advisor before making a determination under:
 - (a). clause 26;
 - (b). clause 27; and
 - (c). clause 42 (but only in respect of any Review relating to a determination upon which the Administrator consulted the Legal Advisor).
- 7. The Legal Advisor does not act as solicitor for any Claimant in connection with its role as Legal Advisor under this Scheme.

III Establishment of the Settlement Distribution Fund

- 8. Following payment into the Settlement Fund Account pursuant to clause 5.4 of the Deed, the monies in the Settlement Fund Account shall comprise the Settlement Distribution Fund.
- 9. The Administrator shall:
 - (a). hold the Settlement Distribution Fund in trust until it is to be distributed; and
 - (b). distribute the Settlement Distribution Fund (plus any interest accrued) as expeditiously as possible; and

- (c). hold any shares in [ACN] Pty Ltd in their capacity as Administrator of this Scheme until [ACN] Pty Ltd is wound up.

in accordance with this Scheme.

IV Powers and duties of Administrator

10. The Administrator:

- (a). is responsible for administering and distributing the monies in the Settlement Distribution Fund;
- (b). may act by delegates appointed by the Administrator subject to the Administrator first obtaining from any such delegate an acknowledgement in writing that such person is to be bound to the obligations and duties set out herein as if that person was the Administrator;
- (c). will act fairly in the interests of all Claimants;
- (d). must act independently;
- (e). must perform obligations conscientiously;
- (f). may obtain legal advice, including from the Legal Advisor;
- (g). may engage third party service providers including, but not limited to, accountants, lawyers, tax advisors, registry service providers and mailing houses;
- (h). may obtain advice in respect of tax matters arising from the administration of, and making payments from, the Settlement Distribution Fund and may seek a ruling from the Federal Commissioner of Taxation and any of the Commissioners of State Revenue if the Administrator determines that obtaining such a ruling would be in the best interests of the Claimants;
- (i). will determine the Settlement Entitlements; and
- (j). in so far as is consistent with this Scheme, is authorised to make decisions that, in the Administrator's sole discretion, ultimately benefit the body of Claimants as a whole.

11. Notwithstanding anything elsewhere in this Scheme, the Administrator may at any time correct any error, slip or omission occurring during the course of the administration of this Scheme.

V Retirement of Administrator

12. If an Administrator retires or is unable to act at a given time so as to leave the Scheme without an Administrator (**Retired Administrator**), the Retired

Administrator must refer the matter of appointing a replacement Administrator to the Court pursuant to clause 59.

13. A Retired Administrator must do all things necessary to promptly transfer legal title to:

- (a). the Settlement Distribution Fund; and
- (b). any other property held on trust subject to the terms of this Scheme,

to the person or persons who are appointed as the replacement Administrator by the Court.

C. CLAIMANT REGISTRATION AND VERIFICATION

I Claimant Database

14. As soon as practicable after the Effective Date, the Administrator shall create and maintain a Claimant Database, which shall maintain details of:

- (a). the identity of:
 - (i). the Claimant;
 - (ii). in respect of Deceased Claimants, the identity of the Registered Representative or Registered Representatives and his, her or their kinship to the Deceased Claimant;
- (b). the date of birth of the Claimant as provided by the Claimant or, in the case of Deceased Claimants, as provided by the Registered Representative(s) thereof;
- (c). the gender of the Claimant (being either male or female);
- (d). the ethnicity of the Claimant (being either Aboriginal or Torres Strait Islander),
- (e). details of:
 - (i). the bank account of the living Claimant or Registered Representative or Registered Representatives into which any Distribution may be paid by Electronic Funds Transfer, or,
 - (ii). alternatively, a mailing address to which any cheque for the amount of the Distribution may be posted,

(Claim Data).

15. The Administrator must use reasonable endeavours to ensure the accuracy of the Claimant Database and Claim Data, including, to the extent necessary, requesting the Legal Advisor to obtain further information or documents from a Claimant or by requesting or obtaining other information or documents.

II Claimants who have already registered with BELAW

16. Subject to clauses 17 and 18, a Prior Registrant shall be eligible to participate in this Scheme without taking any further step, and the Registration Notice shall not require Prior Registrants to provide any further information.
17. The Administrator may rely upon the BELAW Database to enter the Claim Data of the Prior Registrants in the Claimant Database, to be created and maintained under clause 14.
18. Notwithstanding clause 17, if (in the Administrator's absolute discretion), the BELAW Database does not contain the information necessary to enter all the Claim Data of particular Prior Registrants into the Claimant Database:
 - (a). the Administrator may request the Legal Advisor to make such inquiries of those Prior Registrants pursuant to clause 15 as are reasonably necessary to enter their Claim Data in the Claimant Database; and
 - (b). if the Prior Registrant does not provide such further information within 28 days of the request in (a) being made, the Administrator may (in their absolute discretion) determine that:
 - (i). the distribution from the Settlement Distribution Fund to which the Prior Registrant is entitled shall be calculated on the basis of the Claim Data that the Prior Registrant has provided and on the assumption that any further Claim Data they could have provided would have been the least favourable to them, in the application of the Loss Assessment Formula; or
 - (ii). the Prior Registrant is not entitled to receive a distribution from the Settlement Distribution Fund and, save for notice of that determination, the Administrator shall not be required to provide to any such Prior Registrant any further notices under this Scheme.
19. Notwithstanding clauses 16 and 17, a Prior Registrant who claims on behalf of a Deceased Claimant will not be eligible to participate in this Scheme unless that person fulfils the requirements set out in clauses 24 and 25.

III New Registrants

20. A New Registrant shall only be eligible to participate in this Scheme if, in response to the Registration Notice, the New Registrant (and where the New Registrant is a Deceased Claimant, the Registered Representative(s) thereof) provides by the Registration Date:
 - (a). the Claim Data; and
 - (b). a signed statement indicating that the Claim Data is true and correct.
21. In the case of a New Registrant who has been adopted by a Deceased Claimant by Traditional Torres Strait Islander Adoption, a New Registrant is also to

provide the Administrator with a signed statement indicating that he or she has been so adopted.

22. In circumstances where the Administrator has been provided with a signed statement by a New Registrant that he or she has been adopted by Traditional Torres Strait Islander Adoption, then no further enquiry or investigation needs to be made by the Administrator with regard to the status of that person as an adopted child of a Deceased Claimant.
23. If (in the Administrator's absolute discretion), the information provided by a New Registrant (or in the case of a Deceased Claimant by a New Registrant who seeks to be a Registered Representative of a Deceased Claimant) does not contain the information necessary to enter all the Claim Data for that New Registrant in the Claimant Database:
 - (a). the Administrator may request the Legal Adviser to make such inquiries of the New Registrant pursuant to clause 15 as are reasonably necessary to enter their Claim Data in the Claimant Database; and
 - (b). if the New Registrant does not provide such further information within 28 days of such request being made, the Administrator may (in its absolute discretion) determine that:
 - (i). the distribution from the Settlement Distribution Fund to which the New Registrant is entitled shall be calculated on the basis of the Claim Data that the New Registrant has provided and on the assumption that any further Claim Data they could have provided would have been the least favourable to them, in the application of the Loss Assessment Formula; or
 - (ii). the New Registrant is not entitled to receive a distribution from the Settlement Distribution Fund and, save for notice of that determination, the Administrator shall not be required to provide to any such New Registrant any further notices under this Scheme.

IV Deceased Claimants

24. A Deceased Claimant shall only be entitled to participate in this Scheme if one or more persons have registered to be that Deceased Claimant's Registered Representative or Registered Representatives in accordance with this Scheme.
25. A person shall only be eligible to be the Registered Representative of a Deceased Claimant in the following circumstances:
 - (a). where the Deceased Claimant is survived by a Spouse, the Deceased Claimant's Spouse; or
 - (b). where the Deceased Claimant is survived by Children but not by a Spouse, the Deceased Claimant's Children.
26. The Administrator shall:

- (a). in the case of Deceased Claimants who are Prior Registrants, treat the person (or persons) who registered the claim of the Deceased Claimant as the Registered Representative, provided the Administrator in its absolute discretion (having regard to the information contained in the BELAW Database, and such inquiries as the Administrator deems it appropriate to make under clause 15) is satisfied that the person is eligible to be the Registered Representative in accordance with clause 25;
 - (b). in the case of Deceased Claimants who are New Registrants, treat the person (or persons) who registered the claim of the Deceased Claimant as the Registered Representative, provided the Administrator in its absolute discretion (having regard to the information provided in conjunction with the Registration Form, and such inquiries as the Administrator deems it appropriate to make under clause 15) is satisfied that they are eligible to be the Registered Representative in accordance with clause 25.
27. In determining claims in respect of Deceased Claimants, the Administrator shall have regard to the BELAW Database and all completed Registration Notices, and where it appears to the Administrator in its absolute discretion that:
- (a). multiple claims have been lodged in respect of the one Deceased Claimant; or
 - (b). multiple persons are seeking to be Registered Representatives in relation the same Deceased Claimant,

the Administrator must consolidate such claims, and shall treat as the Registered Representative in respect of the Deceased Claimant: *first*, the person or persons satisfying clause 25(a); *secondly*, the person or persons satisfying clause 25(b) (and where more than one, they shall be deemed to be joint and several Registered Representatives).

28. Where no person is eligible to be the Registered Representative of a Deceased Claimant in accordance with clause 25, that Deceased Claimant is not entitled to be a Participating Claimant.

D. APPLICATION OF INTEREST

29. If the Administrator considers it would be in the interests of Claimants to do so, the Administrator may, in its absolute discretion, distribute any interest on the Settlement Distribution Fund to [ACN] Pty Ltd.
30. Amounts distributed to [ACN] Pty Ltd under clause 29 and any further interest which [ACN] Pty Ltd earns on those amounts, shall be held by [ACN] Pty Ltd absolutely and beneficially.
31. Interest on the Settlement Distribution Fund may be applied in the first instance to the payment of Administration Costs.
32. Any interest which:

- (a). is not distributed to [ACN] Pty Ltd; and
- (b). is not otherwise required for the payment of Administration Costs,

will form part of the Settlement Distribution Fund and be available for distribution to Claimants.

33. The Administrator must, upon receipt of any dividend or other distribution from [ACN] Pty Ltd (including any dividend or other distribution paid on or immediately prior to the winding up of [ACN] Pty Ltd), deposit the funds received in the Settlement Fund Account, such funds to form part of the Settlement Distribution Fund and be available for distribution to Claimants.

34. The Administrator:

- (a). acknowledges that all the issued shares in the capital of [ACN] Pty Ltd are owned by it in its capacity as Administrator and are an asset of the Settlement Distribution Scheme;
- (b). must:
 - (i). obtain the prior approval of the Court before approving any change to the constitution of [ACN] Pty Ltd, or appointing any new director to the board of [ACN] Pty Ltd;
 - (ii). not dispose of any interest in the issued shares in the capital of [ACN] Pty Ltd; and
 - (iii). do all things necessary as the sole shareholders of [ACN] Pty Ltd to approve and facilitate the winding up of [ACN] Pty Ltd in accordance with its constitution.

E. SETTLEMENT DISTRIBUTION

I Preliminary Distributions from the Settlement Distribution Fund

35. Prior to any distribution from the Settlement Distribution Fund, it shall be treated as a common fund and, on the Final Approval Date, the Administrator will make the following payments from it:

- (a). to BELAW, the Applicant's Legal Costs and Disbursements not already paid by LLS; and
- (b). to LLS, the Applicant's Legal Costs and Disbursements paid by LLS;
- (c). to LLS, the Funding Costs;
- (d). to BELAW or LLS (as applicable depending upon who has paid or incurred the same), the Approval Costs;
- (e). to the Applicant, the Applicant's Reimbursement Payment.

II Determination of Claimant Settlement Entitlement

36. The Net Claimant Distribution Sum shall be distributed to Participating Claimants, according to the Loss Assessment Formula, applied by reference to the Claim Data of each Participating Claimant.
37. Each Participating Claimant shall receive his or her Final Settlement Entitlement by Distribution.
38. Where the Participating Claimant is a Deceased Claimant, the Final Settlement Entitlement shall be provided to the Registered Representative by Distribution (or, if there is more than one, to the Registered Representatives in equal shares).

III Distribution Statements

39. Within 30 days of the Final Approval Date, the Administrator will send a Distribution Statement to each Participating Claimant (including in the case of Deceased Claimants, the Registered Representative (or Registered Representatives) in respect of the Deceased Claimant), as the case may be.
40. Each Distribution Statement will include, without limitation, the following information:
 - (a). the relevant Claim Data used to ascertain the particular Participating Claimant's eligibility and Settlement Entitlement; and
 - (b). the estimated amount of the Settlement Entitlement in respect of that Participating Claimant (including, in the case of Deceased Claimants, the estimated amount that each Registered Representative will receive).
41. The accuracy of a Distribution Statement shall be deemed to be accepted by each Participating Claimant (including a Registered Representative on behalf of a Deceased Claimant), within 21 days of the date of sending the Distribution Statement, unless he or she delivers to the Administrator a written request for a Review together with copies of all documents on which the Participating Claimant (or Registered Representative) relies for the purposes of the Review, including any statement of reasons for seeking the Review.

IV Reviews

42. If a Participating Claimant (including a Registered Representative on behalf of a Deceased Claimant) requests a Review, the Administrator shall consider the request and copies of documents on which the Participating Claimant relies for the purposes of the review and:
 - (a). if satisfied that the request discloses an error, slip or omission by the Administrator or any other administrative or clerical error, correct the notice to which the request relates; or
 - (b). in all other cases, refer the request to the Independent Counsel.

43. If a Review is referred to the Independent Counsel, the Independent Counsel may by written notice direct the Participating Claimant (or Registered Representative where relevant) to submit such further documentation or information in support of the Review as the Independent Counsel may consider appropriate. Such documentation or information must be submitted within 25 days of the date of any such written notice, failing which the request for Review shall be deemed never to have been made and the accuracy of the Distribution Statement shall be deemed to be accepted by the Participating Claimant (or Registered Representative).
44. The Independent Counsel shall, within 21 days after either the receipt by the Administrator of the request for the Review or receipt by the Independent Counsel of documentation provided in response to a written direction under clause 43, whichever is the later, review the information provided by the Participating Claimant (or Registered Representative) and give written notice of the result of the Review to the Participating Claimant (or Registered Representative) and the Administrator (**Review Determination**).
45. A Review Determination is final and binding, save that, prior to the expiry of 21 days after notice is given of the Review Determination in accordance with clause 44, the Participating Claimant (or Registered Representative) has liberty to apply to the Court only on a question of law arising from the Review Determination.
46. A Participating Claimant (or Registered Representative) requesting a review shall pay the costs of the Review calculated at \$800 exclusive of GST for the first two hours' attendance by the Independent Counsel (or any part thereof) and \$450 per hour exclusive of GST for each subsequent hour (or any part thereof), such costs to be deducted from any payments to be made to the person seeking the review.
47. The Administrator shall deduct the costs of the Review from any sum which otherwise would be distributed to the Participating Claimant (or Registered Representative) who sought the Review in priority to all other entitlements. That Participating Claimant (or Registered Representative) shall remain liable for any costs not recovered by a deduction pursuant to this clause and the Administrator, in administering the Scheme, may apply to the Court for an order requiring the Participating Claimant (or Registered Representative) to pay those costs.
48. The Administrator may in its absolute discretion waive the costs of a Review.

V Distributions

49. The Administrator shall, as expeditiously as possible following the day which is 21 days after Distribution Statements are mailed or the expiration of the 21 day period referred to in clause 45 in respect of a Review Determination (whichever is the last to occur), distribute from the Settlement Distribution Fund the Net Claimant Distribution Sum to the Participating Claimants and Registered Representatives of Deceased Claimants, such that they receive the Final Settlement Entitlement.

50. The completion of Distributions pursuant to clause 49 will satisfy any and all rights, claims or entitlements of all Claimants in connexion with this Scheme and in or arising out of the Proceeding.

VII Withholding Amounts

51. The Administrator may withhold from the Settlement Distribution Fund and retain, the Administration Costs.

52. The Administrator may withhold from the Settlement Distribution Fund any Tax:

- (a). payable (or reasonably assessed by the Administrator as likely to become payable) by them as trustees and relating to or resulting from its role as Administrator of the Scheme; and
- (b). required to be withheld by them as trustees from any Distributions made from the Settlement Distribution Fund,

and in each case the withheld sums must be paid to the relevant revenue authority imposing such a Tax whether or not pursuant to an assessment or notice issued by the relevant revenue authority.

VIII Preliminary Distributions

53. The Administrator must make preliminary payments to Participating Claimants including Registered Representatives on behalf of Deceased Claimants in accordance with this clause, in circumstances where the only matters preventing finalisation of the Final Settlement Entitlements are:

- (a). Court approval of Administration Costs;
- (b). finalisation of reviews in accordance with the procedure contemplated by clauses 40 to 47, provided that the highest reasonable estimate of the value of the Settlement Entitlements still awaiting the determination of Final Settlement Entitlements is less than 20% of the amount available for distribution to Participating Claimants including Registered Representatives on behalf of Deceased Claimants; or
- (c). finalisation of the amount of Tax (if any) required to be withheld;

54. The Administrator may calculate and withhold the following amounts from the Settlement Distribution Fund so as to work out the Net Claimant Distribution Sum for the purposes of making a preliminary payment to Participating Claimants including Registered Representatives on behalf of Deceased Claimants:

- (a). *First*, an amount equal to the Administrator's highest reasonable estimate of Administration Costs likely to be incurred prior to the final distribution of the Settlement Distribution Fund, notwithstanding that such Administration Costs have not yet been approved by the Court;
- (b). *Secondly*, in circumstances where reviews have been requested and the procedure contemplated by clauses 42 to 47 is not yet complete, an amount

not less than double the highest reasonable estimate of the Settlement Entitlements still awaiting the determination of Final Settlement Entitlements;

- (c). *Thirdly*, any Tax payable (or reasonably assessed by the Administrator as likely to become payable) by them as trustees and relating to or resulting from its role as Administrator of the Scheme, and required to be withheld by them as trustees from any Distributions made from the Settlement Distribution Fund.

- 55. If a preliminary payment is made under clause 53, any Administration Costs shall be paid to the Administrator prior to the final distribution of the remaining amount in the Settlement Distribution Fund.

IX Mode of payment

- 56. Each of the distributions pursuant to clause 49 and/or 53 will be made to the Participating Claimants including Registered Representatives on behalf of Deceased Claimants, either by:
 - (a). Electronic Funds Transfer, where bank details are available; or
 - (b). by cheque.

X Uncollected Amounts and residues

- 57. Any Uncollected Amount will be applied within 7 days between the other Claimants in accordance with the Loss Assessment Formula in the Assessment Methodology Schedule.
- 58. Notwithstanding clause 57, where:
 - (a). the residue in the Settlement Distribution Fund (including the aggregate amount of all Uncollected Claims) is less than \$100,000; or
 - (b). the Administrator determines that the costs associated with making a further distribution in accordance with the Loss Assessment Formula in the Assessment Methodology Schedule (including payment in accordance with clause 57) are excessive, inefficient or disproportionate to the additional return achieved for Participating Claimants,

the Administrator may in its absolute discretion apply some or all of the residue in the Settlement Distribution Fund (including the aggregate amount of all Uncollected Claims) to Link-Up (Qld).

F. GENERAL MATTERS

I Court referral

- 59. The Administrator may at any time refer any issues arising in relation to the administration of the Scheme to the Court for directions.

II Priority of payments

60. The funds standing from time to time in the Settlement Distribution Fund will be held by the Administrator upon trust for the persons entitled to payments from the Settlement Distribution Fund, and all taxes, duties, levies, charges and other imposts payable in respect of the funds in the Settlement Distribution Fund will be paid from the Settlement Distribution Fund in priority to any distribution to the persons beneficially entitled to the funds.

III Immunity of Administrator

61. The Administrator is immune from any demand, claim or suit, at law or in equity made, by any Claimant in respect of any loss or damage arising as a result of any payment made by the Administrator in accordance with the terms of this Scheme including without limitation, any payment made by the Administrator in accordance with clause 35.

IV Claimant personal taxation issues

62. Each Participating Claimant or Registered Representative is responsible for obtaining his or her own taxation or government entitlements advice in respect of the Distribution he or she receives.
63. Notwithstanding clause 10(h), the Administrator is not obliged to obtain any taxation advice or taxation rulings (class, public or private) concerning any tax potentially payable by a Participating Claimant or Registered Representative in respect of Distributions they receive.

V Time

64. The time for doing any act or thing under this Scheme may be extended by the Administrator in its absolute discretion, or by order of the Court.
65. Where the time for doing any act or thing under this Scheme is contingent upon any other act or thing under this Scheme, an extension of time for performance of the prior step will result in a commensurate extension of time for performance of the contingent step (in the exercise of the absolute discretion of the Administrator or by order of the Court).

VI Notices

66. Any notice to be given pursuant to this Scheme will be deemed given and received for all purposes associated with this Scheme if it is:
- (a). addressed to the person to whom it is to be given; and
 - (b). either:
 - (i). delivered, or sent by pre-paid mail, to that person's postal address (being, in respect of any Claimant or Registered Representative, the postal address with which the person registered as a Claimant);

- (ii). sent by fax to that person's fax number (being, in respect of any Claimant or Registered Representative, the fax number address with which the person registered as a Claimant or Registered Representative) and the machine from which it is sent produces a report that states that it was sent in full; or
 - (iii). sent by email to that person's email address (being, in respect of any Claimant or Registered Representative, the email address last provided by the Claimant or Registered Representative to either BELAW or the Administrator) and a server through which it is transmitted produces a report that states that the email has been delivered to the inbox of the person.
67. A notice that complies with clause 66 will be deemed to have been given and received:
- (a). if it was sent by mail to an addressee in Australia, five clear business days after being sent;
 - (b). if it is sent by mail to an addressee overseas, five clear business days after being sent;
 - (c). if it is delivered or sent by fax, at the time stated on the report that is produced by the machine from which it is sent; and
 - (d). if it is sent by email, at the time it is sent.
68. The Administrator's address and email address will be as set out below unless and until the Administrator notifies the sender otherwise:

[insert]

SCHEDULE

Assessment Methodology Schedule

A. Outline

1. The intention of the Scheme and this Assessment Methodology Schedule is to provide for a fair apportionment of the Net Claimant Distribution Sum between Participating Claimants, having regard to the views formed by the Applicant, having taken advice, as to the differences in the claims between certain groups of Participating Claimants.
2. In outline, this Assessment Methodology Schedule:
 - (a). applies a primary weighting between Participating Claimants who are Aboriginal and male, Aboriginal and female, Torres Strait Islander and male, Torres Strait Islander and female (**Section B**);
 - (b). applies a secondary weighting between Participating Claimants who are Aboriginal and male and Aboriginal and female, respectively, based upon the date of birth of the Participating Claimant (**Section C**);
 - (c). applies a tertiary weighting between Participating Claimants who are alive at the Effective Date or are a Deceased Claimant (**Section D**); and
 - (d). calculates the Settlement Entitlement of each Participating Claimant by reference to their proportionate share of the final category to which they are allocated by reason of their Claim Data (**Section E**).
3. The operative part of this Assessment Methodology Schedule is set out below.

B. Primary Category Pools

4. The Net Claimant Distribution Sum is to be divided into four pools amongst the following categories of Participating Claimants (**Primary Category**) in accordance with the proportionate entitlement of each Participating Claimant in each category to the Net Claimant Distribution Sum:
 - (a). Participating Claimants who are Aboriginal and male (**AM Pool**);
 - (b). Participating Claimants who are Aboriginal and female (**AF Pool**);
 - (c). Participating Claimants who are Torres Strait Islander and male (**TSIM Pool**);
 - (d). Participating Claimants who are Torres Strait Islander and female (**TSIF Pool**),

(together, **Primary Category Pools**).

5. The calculation of the Primary Category Pools may be represented by the following formula:

$$[AM/AF/TSIM/TSIF] \text{ Primary Category Pool} = \text{Net Claimant Distribution Sum} * (\text{Participating Claimants in Primary Category} / \text{Total Participating Claimants})$$

6. The proportion each of the Primary Category Pools bears to the Net Claimant Distribution Sum is to be adjusted by the application of the following discounts (**Primary Category Discounts**):

- (a). the AM Pool, no adjustment (**Adjusted AM Pool**);
- (b). the AF Pool, a discount of 20% (**Adjusted AF Pool**);
- (c). the TSIM Pool, a discount of 50% (**Adjusted TSIM Pool**);
- (d). the TSIF Pool, a discount of 60% (**Adjusted TSIF Pool**),

(together, **Adjusted Primary Category Pools**).

7. The calculation of the Adjusted Primary Category Pools may be represented by the following formula:

$$([AM/AF/TSIM/TSIF] \text{ Adjusted Primary Category Pool} = ([AM/AF/TSIM/TSIF] \text{ Pool} * \text{Inverse of the Primary Category Discount}) / (\text{Sum of discounted Primary Category Pools} * \text{Net Claimant Distribution Sum}))$$

C. DOB Pools for Adjusted AM Pool and Adjusted AF Pool

8. The Adjusted AM Pool and the Adjusted AF Pool are to each be further divided into three pools amongst the following categories of Participating Claimants (**DOB Category**) in accordance with the proportionate entitlement of each Participating Claimant in each category to the Adjusted AM Pool and the Adjusted AF Pool, as the case may be:

- (a). Participating Claimants in the Adjusted AM Pool or Adjusted AF Pool who were born between 12/10/1911 and 30/10/1936 (**DOB1 AM Pool** and **DOB1 AF Pool**, respectively);
- (b). Participating Claimants in the Adjusted AM Pool or Adjusted AF Pool who were born before 12/10/1911 or between 31/10/1936 and 18/11/1947 (**DOB2 AM Pool** and **DOB2 AF Pool**, respectively)
- (c). Participating Claimants in the Adjusted AM Pool or Adjusted AF Pool who were born between 19/11/1947 and 4/12/1958 (**DOB3 AM Pool** and **DOB3 AF Pool**, respectively),

(together, **DOB Category Pools**).

9. The calculation of the DOB Category Pools may be represented by the following formula:

$$[DOB1/DOB2/DOB3/AM/AF] \text{ Pool} = \text{Adjusted } [AM/AF] \text{ Primary Category Pool} * (\text{Participating Claimants in DOB Category} / \text{Total Participating Claimants in Adjusted } [AM/AF] \text{ Primary Category Pool})$$

10. The proportionate entitlement of each Participating Claimant in the DOB Category Pools to the Adjusted AM Pool or Adjusted AF Pool is to be further adjusted by the application of the following discounts (**DOB Discounts**):

- (a). Participating Claimants in the DOB1 AM Pool or DOB1 AF Pool, no discount (**Adjusted DOB1 AM Pool** and **Adjusted DOB1 AF Pool**, respectively);
- (b). Participating Claimants in the DOB2 AM Pool or DOB2 AF Pool, a discount of 10% (**Adjusted DOB2 AM Pool** and **Adjusted DOB2 AF Pool**, respectively)
- (c). Participating Claimants in the DOB3 AM Pool or DOB3 AF Pool, a discount of 20% (**Adjusted DOB3 AM Pool** and **Adjusted DOB3 AF Pool**, respectively),

(together, **Adjusted DOB Pools**, respectively).

11. The calculation of the Adjusted DOB Pools may be represented by the following formula:

$$\text{Adjusted } [DOB1/DOB2/DOB3/AM/AF] \text{ Pool} = ([DOB1/DOB2/DOB3/AM/AF] \text{ Category Pool} * \text{Inverse of the DOB Discount}) / (\text{Sum of discounted } [DOB1/DOB2/DOB3/AM/AF] \text{ Category Pools}) * ([AM/AF] \text{ Adjusted Primary Category Pool})$$

D. Living or Deceased Pools

12. The Adjusted DOB Pools, Adjusted TSIM Pool and Adjusted TSIF Pools are to each be further divided into two pools amongst the following categories of Participating Claimants (**Living or Deceased Category**) in accordance with the proportionate entitlement of each Participating Claimant in each category to the Adjusted DOB Pools, Adjusted TSIM Pool or Adjusted TSIF Pools, as the case may be:

- (a). Participating Claimants who are living as at the Effective Date (**Living Pool**);
- (b). Participating Claimants who are Deceased Claimants (**Deceased Pool**),

(together, **Living or Deceased Pools**).

13. The calculation of the Living or Deceased Pools may be represented by the following formula:

$$\boxed{[Living/Deceased] Pool = Adjusted [DOB/TSIM/TSIF] Pool / Participating Claimants in Living or Deceased Category}$$

14. The proportionate entitlement of each Participating Claimant in the Living or Deceased Pools to the Adjusted DOB Pools, Adjusted TSIM Pools and Adjusted TSIF Pools is to be further adjusted by the application of the following discounts (**Living or Deceased Discounts**):

- (a). the Living Pool, no adjustment (**Adjusted Living Pool**);
 - (b). the Deceased Pool, a discount of 30% (**Adjusted Deceased Pool**),
- (together, **Adjusted Living or Deceased Pools**).

15. The calculation of the Adjusted Living or Deceased Pools may be represented by the following formula:

$$\boxed{Adjusted [DOB/TSIM/TSIF] [Living/Deceased] Pool = [DOB/TSIM/TSIF] [Living/Deceased] Pool * Inverse of Living or Deceased Discount / Sum of discounted [DOB/TSIM/TSIF] [Living/Deceased] Pool * Adjusted [DOB/TSIM/TSIF] Pool}$$

E. Distributions

16. Following identification of:

- (a). the Adjusted Primary Category Pools;
- (b). the Adjusted DOB Pools within the Adjusted Primary Category Pools; and
- (c). the Living or Deceased Pools within the Adjusted DOB Pools,

the Net Claimant Distribution Sum is to be distributed to the Participating Claimants in accordance with their proportionate entitlement to the amount in the particular Living or Deceased Pool to which they are allocated by the information held in the Claimant Database (i.e. the Settlement Entitlement).

17. The calculation of the Settlement Entitlement of Participating Claimants may be represented by the following formula:

$$\boxed{Settlement Entitlement = Relevant Living or Deceased Pool / (Participating Claimants in Relevant Living or Deceased Pool)}$$

Assessment Methodology Guidance Statement

A. Outline

1. The purpose of this Guidance Statement is to illustrate the potential application of the Assessment Methodology Schedule. Each step is illustrated by a working example using hypothetical figures for the purpose of demonstrating the relevant formulas and calculations (**Worked Examples**). The worked examples are for reference only and are not to be regarded as in any way indicative of the final composition of the Participating Claimants or of any individual Settlement Entitlement (though they are based on approximate working figures having regard to the profile of existing registered claimants).
2. Each of the Worked Examples in the Guidance Statement assumes the following information:
 - *The Net Claimant Distribution Sum is \$140,000,000 and there are 7,000 Participating Claimants.*
 - *The Claimant Database indicates that of the Participating Claimants: 2500 are Aboriginal males; 2500 are Aboriginal females; 1000 are Torres Strait Islander males, and 1000 are Torres Strait Islander females.*
 - *The Claimant Database indicates that of the Participating Claimants who are Aboriginal males and Aboriginal females, the persons who are born in each of the date of birth categories are evenly distributed (i.e. for Aboriginal males: 834 in DOB1, 833 in DOB2, 833 in DOB3, allowing for rounding).*
 - *The Claimant Database indicates that of the Participating Claimants, three-fifths are Deceased Claimants, evenly distributed amongst all categories.*

B. Primary Category Pools

3. Prior to the application of any adjustment, in this Worked Example the proportionate entitlement of each Participating Claimant to the Net Claimant Distribution Sum is \$20,000 (i.e. \$140,000,000 / 7000).
4. The calculation of the Adjusted Primary Category Pools may be illustrated by the following Worked Example:

The Primary Category Pools are:

- (i) $AM\ Pool = \$50,000,000 = \$140,000,000 * (2500/7000);$
- (ii) $AF\ Pool = \$50,000,000 = \$140,000,000 * (2500/7000);$
- (iii) $TSIM\ Pool = \$20,000,000 = \$140,000,000 * (1000/7000);$ and
- (iv) $TSIF\ Pool = \$20,000,000 = \$140,000,000 * (1000/7000).$

The next stage is calculating the Adjusted Primary Category Pools. As an example, using the Adjusted AF Pool and following the working above:

$$\begin{aligned}
 \text{Adjusted AF Pool} &= \text{AF Pool} * 0.8 / \text{Sum of discounted Primary Category Pools} * \text{Net Claimant Distribution Sum} \\
 &= 50,000,000 * 0.8 / (50,000,000 * 1 + 50,000,000 * 0.8 + 20,000,000 * 0.5 + 20,000,000 * 0.4) * 140,000,000 \\
 &= \$51,851,851.85
 \end{aligned}$$

Performing this calculation for all Primary Category Pools, the Adjusted Primary Category Pools are as follows:

Participating Claimant category	Number of Participating Claimants	Adjusted category settlement proportion
Male Aboriginal	2,500	\$ 64,814,814.81
Female Aboriginal	2,500	\$ 51,851,851.85
Male TSI	1,000	\$ 12,962,962.96
Female TSI	1,000	\$ 10,370,370.37
	7,000	\$ 140,000,000.00

C. DOB Pools for Adjusted AM Pool and Adjusted AF Pool

5. The calculation of the Adjusted DOB Pools may be illustrated by the following Worked Example:

In the previous Worked Example, the Adjusted AF Pool was calculated at \$51,851,851.85. The Claimant Database indicates that of the 2500 members (i.e. Aboriginal females): 834 are in the DOB1 AF Pool; 833 are in the DOB2 AF Pool; and 833 are in the DOB3 AF Pool, allowing for rounding. The Adjusted DOB Pools for the Adjusted AF Pool are therefore:

- (i) *DOB1 AF Pool = \$17,297,777.78 = 51,851,851.85 * (834/2500);*
- (ii) *DOB2 AF Pool = \$17,277,037.04 = 51,851,851.85 * (833/2500); and*
- (iii) *DOB3 AF Pool = \$17,277,037.04 = 51,851,851.85 * (833/2500).*

Performing this calculation for the AM and AF Adjusted Primary Category Pools, the DOB Pools are as follows:

Participating Claimant subcategory	Number of Participating Claimant	Subcategory settlement proportion
Male Aboriginal DOB1	834	\$ 21,622,222.22
Male Aboriginal DOB2	833	\$ 21,596,296.30
Male Aboriginal DOB3	833	\$ 21,596,296.30
Female Aboriginal DOB1	834	\$ 17,297,777.78
Female Aboriginal DOB2	833	\$ 17,277,037.04
Female Aboriginal DOB3	833	\$ 17,277,037.04
Male TSI	1,000	\$ 12,962,962.96
Female TSI	1,000	\$ 10,370,370.37
	7,000	\$ 140,000,000.00

The next stage is calculating the Adjusted DOB Pools. As an example, using the Adjusted DOB 1 AF Pool and following the working above:

$$\begin{aligned}
 \text{Adjusted DOB 1 AF Pool} &= \text{DOB1 AF Pool} * 1 / \text{Sum of discounted AF DOB Pools} * \text{Adjusted AF Pool} \\
 &= 17,297,777.78 * 1 / (17,297,777.78 * 1 + 17,277,037.04 * 0.9 + 17,277,037.04 * 0.8) * 51,851,851.85 \\
 &= \$19,218,898.91
 \end{aligned}$$

Performing this calculation for all DOB Pools, the Adjusted DOB Pools are:

Participating Claimant subcategory	Number of Participating Claimant	Adjusted subcategory settlement proportion
Male Aboriginal DOB1	834	\$ 24,023,623.64
Male Aboriginal DOB2	833	\$ 21,595,336.50
Male Aboriginal DOB3	833	\$ 19,195,854.67
Female Aboriginal DOB1	834	\$ 19,218,898.91
Female Aboriginal DOB2	833	\$ 17,276,269.20
Female Aboriginal DOB3	833	\$ 15,356,683.74
Male TSI	1,000	\$ 12,962,962.96
Female TSI	1,000	\$ 10,370,370.37
	7,000	\$ 140,000,000.00

(The Adjusted TSIM Pool and Adjusted TSIF Pool are not affected by this stage.)

D. Living or Deceased Pools

6. The calculation of the Adjusted Living or Deceased Pools may be illustrated by the following Worked Example:

In the previous Worked Example, the Adjusted DOBI AF Pool was calculated at \$19,218,898.91. The Claimant Database indicates that of the 834 members (i.e. Aboriginal females born between 12/10/1911 and 30/10/1936): 334 are in the Living Pool; and 500 are in the Deceased Pool. The Living or Deceased Pools for the Adjusted DOBI AF Pool are therefore:

(i) *Living Pool = \$7,687,559.57 = 19,218,898.91 * (334/834); and*

(ii) *Deceased Pool = \$11,531,339.35 = 19,218,898.91 * (500/834).*

Repeating this calculation for the Adjusted DOB Pools, Adjusted TSIM Pool, Adjusted TSIF Pool, the Living and Deceased Pools are:

Participating Claimant subcategory	Number of Participating Claimant	Subcategory settlement sum
Male Aboriginal DOB1	334	\$ 9,620,971.58
Male Aboriginal DOB1 Deceased	500	\$ 14,402,652.06
Male Aboriginal DOB2	333	\$ 8,632,949.65
Male Aboriginal DOB2 Deceased	500	\$ 12,962,386.86
Male Aboriginal DOB3	333	\$ 7,673,733.02
Male Aboriginal DOB3 Deceased	500	\$ 11,522,121.65
Female Aboriginal DOB1	334	\$ 7,696,777.26
Female Aboriginal DOB1 Deceased	500	\$ 11,522,121.65
Female Aboriginal DOB2	333	\$ 6,906,359.72
Female Aboriginal DOB2 Deceased	500	\$ 10,369,909.49
Female Aboriginal DOB3	333	\$ 6,138,986.42
Female Aboriginal DOB3 Deceased	500	\$ 9,217,697.32
Male TSI	400	\$ 5,185,185.19
Male TSI Deceased	600	\$ 7,777,777.78
Female TSI	400	\$ 4,148,148.15
Female TSI Deceased	600	\$ 6,222,222.22
	7,000	\$ 140,000,000.00

The next stage is calculating the Adjusted Living or Deceased Pools. As an example, using the Adjusted DOB1 AF Living Pool and following the working above:

$$\begin{aligned} \text{Adjusted DOB 1 AF Living Pool} &= \text{DOB1 AF Living Pool} * 1 / \text{Sum of} \\ &\quad \text{discounted DOB1 AF Living and Deceased Pools} * \\ &\quad \text{Adjusted DOB1 AF Pool} \\ &= 7,687,559.57 * 1 / (7,687,559.57 * 1 + \\ &\quad 11,531,339.35 * 0.7) * 19,218,898.91 \\ &= \$9,375,072.64 \end{aligned}$$

Repeating this calculation for the Living and Deceased Pools, the Adjusted Living and Deceased Pools are:

Participating Claimant subcategory	Number of Participating Claimant	Adjusted subcategory settlement proportion
Male Aboriginal DOB1	334	\$ 11,730,833.77
Male Aboriginal DOB1 Deceased	500	\$ 12,292,789.87
Male Aboriginal DOB2	333	\$ 10,528,912.23
Male Aboriginal DOB2 Deceased	500	\$ 11,066,424.27
Male Aboriginal DOB3	333	\$ 9,359,033.10
Male Aboriginal DOB3 Deceased	500	\$ 9,836,821.57
Female Aboriginal DOB1	334	\$ 9,384,667.01
Female Aboriginal DOB1 Deceased	500	\$ 9,834,231.90
Female Aboriginal DOB2	333	\$ 8,423,129.79
Female Aboriginal DOB2 Deceased	500	\$ 8,853,139.42
Female Aboriginal DOB3	333	\$ 7,487,226.48
Female Aboriginal DOB3 Deceased	500	\$ 7,869,457.26
Male TSI	400	\$ 6,323,396.57
Male TSI Deceased	600	\$ 6,639,566.40
Female TSI	400	\$ 5,058,717.25
Female TSI Deceased	600	\$ 5,311,653.12
	7,000	\$ 140,000,000.00

E. Distributions

7. The calculation of the Settlement Entitlement may be illustrated by the following Worked Example:

In the previous Worked Example, the Adjusted DOB 1 AF Living Pool was calculated at \$9,375,072.64. It comprises 334 Participating Claimants. The Settlement Entitlement of each Participating Claimant in the Adjusted DOB 1 AF Living Pool is therefore:

$$\begin{aligned} \text{Settlement Entitlement} &= \text{Adjusted DOB 1 AF Living Pool} / \text{Participating} \\ &\quad \text{Claimants in Adjusted DOB 1 AF Living Pool} \\ &= 9,375,072.64 / 334 \\ &= \$28,069.08. \end{aligned}$$

Repeating this calculation for the Living and Deceased Pools, the Adjusted Living and Deceased Pools are:

Subcategory	Participating Claimants	Individual Distribution of Settlement Sum
Male Aboriginal DOB1	334	\$ 35,122.26
Male Aboriginal DOB1 Deceased	500	\$ 24,585.58
Male Aboriginal DOB2	333	\$ 31,618.36
Male Aboriginal DOB2 Deceased	500	\$ 22,132.85
Male Aboriginal DOB3	333	\$ 28,105.20
Male Aboriginal DOB3 Deceased	500	\$ 19,673.64
Female Aboriginal DOB1	334	\$ 28,097.81
Female Aboriginal DOB1 Deceased	500	\$ 19,668.46
Female Aboriginal DOB2	333	\$ 25,294.68
Female Aboriginal DOB2 Deceased	500	\$ 17,706.28
Female Aboriginal DOB3	333	\$ 22,484.16
Female Aboriginal DOB3 Deceased	500	\$ 15,738.91
Male TSI	400	\$ 15,808.49
Male TSI Deceased	600	\$ 11,065.94
Female TSI	400	\$ 12,646.79
Female TSI Deceased	600	\$ 8,852.76

