

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

WRITTEN QUESTION

Mrs Finocchiaro to the Minister for Territory Families and Urban Housing:

Youth Detention Class Action

- 1. How many people have registered a claim to be part of the youth detention class action and receive a share of the \$35 million settlement figure?**

Maurice Blackburn Lawyers (MBL) is managing the registration process which remains ongoing. MBL provided evidence directly to the Federal Court, which encompasses information about the registrations, as part of the settlement hearing on 8 and 9 November 2021.

- 2. How will the amount paid to each claimant be determined? Please provide all details including criteria to be considered, the process to be followed, who completes the assessment process, the final decision maker, any review process and any other relevant procedures, considerations, processes or information including whether there is a cap or limit on the maximum amount that can be paid to an individual.**

As part of the settlement hearing, MBL applied to the Federal Court to be appointed as the Administrator of the Settlement Fund. Under the Federal Court Rules, this process involves MBL advising the Federal Court of the proposed formula to distribute funds to claimants and providing evidence that the proposed formula is fair and just.

- 3. How will the amount to be paid to the claimant's legal team and claim administrators be determined? Please provide all details including criteria to be considered, the process to be followed, who completes any assessment, the final decision maker, any review process and**

any other relevant procedures, considerations, processes or information.

Information relating to the amount paid to the claimant's legal team and the Administrator of the Settlement Fund were also matters put forward to the Federal Court by MBL as part of the settlement hearing on 8 and 9 November 2021.

4. Will legal and administration fees be paid from each claimant's payout or will an amount be excised from the total \$35 million?

The settlement, including the legal and administration fees, are matters which are being considered by the Federal Court.

5. Has any of the \$35 million been paid out already? If so, how much has been paid in total, to how many claimants and what were the individual amounts paid out? How were the payments determined?

As part of the settlement between MBL and the Northern Territory Government, \$35 million was paid into a trust fund pending formal approval by the Federal Court. No funds can be distributed until such time as the Federal Court approves the terms and the process by which the funds are to be distributed.

6. When will the claimants receive their payouts from the \$35 million settlement figure? Please also advise:

a. How will these payments be made? Will they be paid in a lump sum or in instalments?

b. If a claimant is under 18, will they receive their payment immediately or will it be held on trust until they are an adult or paid to a parent/guardian/responsible adult?

The timeline and process for the administration of the funds will be determined by the Federal Court.

- 7. For those claimants who have outstanding fines, victim levies, victims compensation or restitution orders, will there be a requirement that the outstanding amounts are deducted from the final payout and the debts settled?**

The Northern Territory Government has a legislated fines recovery process including statutory provisions for the recovery of monies from an offender where a victim has received compensation under the Victims of Crime process. Recovery of such monies is a process that is undertaken pursuant to those legislative regimes.

- 8. What is the total amount in fines, victim levies, victim's compensation and restitution orders that is owed by the claimants to the \$35 million?**

The Northern Territory Government does not know this information as the registration process for claimants is ongoing.