IN THE SUPREME COURT OF VICTORIA
COMMON LAW DIVISION
GROUP PROCEEDINGS LIST

S ECI 2020 03402

BETWEEN

5 BOROUGHS NY PTY LTD (ACN 632 508 304)	Plaintiff
- and -	
STATE OF VICTORIA & ORS (according to the attached Schedule)	Defendants

ORDER

JUDGE:	The Honourable Justice Watson
DATE MADE:	11 November 2026
ORIGINATING PROCESS:	Further Amended Writ filed 4 August 2026
HOW OBTAINED:	On the papers
ATTENDANCE:	Not applicable
OTHER MATTERS:	A. In orders made 21 October 2026 (**Approval Orders**) the Court approved the settlement distribution scheme exhibited at pages 1–26 of exhibit SW-1 to the affidavit of Mr Simon Weeks sworn 22 September 2026 as amended by paragraphs 7, 8(b) and 9 of the Approval Orders (**SDS**). B. Paragraph 8(c) of the Approval Orders provides for the possibility of further persons to participate in the settlement. C. The SDS provides for: (i) a Counsel's Review of an Administrator's Review Determination; (ii) an Effective Date of 42 days from the day immediately after the Approval Orders; and (iii) payment of undistributable amounts to a charity approved by the Court (**Charity**).

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D. The plaintiff submits that the SDS should be amended such that:

(i) Ms Aleksandra Ilic be appointed counsel to conduct Counsel's Reviews;

(ii) the Effective Date be aligned with the expiration of the appeal period in s 33ZC(5) of the *Supreme Court Act 1986* (Vic);

(iii) the Charity be Safe Steps Family Violence Response Centre Limited (ABN 86138521643); and

(iv) the SDS be updated to reflect the potential participation of persons described in paragraph 8(c) of the Approval Orders.

E. This order is signed by the Judge pursuant to r 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2025* (Vic) (**Rules**).

THE COURT ORDERS THAT:

1. Pursuant to r 84.03(1) of the Rules, the monitoring of the progress of the settlement administration and the authorisation of payment of administration costs be referred to Judicial Registrar Lorenz.

2. Ms Aleksandra Ilic be appointed counsel to conduct Counsel's Reviews and the definition of Counsel in the SDS be amended to insert reference to Ms Ilic.

3. The definition of Effective Date in the SDS be amended to 63 days from the day immediately after the Approval Orders.

4. The Charity for the purposes of the SDS be Safe Steps Family Violence Response Centre Limited (ABN 86138521643) and the definition of Charity be amended to reflect this.

5. The SDS be amended to reflect the potential participation of persons described in paragraph 8(c) of the Approval Orders.

6. The version of the SDS annexed to these orders (being the SDS incorporating the above amendments) is approved.

DATE AUTHENTICATED: 11 November 2026

THE HONOURABLE JUSTICE WATSON

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SCHEDULE OF PARTIES

S ECI 2020 03402

5 BOROUGHS NY PTY LTD (ACN 632 508 304)	Plaintiff
- and -	
STATE OF VICTORIA	First Defendant
THE HONOURABLE JENNY MIKAKOS (IN HER CAPACITY AS THE FORMER MINISTER FOR HEALTH AND THE FORMER MINISTER FOR THE COORDINATION OF HEALTH AND HUMAN SERVICES: COVID-19)	Second Defendant
THE HONOURABLE MARTIN PAKULA (IN HIS CAPACITY AS THE FORMER MINISTER FOR JOBS, INNOVATION AND TRADE AND THE FORMER MINISTER FOR THE COORDINATION OF JOBS, PRECINCTS AND REGIONS: COVID-19)	Third Defendant
KYM LEE-ANNE PEAKE (IN HER CAPACITY AS THE FORMER SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES)	Fourth Defendant
SIMON GRANT PHEMISTER (IN HIS CAPACITY AS THE SECRETARY, DEPARTMENT OF JOBS, PRECINCTS AND REGIONS)	Fifth Defendant

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ANNEXURE A

SETTLEMENT DISTRIBUTION SCHEME
AS APPROVED BY THE COURT ON 21 OCTOBER 2026 AND AMENDED BY ORDERS MADE ON 11 NOVEMBER 2026

5 Boroughs NY Pty Ltd v State of Victoria & Ors
(Proceeding No. S ECI 2020 03402)

Overview and Summary

A. The Hotel Quarantine (Business Losses) Class Action (**HQ Class Action**) was commenced on 21 August 2020.

B. On 16 March 2026, the parties to the HQ Class Action exchanged a deed of settlement (the **Deed**).

C. The Deed sets out the terms of a proposed settlement of the HQ Class Action subject to Court approval.

D. The Deed provides that the First Defendant will pay the sum of $125 million (inclusive of all costs) (the **Settlement Sum**) to resolve the HQ Class Action.

E. The Settlement Distribution Scheme establishes a procedure for distributing the Settlement Sum and will be operative from the date of the Approval Orders (as defined in clause 1.1 below).

F. The Scheme has the following key stages:

Stage	Clause	Procedure
Eligibility Assessment	1.3	Only Registered Group Members (defined in clause 1.1 below) will be eligible to receive a share of the Settlement Sum (after certain deductions are made). Some people who have registered do not meet the definition of a Group Member (**Ineligible Registrants**). Quinn Emanuel has already engaged with some Ineligible Registrants about their eligibility. The Administrator will write to other Ineligible Registrants informing them that they are not eligible to receive a distribution.
Preliminary Notice	3	The Administrator already holds certain information about Registered Group Members needed to assess their loss and make a distribution to them. The Administrator will send Registered Group

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		Members a **Preliminary Notice** setting out the information held, asking whether it is correct and requesting the provision of any further information required. Registered Group Members will have at least 14 days to respond to the Preliminary Notice
Assessment Notice	4	After receiving and taking into account any responses to the Preliminary Notices, the Administrator will calculate the **Assessment Amount** for each Registered Group Member. The Assessment Amount is an estimate of each Registered Group Member's loss, applying a formula, based upon verifiable sales, wages and assistance data and comparing the periods July to September 2020 (affected by the second wave Covid lockdowns) and July to September 2019 (unaffected). The Administrator will send each Registered Group Member an **Assessment Notice** setting out their Assessment Amount.
Review	5	Registered Group Members may request a review of their Assessment Amount within 14 days of receiving their Assessment Notice, upon payment of a $1,000 bond. Reviews shall be undertaken by independent counsel. The Administrator may require provision of further information for the purposes of a review. If the review results in an adjustment of the Assessment Amount, the bond is to be refunded. The **Final Assessment Amount** is the Assessment Amount for each Registered Group Member as corrected by any review.
Deductions	6	The Administrator will deduct from the Settlement Sum, amounts for costs of the HQ Class Action, reimbursement payments to the plaintiff and sample group members who supported the HQ Class Action, and Administration Costs. Administration Costs are to be paid only from interest accruing on the Settlement

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		Sum and are not to exceed an amount approved by the Court.
Distribution	7	Each Registered Group Member who has suffered loss will receive at least the sum of $750 (**Floor Payment**). Registered Group Members who do not provide sufficient information for their loss to be assessed will also receive the Floor Payment (but will not be eligible for any higher amount). The balance of the Settlement Sum after deductions, Administration Costs and Floor Payments are taken out, is the **Net Settlement Sum**. Registered Group Members whose Final Assessment Amounts exceed the Floor Payment will share in the Net Settlement Sum pro rata, in the proportion that their Final Assessment Amount bears to the aggregate Final Assessment Amounts of those entitled to a share in the Net Settlement Sum. Each Registered Group Member's entitlement (being the Floor Payment plus any pro rata entitlement to the Net Settlement Sum) is referred to as their **Final Distribution Amount**. The Administrator will pay Final Distribution Amounts to Registered Group Members by cheque or electronic funds transfer. Registered Group Members will be given a **Final Distribution Notice** setting out the amount they will receive.
Remaining Balance	7	There may remain funds in the Settlement Account after Final Distribution Amounts have been paid, for example if payments are returned or cheques are not presented. Any remaining balance will be paid pro rata to Registered Group Members if economical to do so or otherwise donated to the Charity.
Finalisation of the Scheme	9.4	Once all payments have been made and the Scheme is finalised, the Administrator will notify the Court and the parties.

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1. Definitions and Interpretation

1.1 Definitions

In this Settlement Distribution Scheme, the following terms have the meanings defined below, unless the context otherwise requires:

Administrator	means Mr Simon R. Weeks (Director of Sonority Pty Ltd trading as The Advisory Company), or such other person as appointed by the Court, as the Court-appointed administrator of this Settlement Distribution Scheme and includes any person authorised and directed by him to carry out certain functions under this Settlement Distribution Scheme.
Administration Costs	means the costs incurred by the Administrator in giving effect to this Settlement Distribution Scheme, the Approval Orders or any other orders made in relation to the administration of the Settlement.
Approval Orders	means the orders approving the settlement of the HQ Class Action made on 21 October 2026 by the Honourable Justice Watson.
Assessed Period	means 1 July 2020 to 30 September 2020 (inclusive).
Assessment Amount	means an amount to be distributed or proposed to be distributed to a Registered Group Member under this Settlement Distribution Scheme, calculated by applying the Loss Assessment Formula to that Registered Group Member's Assessment Information.
Assessment Information	means, in respect of a Registered Group Member: (a) the name of the Registered Group Member; (b) the sales data contained in Business Activity Statements submitted by or on behalf of the Registered Group Member to the Australian Taxation Office for the Comparison Periods; (c) the salary, wages and payments data contained in Business Activity Statements submitted by or on behalf of the Registered Group Member to the Australian Taxation Office for the Comparison Periods; (d) copies of the Business Activity Statements for the Comparison Periods, as submitted to the Australian Taxation Office by or on behalf of the Registered Group Member; and (e) the amount of Assistance received by the Registered Group Member.
Assessment Notice	means a notice issued by the Administrator to each Registered Group Member notifying them of (among any other information that may be included): (a) the Assessment Information relating to that Registered Group Member; (b) the Assessment Amount; and

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(c) the availability and terms of Review.

Assistance	means, in respect of a Registered Group Member, any monetary assistance received by that Registered Group Member under one or both of the following Victorian Government assistance programs: (a) the Business Support Fund; (b) the COVID-19 Business Survival and Adaption Package; but only insofar as the assistance was referable to the impact of the stage 3 and/or stage 4 lockdowns imposed in Victoria between July-October 2020.
Authorised Representative	means any person duly authorised to act on behalf of a Registered Group Member.
Business Day	means a day which is not a Saturday, Sunday or public holiday in Victoria.
Charity	means Safe Steps Family Violence Response Centre Limited (ABN 86138521643).
Claimant Database	means a database or other record constructed by or on behalf of the Administrator to contain the Assessment Information and Claim Data for each Registered Group Member from information supplied by Registered Group Members as part of any registration process ordered by the Court for the HQ Class Action.
Claim Data	means in respect of a Registered Group Member, the following information, to the extent applicable and known: a) Australian Business Number (ABN); b) Australian Company Number (ACN); c) Tax File Number (TFN); d) postal address; e) street address; f) bank account information, including BSB and account number; and, where the Registered Group Member has an Authorised Representative: g) name; h) telephone number; i) email address; j) relationship to Registered Group Member.
Clean Period	means 1 July 2019 to 30 September 2019 (inclusive).
Comparison Periods	means the Clean Period and the Assessed Period.
Counsel	means Ms Aleksandra Ilic, or another barrister, appointed for the purpose of performing a Counsel's Review, as described in clause 5.

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Counsel's Review	means a review performed by Counsel in relation to a Review Determination, as described in clause 5.
Court	means the Supreme Court of Victoria, or in the case of an appeal, the Supreme Court of Victoria, Court of Appeal or the High Court of Australia.
Deed	means the Deed of Settlement executed on 16 March 2026 between the Plaintiff, the Defendants and Quinn Emanuel.
Defendants	means the First, Second, Third, Fourth and Fifth Defendants to the HQ Class Action.
Effective Date	means: (a) the date that is 63 days from the day immediately after the Approval Orders are made or, if that date is not a Business Day, the nearest Business Day thereafter; or (b) if an application for leave to appeal from the Approval Orders is made, the date which is 10 Business Days after the date of the ultimate determination of that application for leave to appeal and any appeal, unless that determination results in the Court declining to approve the Settlement.
Fifth Defendant	means Simon Grant Phemister (in his capacity as the former Secretary, Department of Jobs, Precincts and Regions).
Final Assessment Amount	means, in respect of a Registered Group Member: (a) if the Assessment Notice for the Registered Group Member has not been the subject of a successful Review under clause 5, the Assessment Amount in that Assessment Notice; or (b) if the Assessment Notice for the Registered Group Member has been the subject of a successful Review under clause 5, the Assessment Amount in the replacement Assessment Notice issued as a result of the Review.
Final Distribution Amount	means, in respect of a Registered Group Member, the amount calculated in accordance with clause 7.
Final Distribution Notice	means a notice issued by the Administrator to each Registered Group Member notifying them of the Final Distribution Amount (among any other information that may be included).
First Defendant	means the State of Victoria.
Floor Payment	means the amount payable to each Registered Group Member that: (a) does not provide the Assessment Information; or

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(b) provides the Assessment Information and has loss, calculated in accordance with the Loss Assessment Formula.

Floor Payments Sum	means the amount that results from multiplying the Floor Payment by the total number of individual Registered Group Members assessed to receive the Floor Payment.
Fourth Defendant	means Kym Lee-Anne Peake (in her capacity as the former Secretary, Department of Health and Human Services).
Group Members	means those persons defined in paragraph 1 of the Plaintiff's Further Amended Statement of Claim dated 21 July 2025 who have not opted out.
GCO Sum	means AUD 36.25 million payable to Quinn Emanuel by way of legal costs, pursuant to the Group Costs Order made by the Honourable Justice Keogh on 23 November 2023, as amended by orders made by the Honourable Justice Watson on 21 October 2026 in the HQ Class Action.
HQ Class Action	means proceeding S ECI 2020 03402 (*5 Boroughs NY Pty Ltd v State of Victoria & Ors*) in the Supreme Court of Victoria.
Ineligible Registrant	means a person who registered with Quinn Emanuel to participate in the settlement of the HQ Class Action but who is not a Group Member.
Loss Assessment Formula	means the formula set out in Schedule 1 to this Settlement Distribution Scheme.
Net Settlement Sum	means the amount of the Settlement Sum after adding interest earned on the Settlement Sum and deducting the Settlement Deductions, Administration Costs and the Floor Payments Sum.
New Business	means a retail business operated by a Registered Group Member falling within the description in paragraph 1(a) of the Plaintiff's Further Amended Statement of Claim dated 21 July 2025, which commenced operating on or after 1 July 2019.
Opt Out and Registration Orders	means the orders made by the Honourable Justice Keogh in the HQ Class Action on 21 February 2024.
Plaintiff	means 5 Boroughs NY Pty Ltd (ACN 632 508 304).
Plaintiff's Reimbursement Payment	means AUD 60,000 or such other sum as is approved by the Court to be paid to the Plaintiff.
Preliminary Notice	means a notice of the kind described in clause 3.1 below.

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Preliminary Response Date	means a date to be determined by the Administrator of no less than 14 days from the date that Preliminary Notice is given.
Quinn Emanuel	means Quinn Emanuel Urquhart & Sullivan, LLP.
Registered Group Member	means a Group Member who: (a) registered with Quinn Emanuel by 4:00 pm AEST on 8 July 2024 in accordance with the Opt Out and Registration Orders (including, for the avoidance of doubt, those Group Members who were deemed to have registered by operation of order 13 of the Opt Out and Registration Orders); (b) is listed in Schedule B of the Approval Orders; or (c) satisfies the requirements of paragraph 8(c) of the orders of the Honourable Justice Watson made on 21 October 2026 in the HQ Class Action; and who has not opted out of the HQ Class Action.
Representative Group Members	means the 12 Group Members who assisted the Plaintiff by providing information of their alleged loss and damage in accordance with order 22 of the orders made by the Honourable Justice Keogh on 21 February 2024.
Representative Group Members Payments	means the payments of AUD 5,000 each to the Representative Group Members (totalling AUD 60,000) or such other sum as is approved by the Court to be paid to the Representative Group Members.
Review	means the process described in clause 5 of this Settlement Distribution Scheme.
Review Determination	means the decision made by the Administrator in relation to a Review.
Second Defendant	means the Honourable Jenny Mikakos (in her capacity as the former Minister for Health and the former Minister for the Coordination of Health and Human Services: COVID-19).
Settlement	means the settlement of the HQ Class Action in accordance with the Deed and this Settlement Distribution Scheme, as approved by the Court.
Settlement Account	means the interest-bearing controlled monies account opened by Quinn Emanuel to hold the Settlement Sum on trust in accordance with the Deed.
Settlement Deductions	means the deductions to be made from the Settlement Sum in accordance with clause 6.4 of this Settlement Distribution Scheme, prior to distribution of payments to Registered Group Members.

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Settlement Distribution Scheme	means this Settlement Distribution Scheme, including the rights and obligations created by this scheme.
Settlement Sum	means the sum of AUD 125,000,000, inclusive of the Settlement Deductions, the Floor Payments Sum, Final Distribution Amount and any and all other costs, expenses, disbursements and interest.
Tax	means any levy, charge, impost, fee, deduction, stamp duty or other tax of any nature payable, imposed, levied, collected, withheld or assessed by any government or governmental agency and includes any interest, expenses, fine, penalty or other charge payable or claimed in respect thereof and (without limitation) Goods and Services Tax.
Third Defendant	means the Honourable Martin Pakula (in his capacity as the former Minister for Jobs, Innovation and Trade and the former Minister for the Coordination of Jobs, Precincts and Regions: COVID-19).

1.2 Interpretation

In this Settlement Distribution Scheme, unless the context indicates a contrary intention:

(a) headings are for convenience only and do not affect interpretation;

(b) a reference to a person includes a corporation;

(c) a reference to a party includes that party's executors, administrators, successors and permitted assignees, including persons taking by way of novation and, in the case of a trustee, includes a substituted or an additional trustee, and further includes any person claiming on behalf of, under, or through a party to this Settlement Distribution Scheme;

(d) a reference to a document (including this Settlement Distribution Scheme) is to that document as varied, novated, ratified or replaced from time to time;

(e) a reference to a statute or statutory provision includes a statutory modification or re-enactment of it or a statutory provision substituted for it, and each ordinance, by-law, regulation, rule and statutory instrument (however described) issued under it;

(f) a word importing the singular includes the plural (and vice versa), and a word indicating a gender includes every other gender;

(g) a reference to a party, clause, schedule, exhibit, attachment or annexure is a reference to a party, clause, schedule, exhibit, attachment or annexure to or of this Settlement Distribution Scheme, and a reference to this Settlement Distribution Scheme includes all schedules, exhibits, attachments and annexures to this Settlement Distribution Scheme;

(h) if a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning.

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1.3 Registered Group Members and Ineligible Registrants

(a) Not all persons who have registered with Quinn Emanuel to participate in the settlement of the HQ Class Action are Group Members. That is because some of those persons did not operate businesses falling within the definition in paragraph 1 of the Plaintiff's Further Amended Statement of Claim dated 21 July 2025.

(b) Persons who have registered with Quinn Emanuel but who are not Group Members are Ineligible Registrants. Ineligible Registrants are not Registered Group Members for the purposes of this Settlement Distribution Scheme.

(c) On 9 and 13 April 2026, Quinn Emanuel sent an email to approximately 2,292 persons whom they considered to be Ineligible Registrants, informing them that based upon the information they have provided as part of their registration, they were ineligible to participate in the Settlement, and inviting them to provide reasons as to why they were in fact Group Members if they considered that they had been incorrectly excluded. Approximately 141 of those persons responded.

(d) Quinn Emanuel will provide the Administrator with:

(i) a list of persons Quinn Emanuel considers to be Registered Group Members;

(ii) a list of those Registered Group Members who have notified Quinn Emanuel that they wish to withdraw their claim; and

(iii) a list of any persons who: (A) responded to the communication referred to in (c) above, and who Quinn Emanuel considers to be Ineligible Registrants notwithstanding that response; and (B) Quinn Emanuel has determined are Ineligible Registrants, since the communications referred to in (c) above were sent.

(e) At or around the time of sending the Preliminary Notice, the Administrator shall communicate with each person referred to in (d)(ii) above, informing them that as they have withdrawn their claim they will not receive a distribution from this Settlement Distribution Scheme. Such persons will not be treated as Registered Group Members for the purposes of this Settlement Distribution Scheme.

(f) At or around the time of sending the Preliminary Notice, the Administrator shall communicate with each person referred to in (d)(iii) above, informing them that they will not receive a distribution from this Settlement Distribution Scheme because they do not fall within the definition of a Group Member in the HQ Class Action.

(g) In the event that the Administrator, in its absolute discretion, forms the view that a person previously treated as an Ineligible Registrant is in fact a Registered Group Member, the Administrator shall thereafter treat that person as a Registered Group Member able to participate in this Settlement Distribution Scheme.

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(h) In the event that the Administrator, in its absolute discretion, forms the view that a person previously treated as a Registered Group Member is in fact an Ineligible Registrant, the Administrator shall communicate with that person to inform them that they will not receive a distribution from this Settlement Distribution Scheme because they do not fall within the definition of a Group Member in the HQ Class Action.

(i) In administering this Settlement Distribution Scheme, the Administrator is entitled to rely upon the list of Registered Group Members provided by Quinn Emanuel as complete and accurate, subject only to the Administrator's powers set out in (g) and (h) above.

(j) Any Registered Group Member who is a corporate entity that has been de-registered is not a Registered Group Member for the purposes of this Settlement Distribution Scheme and will not receive any distribution, unless they satisfy the requirements of paragraph 8(c) of the orders of the Honourable Justice Watson made on 21 October 2026 in the HQ Class Action.

2. SETTLEMENT ADMINISTRATOR

2.1 This Settlement Distribution Scheme shall be administered by the Administrator.

2.2 Following approval of the Settlement and payment of the entirety of the Settlement Sum into the Settlement Account, Quinn Emanuel shall hold the monies in the Settlement Account but subject to the directions of the Administrator as to the application of those monies in accordance with the terms of this Settlement Distribution Scheme and (as applicable) the Deed and the Approval Orders, including as to the payment of distributions to Registered Group Members or other payments from the Settlement Account. For the avoidance of doubt, Quinn Emanuel must, to the extent permitted by law, comply with the directions of the Administrator as to the application of the monies held in the Settlement Account in accordance with the terms of this Settlement Distribution Scheme and (as applicable) the Deed and the Approval Orders.

2.3 Notwithstanding anything elsewhere contained in this Settlement Distribution Scheme, the Administrator may at any time and in its sole discretion correct any error, slip or omission which occurs during its administration of the Settlement Distribution Scheme.

2.4 Where on the information available to the Administrator it appears to the Administrator that a Registered Group Member has an Authorised Representative, the Administrator may rely on any information, instruction or declaration provided by that Authorised Representative as if it had been provided by the Registered Group Member.

2.5 The Administrator may, in the course of the Administration, obtain such advice as it considers appropriate, including without limitation legal, financial, accounting or taxation advice, the costs associated with which shall form part of the Administration Costs.

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Immunity of the Administrator

2.6 The Administrator (and, for the avoidance of doubt, any persons employed by the Administrator) in discharging any function, or exercising any power or discretion, conferred by this Settlement Distribution Scheme, shall not be liable to the Plaintiff or any Group Member for any loss to the Plaintiff, or Group Member, unless such loss has been caused by fraud on the part of the Administrator or any person employed by it.

3. ASSESSMENT INFORMATION

3.1 As soon as practicable after the Effective Date, the Administrator will cause a Preliminary Notice to be given to each Registered Group Member, which will contain:

(a) details of the Assessment Information held in the Claimant Database in respect of the Registered Group Member;

(b) details of the Registered Group Member's Claim Data as recorded in the Claimant Database;

(c) a request for the Registered Group Member to give notice to the Administrator by the Preliminary Response Date as to whether any of the Assessment Information or Claim Data set out in the Notice is inaccurate, together with documentation that proves the inaccuracy being notified;

(d) a request for the Registered Group Member to provide any missing Claim Data (as applicable) including a Tax File Number or any other information required for tax withholding purposes;

(e) a request for the Registered Group Member to provide Assessment Information not held by the Administrator;

(f) a request for the Registered Group Member to indicate whether it operated a New Business; and

(g) a request for the Registered Group Member to provide bank account information to the Administrator to enable electronic payment of entitlements from the Settlement Sum to be made (if any is due under this Settlement Distribution Scheme).

3.2 If by the Preliminary Response Date (or such longer period as the Administrator considers in its absolute discretion to be warranted), no notification has been received from a Registered Group Member that the Assessment Information or Claim Data listed in their Preliminary Notice is inaccurate, the Assessment Information and Claim Data set out in the Preliminary Notice will be deemed to be correct. Assessment Information and/or Claim Data not provided or not accompanied by requested documentary evidence will be excluded from any consequential calculations (if applicable), as determined by the Administrator in its absolute discretion.

3.3 If by the Preliminary Response Date (or such longer period as the Administrator considers in its absolute discretion to be warranted) notification is received from a

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Registered Group Member that the Assessment Information or Claim Data set out in the Preliminary Notice is inaccurate or incomplete, the Administrator will:

(a) consider the notification and the supporting documentation supplied;

(b) having regard to the information provided to the Administrator either:

(i) cause changes to be made to the Assessment Information and/or Claim Data held in the Claimant Database pertaining to that Registered Group Member, if the Administrator considers such changes to be appropriate in its absolute discretion; or

(ii) not cause any changes to be made to the Assessment Information and/or Claim Data held in the Claimant Database pertaining to that Registered Group Member, if the Administrator considers no such changes are appropriate in its absolute discretion;

(c) notify the Registered Group Member (as the case may be) of:

(i) its updated Assessment Information and/or Claim Data as determined and made by the Administrator; or

(ii) the Administrator's determination that no alterations to the Assessment Information and/or Claim Data held on the Claimant Database are appropriate.

3.4 A Registered Group Member who does not respond to the Preliminary Notice by the Preliminary Response Date (or such longer period as the Administrator considers in its absolute discretion to be warranted):

(a) shall receive the Floor Payment, if the Administrator holds sufficient Claim Data to make a distribution to the Registered Group Member; or

(b) otherwise, shall be excluded from this Settlement Distribution Scheme.

4. ASSESSMENT NOTICE

4.1 As soon as practicable after the confirmation of the Assessment Information and Claim Data as provided for in clause 3 above, the Administrator will cause the calculation of the Assessment Amount for each Registered Group Member using the Assessment Information on the Claimant Database and the Loss Assessment Formula.

4.2 If a Registered Group Member operated a New Business and the Administrator forms the view, in its absolute discretion, that application of the Loss Assessment Formula to determine the Assessment Amount for that Registered Group Member would produce an unjust result:

(a) the Administrator may, in its absolute discretion, determine to calculate the Assessment Amount for that Registered Group Member using a different assessment method (**Alternative Assessment Method**);

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(b) any Alternative Assessment Method adopted by the Administrator shall, so far as is practicable, be consistent in principle and approach with the Loss Assessment Formula (but subject to any adjustments which the Administrator, in its absolute discretion, considers to be reasonable and appropriate);

(c) the Administrator shall, so far as is practicable, adopt a consistent approach to determining an Alternative Assessment Method in respect of each Registered Group Member who operated a New Business where application of the Loss Assessment Formula to determine the Assessment Amount for that Registered Group Member would produce an unjust result;

(d) the Administrator give a notice in writing, directing the Registered Group Member to provide further information and/or documentation for the purposes of the Alternative Assessment Method, and may require such information and/or documentation to be provided within such period as the Administrator determines (but not less than 14 days after the date that such written notice is given), failing which the Assessment Amount for the Registered Group Member will be determined by application of the Loss Assessment Formula; and

(e) the Administrator, in determining whether to adopt an Alternative Assessment Method for a Registered Group Member or class of Registered Group Members, and in determining how to apply such an Alternative Assessment Method, may take into account (without limitation):

(i) the need for any method of assessing the loss of a Registered Group Member to be based upon objective, verifiable financial information;

(ii) the need for the Assessment Amounts of different Registered Group Members to be reasonably comparable with each other for the purpose of distributing the Net Settlement Amount pro rata among Registered Group Members; and

(iii) the need for any method of assessing the loss of a Registered Group Member to be expeditious and proportionate in terms of time and costs.

4.3 As soon as practicable after the Assessment Amount for each Registered Group Member is calculated, the Administrator will cause an Assessment Notice to be given to each Registered Group Member.

4.4 The accuracy of an Assessment Notice shall be deemed to be accepted by a Registered Group Member, and shall be the Final Assessment under this Settlement Distribution Scheme, unless the Registered Group Member, within 14 days of the date of the Assessment Notice being given, delivers to the Administrator or to any other person nominated by the Administrator a written request for a Review together with copies of all documents on which the Registered Group Member relies for the purposes of the Review, including any statement of reasons for seeking the Review.

5. REVIEW

5.1 If a Registered Group Member requests a Review of an Assessment Notice in accordance with clause 4.4, the Administrator may give a notice in writing, directing

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the Registered Group Member to submit such further documentation in support of the Review as the Administrator considers appropriate, and such documentation must be submitted within 14 days of the date of this written notice being given, failing which the request for Review shall be deemed never to have been made and the accuracy of the Assessment Notice shall be deemed to be accepted by the Registered Group Member.

5.2 The Administrator shall, within 14 days of the later of the receipt of the request for the Review under clause 4.4 and the date that further documentation was received under clause 5.1 above:

(a) determine in its absolute discretion whether or not any change to the Registered Group Member's Assessment Notice is necessary or appropriate;

(b) if the Administrator determines that such a change is necessary or appropriate, issue a replacement Assessment Notice;

(c) either way, notify the Registered Group Member of the Review Determination; and

(d) should it be necessary to do so, make any incidental or consequential amendments to the Claim Database or to any other documentation in respect of the Registered Group Member.

5.3 A Review Determination under clause 5.2 is final and binding and shall be the Final Assessment under the Settlement Distribution Scheme, save that, prior to the expiry of 14 days after notice is given of the Review Determination, the Registered Group Member may obtain a review of the Administrator's Review Determination by Counsel by:

(a) paying a deposit of AUD 1,000 into the Settlement Account; and

(b) notifying the Administrator in writing of the request for Counsel's Review.

5.4 A Counsel's Review is to be made on the same material that was before the Administrator in undertaking the Review Determination, and is to be undertaken within 21 days of the Administrator providing that material to Counsel. The Administrator is to provide that material to Counsel as soon as reasonably practicable following the receipt of the notice referred to in clause 5.3(b).

5.5 In determining a Counsel's Review, Counsel may either direct the Administrator to prepare a replacement Assessment Notice in accordance with Counsel's written observations (with which direction the Administrator must comply within 14 days) or determine that no changes to the Assessment Notice are necessary or appropriate.

5.6 If the outcome of a Counsel's Review is a direction to the Administrator to prepare a replacement Assessment Notice, the Administrator shall cause the AUD 1,000 deposit payable under cl 5.3(a) to be refunded in full to the Registered Group Member. If the outcome of a Counsel's Review is a determination that no changes to the Assessment Notice are necessary or appropriate, that deposit is forfeited by the Registered Group Member and is to be applied to the payment of Administration Costs.

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5.7 The costs of a Counsel's Review shall comprise Administration Costs.

6. APPLICATION OF INTEREST AND ORDER OF DEDUCTIONS

6.1 The interest earned on the funds in the Settlement Account will be applied to the payment of Administration Costs, subject to Court approval pursuant to paragraph 10(b)(ii) of the orders made by the Honourable Justice Watson on 21 October 2026 in the HQ Class Action.

6.2 Any interest which is not otherwise applied to the payment of Administration Costs will form part of the Net Settlement Sum and be available for distribution to Registered Group Members.

6.3 The Administrator:

(a) shall issue invoices for Administration Costs from time to time to Quinn Emanuel;

(b) subject to the Court's approval of payment of the relevant invoices, may direct payment from the Settlement Account in respect of Administration Costs, provided that the aggregate Administration Costs at any point in time are not to exceed:

(i) the aggregate interest earned on the funds in the Settlement Account at that time; and

(ii) a cap on Administration Costs of $1.3 million;

(c) prior to calculating and paying the Final Distribution Amounts to Registered Group Members, may set aside funds in the Settlement Account for the payment of anticipated Administration Costs to the conclusion of the Administration, but not so as to exceed the limits in (b) above. Any such funds set aside shall not form part of the Net Settlement Sum. In the event that the Administrator subsequently forms the view that the amount so set aside is in excess of the amount needed to meet Administration Costs to the conclusion of the Administration, any such excess shall form part of the Remaining Balance to be distributed in accordance with clause 7.8(b) below;

(d) subject to any order of the Court to the contrary, is not otherwise entitled to recover the Administration Costs from the Settlement Account, save as provided in clause 7.8(b)(i) below.

6.4 As soon as practicable after the Effective Date, the Administrator shall direct payment from the Settlement Account the following Settlement Deductions:

(a) the GCO Sum to Quinn Emanuel;

(b) the Plaintiff's Reimbursement Payment to the Plaintiff; and

(c) the Representative Group Members Payments to the Representative Group Members.

6.5 For the avoidance of doubt, the Administrator may direct the deduction of funds from the Settlement Account at any time, and in such manner as the Administrator

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reasonably determines, for the purpose of providing for or discharging any Tax obligations that may or will arise, or have arisen, in respect of the funds held in the Settlement Account or this Settlement Distribution Scheme, including prior to any distribution of any monies from the Settlement Account to any Registered Group Members.

7. DISTRIBUTION

7.1 Once the Settlement Deductions have been made and any Reviews in accordance with clause 5 are completed, the Administrator will use the Loss Assessment Formula (and any Alternative Assessment Method, as appropriate) to calculate the Final Distribution Amount payable to each Registered Group Member.

7.2 The Net Settlement Sum shall be distributed to individual Registered Group Members in the proportion which the Final Assessment Amount for the relevant Registered Group Member bears to the aggregate Final Assessment Amount for all Registered Group Members (being a pro rata distribution), save that any Registered Group Member whose Final Assessment Amount is equal to or less than the amount of the Floor Payment shall have no entitlement to the Net Settlement Sum and the Final Assessment Amount of any such Registered Group Member shall not be included in calculating the aggregate Final Assessment Amount. Each individual Registered Group Member's distribution calculated in accordance with this clause constitutes the Registered Group Member's Final Distribution Amount.

7.3 For the avoidance of doubt, no payments shall be made pursuant to clause 6.4, and no Final Distribution Amount shall be paid to Registered Group Members, until after the Effective Date.

7.4 At least 14 days prior to the distribution of the Final Distribution Amounts to Registered Group Members, the Administrator shall cause a Final Distribution Notice to be given to each Registered Group Member.

7.5 The distribution of the Final Distribution Amounts to Registered Group Members will be attempted in the first instance by electronic funds transfer, except where: (a) a Registered Group Member demonstrates to the Administrator's satisfaction that distribution by electronic funds transfer is impracticable for that Registered Group Member; or (b) the Administrator, in its absolute discretion, considers that another method would be more conducive to effecting a timely distribution to any Registered Group Member or group of Registered Group Members.

7.6 Following the first attempted distribution of Final Distribution Amounts by electronic funds transfer, any further distributions may, at the discretion of the Administrator, be made by issuing cheques.

7.7 For the avoidance of doubt, the Administrator is not obliged to (but may, in its absolute discretion) make further inquiries, after payment of the distribution to each Registered Group Member, of: (a) those Registered Group Members whose electronic funds transfer payment under clause 7.5 above was unable to be processed due to incorrect account information provided by the Registered Group Member; and/or (b) those Registered Group Members who were sent a cheque for their Distribution but have not presented that cheque for payment, and the costs of any such inquiries and any additional costs associated with further attempts at

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payment may be deducted from the Final Distribution Amount of the Registered Group Member in respect of whom those costs were incurred.

7.8 If, after distribution of the Net Settlement Sum in accordance with the foregoing, there remain any payments or cheques that have been rejected or remain un-presented for a period of 60 days, then:

(a) those attempted distributions shall be deemed to have been made, such that the relevant Registered Group Members shall have no claim against the Administrator or the Settlement Account; and

(b) the Administrator shall cancel or direct the cancellation of the payment or the cheque and direct the distribution of any remaining balance in the Settlement Account (**Remaining Balance**) as follows:

(i) subject to Court approval, by directing the payment of any remaining Administration Costs to the Administrator; and

(ii) if the Remaining Balance results in an individual pro rata distribution payment for Registered Group Members of less than or equal to $100.00 – by directing the payment of the residual funds to the Charity; or

(iii) if the Remaining Balance results in an individual pro rata distribution payment to any Registered Group Members exceeding $100.00 – by directing the distribution of the residual pro rata amount to Registered Group Members whose Final Distribution Amounts were successfully paid or processed, provided however that any further individual distributions that would be less than $100.00 shall instead be aggregated and paid to the Charity; and

(iv) any payments or cheques issued to Registered Group Members under this clause that are then rejected or remain unpresented for a further 45 days shall be cancelled and paid to the Charity.

8. TAXATION

8.1 The Administrator may be required to comply with the taxation obligations of any trust created for the benefit of Registered Group Members in the course of the administration of this Settlement Distribution Scheme or to comply with taxation obligations otherwise arising from or in connection with payments under the Settlement Distribution Scheme, and may seek expert advice to enable this. Any Tax that the Administrator may be required to pay in respect of an individual Registered Group Member may be deducted from that Registered Group Member's entitlement. Any taxation obligations payable in respect of any trust created by the establishment of the Settlement Account will be deducted from the Net Settlement Sum.

8.2 The Administrator (and for the avoidance of doubt, any persons employed or contracted by The Administrator) shall be indemnified from the Settlement Account in respect of taxation or any other liability attaching to the sums standing from time to time in any account or otherwise arising from or attaching to the exercise of the function of the Administrator.

8.3 Distributions to Registered Group Members are gross of Tax, save to the extent that the Administrator is legally required to pay Tax pursuant to clause 8.1 or otherwise.

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Each Registered Group Member is responsible for obtaining their own taxation advice.

8.4 The Administrator is not required to provide any information to Registered Group Members on taxation matters relating to the Settlement Distribution Scheme but may elect to do so in its absolute discretion.

8.5 The Administrator will not, and is not required to, provide or obtain any taxation advice or taxation rulings (class, public or private) concerning any Tax potentially payable by Registered Group Members in respect of the distributions.

9. SUPERVISION BY THE COURT

9.1 The Administrator may refer any issues arising in relation to this Settlement Distribution Scheme or its administration to the Court for determination.

9.2 On the application of the Administrator, or of its own motion, the Court may vary or amend the terms of this Settlement Distribution Scheme.

9.3 Any costs incurred by the Administrator in any such reference to the Court, or in any application made by the Administrator, shall be deemed to be Administration Costs, unless the Court otherwise orders.

9.4 Within 14 days of the Administrator otherwise concluding its obligations under the Deed, it must notify the Court and the parties to the Deed in writing of that fact.

10. NOTICES

10.1 Any notice or communication to be given pursuant to this Settlement Distribution Scheme sent by the Administrator, shall be deemed given and received for all purposes associated with this Settlement Distribution Scheme if it is:

(a) addressed to the person to whom it is given; and

(b) either:

(i) sent by email to that person's email address as nominated by or on behalf of the Registered Group Member and recorded on the Claimant Database and no email "undelivered" reply is received by the sender; or

(ii) sent by pre-paid mail, to that person's postal address as nominated by or on behalf of the Registered Group Member and recorded on the Claimant Database and the notice is not returned to sender.

10.2 Any notice or communication that complies with this clause will be deemed to be given and received: (a) if it was sent by email, at the time it was sent; (b) if it was sent by mail to an addressee in Australia, three clear Business Days after being sent; or (c) if it was sent by mail to an addressee overseas, five clear Business Days after being sent.

10.3 Where a Registered Group Member is not a natural person and one person has been nominated as the designated contact in respect of multiple Registered Group

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Members, it is sufficient for the purpose of giving notice or communications that any of the provisions of clause 10 are complied with in relation to that nominated person.

10.4 The Administrator is required to accept changes to address details provided and verified by Registered Group Members up until the point of distribution.

10.5 The Administrator's contact details are: Mr Simon R. Weeks, The Advisory Company, enquiries@hotelquarantinesettlement.com.au.

11. RIGHTS AND OBLIGATIONS OF REGISTERED GROUP MEMBERS

11.1 Each Registered Group Member must cooperate with the Administrator and take all steps that they are required to take pursuant to this Settlement Distribution Scheme and/or that are reasonably requested or directed by the Administrator, including:

(a) providing instructions, information, documents or other materials;

(b) providing authorities or permissions or executing documents;

(c) promptly informing the Administrator of any change in their contact details; and

(d) providing correct bank account details,

and each Registered Group Member must do so:

(e) complying to the best of their ability with the substance and not merely the form of the requirement, request or direction; and

(f) by the date or within the timeframe specified in the requirement, request or direction by the Administrator.

Registered Group Members' obligation to act honestly

11.2 In fulfilling the obligations in clause 11.1 each Registered Group Member must act honestly and must take all reasonable steps to ensure that any of their agents or representatives likewise act honestly.

Failure to comply

11.3 Registered Group Members who do not comply with the Administrator's reasonable directions may, in the absolute discretion of the Administrator, have their loss assessed as nil by the Administrator. For the avoidance of doubt, Registered Group Members will not be entitled to recover any amount they might have received pursuant to this Settlement Distribution Scheme, but for a failure to comply with the requirements under this Settlement Distribution Scheme, in any future payment of moneys.

Costs of a Registered Group Member

11.4 Nothing in this Settlement Distribution Scheme prevents a Registered Group Member from retaining or seeking advice in respect of this settlement from an independent lawyer at their own cost.

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12. TIME

12.1 The time for doing any act or thing under this Settlement Distribution Scheme may be extended by the Administrator in its absolute discretion.

12.2 The time for doing any act or thing under this Settlement Distribution Scheme may be extended by order of the Court.



SCHEDULE 1: LOSS ASSESSMENT FORMULA

A. Introduction

1. This Schedule sets out the manner in which Registered Group Member distributions are to be calculated.

2. A Registered Group Member's distribution will comprise:

   (a) subject to paragraph 4 below, a Floor Payment (**Fp**) of $750; and

   (b) if a Registered Group Member elects to provide Assessment Information for an assessment of entitlement to a portion of the Net Settlement Sum, an additional sum calculated in accordance with the Assumptions set out in Part B and Formulae set out in Part C below (unless that Registered Group Member is determined not to have suffered loss or their calculated individual Registered Group Member Loss (**Li**) is less than or equal to the Floor Payment).

3. The Floor Payment avoids certain Registered Group Members receiving distributions that are so low as to be inconsequential while not unduly reducing the size of the pool of funds available to be distributed on a pro-rata basis.

4. The Floor Payment:

   (a) will be payable to each Registered Group Member who/which elects not to provide Assessment Information for the purposes of the Administrator undertaking an assessment of that Registered Group Member's entitlement to a portion of the Net Settlement Sum calculated on a pro-rata basis (in accordance with the Assumptions set out in Part B and Formulae set out in Part C below);

   (b) will be payable to Registered Group Members that elect to provide Assessment Information for the purposes of the Administrator undertaking an assessment of that Registered Group Member's entitlement to an additional sum calculated on a pro-rata basis (in accordance with the Assumptions set out in Part B and Formulae set out in Part C below), where the Administrator determines, in its absolute discretion, that the relevant Registered Group Member has suffered loss;

   (c) will not be payable to Registered Group Members that elect to provide Assessment Information for the purposes of the Administrator undertaking an assessment of that Registered Group Member's entitlement to a portion of the Net Settlement Sum calculated on a pro-rata basis (in accordance with the Assumptions set out in Part B and Formulae set out in Part C below), where the Administrator determines, in its absolute discretion, that the relevant Registered Group Member has not suffered loss.

5. The calculation of the pro-rata component of each Registered Group Member's distribution from the Net Settlement Sum is determined by that Registered Group Member's Assessment Information (as may be amended according to the provisions of the Settlement Distribution Scheme) together with the Formulae set out in Part C below.

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6. A practical approach to the Loss Assessment Formula has been established to determine the relative size of individual Registered Group Member claims, in order to distribute the Net Settlement Sum on a pro-rata basis. This is because:

   (a) there are a wide variety of business types, models, industries and subsectors represented by Registered Group Members;

   (b) acknowledging that assessing individual Registered Group Member changes in net profit is a reasonable basis for assessing loss, the time and cost to complete such an exercise is prohibitive and would ultimately result in reducing individual settlement distributions;

   (c) a pro rata distribution model does not require an absolutely accurate method of assessing individual loss. Rather, it requires that the chosen method calculates individual loss fairly and reasonably by applying consistent rules with outcomes that determine individual fair payment relative to the size of all other individual claims.

7. Other practical aspects of the Loss Assessment Formula include:

   (a) using business trading information already submitted to the Australian Taxation Office;

   (b) selecting date ranges relating to loss assessment that align with:

      (i) business trading figures and records submitted to the Australian Taxation Office;

      (ii) Australian Taxation Office quarterly reporting periods; and

   (c) using Assistance figures in individual Registered Group Member loss calculations if it is possible to obtain those figures from a reliable third-party source for all applicable Registered Group Members (and not otherwise).

B. Assumptions

8. The calculation of each Registered Group Member's Assessment Amount and Final Assessment Amount is based on the following assumptions:

   (a) a measure of loss can be achieved by comparing a period of business trading *not* adversely affected by the issues forming the basis of the claims (being the Clean Period) with a period to which the claims relate (being the Assessed Period).

   (b) a loss may arise when:

      (i) sales income decreases when comparing the Clean Period with the Assessed Period; and

      (ii) wages are paid despite a decrease in sales, resulting in a relative cost increase.

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(c) loss may be offset when:

(i) sales income increases when comparing the Clean Period with the Assessed Period;

(ii) costs decrease during the Assessed Period; and/or

(iii) Assistance is received by the Registered Group Member.

C. Formulae

9. For the purposes of this Settlement Distribution Scheme, individual Registered Group Member Loss (**Li**) is calculated using the following formula, subject to the assumptions noted in this Schedule:

Li = ΔS – A

(a) where: **ΔS = S2019 - S2020**

- S2019 = G12019 – G22019
- S2020 = G12020 – G22020
- S is sales income calculated by subtracting export sales G2 from total sales G1, with "G1" and "G2" being the respective amounts provided by or on behalf of the Registered Group Member to the Australian Taxation Office evidenced by the corresponding Business Activity Statement(s) for the Comparison Periods. All figures exclude GST.
- The subscripts "2019" and "2020" represent the Clean Period and Assessed Period, together forming the Comparison Periods.

(b) **A** is the amount of Assistance received by the Registered Group Member in respect of the Assessed Period, evidenced by tax account statements, bank statements, formal communication (or similar, as determined by the absolute discretion of the Administrator) for the Assessed Period.

10. The amount of compensation C to be distributed to individual Registered Group Members is calculated using the following formula:

C = Fp + [Li / Lt] x NSS

where:

(a) C is the distribution of the Net Settlement Sum (NSS) to individual Registered Group Members (i.e. made on a pro-rata basis);

(b) Fp is the Floor Payment, payable on the basis set out in paragraph 4 above;

(c) Lt is total Registered Group Member loss:

Lt = Σ [Li]

(i.e. the sum total of individual Registered Group Member Losses).

For the purposes of applying this formula, any individual Registered Group Member Losses which are less than or equal to the Floor Payment shall be regarded as nil.

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D. Definitions

11. All defined terms in the Settlement Distribution Scheme also apply to this Schedule.

