

Introduction

- 1.1 On 18 September 2019 the Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT) initiated an inquiry into the Department of Defence's National PFAS Investigation and Management Program and referred the matter to the PFAS Sub-committee.
- 1.2 The Sub-committee's review follows the JSCFADT inquiry last Parliament into the management of per-and poly-fluoroalkyl substances (PFAS) contamination in and around Defence bases.¹
- 1.3 In its current inquiry, the Sub-committee determined to monitor the progress of Defence's PFAS remediation activity while the Government prepared its response to the JSCFADT report. A longer term objective was to monitor developments for affected communities throughout the life of the 46th Parliament.
- 1.4 The Government response to the Joint Committee's report was presented to Parliament out of session on 20 February 2020.²
- 1.5 This report, the second in the current review, evaluates the Government's response to the JSCFADT's recommendations against evidence taken in this inquiry to date.

1 See List of Recommendations, in Joint Standing Committee on Foreign Affairs, Defence and Trade Committee (JSCFADT), *Inquiry into the management of per- and poly-fluoroalkyl substances (PFAS) contamination in and around Defence bases*, December 2018, pp. xix-xxiii.

2 Australian Government, *Whole of Australian Government Response to the report of the JSCFADT: Inquiry into the management of PFAS contamination in and around Defence bases*, Department of Agriculture, Water and Environment (DAWE), 20 February 2020 (hereafter Government response).

Conduct of the inquiry

- 1.6 The Sub-committee's inquiry into PFAS remediation under the Defence's National PFAS Program was initiated in late 2019 to provide ongoing scrutiny of issues identified in the JSCFADT PFAS contamination report in the last Parliament.
- 1.7 The aim of the Sub-committee's program of review is to provide an opportunity for the public, and PFAS affected communities, to hear what is being done by government against the score card of recommendations made in the 2018 report. It is also an opportunity for Members to raise issues affecting constituents and to improve government accountability.
- 1.8 The first report in this review was presented to Parliament on 20 December 2019. It covered evidence taken at public hearings on 25 November 2019 from experts at the Australian National University (ANU) PFAS Health Study and from the Department of Defence on 2 December 2019.³
- 1.9 The need for a review of PFAS-related health advice and improved coordination of and investment in Defence's remediation program were priorities identified in the JSCFADT's report on the management of PFAS contamination.
- 1.10 The ANU's National Centre for Epidemiology and Population Health has been commissioned by the Australian Department of Health to conduct an epidemiological study based on blood samples taken in and around Defence sites in Katherine, Williamstown and Oakey.⁴ The Committee heard that this phased review had also considered mental health impacts, with final results expected to be collated by late 2020.⁵
- 1.11 The Department of Defence updated the Sub-committee on its progress under the National PFAS Investigation and Management Program, describing the nature and effectiveness of technologies being used and the support offered to communities in and around all 28 affected Defence sites.⁶

3 PFAS Sub-committee of the Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT), *Inquiry into PFAS remediation in and around Defence bases – First report*, December 2019 (hereafter *First report*, December 2019).

4 Later phases using an online survey extended analysis to individuals who had moved outside of these areas. See 'Health impacts of PFAS contamination', *First report*, December 2019, p. 11.

5 The PFAS Health Study website later advised that the study results has been delayed until mid-2021 due to the COVID-19 response, see rsph.anu.edu.au/research/projects/pfas-health-study viewed 6 August 2020. For mental health scaling, see *First report*, December 2019, p. 13.

6 See 'PFAS remediation – status report', Chapter 3, *First report*, December 2019.

- 1.12 In review of the evidence taken, the Sub-committee concluded that Australia's program of work is on par with the broader global effort to understand and contain the impacts of PFAS contamination. However, there were also questions about the Department of Defence's accountability both in terms of its monitoring of progress and financial reportage, and its responsiveness to affected communities.⁷
- 1.13 Written questions on notice were subsequently issued to the Department covering these and other subjects. The answers were not provided in time for inclusion in the first report and are considered in the current review.⁸
- 1.14 The Department of Agriculture, Water and the Environment and the Department of Health gave evidence in February 2020 prior to cessation of business due to the COVID-19 pandemic.⁹ Food Standards Australia New Zealand, the body responsible for reviewing the food standards code applying in both countries, completed the Sub-committee's examination of agencies on Monday 15 June 2020.¹⁰
- 1.15 Views expressed in the 20 submissions received to date are also considered in this evaluation of the Government's response. Submissions were invited early in 2020 from federal and state and territory agencies and stakeholders in PFAS affected communities. In late May 2020 invitations were made to Australian Research Council and National Medical Health Research Council PFAS research grant recipients and to Defence's industry remediation partners. This work will be reviewed in more detail in later reports.
- 1.16 Submissions and transcripts of evidence are available on the inquiry website at:
www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/PFASRemediation

Government response—2018 JSCFADT review

- 1.17 The Joint Standing Committee's report was presented in December 2018. It made nine recommendations to Government. These asked for better

7 See Conclusion, Chapters 2 and 3 at pp.20-21; 41-43 in JSCFADT, *First report*, December 2019.

8 The answers were received on 31 January 2020, see Department of Defence, *Submission 1 – Answers to Questions on Notice (AQoN)*.

9 See respectively, *Committee Hansard*, Canberra, 10 February 2020, and *Committee Hansard*, Canberra, 24 February 2020.

10 The answers were received on 31 January 2020 and launched on the inquiry website as Department of Defence, *Submission 1 – AQoN*.

coordination of the national PFAS response, improved monitoring of health impacts and investment in containment of PFAS contamination, and more frank advice and support for affected communities. This included a call for review of existing health advice and consideration of measures to compensate affected individuals and businesses.¹¹

- 1.18 As noted, the Government's response to the report was presented out of session on 20 February 2020. In its response, the Government agreed to *Recommendation 3*, relating to the review of health advice. Other recommendations were agreed in part (2, 6), in principle (7, 8) or noted (1, 4, 5, 9). Table 1, opposite, provides a summary of the response to each recommendation.
- 1.19 The Government's response to the JSCFADT's review also addressed recommendations made in the 2016 Senate Foreign Affairs, Defence and Trade References Committee report *Firefighting Contamination – Part B Army Aviation Centre Oakley and other Commonwealth state and territory sites*.¹² An attached appendix addressed responses to other Senate committee recommendations.¹³
- 1.20 The Government response was prepared by the Department of Agriculture, Water and the Environment. The Department administers the PFAS Taskforce, following its transfer from the Department of Prime Minister and Cabinet in April 2019.¹⁴
- 1.21 The response is the subject of review in this report.

11 See List of Recommendations, JSCFADT, *Inquiry into the management of PFAS contamination in and around Defence bases*, December 2018, pp. xix- xxiii.

12 Government response, p. 2.

13 See Senate Foreign Affairs, Defence and Trade References Committee, *Inquiry into contamination of Australian Defence Force Facilities (Part A) and the contamination of sites using firefighting foams (Part B)*, *Firefighting Contamination – Part B Army Aviation Centre Oakley and other Commonwealth state and territory sites*, 4 May 2016 www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/ADF_facilities/Report_part_b.

14 Council of Australian Governments, *Intergovernmental Agreement on a National Framework for Responding to PFAS*, 2018.

Table 1—Government response to the 2018 JSCFADT report

<i>JSCFADT recommendations</i>		<i>Government responses</i>
<i>Recommendation 1</i>	Establish and fund a Coordinator-General for oversight and monitoring of a national PFAS response	Noted—current oversight sufficient, pp. 3–5.
<i>Recommendation 2</i>	Increase investment in best practice PFAS remediation methods, research and supports for national remediation measures	Agreed in Part—provides detail on current investment, pp. 6–10.
<i>Recommendation 3</i>	Review existing health advice and acknowledge potential links to medical conditions	Agreed—refers to ongoing updates and review, p. 11.
<i>Recommendation 4</i>	Improve participation in, simplify and extend voluntary blood testing	Noted—outlines initiatives up to conclusion of testing in 2019 with analysis ongoing, pp. 12–14.
<i>Recommendation 5</i>	Assist affected businesses and property owners by providing of compensation for financial losses on a priority basis	Noted— outlines remediation processes and advises that lodged claims will be resolved by agreement, pp. 15–16.
<i>Recommendation 6</i>	Provide free case management and financial counselling	Agreed in Part—provides detail on current services, p. 17.
<i>Recommendation 7</i>	Implement legislation and policy measures to phase out use of PFAS substances nationally, and encourage use of suitable alternatives	Agreed in Principle—legislation applies in each jurisdiction, agreement on standards under the National Industrial Chemicals Notification and Assessment Scheme (NICNAS)* in progress, pp. 18-20.
<i>Recommendation 8</i>	Ratify Stockholm Convention listings for PFOS, and expedite this for PFOA and PFHxS	Agreed in Principle— pending introduction of the NICNAS's National Standard for Environmental Risk Management of Industrial Chemicals, pp. 21–22.
<i>Recommendation 9</i>	Independent review of environmental regulation of Commonwealth land	Noted—pending finalisation of the National Standard and the Environment Protection and Biodiversity Conservation Act 1999 review (planned October 2020), p. 23.

*From 1 July NICNAS was established as the Australian Industrial Chemicals Introduction Scheme, under the *Industrial Chemicals Act 2019*

Report structure

1.22 The first report of the Committee's inquiry assessed the progress of Defence's remediation work against the background of reforms and research into the broader impacts of PFAS substances on humans and the environment.

1.23 Information from this first report will be referred to in assessment of the Government's response and evaluated against evidence from agencies taken at hearings, answers to written questions of notice published as submissions in this review, and other submissions received at invitation of the Sub-committee.

1.24 The report is structured as follows:

- Chapter 1 – Introduction
- Chapter 2 – Coordination of a national PFAS response; response to *Recommendation 1*
- Chapter 3 – Remediation management and investment; response to *Recommendation 2*
- Chapter 4 – Health, community and compensation; responses to *Recommendations 3 to 6*
- Chapter 5 – National and international standard setting; responses to *Recommendations 7, 8 and 9.*

Appendices

- Appendix A – Submissions
- Appendix B – Public hearings.