

Joint Standing Committee on Foreign Affairs, Defence and Trade

Remediation of PFAS-related impact ongoing scrutiny and review

ANSWER TO QUESTION ON NOTICE

Department of Defence

Topic: PFAS Sub-committee - JSCFADT - 06 July 2020 - Q1 - Non-litigated claims - Fawcett

Question reference number: 1

Senator/Member: David Fawcett

Type of question: Written

Date set by the committee for the return of answer: 7 August 2020

Question:

In its response to a QON (received 31 January 2020) Defence advised that it had reached a settlement agreement in relation to a non-litigated claim for losses connected with PFAS related issues. While acknowledging that the terms of the settlement cannot be publicly disclosed, the Committee requests further information about non-litigated claims, including the following:

1. How many non-litigated claims have been finalised?
2. How many claims are currently under consideration?
3. What is the total amount of compensation paid under non-litigated claims?

Answer:

1. As of 8 July 2020, two non-litigated claims have been resolved under existing Departmental policy initiatives and one non-litigated claim has been settled. The parties have agreed not to publicly disclose the terms of settlement and the Commonwealth is bound to honour this agreement.
2. As of 8 July 2020, Defence Legal has 96 open non-litigated claims. These claims are being assessed on a case-by-case basis, and in accordance with the Attorney-General's *Legal Services Directions 2017 (Cth)*.
3. As outlined in the answer relevant for question one, the Commonwealth has settled one non-litigated claim. The parties have agreed not to publicly disclose the terms of settlement and the Commonwealth is bound to honour this agreement.

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ANSWER TO QUESTION ON NOTICE

Department of Defence

Topic: PFAS Sub-committee - JSCFADT - 06 July 2020 - Q2 - Class actions - Fawcett

Question reference number: 2

Senator/Member: David Fawcett

Type of question: Written

Date set by the committee for the return of answer: 7 August 2020

Question:

Media reports show that the class actions in relation to Williamtown, Oakey and Katherine have reached in principle settlement. The Committee requests further information about the class actions, including the following:

1. An update on the Williamtown, Oakey and Katherine class actions
2. A list of other class actions that have been brought in relation to PFAS, and the current status of each.

Answer:

1. On 26 February 2020, the Commonwealth reached binding in-principle settlement agreements, subject to Federal Court approval, to settle each of the three Federal Court class actions in Williamtown, NSW, Oakey, QLD, and Katherine, NT.

The in-principle settlement agreements included the settlement sums for each class action, being \$86 million for Williamtown, \$34 million for Oakey and \$92.5 million for Katherine.

On 5 June 2020, the Settlement Approval Application was approved by Justice Lee of the Federal Court of Australia.

In accordance with the Federal Court's approval, the Commonwealth has paid the settlement sums to the applicants' respective lawyers for distribution to class members.

2. On 15 April 2020, Shine Lawyers filed a new PFAS class action in the Federal Court of Australia on behalf of property owners in delineated areas around Defence Bases at Pearce, WA, Darwin, NT, Richmond, NSW, Wagga Wagga, NSW, Edinburgh, SA, Bandiana, VIC, and Townsville, QLD.

At the last Case Management Hearing on 23 July 2020, the Court appointed a land valuation referee. No further case management hearings have been ordered by the Court at this stage.

All legal claims need to be considered on a case-by-case basis, and in accordance with the Attorney-General's *Legal Services Directions 2017 (Cth)*.