



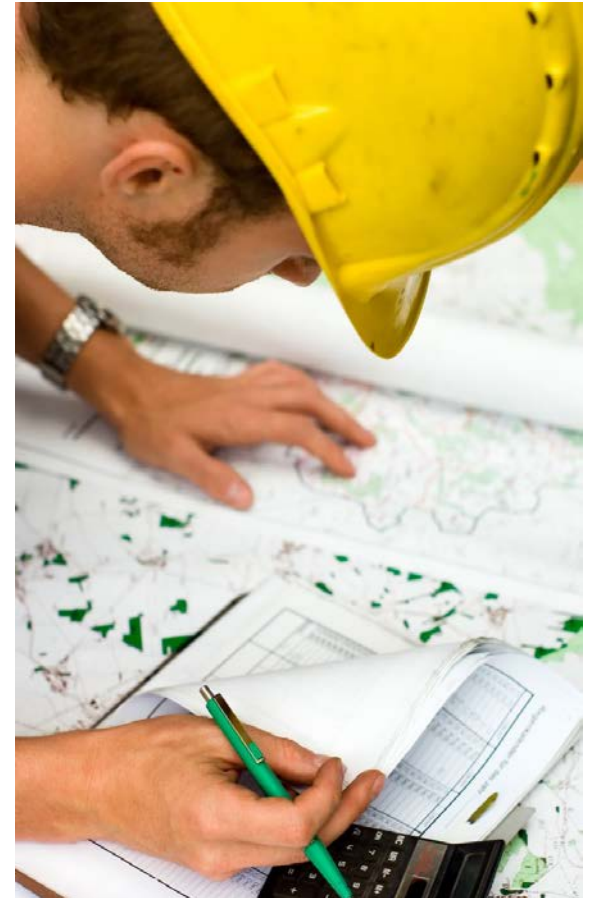
# PFAS/PFOA... legal risks

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# Outline

- General observations
- Risk management:
  - Sites
  - Transactions
  - Class actions



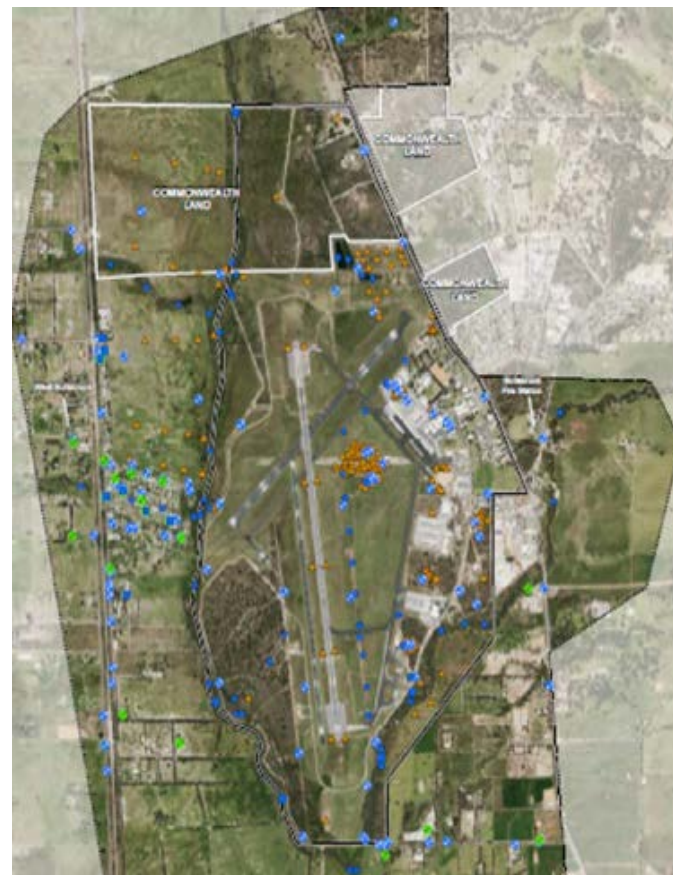
## General observations

- Any site where there is reasonably likely exposure should be tested.
- If testing happening for other reasons, recommend including.
- Can't be wilfully blind.



# Sites

- Test as soon as possible, on and off site
- Consider legal professional privilege
- Where reasonable potential risk implement preventative measures asap:  
eg notify to not use water and consider providing alternative sources.
- Be careful in messaging, a fine line between:
  - appropriate warnings and sharing of information; and
  - avoiding unnecessary alarm.
- Report sites not already reported for identified contaminants.



defence.gov.au

# Transactions

- Buyers: Beware.
- Sellers: Do not be misleading



# Class actions – what are they?

A legal proceeding brought by a large number of people (>7) against the same defendant.

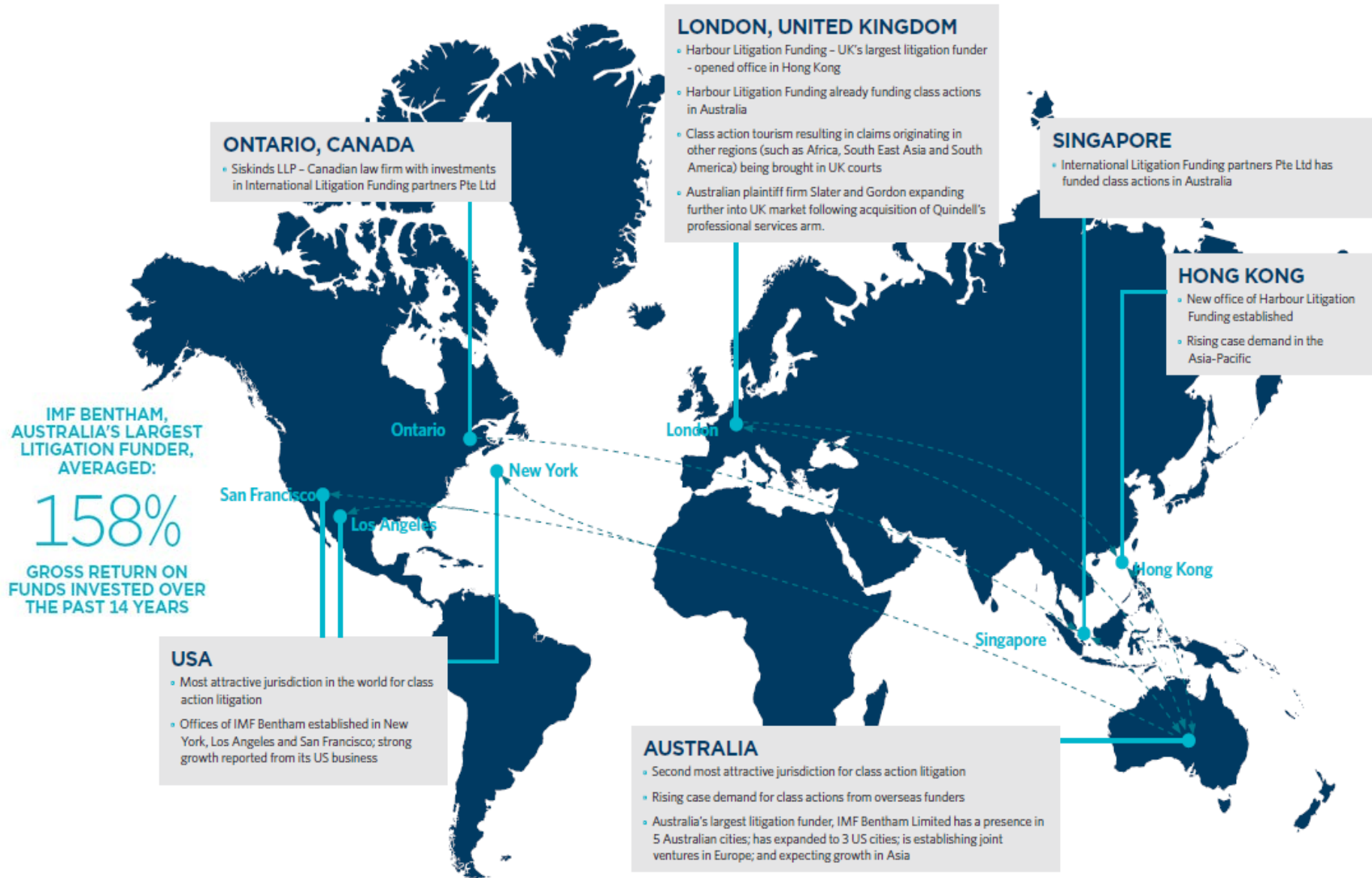
Special rules.

Opt-out model: all potential claimants become members whether they intended to participate or not, unless they opt-out.

Often run on a 'no win, no fee' basis, but law firm recovers costs from win and funder takes their cut.



# Class actions – trends



# Class actions – current and possible

Queensland	
■	Army Aviation Centre Oakley
■	RAAF Base Townsville
■	RAAF Base Amberley
■	Lavarack Barracks

New South Wales	
■	RAAF Base Williamtown
■	HMAS Albatross
■	RAAF Base Richmond
■	RAAF Base Wagga
■	Holsworthy Barracks

Victoria	
■	RAAF Base East Sale
■	HMAS Cerberus
■	Bandiana Military Area

Western Australia	
■	RAAF Base Pearce
■	HMAS Stirling
■	Naval Communication Station Harold E Holt A & B
■	RAAF Base Learmonth
■	Gingin Satellite Airfield

Tasmania	
No current <u>PFAS</u> Investigations	

Jervis Bay Territory	
■	Jervis Bay Range Facility

South Australia	
■	RAAF Base Edinburgh

Northern Territory	
■	RAAF Base Darwin
■	RAAF Base Tindal
■	Robertson Barracks

Arundell, Cranbourne ...



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