



Independent Review

Government response to the Independent Review of land uses around key Defence bases impacted by PFAS contamination.

December 2024

Foreword

Across Australia per- and polyfluoroalkyl substances, better known as PFAS, are an ongoing concern for many communities.

PFAS are chemicals found in legacy firefighting foam and many other household products. While Defence began phasing out PFAS in 2004, the chemical is still found around many Defence sites.

In 2022, Labor committed to an independent review of land uses around key Defence sites impacted by PFAS contamination (the Review). This Review recognised the need to assess the long-term impacts of PFAS on the environment, and the health of communities.

Many Australians have been living with the impacts of PFAS contamination for a number of years and I thank everyone who made submissions to the Review. Your individual perspectives and experiences have significantly contributed to the Government's Response to the Review and have resulted in meaningful outcomes for impacted communities.

The Albanese Government is committed to improving the support available to communities affected by PFAS contamination and taking action on the agreed recommendations from the Review. We're working across all levels of government to deliver a stronger, more tangible and more integrated response to the impact of PFAS.

The Government has agreed or agreed-in-principle to 18 of the 19 recommendations, with one recommendation noted. We will work with states and territories and local governments to improve consistency and transparency on how contamination is recorded and communicated to affected property owners through land planning. We remain focused on supporting communities to reduce their PFAS exposure risk, mitigate existing PFAS contamination and better understand how they can use their land and property.

In response to the Review, the Government will establish a PFAS National Coordinating Body, led by a Commonwealth Minister, with representation from all key Commonwealth portfolios including Health, Environment and Infrastructure, as well as relevant state and territory agencies to promote a stronger and more integrated response to PFAS. Initially this will involve the Commonwealth and New South Wales and expand to include other impacted jurisdictions.

The Government has committed to providing clear advice on PFAS risks, along with tailored, simple, useful, location-specific information for local communities. The latest PFAS information, advice and developments will be accessible through a central, national PFAS website. We are committed to better communicating the prospects of remediation efforts by the Department of Defence and how to manage the residual risks.

PFAS is an evolving global issue. Our response will continue to evolve in line with science and technology advances, particularly in the area of PFAS impacts on livestock and other food resources. Our response is designed to provide greater certainty and confidence for all Australians on this issue as we move forward.

Yours sincerely,

A handwritten signature in black ink, reading "Matt Keogh". The signature is written in a cursive, flowing style with a long, sweeping tail on the letter "h".

HON MATT KEOGH MP

Minister for Veterans' Affairs and Defence Personnel

Government response to the Independent Review of land uses around key Defence bases impacted by PFAS contamination

| Recommendations | Government Response |
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| National coordination | |
| <p>Recommendation 1: That the Australian Government take immediate action to strengthen coordination and integration of the response to PFAS contamination across and between the Commonwealth, state/ territory and local governments.</p> | <p>Agreed.</p> <p>The Government will strengthen national coordination across and between all levels of government through the establishment of a National Coordinating Body, with Commonwealth and State Ministerial oversight (together, the national co-ordinating body). The group will bring together Commonwealth agencies (including those responsible for health, environment and infrastructure), and identify opportunities to integrate approaches to PFAS response and management, where appropriate. The Government will ensure the Terms of Reference includes a requirement to engage with state/ territory and local governments responsible for PFAS contamination management along with local affected communities and First Nations communities.</p> |

Access to information

Recommendation 2: That the national coordinating body enhance the availability of credible, relevant and up-to-date information on impacts of PFAS contamination to assist in addressing community concerns and to enable existing land uses. This includes taking immediate action to update the work undertaken by the PFAS Expert Health Panel, which reported in May 2018.

Agreed.

The Government agrees on the need for collaboration across all levels of government to improve the availability of credible, relevant and up-to-date information on the impacts of PFAS contamination to assist in addressing community concerns and to enable existing land uses.

Relevant Commonwealth agencies will review and update, where required and in consultation with the National Coordinating Body, all key guidance relating to the impacts of PFAS contamination. Agencies will tailor public guidance to address community concerns and support existing land uses, where possible.

The Department of Health and Aged Care will continue to review guidance material where new significant evidence emerges, including by working with states and territories through the Environmental Health Standing committee (enHealth), a sub committee of the Australian Health Protection Committee. The Department of Health and Aged Care will also seek additional expert advice where required, including if the WHO International Agency for Research on Cancer (IARC) publishes significant new evidence.

The Australian Government will provide a status update of all work underway to respond to PFAS, through the PFAS website (pfas.gov.au) to ensure the community have centralised access to information about what work the Australian Government is progressing.

Recommendation 3: That Defence and state/ territory authorities provide information to property owners on impacts of PFAS contamination that considers their individual circumstances.

Agreed.

The Government will continue to monitor for PFAS movement from Defence properties as part of the ongoing monitoring program through the Defence PFAS Investigation and Management Program. The Government agrees that Defence will continue to offer additional sampling to property owners on request, and develop clear language advice on the sampling results relevant to property owner circumstances.

The Government will work with state and territory environmental regulators to consider if the additional sampling and analysis work could support the update to the human health and ecological risk assessments. The Government will work with states and territories through the National Coordinating Body to appoint local Community Liaison Officers for each of the three sites, as necessary, to provide advice that is informed by local circumstances and provides property owners a plain English interpretation of what the results mean for them. The Government agrees to develop culturally appropriate information materials, including in traditional language, where appropriate.

The Government will also consider taking the above approach for other Commonwealth properties if PFAS contamination is migrating from the site and is affecting other properties. The Government is currently taking this approach at some civilian airport sites where PFAS has migrated to adjacent land.

Recommendation 4: That Defence and state/ territory authorities take early action to improve the availability of culturally-appropriate and tailored advice on impacts of PFAS contamination for Indigenous communities who access and use land surrounding RAAF Base Williamtown, Swartz Barracks and RAAF Base Tindal.

Agreed.

In consultation with States and Territories, the Government will work with local residents and Indigenous communities to increase understanding of contamination in local soil, surface water, groundwater and biota. This includes tailored and culturally appropriate information materials, including in traditional language, where appropriate.

The Government will apply the same approach for other relevant Commonwealth sites, if PFAS contamination is migrating from the site and is affecting other properties.

Transparency about PFAS management and remediation

Recommendation 5: That the national coordinating body consider options to mitigate unintended consequences of establishing PFAS management areas and zones, including property valuations and financial lending practices, stigma, and the inclusion of properties that have no or very minimal contamination or risks of exposure to contamination.

Agreed.

The Government agrees the recommendation that the National Coordinating Body will consider options to mitigate unintended consequences of establishing PFAS management areas and zones.

The Government will engage with states and territories to identify opportunities to provide information and improve clarity across all sectors, including real estate, about the purpose of PFAS Management Areas and to develop next steps.

Recommendation 6: That Defence and state/ territory authorities take immediate action to confirm that site-specific human health risk assessments, PFAS management areas and zones, and precautionary advice around the three sites remain current. This should occur in consultation with the national coordinating body to promote consistency.

Agreed.

The Government, through Defence, will confirm the human health risk assessments remain current, including the assessment of the ongoing monitoring results. Defence will re-assess the suitability of the PFAS Management areas (where defined by Defence) to support management responses and facilitate the re-assessment of Management Areas where set by the states or territories. Defence will also engage with the states and territories to consider whether the existing precautionary advice around RAAF Base Williamtown, Swartz Barracks and RAAF Base Tindal is still current and fit for purpose. Additional sampling and analysis may be conducted to support this work. Early work will initially proceed around RAAF Base Williamtown together with the NSW government. This work can inform approaches to Management Areas around Swartz Barracks and RAAF Tindal.

Recommendation 7: That Defence and state/ territory authorities take early action to publish plain English advice on the prospects for remediation of land and water within the three PFAS management areas. This should address the feasibility of relevant remediation technologies, timeframes, sustainability, cost and options for management of residual risks. This should occur in consultation with the national coordinating body to promote consistency.

Agreed.

The Government acknowledges that the total removal of PFAS from the environment is not possible. Defence will develop and publish advice for RAAF Base Williamtown, Swartz Barracks and RAAF Base Tindal about the prospects of remediation in the areas surrounding these bases. This advice will include a clear, plain English explanation of how residual risks could be managed, including the impacts to ongoing land and water uses. Defence will continue to work in partnership with state and territory Environmental Protection Authorities in the interim period of the national coordinating mechanism being established.

Recommendation 8: That the national coordinating body review the objectives of national policy for remediation of PFAS contamination to ensure they remain current. This should consider the limitations and practical application of commercially available technologies, and inform long-term management of residual risks.

Agreed.

The Government acknowledges that the complete removal of PFAS from the environment is not possible. The fundamental goal of remediation should be to render a site acceptable and safe for long-term continuation of its existing use or proposed use. In instances where the contamination cannot be removed or eliminated, then measures should be taken to manage the exposure to land users.

The Government will work with states and territories to review approaches to the assessment of site contamination in the *National Environment Protection Measure 1999* and the PFAS National Environment Management Plan with a view to streamlining standards and guidance for PFAS in the environment.

Any future reviews should explicitly address the ubiquitous nature of PFAS contamination and identify the best approaches to managing low level, widespread PFAS impacts, considering the limitations and practical application of commercially available technologies.

Principles to support improved decision-making for land use and planning

Recommendation 9: That the national coordinating body consider the need for further national guidance regarding planning and development in the context of historical contamination that may impact existing land uses. Any new guidance could be implemented through state/ territory and local government frameworks.

Agreed.

State/ territory and local governments control land planning and development relevant to historical contamination across their jurisdictions.

The Government agrees to work with states and territories planning ministers to consider the need to update national guidance to address situations where PFAS has migrated across jurisdictional boundaries. National guidance will be developed together with the states/ territories and local government.

The Commonwealth would provide specific advice and guidance on planning and development in the context of historical contamination for projects that are referred for assessment under the *Environment Protection and Biodiversity Conservation Act 1999*. This would include guidance to inform planning and development by Commonwealth agencies and on Commonwealth lands.

Recommendation 10: That the national coordinating body consider the merits of providing further national guidance regarding recording contamination on property titles, including to improve consistency across jurisdictions. Any new guidance could be implemented through state/ territory and local government frameworks.

Agreed.

The Government agrees that the National Coordinating Body consider the merit of providing further national guidance regarding recording contamination on property titles, including to improve consistency across jurisdictions.

The Department of Climate Change, Energy, the Environment and Water (DCCEEW) is establishing a function to record contamination on the Commonwealth estate to complement information on the Australian Government Property Register.

The Government acknowledges that State/ Territory and local governments control how information about PFAS contamination is recorded and communicated to property owners in their jurisdictions.

The National Coordinating Body will work with the NSW Government (as a pilot) to assess existing guidance in the NSW state and local government planning and environment frameworks. The Government will seek to identify opportunities to improve consistency and transparency in how the presence of historical contamination is communicated to potentially affected property owners.

Managing risk associated with land uses in PFAS management areas

Recommendation 11: That the national coordinating body ensure additional policy guidance is developed to address risks associated with food production in the context of PFAS contamination, including developing new Health Investigation Levels that will inform risk assessments for the suitability of relevant land uses.

Agreed.

The Government is committed to working with the states and territories through the national Coordinating Body to address the need for improved policy guidance that can inform the assessment of risks associated with food production in the context of PFAS contamination.

The Government acknowledges that existing Health-Based Investigation Levels, as made under the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPM), focus on the human health risks from ingestion of contaminated soils and water. They don't inform risk related to the uptake of PFAS by livestock, and the potential for subsequent ingestion of PFAS by humans consuming meat or other animal products. Relevant research is currently underway to investigate the impact of PFAS in livestock in Australia. The Government will actively monitor the outcomes of this research to inform if additional future policy is needed to support producers. The outcomes of the research will be published.

The Government will work with states and territories through the National Environment Protection Council to consider a review of Health-based Investigation Levels relevant to land use scenarios that involve food production in the *National Environment Protection (Assessment of Site Contamination) Measure 1999*.

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| <p>Recommendation 12: That the national coordinating body ensure early action is taken to develop additional guidance for primary producers to meet national and international standards for PFAS in food.</p> | <p>Agreed.</p> <p>The Government will continue to respond to evolving national and international standards relating to food production and to work with state and territory governments to ensure additional guidance is provided to primary producers in areas impacted by PFAS contamination, as necessary. To date, only the European Union has established maximum levels for PFAS in meat imports.</p> |
| <p>Recommendation 13: In the context of Recommendations 7 and 12, that the national coordinating body take immediate action to appoint an independent assessor to work with Commonwealth and state/ territory authorities to identify primary producers in management areas around the three sites. If measures to meet European Union and other potential international standards for PFAS in foods are assessed as not being feasible to implement and residual risk exists, the Commonwealth should consider working collaboratively with state/ territory and local governments to provide additional support to producers.</p> | <p>Agreed in-principle.</p> <p>In the context of the Government response to Recommendation 7 and 12, the Government will engage with the states and territories through the National Coordinating Body to commission an independent assessment of the feasibility of risk mitigation measures for primary producers impacted by PFAS contamination in each of the three management areas surrounding RAAF Base Williamtown, Swartz Barracks and RAAF Base Tindal.</p> |

Recommendation 14: In the context of Recommendations 2, 6 and 7, that Defence work with the national coordinating body and the New South Wales Government to take immediate action to appoint an independent assessor to assess PFAS exposure risks for properties in the RAAF Base Williamtown Primary Management Zone. If human health exposure risks for residents of a property cannot reasonably be mitigated, for example through implementing precautionary advice or remediation activities, the Australian Government should consider working collaboratively with state/ territory and local governments to provide additional support to the property owner. This could include rezoning or the voluntary acquisition of properties, including by state/ territory or local governments. Outcomes of these assessments would inform options for the Australian Government to manage risks in other zones in the Williamtown Management Area, and in the PFAS management areas around Swartz Barracks and RAAF Base Tindal.

Agreed in-principle.

The Government will engage with the NSW Government through the National Coordinating Body on the appointment of an independent assessor to review the PFAS exposure risks for properties within the RAAF Base Williamtown Primary Management Zone at a suitable time following, or in parallel with actions to respond to Recommendation 6 and 7.

Through the National Coordinating Body, the Government will work with the NSW Government to develop terms of reference for the independent assessor. The Government will work collaboratively with state/territory and local governments through the National Coordinating Body to develop options for additional support, informed by the work of the independent assessor, the findings of the *Independent Review of land uses around key Defence bases impacted by PFAS contamination* and in consultation with relevant affected parties.

Recommendation 15: That Defence work with the national coordinating body to take immediate action to establish an effective and impartial mediator/ mediation panel, empowered to hear from property owners in the PFAS management areas around the three sites and address residual concerns or claims as a result of PFAS contamination. This mediation process would complement the existing legal claims process. Mediation would occur within an established framework to guide the nature of issues to be considered by the independent mediator/ mediation panel, and how resolution may be achieved. Some property owners have settled legal claims relating to PFAS contamination with the Commonwealth, including through class action processes. The terms of those settlements may be relevant to whether individual property owners have further recourse to a mediation process.

Agreed-in-principle.

The Government agrees that effective mediation should be available and will consider the need to establish an impartial mediator/ mediation panel based on evidence of whether there is likely to be sufficient residual concerns or claims to warrant establishing a separate process, that is not more appropriately addressed through existing processes or mechanisms, including established legal processes.

Social, economic and natural capital precincts

Recommendation 16: That the national coordinating body develop national guidance and principles that strategically consider land uses in areas of higher PFAS contamination. These principles should be made suitable for implementation through state/ territory and local government frameworks.

Agreed.

The Government acknowledges that state/ territory and local governments control land planning and development in their jurisdictions.

The Government will work with states/ territories and local government through the National Coordinating Body to support development of principles and guidance for land planning in the context of PFAS contamination as part of an agreed future program of work.

The National Coordinating Body will also consider developing principles and guidance for cases where PFAS has migrated across Commonwealth and state/territory jurisdictional borders and guidance for land uses on Commonwealth land with known high levels of PFAS contamination.

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| <p>Recommendation 17: That the national coordinating body take immediate action to establish a Williamtown Working Group to commence implementation of the strategic business case for a social, economic and natural capital precinct around RAAF Base Williamtown.</p> | <p>Agreed.</p> <p>The Government will establish a Williamtown Working Group to inform a range of actions to mitigate PFAS contamination in the Williamtown PFAS Management Area and will also seek First Nations input.</p> |
| <p>Recommendation 18: That the Williamtown Working Group identify and implement a structure to coordinate and manage performance and maintenance of the local drainage network.</p> | <p>Agreed in-principle.</p> <p>The National Coordinating Body will work with the NSW Government and local Council in supporting the Williamtown Working Group to implement a structure to coordinate and manage the Williamtown drainage network, noting that drainage management surrounding the base is the responsibility of state and local government. Defence will continue to monitor and improve how run-off from the base impacts on the local drainage system.</p> |
| <p>Recommendation 19: That the national coordinating body take immediate action to establish Oakey and Tindal working groups to prepare a strategic business case for social, economic and natural capital precincts around Swartz Barracks and RAAF Base Tindal.</p> | <p>Noted.</p> <p>The Government notes that land use and planning, including precinct development is the responsibility of the states/ territories and local government. The Government will continue to regularly engage and support states/ territories and local government on land use and planning for areas surrounding Swartz Barracks and RAAF Base Tindal and will share the outcomes of the Williamtown Working Group.</p> |